

HOUSE JOURNAL  
OF THE  
SIXTIETH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2007 Regular Session  
Convened January 8, 2007  
Adjourned Sine Die April 22, 2007

VOLUME 1



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**Frank Chopp, Speaker**  
**John Lovick, Speaker Pro Tempore**  
**Richard Nafziger, Chief Clerk**

Compiled and edited by House Workroom Staff

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## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIRST DAY

House Chamber, Olympia, Monday, January 8, 2007

The House was called to order at 12:00 Noon by the Chief Clerk, Richard Nafziger.

The flags were escorted to the rostrum by the Washington National Guard Color Guard. The National Anthem was sung by the Kirkland Washington Stake Choir of The Church of Jesus Christ of Latter Day Saints. The Chief Clerk led the Chamber in the Pledge of Allegiance. Prayer was offered by Father Thomas Vandenberg, St. Vincent DePaul Parish, Federal Way.

Father Vandenberg: "Good and gracious God, It is with hearts filled with hope that we gather in this chamber to begin this new legislative session for Washington State. The men and women who are here are here because the people of their respective districts believed in them enough to send them here. Help them to remember that they are believed in, for knowing this gives energy and enlivens hope. Help all here who enjoy this trust to be faithful to it, and to humbly respect those who have given it.

Good and gracious God, You have made available to our state extraordinary wealth and resources to do the work that lies before these servants of our people. Remembering how they got here, may they use the resources at their disposal for the benefit of their people, to help them live the gift of life in keeping with their innate dignity as men, women and children in your image.

Good and gracious God, As wealthy as we are, and as blessed as we are with resources to do everything for everyone. We ask, then, for the guidance of your wisdom upon these, our representatives, to do first the things that need to be done to further what is just and right, especially for the weak and vulnerable. Guide them when they address such troubling issues as health care, education, energy, immigration and transportation. May the dialogue and debate be honest and open, and may it be pursued not so much to defeat opponents, but rather as a necessary means to learn from each other the best solutions possible.

Good and gracious God, This chamber is filled with ordinary people, and we, the people of Washington State expect them to do extraordinary things. So it is only right and proper that we ask you to bless their efforts this session. When tough decisions are required, give this body the wisdom and courage to make those decisions. As being a husband is all about his wife, not himself; and as being a mother is all about her child, not herself; help these men and women realize that being members of this legislature is all about the people of Washington State, not themselves. Let victories not be measured by who gains power but by how the decisions of this Body effect the quality of life of the citizens of this state.

Good and gracious God, Bless and guide these good and generous people. May their work this session bear fruit that will last as we strive to make our world a safer place, a better place, a place of freedom and justice for all.

We ask all this trusting in Your divine goodness. Amen."

The Kirkland Washington Stake Choir sang "Distant Land."

The Chief Clerk called upon Representatives-Elect Hurst and Rodne to escort Justice Charles Johnson of the Supreme Court of the State of Washington to the Rostrum.

## MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives  
The Legislature of the State of Washington  
Olympia, Washington

Mr. Speaker:

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 2,107,370 votes cast by the 3,264,511 registered voters of the state for and against the initiatives and resolution which were submitted to the vote of the people at the state general election held on the 7<sup>th</sup> day of November, 2006, as received from the County Auditors.

**Initiative Measure No. 920**

"Initiative Measure No. 920 concerns estate tax. This measure would repeal Washington's state laws imposing tax, currently dedicated for the education legacy trust fund, on transfers of estates of persons dying on or after the effective date of this measure."

Yes	778,047
No	1,258,110

**Initiative Measure No. 933**

"Initiative Measure No. 933 concerns government regulation of private property. This measure would require compensation when government regulation damages the use or value of private property, would forbid regulations that prohibit existing legal uses of private property, and would provide exceptions or payments."

Yes	839,992
No	1,199,679

**Initiative Measure No. 937**

"Initiative Measure No. 937 concerns energy resource use by certain electric utilities. This measure would require certain electric utilities with 25,000 or more customers to meet certain targets for energy conservation and use of renewable energy resources, as defined, including energy credits, or pay penalties."

Yes	1,042,679
No	972,747

**House Joint Resolution 4223**

"The Legislature has proposed a constitutional amendment on increasing an exemption from the personal property tax. This amendment would authorize the Legislature to increase the personal property tax exemption for taxable personal property owned by each "head of a family" from three thousand (\$3,000) to fifteen thousand (\$15,000) dollars."

Approved	1,581,373
Rejected	399,684

I further certify that, according to the provisions of RCW 42.07.030, I have canvassed the returns of the votes cast at the state general election held

on the 7<sup>th</sup> day of November, 2006, for all federal, legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

Anne Hirsch  
Jim Powers

Nonpartisan  
Nonpartisan

43,539  
29,308

			DISTRICT	COUNTIES REPRESENTED	NAME
<b><u>U. S. Senator</u></b>					
Maria Cantwell	Democrat	1,184,659			
Mike McGavick	Republican	832,106			
Bruce Guthrie	Libertarian	29,331	1	King (part), Snohomish (part)	Al O'Brien (D) Mark Ericks (D)
Robin Adair	Independent	16,384	2	Pierce (part), Thurston (part)	Jim McCune (R) Tom Campbell (R)
Aaron Dixon	Green	21,254	3	Spokane (part)	Alex Wood (D) Timm Ormsby (D)
<b><u>U. S. Representative District #1</u></b>					
Jay Inslee	Democrat	163,832	4	Spokane (part)	Larry Crouse (R) Lynn Schindler (R)
Larry W. Ishmael	Republican	78,105	5	King (part)	Tom Rodne (R) Glenn Anderson (R)
<b><u>U. S. Representative District #2</u></b>					
Rick Larsen	Democrat	157,064	6	Spokane (part)	Don A. Barlow (D) John Ahern (R)
Doug Roulstone	Republican	87,730	7	Ferry, Lincoln, Okanogan (part), Pend Oreille, Spokane (part), Stevens	Bob Sump (R) Joel Kretz (R)
<b><u>U. S. Representative District #3</u></b>					
Brian Baird	Democrat	147,065	8	Benton (part)	Shirley Hankins (R) Larry Haler (R)
Michael Messmore	Republican	85,915	9	Adams, Asotin, Franklin (part), Garfield, Spokane (part), Whitman	Steve Hailey (R) David Buri (R)
<b><u>U. S. Representative District #4</u></b>					
Richard Wright	Democrat	77,054	10	Island, Skagit (part), Snohomish (part)	Chris Strow (R) Barbara Bailey (R)
Doc Hastings	Republican	115,246	11	King (part)	Zack Hudgins (D) Bob Hasegawa (D)
<b><u>U. S. Representative District #5</u></b>					
Peter J Goldmark	Democrat	104,357	12	Chelan, Douglas, Grant (part), Okanogan (part)	Cary Condotta (R) Mike Armstrong (R)
Cathy McMorris	Republican	134,967	13	Grant (part), Kittitas, Yakima (part)	Judy Warnick (R) Bill Hinkle (R)
<b><u>U. S. Representative District #6</u></b>					
Norm Dicks	Democrat	158,202	14	Yakima (part)	Mary Skinner (R) Charles R. Ross (R)
Doug Cloud	Republican	65,883	15	Clark (part), Klickitat, Skamania, Yakima (part)	Bruce Chandler (R) Dan Newhouse (R)
<b><u>U. S. Representative District #7</u></b>					
Jim McDermott	Democrat	195,462	16	Benton (part), Columbia, Franklin (part), Walla Walla	Maureen Walsh (R) Bill Grant (D)
Steve Beren	Republican	38,715	17	Clark (part)	Jim Dunn (R) Deb Wallace (D)
Linnea S. Noreen	Independent	11,956	18	Clark (part), Cowlitz	Richard Curtis (R) Education Orcutt (R)
<b><u>U. S. Representative District #8</u></b>					
Darcy Burner	Democrat	122,021	19	Cowlitz (part), Grays Harbor (part), Pacific, Wahkiakum	Dean Takko (D) Brian Blake (D)
Dave Reichert	Republican	129,362	20	Lewis, Thurston (part)	Richard DeBolt (R) Gary Alexander (R)
<b><u>U. S. Representative District #9</u></b>					
Adam Smith	Democrat	119,038	21	Snohomish (part)	Mary Helen Roberts (D) Brian Sullivan (D)
Steven C. Cofchin	Republican	62,082	22	Thurston (part)	Brendan Williams (D) Sam Hunt (D)
<b><u>State Supreme Court Justice Position #2</u></b>					
Susan Owens	Nonpartisan	1,058,020	23	Kitsap (part)	Sherry Appleton (D) Christine Rolfes (D)
Stephen Johnson	Nonpartisan	710,144	24	Clallam, Grays Harbor (part), Jefferson	Kevin Van De Wege (D) Lynn Kessler (D)
<b><u>State Supreme Court Justice Position #8</u></b>					
Gerry L. Alexander	Nonpartisan	1,356,969	25	Pierce (part)	Joyce McDonald (R) Dawn Morrell (D)
<b><u>State Supreme Court Justice Position #9</u></b>					
Tom Chambers	Nonpartisan	1,351,858	26	Kitsap (part), Pierce (part)	Pat Lantz (D) Larry Seaquist (D)
<b><u>Court of Appeals Division I District #1 Position #4</u></b>					
Ronald E. Cox	Nonpartisan	355,355	27	Pierce (part)	Dennis Flannigan (D) Jeannie Darneille (D)
<b><u>Court of Appeals Division I District #1 Position #7</u></b>					
Marlin J. Appelwick	Nonpartisan	351,438	28	Pierce (part)	Troy Kelley (D) Tami Green (D)
<b><u>Court of Appeals Division I District #3 Position #1</u></b>					
Mary Kay Becker	Nonpartisan	97,658	29	Pierce (part)	Steve Conway (D) Steve Kirby (D)
<b><u>Court of Appeals Division II District #1 Position #3</u></b>					
Christine Quinn-Brintnall	Nonpartisan	149,408	30	King (part)	Mark Miloscia (D) Skip Priest (R)
<b><u>Court of Appeals Division II District #2 Position #2</u></b>					
David H. Armstrong	Nonpartisan	169,450	31	King (part), Pierce (part)	Dan Roach (R) Christopher Hurst (D)
<b><u>Court of Appeals Division II District #3 Position #1</u></b>					
Joel Penoyar	Nonpartisan	124,643	32	King (part), Snohomish	Maralyn Chase (D) Ruth Kagi (D)
<b><u>Court of Appeals Division III District #1 Position #1</u></b>					
John A. Schultheis	Nonpartisan	133,702	33	King (part)	Shay Schual-Berke (D) Dave Upthegrove (D)
<b><u>Court of Appeals Division III District #3 Position #2</u></b>					
Teresa C. Kulik	Nonpartisan	74,468	34	King (part)	Eileen Cody (D) Joe McDermott (D)
<b><u>Superior Court Judge Position #8</u></b>					
			35	Grays Harbor (part), Kitsap (part), Mason, Thurston	Kathy Haigh (D) William Eickmeyer (D)
			36	King (part)	Helen Sommers (D) Mary Lou Dickerson (D)
			37	King (part)	Sharon Santos (D) Eric Pettigrew (D)

38	Snohomish (part)	John McCoy (D) Mike Sells (D)
39	King (part), Skagit (part), Snohomish (part), Whatcom (part)	Dan Kristiansen (R) Kirk Pearson (R)
40	San Juan, Skagit (part), Whatcom (part)	Dave Quall (D) Jeff Morris (D)
41	King (part)	Fred Jarrett (R) Judy Clibborn (D)
42	Whatcom (part)	Doug Ericksen (R) Kelli Linville (D)
43	King (part)	Jamie Pedersen (D) Frank Chopp (D)
44	Snohomish (part)	Hans Dunshee (D) John Lovick (D)
45	King (part)	Roger E. Goodman (D) Larry Springer (D)
46	King (part)	Jim McIntire (D) Phyllis Kenney (D)
47	King (part)	Geoff Simpson (D) Pat Sullivan (D)
48	King (part)	Ross Hunter (D) Deborah H. Eddy (D)
49	Clark (part)	Bill Fromhold (D) Jim Moeller (D)

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**Definitions**

**Rule 1.** "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article 2 § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

**Chief Clerk to Call to Order**

**Rule 2.** It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

**Election of Officers**

**Rule 3.** The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

**Powers and Duties of the Speaker**

**Rule 4.** The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 6<sup>th</sup> day of December, 2006.

SAM REED  
Secretary of State

The Clerk called the roll and a quorum was present.

**OATH OF OFFICE**

Justice Johnson administered the Oath of Office to the Members. The Certificates of Office were distributed to the members.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4600, by Representatives Kessler and Ericksen

BE IT RESOLVED, That no later than Friday, January 19, 2007, the twelfth legislative day, the House of Representatives shall meet to consider adoption of permanent House Rules for the Sixtieth Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Sixtieth Legislature be adopted as follows:

TEMPORARY RULES  
OF THE HOUSE OF REPRESENTATIVES  
SIXTIETH LEGISLATURE  
2007-2008

**HOUSE  
RULE NO.**

<b>Rule 1</b>	Definitions
<b>Rule 2</b>	Chief Clerk to Call to Order
<b>Rule 3</b>	Election of Officers
<b>Rule 4</b>	Powers and Duties of the Speaker
<b>Rule 5</b>	Chief Clerk
<b>Rule 6</b>	Duties of Employees
<b>Rule 7</b>	Admission to the House
<b>Rule 8</b>	Absentees and Courtesy
<b>Rule 9</b>	Bills, Memorials and Resolutions - Introductions
<b>Rule 10</b>	Reading of Bills
<b>Rule 11</b>	Amendments
<b>Rule 12</b>	Final Passage
<b>Rule 13</b>	Hour of Meeting, Roll Call and Quorum
<b>Rule 14</b>	Daily Calendar and Order of Business

and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs (~~from the majority party of the house~~) as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

#### Chief Clerk

**Rule 5.** The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, upon the recommendation of the employment committee and, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

#### Duties of Employees

**Rule 6.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

#### Admission to the House

**Rule 7.** It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;  
Members of the senate;  
State elected officials;  
Officers and authorized employees of the legislature;  
Former members of the house who are not advocating any pending or proposed legislation;  
Representatives of the press;  
Other persons with the consent of the speaker.

(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

#### Absentees and Courtesies

**Rule 8.** No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

#### Bills, Memorials and Resolutions - Introductions

**Rule 9.** Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any member or member-elect may prefile a bill with the chief clerk commencing twenty (20) days before any session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

#### Reading of Bills

**Rule 10.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. No more than one resolution per day may be scheduled for consideration by the house except by mutual agreement of the majority leader and minority leader: **PROVIDED,** That this limit does not apply to resolutions necessary for the operation of the house nor to resolutions scheduled for consideration on pro forma session days.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

#### **Amendments**

**Rule 11.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) **AMENDMENTS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) **NO AMENDMENT BY REFERENCE.** No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) **TITLE AMENDMENTS.** The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

#### **Final Passage**

**Rule 12.** Rules relating to bills on final passage are as follows:

(A) **RECOMMITMENT BEFORE FINAL PASSAGE.** A bill may be recommitted at any time before its final passage.

(B) **FINAL PASSAGE.** No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(C) **BILLS PASSED - CERTIFICATION.** When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

#### **Hour of Meeting, Roll Call and Quorum**

**Rule 13.** (A) **HOUR OF MEETING.** The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) **ROLL CALL AND QUORUM.** Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

### Daily Calendar and Order of Business

**Rule 14.** The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

### Motions

**Rule 15.** Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
  - Adjourn
  - Adjourn to a time certain
  - Recess to a time certain
  - Reconsider
  - Demand for division
  - Question of privilege
  - Orders of the day
- (2) Subsidiary motions:
  - First rank: Question of consideration
  - Second rank: To lay on the table
  - Third rank: For the previous question
  - Fourth rank: To postpone to a day certain  
To commit or recommit  
To postpone indefinitely
  - Fifth rank: To amend

- (3) Incidental motions:
  - Points of order and appeal
  - Method of consideration
  - Suspension of the rules
  - Reading papers
  - Withdraw a motion
  - Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

### Members Right to Debate

**Rule 16.** The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

### Rules of Debate

**Rule 17.** The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to

be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) **READING OF A PAPER.** When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) **DISTRIBUTION OF MATERIALS.** Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) **ORDER OF QUESTIONS.** All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) **DIVISION OF POINTS OF DEBATE.** Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) **DECORUM OF MEMBERS.** While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) **REMARKS CONFINED.** A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) **EXCEPTION TO WORDS SPOKEN IN DEBATE.** If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) **TRANSGRESSION OF RULES - APPEAL.** If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

#### **Ending of Debate - Previous Question**

**Rule 18.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative \_\_\_\_\_ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or

the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

#### **Voting**

**Rule 19.** (A) **PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) **ALL MEMBERS TO VOTE.** Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) **CHANGE OF VOTE.** When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) **PRIVATE INTEREST.** No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which He is a member, and shall not vote thereon. (Art. II § 30)

(E) **INTERRUPTION OF ROLL CALL.** Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) **YEAS AND NAYS - RECORDED VOTES.** Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) **TIE VOTE, QUESTION LOSES.** In case of an equal division, the question shall be lost.

(H) **DIVISION.** If the speaker is in doubt, or if division is called for by any member, the house shall divide.

#### **Reconsideration**

**Rule 20.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be

reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

**Call of the House**

**Rule 21.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) **DOORS TO BE CLOSED.** When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) **SERGEANT AT ARMS TO BRING IN THE ABSENTEES.** The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) **HOUSE UNDER CALL.** While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

**Appeal from Decision of Chair**

**Rule 22.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

**Standing Committees**

**Rule 23.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1-	Appropriations	-31
2-	Capital Budget	-29
3-	Children & Family Services	-9
4-	Commerce & Labor	-9
5-	Criminal Justice & Corrections	-7
6-	Economic Development, Agriculture & Trade	-23
7-	Education	-13

8-	Finance	-11
9-	Financial Institutions & Insurance	-11
10-	Health Care	-15
11-	Higher Education & WorkForce Education	-13
12-	Housing	-9
13-	Judiciary	-10
14-	Juvenile Justice & Family Law	-7
15-	Local Government	-7
16-	Natural Resources, Ecology & Parks	-11
17-	Rules	-19
18-	State Government, Operations & Accountability	-9
19-	Technology, Energy & Communications	-12
20-	Transportation	-29))

1.	Agriculture & Natural Resources	15
2.	Appropriations	32
3.	Appropriations Subcommittee on Education	19
4.	Appropriations Subcommittee on General Government & Audit Review	15
5.	Capital Budget	22
6.	Commerce & Labor	8
7.	Community & Economic Development & Trade	9
8.	Early Learning & Children's Services	7
9.	Education	9
10.	Finance	9
11.	Health Care & Wellness	13
12.	Higher Education	9
13.	Housing	7
14.	Human Services	8
15.	Insurance, Financial Services & Consumer Protection	8
16.	Judiciary	11
17.	Local Government	7
18.	Public Safety & Emergency Preparedness	7
19.	Rules	24
20.	State Government & Tribal Affairs	9
21.	Technology, Energy & Communications	11
22.	Transportation	26

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

**Duties of Committees**

**Rule 24.** House committees shall operate as follows:

(A) **NOTICE OF COMMITTEE MEETING.** The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days

remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) **COMMITTEE QUORUM.** A majority of any committee shall constitute a quorum for the transaction of business.

(C) **SESSION MEETINGS.** No committee shall sit while the house is in session without special leave of the speaker.

(D) **DUTIES OF STANDING COMMITTEES.**

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage. For purposes of this subsection, fiscal committee means the appropriations, capital budget, finance, and transportation committees.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

**Standing Committees - Expenses - Subpoena Power**

**Rule 25.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of

the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

**Vetoed Bills**

**Rule 26.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

**Suspension of Compensation**

**Rule 27.** (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

**Smoking**

**Rule 28.** Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

**Parliamentary Rules**

**Rule 29.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

**Standing Rules Amendment**

**Rule 30.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

### Rules to Apply for Assembly

**Rule 31.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

### Legislative Mailings

**Rule 32.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

### Liquor

**Rule 33.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4600 was adopted.

### ELECTION OF THE SPEAKER

Representative Wallace: "Thank you, Mr. Chief Clerk. Members and honored guests, it is a privilege to stand before you today to nominate as our Speaker of the House of Representatives, Representative Frank Chopp. I got to know Frank four years ago when we were in tough times with billions of dollars of deficit. You know in the time of providing leadership, leaders are visionary, leaders really bring out the best in others and when I look at this body, spirited and diverse body of representatives, leaders in our own right, Representative Chopp has worked diligently over the last number of years to bring out the best in each of us and to have each of us work in the areas of our expertise and to serve the State of Washington. Leadership is difficult in hard times. And we have seen Speaker Chopp work to listen to members during those difficult times and to respond and to hear what members were saying. In our caucus, I feel very proud to watch the leadership of this man, who has not only listened but has responded to make us an even stronger body. So it is with honor that I nominate Frank Chopp as our Speaker of the House of Representatives. Thank you."

Representative Priest: "Thank you, Mr. Chief Clerk and distinguished members of the House of Representatives and distinguished guests. On this eighth day of January, as we begin our sixtieth legislative session, I am very honored today, in fact to nominate Richard DeBolt as Speaker of the House of Representatives. Richard has always emphasized honesty when we have faced serious political times. He has used partisan arguments in caucus riffs and has overcome those arguments within our own districts. His positive approach to leadership pulls people together while allowing us the freedom for our beliefs. I am here to tell all of you today, and especially incoming freshmen, that this is an exciting time in the Legislature. We need a leader like Richard, I believe, who hears the values of the people of our State. Richard will always be an advocate for balanced responsive government that the people can trust in doing their business in their best

interests. He will remind us that the quality of our service, not the quantity of the bills we consider will determine how well we have served the citizens of Washington State. As a legislator who grew up on the eastside of the State in Brewster and now is honored to represent the 30<sup>th</sup> District on the westside of our State, I believe Richard is the leader we need to instill for all voters, for all of our citizens, voter trust in our state government and create the same opportunities for future generations that we all enjoy today. For these reasons and others, I confident in the nomination of Richard DeBolt as our House Speaker. It is my hope that we take a vote for Speaker that will stand as one of the most significant decisions that in fact we make this year."

### POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you, Mr. Chief Clerk. It is with great respect to the Speaker of the House, Frank Chopp and to this body, that I would withdraw my name from nomination."

### MOTION

Representative Kessler moved that the nominations for the Office of Speaker of the House of Representatives be closed. The motion was carried.

Representative Kessler moved that Representative Frank Chopp be elected to the position of Speaker of the House of Representatives. The motion was carried.

Representative Wallace escorted Speaker Frank Chopp to the Rostrum.

### OATH OF OFFICE

Justice Johnson administered the Oath of Office to Speaker Chopp.

Chief Clerk Nafziger congratulated and turned the gavel over to the Speaker.

### SPEAKER'S REMARKS

Speaker Chopp: "Welcome back to the House! Thank you for the honor to serve as your speaker, once again. This is a time for many of us, to remember where we came from and how we got here. In that spirit, I'd like to recognize the leader in my house, my wife, Nancy Long.

We're here in this House to do the people's business. That's why we need to work together across party lines. So let's start by giving a warm recognition to Republican Leader Richard DeBolt.

Let's recognize our Majority Leader Lynn Kessler.

And let's hear it for Speaker Pro Tempore John Lovick.

These past two sessions, by Working Together for One Washington, we accomplished a great deal. To address the challenges of our times, we figured out ways to bring people together:

- from eastern, central, and western Washington
- from urban, suburban, and rural districts
- from business and labor
- from farmers and environmentalists

Last year, newspapers called it a "session of breakthroughs"

and even a "59-day miracle" — because we got a lot done, and we got done a day early. We were also successful because on the kitchen table issues that concern everyone, like schools, health care, and jobs. And so as we begin this session in this House, let us be mindful of the households back home.

Let me give you three examples. Let's start with education, which my mom and dad always said is the best way up and out of poverty.

Let me tell you about Michelle. Daughter of farm workers, She's young, married, and has a young child. And dreams of becoming a nurse. She and her husband have worked odd jobs to make ends meet. But since they made just over the limit for state and federal financial aid programs, she couldn't find the resources to get a better education. Until last year, when this legislature started "Opportunity Grants" to help pay for tuition, child care, and other expenses. Thanks to you and an Opportunity Grant, Michele, a first generation college student, will soon be attending the nursing program at her local Community College. She is just one of many examples of hope that Opportunity Grants have provided in only its first three months.

What we are doing is connecting the dots:

An aspiring student with a career goal ---

A degree program to learn the skills ---

And a real job in the real world.

This is a huge win / win — for the individual worker to get a great job — and for the business to get a skilled worker.

We have made progress in education, but we have much more work to do this session. We need to get serious about early learning, so that kids Thrive by Five. We need to support basic education so that funding is achieved for all-day kindergarten and smaller class sizes.

We need to reform our math curriculum so that it actually adds up. Most important of all, we need to keep in mind the constitutional oath we just took — to support basic education.

Let me tell you about Lori Baron, and her family. Mother of three of her own children, who are now grown and out on their own. She and her husband have also adopted 11 orphans from around the world, from Ethiopia, Guatemala, and Russia. Thank God for people like Lori, who take care of orphans. Then, this past November, Lori was diagnosed with advanced ovarian cancer. At the time, the Barons were without health insurance.

As a result there was not much our medical system was willing to do for her. Medical bills have piled up. The Barons, who have lived a modest life, are on the verge of losing what they have. As Lori struggles through chemotherapy and multiple surgeries, the family is struggling to make ends meet.

Thanks to the action of this Legislature, when we expanded care for kids two years ago — and made a promise to make sure that all kids in this Washington have health care by 2010 — Lori's kids will be covered with health care. But what about Mom? People, including members of this body, are holding fund-raisers to help pay her medical bills. In this wealthiest nation on earth, you shouldn't have to hold a fundraiser to pay for your illness.

What is great about America is that it is a beacon of hope and opportunity. What isn't so great is when many Americans get seriously ill, and slide into the despair of debt and bankruptcy. That is morally wrong and we must change that.

Let me tell you about Harold Cochran. On my most recent visit to eastern Washington, I met with Harold, along with several other farmers whose families have farmed wheat for generations. Harold told me that he greatly appreciated

what the Legislature had done the past two years to help farmers. He said it was the best legislative sessions for agriculture in decades.

Also there that day, was Pat McConnell, a 4<sup>th</sup> generation family farmer of 5,000 acres. He hopes to pass his farm down to his kids, but with the price of wheat terribly low, he's telling his kids to look into other careers. As much as he loves farming, he doesn't want his kids to go broke growing wheat. So he's looking into rotating in canola and mustard, for bio-diesel, provided that the numbers work.

To get the numbers to work, the farmers need local processors and a steady market.

So let's connect the dots. With our Energy Freedom Fund, that we created last year, let's build the processing plants and a long term market at a decent price for the crop. That is why I propose that by 2015, every diesel vehicle in the public fleets — ferries, buses, and other conveyances — run on bio-fuel grown right here in our state, through long term contracts with our own farmers.

Imagine the \$250 million that the public pays for diesel fuel every year staying right here in Washington state. This would be great for the farmer trying to survive and great for a cleaner environment. It's great for Cougars and for Huskies. It would be a tremendous win / win for One Washington.

So in that spirit of working together, I'd like to conclude, by asking the brand new members of our House to please stand. You've all worked very hard to join this House. The quality of your talent and real world experience is very, very impressive. There will be plenty of time for you to be cut down to size by the biting wit of your fellow legislators, but for now, let us all join in a thunderous welcome to our new members.

You're now part of One Washington. Welcome aboard. Let's get to work."

#### **POINT OF PERSONAL PRIVILEGE**

Representative DeBolt: "Thank you, Mr. Speaker. I have to say, Mr. Speaker, congratulations. That was one of the most animated and enthusiastic speeches I have seen from you. I'm looking forward to the session to see more of those. That is worthwhile. I also want to thank your family. You know, Mr. Speaker, you have been committed to your family since you came to this institution and the passion you bring for your family is appreciated by all of us because the passion you give to them is the passion that we all share. We appreciate that your family lets you do this.

Mr. Speaker, what will this session bring for us? For you it brings a super majority, a majority that has the ability to move any legislation, move any bill, move anything that you need to drive your agenda forward. As a leader of the whole state, we know it is important though that you will stop and listen to the minority voice. To give us a chance to have input into the process. And if you don't agree you will always give us the opportunity to speak and we thank you for that. You have always been fair-handed with the gavel and have given us the opportunity to get our opinions and points out.

We have many common goals that we have shared over the years. Sometimes for the new members, you don't always hear in the media, 85% of the bills go out of here unanimously, with bi-partisan support and go very well. But occasionally you will have those sticking points where we will disagree but the common goals this session I think I heard are:

- education and working hard to fund education first and to make sure our children are our priority

- health - to lower health care cost for all the families in Washington State
- public safety – to make sure we have the opportunity to keep our families safe.

Today, I am here on behalf of One Washington to tell you we will do everything we can to make sure One Washington is represented and that we all work together with you, Mr. Speaker, as one body and as one House. Thank you."

### ELECTION OF SPEAKER PRO TEMPORE

Representative Dunshee: "Thank you, Mr. Speaker. I place in nomination the name of John Lovick for Speaker Pro Tempore. As I thought about my seatmate who I have worked with for a few years now, I thought about values. Roosevelt spoke of the four freedoms but there are really four values which I want to talk to you about with John Lovick. Hopefully as you hear of those values you will vote for him. I would suspect He has the votes and generally when you have the votes you're not supposed to speak but this is a great opportunity.

The first value is work. Now John doesn't tell you much about his life; He is a pretty reserved guy. But I want to tell you about work. When He was a child, in the 1950s, his mother and grandmother, who you will meet, would put him at one end of the row of cotton and then they pick and chop down the way and come back and give him a little water. He would be sitting there playing with his little gavel and rostrum. In that world, that's how He learned work – work as a value.

Family – if you have ever talked to John on the phone, you are invariably interrupted by somebody calling in - an aunt or uncle, a nephew, a cousin - who wants to talk to him. And He incessantly talks to them - believe me, I've driven all the way to Olympia in which the only thing I said was "okay, John it's time to get off the Freeway" because He was on the phone. He greatly values his family. You will meet family who have come from Louisiana to be here, to be part of his world.

Community – John values community to the point that half way through the campaign in our district, He had been organizing a high school reunion in Louisiana. He took off in the middle of the campaign for a week. This gave his opponent a leg up for that week but He made up for it by of course applying work.

The last one is fairness – the value that applies here. Imagine a black man growing up in Louisiana in the 1950s. How do you get to justice? You apply fairness. How do you get to equality? You apply grace. It is only through the application of fairness and grace that we get to equality. And except for me, John will treat you all with the greatest fairness of any Speaker Pro Tem that you will ever experience.

John has these four values – work, family, community and fairness. And for those reasons, I urge your support of John Lovick for Speaker Pro Tempore.

Thank you, Mr. Speaker."

### MOTIONS

Representative Kessler moved that the nominations for the Office of Speaker Pro Tempore of the House of Representatives be closed. The motion was carried.

Representative Kessler moved that Representative John Lovick be elected to the position of Speaker Pro Tempore of the House of Representatives. The motion was carried.

Representative Dunshee escorted Speaker Pro Tempore John Lovick to the Rostrum.

### OATH OF OFFICE

Justice Johnson administered the Oath of Office to Speaker Pro Tempore Lovick.

### SPEAKER PRO TEMPORE'S REMARKS

Speaker Pro Tempore Lovick: "I'd like to introduce Cathy & Hazel Gershowitz. Hazel's husband was my commander when I was in the Coast Guard. If you ever think about mentoring someone and not knowing if it is going to work, ask me – I can tell you the things they did for me in my young life when I was in the Coast Guard.

This is my mom, Dorothy and she is from Houston, Texas. I want to thank her and my grandmother Elsie. I want to say to both of you, I know you paid a tremendous price for the privileges I enjoy today. All that I am in my life and anything that I will ever be is because of you. I give all the glory in my life to God and then to you. Thank you.

I would like to introduce my lovely wife, Karen. Talk about somebody being everything in your life that you need – she is all I ever want and need in my life. Thank you very much for being here.

Finally, I would like to introduce Chief Will Bachofner. Many years ago, I wanted to be a police officer but unfortunately the State Patrol had laws that prohibited certain people from joining the department. The first thing Chief Bachofner did was change the hiring practices of the department. He has been a life-long friend of mine since he retired many years ago. I try to talk with him every day. I want to thank you, sir, for giving me a career and for opening doors for so many people in this world. You are a tremendous man and I love you very much.

I want to thank my seatmate, Representative Hans Dunshee. I have to remind you that I only brought one handkerchief. I have just about used it up. Thank you.

I wanted to introduce my family and friends first so you can see that my life is about who and what has influenced me. These wonderful people have had the greatest influence on my life. And to remind all of us that this place is not about us. It's about our loved ones and all the people back home in Mill Creek, Port Angeles, Spokane and the rest of our great state. Sometimes that gets lost in the struggle to win battles on this floor. But winning and losing isn't the point. Debating ideas is only a way to get to the goals we share.

We all want the same things for our families and neighbors:

- Good jobs with benefits;
- Roads and highways that are not clogged with traffic; and
- Safe schools that give every child a shot at the American Dream.

We just have different ideas about how to achieve those goals. Those differences aren't a weakness. They are our strength. Every time I talk to someone, I learn something. I've learned from every lawmaker, Democrat or Republican, that I've had the chance to meet. Those talks make our ideas better, our laws stronger. And our state more prosperous.

So it's important that we keep that sense of goodwill and mutual respect. We need it. Our citizens demand it. We're here because we're passionate about ideas. But we have to guard against letting that passion tear down the bonds of friendship and civility.

We lost a great American recently, President Gerald R. Ford. President Ford was a Navy war hero who looked past party labels and extended his hand to a Democratic Congress to work together and get things done for the people of America. President Ford would tell us to debate but if we are justified in debate be dignified. He would also tell us to Be Brief, Be Right and Be Gone. I respect and appreciate that. I join every citizen in mourning the passing of this great man.

Our families, friends and neighbors placed their faith in us. It's up to us to show them – that their faith is well placed. Our job is to move our state forward. To do that job we need all 98 lawmakers rowing in the same direction, for those citizens we serve here in the People's House.

So I want to thank all of you, not only for listening to me today, not only for giving me the honor of serving as Speaker Pro Tem, but more importantly thank you for your service, thank you for your friendship, and thank you for the sacrifices you're making in your lives to improve the lives of the citizens we serve. I have faith that together we will accomplish a lot this session.

Congratulations and great thanks to all of you.

Oh one more thing — Go Seahawks!"

#### **ELECTION OF THE CHIEF CLERK**

Representative Kenney: "Thank you, Mr. Speaker. It is with great honor that I rise to nominate Rich Nafziger as Chief Clerk of the House.

Rich has been chief Clerk of the House since 2003. Prior to that He worked as an economist in private, public and nonprofit sectors. He has applied his knowledge and experience as Director of Workforce Education for the State Board of Community and Technical Colleges, Policy Advisor to Governor Locke for Labor and Higher Education, Special Assistant to Governor Gardner for Rural Development as well as other positions.

He currently serves as an elected member of the Olympia School Board. He is on the board of the Digital Learning Commons and the Thurston County Regional Planning Council.

His commitment to education, K-12, workforce training, higher education and families is second to none. Leaders are those who seek a better tomorrow for students, workers and families. They make it happen. Rich Nafziger has done that.

Rich has accomplished much as Chief Clerk. He has worked with legislators and staff in bringing performance management to the House. He developed a biennial member and employee satisfaction survey to improve management and efficiency of the House.

He believes strongly that the House should treat every member of both parties fairly and confidentially, that the House should be managed on a bi-partisan basis. He responds to member requests in a timely fashion. He makes sure that the House maintains a reasonable and prudent budget.

Rich's personal beliefs also add to his ability to lead. He believes that we all share a common humanity, that diversity is built on respect and appreciation for differences, that we have all been placed on earth to lift ourselves and one another to "higher ground". And that we must learn to use power with care and avoid harming or hindering the rights of others.

Ladies and Gentlemen of the House I urge your support of Rich Nafziger as Chief Clerk of the House of Representatives."

Representative Campbell: "Thank you, Mr. Speaker. I would like to say a few words in support of our Chief Clerk.

Mr. Speaker, after being here for a few terms, I have had an opportunity to see quite a few Chief Clerks come and go. That position is one of those silent powers behind the throne, Mr. Speaker -- nothing personal. We all look to the Speaker, the Speaker Pro Tem and other leadership to understand our positions and work in the public. But what goes on behind the scenes between us -- like the many conflicts that arise, the problems that have to be solved -- are not often seen.

I am proud to say that every time I've been to the Chief Clerk's Office, it's been a very comfortable experience, very straight-forward and compassionate. I have never worked with a man that has been so diligent and so earnest in wanting to do something positive for us, this great institution and the people of the State of Washington. In these early days, Mr. Speaker, as we get here in Olympia, there is always this jubilation and excitement but as the days wear on and we wear down, tempers tend to get a little frayed and we get a little excited. There always has to be someone who centers this institution and that rock is Rich Nafziger.

Rich, I thank you very much for your great work. I look forward to working with you. It is comforting to know that someone is there to protect this institution, frankly sometimes from ourselves.

Thank you, Mr. Speaker."

#### **MOTIONS**

Representative Kessler moved that the nominations for the Office of Chief Clerk of the House of Representatives be closed. The motion was carried.

Representative Kessler moved that Richard Nafziger be elected to the position of Chief Clerk of the House of Representatives. The motion was carried.

Representatives Kenney and Campbell escorted Chief Clerk Richard Nafziger to the Rostrum.

#### **OATH OF OFFICE**

Justice Johnson administered the Oath of Office to Chief Clerk Nafziger.

#### **CHIEF CLERK'S REMARKS**

Chief Clerk Nafziger: "Thank you, Justice Johnson. Representatives Kenney and Campbell, I appreciate very much your kind remarks.

I am truly honored to be here.

I am excited that I am able share this moment with my wife Kristin.

I want to thank both the staff and the members of this great house for their hard work and for sharing the special experience of making Washington history.

In particular, I would like to thank my good friend, Deputy Chief Clerk Bill Wegeleben for being here today despite the tragedy that has struck his family. Bill is the most able and dedicated public servant I have ever had the honor to work with.

Thank you very much for entrusting me with the administration of this institution and for your devotion to the practice of democracy."

Speaker Chopp thanked Justice Johnson and called upon Representatives Hurst and Priest to escort the Justice from the Chamber.

### RESOLUTION

HOUSE RESOLUTION NO. 2007-4601, by Representatives Kessler and Ericksen

BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Senate that the House of Representatives is now organized and ready to conduct business.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4601 was adopted.

The Speaker appointed Representatives Barlow, Hailey, McDonald and Pedersen to notify the Senate that the House was organized and ready to do business.

### INTRODUCTION & FIRST READING

HB 1000 by Representatives Kessler, Kagi, Wallace, Moeller, B. Sullivan, Wood, Warnick and Ormsby

AN ACT Relating to adding porphyria to the list of disabilities for special parking privileges; amending RCW 46.16.381; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1001 by Representatives Lovick, Priest, McCoy, Pearson, Kirby, Ross, Hunt, Skinner, Simpson, Newhouse, O'Brien, Armstrong, Ericks, Moeller, Miloscia, Grant, Sells, Green, Eickmeyer, Takko, Kelley, B. Sullivan, Hudgins, Cody, Haigh, Morrell, Chase, Ormsby, Kessler, Blake, Conway, Chandler, P. Sullivan, McDonald, Rodne, Haler, Jarrett, Roach, Walsh, Kristiansen, Wallace, McDermott, Condotta, Van De Wege, Dunshee, McCune, Kenney, Schual-Berke, Hinkle, Bailey, Lantz, Warnick, Upthegrove, Alexander, Campbell and Rolfes

AN ACT Relating to auto theft; amending RCW 9A.56.030, 9A.56.040, 9A.56.150, 9A.56.160, 9.94A.734, 13.40.0357, 13.40.038, 13.40.210, and 9A.56.096; reenacting and amending RCW 9.94A.525; adding a new section to chapter 13.40 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 48.22 RCW; adding a new chapter to Title 46 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Prep.

HB 1002 by Representatives O'Brien, Orcutt, Kessler, Condotta, McIntire, Sommers, Kenney, McDonald, Haler, Simpson, Wallace and Warnick

AN ACT Relating to the sales and use taxation of vessels; amending RCW 88.02.030; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1003 by Representatives Darneille, Cody, Schual-Berke, Dickerson, Moeller, Flannigan and Kenney

AN ACT Relating to sexually transmitted infections in correctional facilities; adding a new section to chapter 72.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

HB 1004 by Representatives Darneille, Lantz, Williams, Flannigan, Ericks, Kagi, Hudgins, Appleton, Roberts, Moeller, McDermott, Wood, Santos, Schual-Berke, Ormsby and Upthegrove

AN ACT Relating to interest on legal financial obligations; amending RCW 10.82.090; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1005 by Representatives Kessler, Ericks and B. Sullivan

AN ACT Relating to rates for the rental of county equipment; and amending RCW 36.33A.040.

Referred to Committee on Local Government.

HB 1006 by Representatives Moeller and B. Sullivan

AN ACT Relating to a feasibility study for electronic filing of disclosure reports; and creating a new section.

Referred to Committee on State Gov & Tribal Affairs.

HB 1007 by Representatives Moeller, Hudgins, Dickerson and Kenney

AN ACT Relating to the definition of "at-risk youth"; and amending RCW 13.32A.030.

Referred to Committee on Early Learning/Children Services.

HB 1009 by Representatives Moeller, Wallace, Linville, Wood and Dickerson

AN ACT Relating to establishing work groups to periodically review and update the child support schedule; amending RCW 26.09.173, 26.10.195, 26.18.210, and 26.19.025; adding a new section to chapter 26.19 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1010 by Representatives Moeller, Hudgins, Appleton, Morrell, Kenney, Dickerson, B. Sullivan and Warnick

AN ACT Relating to notification of parents, guardians, and custodians when a juvenile is taken into custody by law enforcement; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 1011 by Representative Moeller

AN ACT Relating to alien firearm licenses; amending RCW 9.41.070 and 9.41.097; adding a new section to chapter 9.41 RCW; repealing RCW 9.41.170; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1012 by Representatives Moeller, Morrell, Barlow and Warnick

AN ACT Relating to an annual sales and use tax holiday; amending RCW 82.12.040; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1013 by Representatives Moeller, Conway, Kenney and Ormsby

AN ACT Relating to requiring professionals working in the building trades to wear and visibly display licenses and certificates; amending RCW 19.27.050, 18.106.170, 19.28.251, and 70.87.120; adding a new section to chapter 19.28 RCW; adding a new section to chapter 70.87 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1014 by Representatives Moeller, Darneille, Roberts and Ormsby

AN ACT Relating to safe storage of firearms; amending RCW 9A.36.050; adding a new section to chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1015 by Representatives Haler, Green and Moeller

AN ACT Relating to increasing penalties for falsifying hours of service for commercial motor vehicles; adding a new section to chapter 46.32 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1016 by Representatives Haler, Green, Takko, Appleton, Conway, Morrell, P. Sullivan, McDonald, Haigh, Simpson, Dunn, Dickerson, Walsh, Roberts, Wallace, Moeller, Linville, B. Sullivan, Springer, Wood, Kenney, Williams, Hinkle, Warnick and Campbell

AN ACT Relating to tax credits for hiring individuals with developmental disabilities; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services.

HB 1017 by Representatives Haler, Green, Takko, Appleton, Morrell, P. Sullivan, McDonald, Haigh, Dunn, Simpson, Linville, B. Sullivan, Wood, Hinkle and Ormsby

AN ACT Relating to tax credits for contributions to low-income housing efforts; and adding a new chapter to Title 82 RCW.

Referred to Committee on Finance.

HB 1018 by Representatives Orcutt, Haigh, Haler, Takko, Pearson, Strow, Schindler, McCune, Blake, Chandler, Moeller and Seaquist

AN ACT Relating to the time limit for state officials to solicit or accept contributions; reenacting and amending RCW 42.17.710; and declaring an emergency.

Referred to Committee on State Gov & Tribal Affairs.

HB 1019 by Representatives Anderson, Chandler, McDonald, Rodne, Haler, Roach, Buri, Ericksen, Bailey, Alexander and Pearson

AN ACT Relating to prioritizing basic education expenditures within the state appropriations process; amending RCW 28A.150.380; adding new sections to chapter 44.04 RCW; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 1020 by Representatives Appleton, Miloscia, Dickerson, Hasegawa, Green, Seaquist, Morrell, Conway, Darneille, McCoy, Chase, Roberts, Haigh, Sells, Dunshee, Hunt, Flannigan, Ormsby, McDermott, Schual-Berke, McIntire, Wallace, Moeller, Goodman, Lantz, Campbell and Rolfes

AN ACT Relating to small loans; amending RCW 31.45.010, 31.45.073, 31.45.084, and 31.45.088; creating new sections; and prescribing penalties.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1021 by Representatives Appleton, Miloscia, Dickerson, Hasegawa, Morrell, Green, Seaquist, Darneille, Conway, McCoy, Chase, Roberts, Haigh, Sells, Dunshee, Hunt, Flannigan, Ormsby, McDermott, Schual-Berke, McIntire, Wallace, Moeller, Goodman, Lantz, Campbell and Rolfes

AN ACT Relating to small loans; amending RCW 31.45.073, 31.45.084, 31.45.088, and 31.45.210; creating new sections; and prescribing penalties.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1022 by Representatives Campbell, Hinkle, O'Brien, Moeller, Morrell, Haler, Linville, B. Sullivan and Warnick

AN ACT Relating to creating a consumer or advocate-run mental health service delivery system; amending RCW 71.24.015, 71.24.025, and 71.24.300; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1023 by Representatives Miloscia, Strow, O'Brien and Moeller

AN ACT Relating to the DNA identification system; and amending RCW 43.43.753, 43.43.754, 43.43.7541, and 43.43.756.

Referred to Committee on Public Safety & Emergency Prep.

HB 1024 by Representatives Hunter, Priest, Kessler, B. Sullivan, Dickerson, Jarrett, Hasegawa, Campbell, Rodne, Rolfes, McDermott, McIntire, Chase, Green, Hudgins, Upthegrove, Quall, Conway, Clibborn, Sommers, Morrell, Sells, Kenney, Haigh, Cody, Hunt, Lantz, McCoy, Appleton, Pettigrew, Schual-Berke, Roberts, Fromhold, Takko, Simpson, P. Sullivan, Lovick, Flannigan, Moeller, Miloscia, Williams, Blake, O'Brien, Linville, Wood, Goodman, Seaquist, Springer, Ericks, Kagi, Darneille, Dunshee, Strow, Pedersen, Eickmeyer, McCune and Ormsby; by request of Department of Ecology

AN ACT Relating to phasing out the use of polybrominated diphenyl ethers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Select Committee on Environmental Health.

HB 1026 by Representatives Williams, Jarrett, Moeller, Dickerson, Appleton, Darneille, Hunter, Hunt, Pettigrew, Hasegawa, Cody, Flannigan, Pedersen, McIntire, Kenney, Simpson, Roberts, McDermott, Clibborn, Eddy, Santos and Schual-Berke

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1027 by Representatives Strow, Kirby, Morrell, Rodne, Haler, Moeller, Kelley and Chase; by request of Department of Financial Institutions

AN ACT Relating to adding enforcement provisions regarding fraud, deception, and unlicensed internet lending to the chapter governing check cashers and sellers; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1028 by Representatives B. Sullivan, Linville, Chase and Miloscia

AN ACT Relating to establishing a state report card for education; amending RCW 28A.655.061, 28A.655.065, 28A.655.063, and 28A.155.045; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 1029 by Representatives B. Sullivan, Linville and Morris

AN ACT Relating to defining E85 motor fuel; and amending RCW 19.112.010, 19.112.120, 82.04.4334, and 82.08.955.

Referred to Committee on Technology, Energy & Communications.

HB 1030 by Representatives Takko, Lovick, Simpson, Haler, Blake, Campbell, Ross, Skinner, Newhouse, Conway, Morrell, Chandler, McDonald, Rodne, Kristiansen, Wallace, Moeller, Van De Wege, McCune, Williams, Bailey, Warnick, Upthegrove, Alexander and Pearson

AN ACT Relating to the penalty for attempting to elude a police vehicle; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Prep.

HB 1031 by Representatives Morris, Hudgins, Moeller, Linville, B. Sullivan and Chase

AN ACT Relating to electronic communication devices; adding new sections to chapter 9.73 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 1032 by Representatives Morris, Hudgins, Anderson, Wallace, Moeller, B. Sullivan and Chase

AN ACT Relating to creating a sustainable energy trust; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1033 by Representatives Morris, Hudgins, Anderson, Morrell, Haler, Wallace, Linville, B. Sullivan and Kenney

AN ACT Relating to research in the science and technology fields; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1034 by Representatives Morris, Hudgins, Wallace, Moeller, Linville, B. Sullivan, Chase and Ormsby

AN ACT Relating to paying utility bills electronically; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 80.28 RCW; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1035 by Representatives Morris, Hudgins, Eickmeyer, Linville and B. Sullivan

AN ACT Relating to anaerobic digestion power; and adding a new section to chapter 19.29A RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1036 by Representatives Morris, Hudgins, Morrell, Linville, B. Sullivan and Goodman

AN ACT Relating to the purchasing of renewable energy by public entities; and adding a new section to chapter 19.29A RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1037 by Representatives Morris, Hudgins, Moeller and B. Sullivan

AN ACT Relating to siting electrical transmission under the energy facility site evaluation council; amending RCW 80.50.060; and reenacting and amending RCW 80.50.020.

Referred to Committee on Technology, Energy & Communications.

HB 1038 by Representatives Morris, Hudgins, Anderson, Moeller and B. Sullivan

AN ACT Relating to developing regional compacts for siting electric transmission lines; adding a new section to chapter 80.50 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 1039 by Representatives B. Sullivan, Kenney and Chase

AN ACT Relating to allowing the department of ecology to issue written opinions for a portion of a facility under the model toxics control act; and amending RCW 70.105D.020 and 70.105D.030.

Referred to Select Committee on Environmental Health.

HB 1040 by Representative B. Sullivan

AN ACT Relating to specialized forest products; and amending RCW 76.48.020, 76.48.060, 76.48.070, 76.48.110, and 76.48.030.

Referred to Committee on Agriculture & Natural Resources.

HB 1041 by Representatives Pedersen, Rodne, Haler, Moeller and Lantz

AN ACT Relating to plurality voting for directors; amending RCW 23B.08.030, 23B.08.050, 23B.08.070, 23B.08.100, and 23B.10.200; adding a new section to chapter 23B.10 RCW; and adding a new section to chapter 23B.07 RCW.

Referred to Committee on Judiciary.

HB 1042 by Representatives Rodne, Pedersen, Moeller and Lantz

AN ACT Relating to business transactions; and amending RCW 23B.19.040.

Referred to Committee on Judiciary.

HB 1043 by Representatives O'Brien, Miloscia, Dunn, Morrell, Simpson, Roberts, B. Sullivan, Chase and Ormsby

AN ACT Relating to the cancellation of delinquent personal property taxes on mobile and manufactured homes; amending RCW 84.56.240; and providing an effective date.

Referred to Committee on Housing.

HB 1044 by Representatives Fromhold, Conway, Sommers and Moeller; by request of Office of the State Actuary

AN ACT Relating to the process for adopting contribution rates for the actuarial funding of the state retirement systems; amending RCW 41.45.030, 41.45.060, 41.45.0604, 41.45.061, 41.45.0631, and 41.45.110; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1045 by Representatives B. Sullivan, McCoy, Eickmeyer and Kretz

AN ACT Relating to maintaining deductions from proceeds of transactions authorized on state lands as determined by the board of natural resources; and amending RCW 79.64.040.

Referred to Committee on Agriculture & Natural Resources.

HB 1046 by Representatives Takko, Campbell, Lovick, O'Brien, Pettigrew, Springer, Blake, Morrell, Dunn and Moeller

AN ACT Relating to proof of financial responsibility or motor vehicle liability insurance; and amending RCW 46.16.212, 46.16.210, and 46.30.040.

Referred to Committee on Transportation.

HB 1047 by Representatives Williams and Blake

AN ACT Relating to alcohol content in food products and confections; amending RCW 66.12.160 and 69.04.240; and reenacting and amending RCW 66.04.010.

Referred to Committee on Commerce & Labor.

HB 1048 by Representatives O'Brien, Springer, Dunn, Sells, Ericks, Appleton, Morrell, P. Sullivan, Simpson, Roberts, Moeller, Chase, Miloscia and Ormsby

AN ACT Relating to making an appropriation to the mobile home park relocation fund; and making an appropriation.

Referred to Committee on Appropriations.

HB 1049 by Representatives Fromhold, Orcutt, Moeller, Wallace, Dunn and B. Sullivan

AN ACT Relating to the Vancouver national historic reserve; adding new sections to chapter 27.34 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1050 by Representatives Upthegrove, Quall, Kagi, Pedersen, Morrell, Kenney, P. Sullivan, Jarrett, Simpson, Wallace, Cody, McDermott, Linville, Moeller, Morris, Springer, Wood, Santos, Schual-Berke, Williams and Ormsby

AN ACT Relating to allowing certain students with disabilities to participate in graduation ceremonies; adding a new section to chapter 28A.155 RCW; and creating new sections.

Referred to Committee on Education.

HB 1051 by Representatives Upthegrove, Kagi, P. Sullivan, Haigh, Simpson, Moeller, Green, Santos, Kenney, Williams, Hunter and Miloscia

AN ACT Relating to high school completion programs; amending RCW 28B.50.535, 28A.230.120, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 1052 by Representatives Upthegrove, Hudgins, Pedersen, P. Sullivan, Wallace and Morris

AN ACT Relating to modifying the legislative youth advisory council; amending RCW 28A.300.801; creating a new section; and declaring an emergency.

Referred to Committee on State Gov & Tribal Affairs.

HB 1053 by Representatives Hudgins, Morrell, Simpson, Dickerson, Moeller, B. Sullivan, Goodman, Morris, Dunshee, Chase and Ormsby

AN ACT Relating to increasing the availability of alternative fuels at retail fuel stations; and amending RCW 19.120.080.

Referred to Committee on Commerce & Labor.

HB 1054 by Representatives Hudgins, Crouse, Morris and Wallace

AN ACT Relating to membership of the information services board; and amending RCW 43.105.032.

Referred to Committee on Technology, Energy & Communications.

HB 1055 by Representatives Hudgins, B. Sullivan, Morris, Dunshee and Chase

AN ACT Relating to defining alternative motor fuels; and amending RCW 19.112.010.

Referred to Committee on Technology, Energy & Communications.

HB 1056 by Representatives Hudgins, Morris and Chase

AN ACT Relating to defining nonhazardous motor fuels; and amending RCW 19.112.010.

Referred to Committee on Technology, Energy & Communications.

HB 1057 by Representatives Hudgins, Dunshee, Wood and Chase

AN ACT Relating to alternative fuels; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1058 by Representatives Hudgins, Goodman, Morris and Chase

AN ACT Relating to enhancing the availability of nonhazardous motor fuel at retail fuel stations; amending RCW 19.120.010 and 19.120.080; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1059 by Representatives Hudgins, Morrell, Simpson, Moeller, B. Sullivan, Goodman, Morris, Dunshee and Chase

AN ACT Relating to enhancing the availability of alternative fuels at retail fuel stations; amending RCW 19.120.010 and 19.120.080; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1060 by Representatives Hudgins, Linville, Morris and Chase

AN ACT Relating to siting of energy facilities that use alternative energy resources; and amending RCW 80.50.060.

Referred to Committee on Technology, Energy & Communications.

HB 1061 by Representatives Hudgins, Linville and Morris

AN ACT Relating to siting of energy facilities; amending RCW 80.50.060; and reenacting and amending RCW 80.50.020.

Referred to Committee on Technology, Energy & Communications.

HB 1062 by Representatives Hudgins, Morrell, Linville, B. Sullivan and Morris

AN ACT Relating to streamlining the implementation and coordination of state energy policies and programs; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1063 by Representative Hudgins

AN ACT Relating to defining private security guard; and amending RCW 18.170.010 and 18.170.020.

Referred to Committee on Commerce & Labor.

HB 1064 by Representatives Seaquist, Morrell, Haigh, Kelley, Miloscia, Hunt, Appleton, Conway, P. Sullivan, McDonald, Haler, Wallace, Moeller, B. Sullivan, Kenney, Hunter, Chase, Ormsby, Upthegrove and Hurst

AN ACT Relating to veterans' benefits; amending RCW 41.04.007; and repealing RCW 73.08.060.

Referred to Committee on State Gov & Tribal Affairs.

HB 1065 by Representatives Kelley, Morrell, Haigh, Miloscia, Hunt, Seaquist, Conway, P. Sullivan, McDonald, Haler, Moeller, B. Sullivan, Campbell and Hurst

AN ACT Relating to veterans' scoring criteria in examinations; and amending RCW 41.04.010.

Referred to Committee on State Gov & Tribal Affairs.

HJR 4200 by Representatives Anderson, Chandler, McDonald, Rodne, Haler, Roach, Ericksen, Bailey and Alexander

Amending the Constitution to prioritize basic education expenditures within the state appropriations process.

Referred to Committee on Appropriations.

HJR 4201 by Representatives Schual-Berke, Eddy, Seaquist, McDermott, Santos, Goodman, Hurst, Pedersen, Strow, Roberts, Hunt, Hunter, Chase, McCoy, Springer, Kagi, Hudgins, Appleton, McIntire, Sells, Conway, P. Sullivan, Eickmeyer, Haler, Haigh, Simpson, Jarrett, Darneille, Wallace, Cody, Linville, Moeller, B. Sullivan, Morris, Green, Dunshee, Wood, Kenney, Kelley, Williams, Miloscia, Ormsby, Upthegrove, Campbell and Rolfes

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Referred to Committee on Education.

HCR 4400 by Representatives Kessler, Ericksen, Haler and Wallace

Notifying the Governor that the Legislature is organized.

HCR 4401 by Representatives Kessler, Ericksen and Wallace

Establishing cutoff dates for the 2007 regular session.

HCR 4402 by Representatives Kessler, Ericksen, Haler and Wallace

Calling joint sessions for various purposes.

HCR 4403 by Representatives Kessler, Ericksen, Haler and Wallace

Calling a joint session to honor deceased former members.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4400 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

## SECOND READING

**HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Kessler and Ericksen**

**Notifying the Governor that the Legislature is organized.**

The concurrent resolution was read the second time.

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

Representatives Kessler and Ericksen spoke in favor of passage of the concurrent resolution.

The Speaker stated the question before the House to be the final passage of House Concurrent Resolution No. 4400.

HOUSE CONCURRENT RESOLUTION NO. 4400 was declared adopted.

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

#### INTRODUCTION & FIRST READING

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4401 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

#### SECOND READING

**HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Kessler and Ericksen**

**Establishing cutoff dates for the 2007 regular session.**

The concurrent resolution was read the second time.

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

Representatives Kessler and Ericksen spoke in favor of passage of the concurrent resolution.

The Speaker stated the question before the House to be the final passage of House Concurrent Resolution No. 4401.

HOUSE CONCURRENT RESOLUTION NO. 4401 was declared adopted.

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

#### INTRODUCTION & FIRST READING

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4402 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

#### SECOND READING

**HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Kessler and Ericksen**

**Calling joint sessions for various purposes.**

The concurrent resolution was read the second time.

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

Representatives Kessler and Ericksen spoke in favor of passage of the concurrent resolution.

The Speaker stated the question before the House to be the final passage of House Concurrent Resolution No. 4402.

HOUSE CONCURRENT RESOLUTION NO. 4402 was declared adopted.

#### RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4602, by Representatives Kessler and Ericksen

WHEREAS, The Puget Sound is an important environmental, recreational, and economic resource of the state of Washington; and

WHEREAS, Parts of the Puget Sound, such as Hood Canal, have a history of low-dissolved oxygen concentrations, which have resulted in significant fish kills and other problems for many years; and

WHEREAS, Government agencies, community groups and other private entities, environmental organizations, and citizens of this state have expressed concern about the long-term health of Puget Sound; and

WHEREAS, The causes and potential solutions to Puget Sound's environmental health concerns may prove complex, warranting a thorough review by the legislature of the current efforts and proposed actions related to the Puget Sound; and

WHEREAS, The Puget Sound is a unique and special water body benefitting all of Washington's citizens, who equally share in the responsibility of stewardship;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives establish a select committee on Puget Sound for the 2007-2008 biennium to consider actions to preserve the environmental health of Puget Sound and Hood Canal and to ensure that the marine and fresh waters of Puget Sound and Hood Canal will be able to support healthy populations of native species, as well as maintain adequate water quality and quantity to support both human needs and ecosystem functions; and

BE IT FURTHER RESOLVED, That the select committee report legislation on these subjects out of committee with all the powers and duties of a standing committee of the House of Representatives; and

BE IT FURTHER RESOLVED, That the select committee consist of eight members, five Democratic and three Republican.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4602 was adopted.

HOUSE RESOLUTION NO. 2007-4603, by Representatives Kessler and Ericksen

WHEREAS, The protection of the health of Washington's citizens should be of the utmost importance to the state government; and

WHEREAS, Certain environmental pollutants can, if improperly regulated, have a negative effect on human health and safety; and

WHEREAS, The state must carefully examine the impact of its regulations on both the health of its citizens and the vibrancy of its business community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives establish a select committee on environmental health for the 2007-2008 biennium to consider issues relating to environmental risks potentially affecting human health, such as environmental toxins, mold, air pollutants, solid and hazardous waste, contaminated sediments, and food and drinking water safety; and

BE IT FURTHER RESOLVED, That the select committee also be responsible for examining whether disparities exist in the treatment of people and communities in the development, implementation, and enforcement of environmental laws, and the siting of facilities affecting the environment; and

BE IT FURTHER RESOLVED, That the select committee report legislation on these subjects out of committee with all the powers and duties of a standing committee of the House of Representatives; and

BE IT FURTHER RESOLVED, That the select committee consist of nine members, five Democratic and four Republican.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4603 was adopted.

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

#### INTRODUCTION & FIRST READING

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4403 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

#### SECOND READING

**HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Kessler and Ericksen**

**Calling a joint session to honor deceased former members.**

The concurrent resolution was read the second time.

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

Representatives Kessler and Ericksen spoke in favor of passage of the concurrent resolution.

The Speaker stated the question before the House to be the final passage of House Concurrent Resolution No. 4403.

HOUSE CONCURRENT RESOLUTION NO. 4403 was declared adopted.

The Speaker appointed Representatives Lovick and Haler to serve on the memorial committee.

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

#### INTRODUCTION & FIRST READING

On motion of Representative Kessler, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### COMMITTEE ASSIGNMENTS

The Speaker announced the following committee appointments:

Ahern, John:  
\*Human Services; Judiciary; Public Safety & Emergency Preparedness

Alexander, Gary:  
\*Appropriations; \*\*Health Care & Wellness

Anderson, Glenn:  
\*Higher Education; \*\*Appropriations Subcommittee on Education; \*\*Education; Appropriations

Appleton, Sherry:  
State Government & Tribal Affairs, Vice Chair; Early Learning & Children's Services; Transportation

Armstrong, Mike:  
\*Appropriations Subcommittee on General Government & Audit Review; \*\*State Government & Tribal Affairs; Rules; Transportation

Bailey, Barbara:  
\*Community & Economic Development & Trade; \*\*Appropriations; Human Services; Rules

Barlow, Don:  
Education, Vice Chair; Appropriations Subcommittee on General Government & Audit Review; Health Care & Wellness

Blake, Brian:  
Agriculture & Natural Resources, Vice Chair; Appropriations Subcommittee on General Government & Audit Review; Capital Budget

Buri, David:  
\*\*Higher Education; Appropriations; Appropriations Subcommittee on Education; Rules

Campbell, Tom:  
Select Committee on Environmental Health, Chair; Health Care & Wellness; Transportation

Chandler, Bruce:  
\*State Government & Tribal Affairs; \*\*Commerce & Labor; Appropriations; Appropriations Subcommittee on General Government & Audit Review

Chase, Maralyn:  
Capital Budget; Community & Economic Development & Trade; Select Committee on Environmental Health

Chopp, Frank:  
Rules, Chair

Clibborn, Judy:  
Transportation, Chair

Cody, Eileen:  
Health Care & Wellness, Chair; Appropriations

- Condotta, Cary:  
\*Commerce & Labor; \*\*Finance; Health Care & Wellness
- Conway, Steve:  
Commerce & Labor, Chair; Appropriations; Finance
- Crouse, Larry:  
\*Technology, Energy & Communications; Appropriations Subcommittee on General Government & Audit Review; Commerce & Labor
- Curtis, Richard:  
\*Local Government; Health Care & Wellness; Transportation
- Darneille, Jeannie:  
Appropriations; Community & Economic Development & Trade; Human Services
- DeBolt, Richard:  
\*Rules
- Dickerson, Mary Lou:  
Human Services, Chair; Agriculture & Natural Resources; Transportation
- Dunn, Jim:  
\*Housing; Appropriations Subcommittee on Education; Technology, Energy & Communications
- Dunshee, Hans:  
Appropriations, Vice Chair; Appropriations Subcommittee on Education; Capital Budget
- Eddy, Deborah:  
Local Government, Vice Chair; Technology, Energy & Communications; Transportation
- Eickmeyer, William Ike:  
Select Committee on Puget Sound, Vice Chair; Agriculture & Natural Resources; Capital Budget
- Ericks, Mark:  
Appropriations Subcommittee on General Government & Audit Review, Vice Chair; Appropriations; Finance; Rules
- Erickson, Doug:  
\*\*Rules; Transportation
- Flannigan, Dennis:  
Transportation, Vice Chair; Capital Budget; Judiciary
- Fromhold, Bill:  
Capital Budget, Chair; Appropriations; Appropriations Subcommittee on Education
- Goodman, Roger:  
Judiciary, Vice Chair; Capital Budget; Public Safety & Emergency Preparedness
- Grant, Bill:  
Agriculture & Natural Resources; Appropriations; Rules
- Green, Tami:  
Commerce & Labor; Health Care & Wellness; Rules; State Government & Tribal Affairs
- Haigh, Kathy:  
Appropriations Subcommittee on Education, Chair; Appropriations; Education
- Hailey, Steve:  
Agriculture & Natural Resources; Select Committee on Environmental Health; Transportation
- Haler, Larry:  
\*Early Learning & Children's Services; \*\*Appropriations; Appropriations Subcommittee on Education; Community & Economic Development & Trade
- Hankins, Shirley:  
Capital Budget; Technology, Energy & Communications; Transportation
- Hasegawa, Bob:  
Finance, Vice Chair; Capital Budget; Higher Education
- Hinkle, Bill:  
\*Health Care & Wellness; Appropriations; Early Learning & Children's Services
- Hudgins, Zack:  
Select Committee on Environmental Health, Vice Chair; Rules; Technology, Energy & Communications; Transportation
- Hunt, Sam:  
State Government & Tribal Affairs, Chair; Appropriations; Select Committee on Environmental Health
- Hunter, Ross:  
Finance, Chair; Appropriations; Appropriations Subcommittee on Education
- Hurst, Christopher:  
Public Safety & Emergency Preparedness, Vice Chair; Insurance, Financial Services & Consumer Protection; Rules; Technology, Energy & Communications
- Jarrett, Fred:  
\*Transportation; Appropriations Subcommittee on Education; Higher Education
- Kagi, Ruth:  
Early Learning & Children's Services, Chair; Agriculture & Natural Resources; Appropriations; Appropriations Subcommittee on Education
- Kelley, Troy:  
Insurance, Financial Services & Consumer Protection, Vice Chair; Capital Budget; Housing; Rules
- Kenney, Phyllis:  
Community & Economic Development & Trade, Chair; Appropriations; Appropriations Subcommittee on Education
- Kessler, Lynn:  
Appropriations; Rules
- Kirby, Steve:  
Insurance, Financial Services & Consumer Protection, Chair; Judiciary
- Kretz, Joel:  
\*Agriculture & Natural Resources; Appropriations; Appropriations Subcommittee on General Government & Audit Review; State Government & Tribal Affairs
- Kristiansen, Dan:  
Rules; Transportation
- Lantz, Patricia:  
Judiciary, Chair; Agriculture & Natural Resources; Appropriations Subcommittee on General Government & Audit Review
- Linville, Kelli:  
Appropriations Subcommittee on General Government & Audit Review, Chair; Appropriations
- Lovick, John:  
Public Safety & Emergency Preparedness; Rules; Transportation
- McCoy, John:  
Technology, Energy & Communications, Vice Chair; Agriculture & Natural Resources; Human Services; Rules
- McCune, Jim:  
\*\*Technology, Energy & Communications; Appropriations Subcommittee on Education; Capital Budget; Rules
- McDermott, Joe:  
Appropriations; Appropriations Subcommittee on Education; Education; State Government & Tribal Affairs
- McDonald, Joyce:  
\*Capital Budget; \*\*Community & Economic Development & Trade; Appropriations; Rules

McIntire, Jim:  
Appropriations; Finance; Higher Education

Miloscia, Mark:  
Housing, Chair; Appropriations Subcommittee on General Government & Audit Review; State Government & Tribal Affairs

Moeller, Jim:  
Commerce & Labor; Health Care & Wellness; Judiciary

Morrell, Dawn:  
Health Care & Wellness, Vice Chair; Appropriations; Rules; Select Committee on Environmental Health

Morris, Jeff:  
Technology, Energy & Communications, Chair; Appropriations Subcommittee on General Government & Audit Review

Newhouse, Daniel:  
\*Select Committee on Environmental Health; \*\*Capital Budget; Agriculture & Natural Resources

O'Brien, Al:  
Public Safety & Emergency Preparedness, Chair; Human Services; Select Committee on Puget Sound

Orcutt, Education:  
\*Finance; Agriculture & Natural Resources; Capital Budget

Ormsby, Timm:  
Capital Budget, Vice Chair; Appropriations Subcommittee on Education; Housing; Rules; State Government & Tribal Affairs

Pearson, Kirk:  
\*Public Safety & Emergency Preparedness; Capital Budget; Select Committee on Puget Sound

Pedersen, Jamie:  
Capital Budget; Health Care & Wellness; Judiciary

Pettigrew, Eric:  
Community & Economic Development & Trade, Vice Chair; Appropriations; Early Learning & Children's Services

Priest, Skip:  
\*Appropriations Subcommittee on Education;  
\*Education; Appropriations

Quall, Dave:  
Education, Chair; Appropriations Subcommittee on Education

Roach, Dan:  
\*Insurance, Financial Services & Consumer Protection; Education; Finance

Roberts, Mary Helen:  
Human Services, Vice Chair; Early Learning & Children's Services; Higher Education

Rodne, Jay:  
\*Judiciary; Insurance, Financial Services & Consumer Protection; Transportation

Rolfes, Christine:  
Select Committee on Puget Sound, Vice Chair; Community & Economic Development & Trade; Transportation

Ross, Charles:  
\*\*Public Safety & Emergency Preparedness; Judiciary; Local Government

Santos, Sharon Tomiko:  
Education; Finance; Insurance, Financial Services & Consumer Protection; Rules

Schindler, Lynn:  
\*\*Local Government; \*\*Transportation; Housing

Schual-Berke, Shay:  
Capital Budget, Vice Chair; Appropriations; Health Care & Wellness

Seaquist, Larry:  
Appropriations; Appropriations Subcommittee on Education; Health Care & Wellness

Sells, Mike:  
Higher Education, Vice Chair; Capital Budget; Transportation

Simpson, Geoff:  
Local Government, Chair; Insurance, Financial Services & Consumer Protection; Transportation

Skinner, Mary:  
\*\*Appropriations Subcommittee on General Government & Audit Review; Capital Budget

Sommers, Helen:  
Appropriations, Chair; Higher Education

Springer, Larry:  
Housing, Vice Chair; Rules; Select Committee on Puget Sound; Transportation

Strow, Chris:  
\*\*Insurance, Financial Services & Consumer Protection; Agriculture & Natural Resources; Capital Budget

Sullivan, Brian:  
Agriculture & Natural Resources, Chair; Local Government; Transportation

Sullivan, Pat:  
Appropriations Subcommittee on Education, Vice Chair; Appropriations; Community & Economic Development & Trade; Education

Sump, Bob:  
\*Select Committee on Puget Sound; \*\*Select Committee on Environmental Health; Rules

Takko, Dean:  
Local Government; Technology, Energy & Communications; Transportation

Uptegrove, Dave:  
Select Committee on Puget Sound, Chair; Capital Budget; Transportation

Van De Wege, Kevin:  
Agriculture & Natural Resources; Appropriations Subcommittee on General Government & Audit Review; Technology, Energy & Communications

Wallace, Deb:  
Higher Education, Chair; Appropriations Subcommittee on Education; Transportation

Walsh, Maureen:  
Early Learning & Children's Services, Vice Chair; \*\*Housing; \*\*Human Services; \*\*Select Committee on Puget Sound

Warnick, Judy:  
\*\*Agriculture & Natural Resources; \*\*Judiciary; Appropriations Subcommittee on General Government & Audit Review

Williams, Brendan:  
Appropriations Subcommittee on General Government & Audit Review; Commerce & Labor; Judiciary; Rules

Wood, Alex:  
Commerce & Labor, Vice Chair; Select Committee on Environmental Health; Transportation

#### MEMBERS BY COMMITTEE

Agriculture & Natural Resources (15) -- Sullivan, B., Chair (D); Blake, Vice Chair (D); \*Kretz; \*\*Warnick; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow; Van De Wege

Appropriations (32) -- Sommers, Chair (D); Dunshee, Vice Chair (D); \*Alexander; \*\*Haler; \*\*Bailey; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; Sullivan, P.

Appropriations Subcommittee on Education (19) -- Haigh, Chair (D); Sullivan, P., Vice Chair (D); \*Priest; \*\*Anderson; Buri; Dunn; Dunshee; Fromhold; Haler; Hunter; Jarrett; Kagi; Kenney; McCune; McDermott; Ormsby; Quall; Seaquist; Wallace

Appropriations Subcommittee on General Government & Audit Review (15) -- Linville, Chair (D); Ericks, Vice Chair (D); \*Armstrong; \*\*Skinner; Barlow; Blake; Chandler; Crouse; Kretz; Lantz; Miloscia; Morris; Van De Wege; Warnick; Williams

Capital Budget (22) -- Fromhold, Chair (D); Ormsby, Vice Chair (D); Schual-Berke, Vice Chair (D); \*McDonald; \*\*Newhouse; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Sells; Skinner; Strow; Upthegrove

Commerce & Labor (8) -- Conway, Chair (D); Wood, Vice Chair (D); \*Condotta; \*\*Chandler; Crouse; Green; Moeller; Williams

Community & Economic Development & Trade (9) -- Kenney, Chair (D); Pettigrew, Vice Chair (D); \*Bailey; \*\*McDonald; Chase; Darneille; Haler; Rolfes; Sullivan, P.

Early Learning & Children's Services (7) -- Kagi, Chair (D); Walsh, Vice Chair (R); \*Haler; Appleton; Hinkle; Pettigrew; Roberts

Education (9) -- Quall, Chair (D); Barlow, Vice Chair (D); \*Priest; \*\*Anderson; Haigh; McDermott; Roach; Santos; Sullivan, P.

Finance (9) -- Hunter, Chair (D); Hasegawa, Vice Chair (D); \*Orcutt; \*\*Condotta; Conway; Ericks; McIntire; Roach; Santos

Health Care & Wellness (13) -- Cody, Chair (D); Morrell, Vice Chair (D); \*Hinkle; \*\*Alexander; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke; Seaquist

Higher Education (9) -- Wallace, Chair (D); Sells, Vice Chair (D); \*Anderson; \*\*Buri; Hasegawa; Jarrett; McIntire; Roberts; Sommers

Housing (7) -- Miloscia, Chair (D); Springer, Vice Chair (D); \*Dunn; \*\*Walsh; Kelley; Ormsby; Schindler

Human Services (8) -- Dickerson, Chair (D); Roberts, Vice Chair (D); \*Ahern; \*\*Walsh; Bailey; Darneille; McCoy; O'Brien

Insurance, Financial Services & Consumer Protection (8) -- Kirby, Chair (D); Kelley, Vice Chair (D); \*Roach; \*\*Strow; Hurst; Rodne; Santos; Simpson

Judiciary (11) -- Lantz, Chair (D); Goodman, Vice Chair (D); \*Rodne; \*\*Warnick; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross; Williams

Local Government (7) -- Simpson, Chair (D); Eddy, Vice Chair (D); \*Curtis; \*\*Schindler; Ross; Sullivan, B.; Takko

Public Safety & Emergency Preparedness (7) -- O'Brien, Chair (D); Hurst, Vice Chair (D); \*Pearson; \*\*Ross; Ahern; Goodman; Lovick

Rules (24) -- Chopp, Chair (D); \*DeBolt; \*\*Ericksen; Armstrong; Bailey; Buri; Ericks; Grant; Green; Hudgins; Hurst; Kelley; Kessler; Kristiansen; Lovick; McCoy; McCune; McDonald; Morrell; Ormsby; Santos; Springer; Sump; Williams

Select Committee on Environmental Health (9) -- Campbell, Chair (R); Hudgins, Vice Chair (D); \*Newhouse; \*\*Sump; Chase; Hailey; Hunt; Morrell; Wood

Select Committee on Puget Sound (8) -- Upthegrove, Chair (D); Eickmeyer, Vice Chair (D); Rolfes, Vice Chair (D); \*Sump; \*\*Walsh; O'Brien; Pearson; Springer

State Government & Tribal Affairs (9) -- Hunt, Chair (D); Appleton, Vice Chair (D); \*Chandler; \*\*Armstrong; Green; Kretz; McDermott; Miloscia; Ormsby

Technology, Energy & Communications (11) -- Morris, Chair (D); McCoy, Vice Chair (D); \*Crouse; \*\*McCune; Dunn; Eddy; Hankins; Hudgins; Hurst; Takko; Van De Wege

Transportation (26) -- Clibborn, Chair (D); Flannigan, Vice Chair (D); \*Jarrett; \*\*Schindler; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; Sullivan, B.; Takko; Upthegrove; Wallace; Wood

\* Ranking Minority Member

\*\* Asst. Ranking Minority Member

The Sergeant at Arms announced that the House delegates to the Governor had returned. The delegates were escorted to the Rostrum and Representatives Rolfes and Bailey reported to the body.

The Sergeant at Arms announced that the delegates from the Senate had returned. The delegates were escorted to the Rostrum and Senators Hatfield, Holmquist, Kilmer and Clements reported that the Senate was organized and ready for business.

The Sergeant at Arms announced that the House delegates to the Senate had returned. The delegates were escorted to the Rostrum and Representatives McDonald, Hailey, Barlow and Pedersen reported to the body.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 9, 2007, the 2nd Day.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SECOND DAY

House Chamber, Olympia, Tuesday, January 9, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**MESSAGES FROM THE SENATE**

January 8, 2007

Mr. Speaker:

The Senate has passed SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.  
Thomas Hoemann, Secretary

January 8, 2007

Mr. Speaker:

The Senate has passed:  
HOUSE CONCURRENT RESOLUTION NO. 4400,  
HOUSE CONCURRENT RESOLUTION NO. 4401,  
HOUSE CONCURRENT RESOLUTION NO. 4402,  
HOUSE CONCURRENT RESOLUTION NO. 4403,  
and the same are herewith transmitted.  
Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 1066 by Representatives Kirby, Strow, Simpson, Rodne, Lovick, Clibborn, Dunshee, Sells, P. Sullivan, Morrell and Kenney

AN ACT Relating to auto glass repair and third party administrators; adding a new section to chapter 48.30 RCW; and prescribing penalties.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1067 by Representatives Haigh, Priest, Conway, Fromhold, Green, Ericks, Simpson, Kenney and B. Sullivan

AN ACT Relating to membership in plan 1 of the public employees' retirement system; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1068 by Representatives Hunt, Newhouse, Fromhold, Armstrong, Dunshee, McDonald and Morrell; by request of Department of Community, Trade, and Economic Development and Public Works Board

AN ACT Relating to increasing the nonconstruction loan limit for projects using financing through the public works board; amending RCW 43.155.050; reenacting and amending

RCW 43.155.050; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1069 by Representatives Williams, Hunt and B. Sullivan

AN ACT Relating to designating the Pacific chorus frog as the state amphibian; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Gov & Tribal Affairs.

HB 1070 by Representatives Williams, Hunt, Hudgins, Hasegawa, Appleton, Simpson and Moeller

AN ACT Relating to a legislator's use of public resources; amending RCW 42.52.160; and creating a new section.

Referred to Committee on State Gov & Tribal Affairs.

HB 1071 by Representatives Clibborn, Kessler, Kagi, Hudgins, Hasegawa, Eddy, Upthegrove, McCoy, Sells, McIntire, Fromhold, Jarrett, Appleton, Goodman, Haler, Green, Lantz, Ericks, Hunter, Williams, Darneille, Morrell, Simpson, Lovick, Kenney, Conway, Walsh, Moeller, B. Sullivan, Quall, Rolfes, Pettigrew and Wallace; by request of Governor Gregoire

AN ACT Relating to health care services for children; amending RCW 74.09.402; adding new sections to chapter 74.09 RCW; adding a new section to chapter 28A.210 RCW; and repealing RCW 74.09.405, 74.09.415, 74.09.425, 74.09.435, and 74.09.450.

Referred to Committee on Health Care & Wellness.

HB 1072 by Representatives McIntire, Condotta, Kagi, Hunter, Upthegrove, McCoy, Sells, Ericks, Kenney, Moeller, Quall and Haler; by request of Governor Gregoire

AN ACT Relating to conforming Washington's tax structure to the streamlined sales and use tax agreement; amending RCW 82.32.020, 82.08.037, 82.12.037, 82.02.210, 82.32.030, 82.14.020, 82.14.390, 82.32.520, 82.04.065, 82.04.065, 82.08.0289, 82.08.0289, 82.04.060, 82.04.190, 82.14B.020, 82.72.010, 82.32.555, 35A.82.055, 35A.82.060, 35A.82.060, 35A.82.065, 35.21.712, 35.21.714, 35.21.714, 35.21.715, 35.21.860, 35.102.020, 82.04.530, 82.16.010, 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.04.470, 82.12.035, 82.08.010, 82.08.010, 82.32.430, and 82.32.330; amending 2004 c 153 s 502 (uncodified); reenacting and amending RCW 82.04.050, 82.14B.030, and 82.08.050;

adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.14 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 44.28 RCW; creating new sections; providing an effective date; providing contingent effective dates; and providing expiration dates.

Referred to Committee on Finance.

**SCR 8400** by Senators Brown and Hewitt

Adopting joint rules.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8400 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, the bills, memorials and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8400,  
by Senators Brown and Hewitt**

**Adopting joint rules.**

The concurrent resolution was read the second time.

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

SENATE CONCURRENT RESOLUTION NO. 8400 was declared adopted.

The Speaker assumed the chair.

## SIGNED BY THE SPEAKER

The Speaker signed:  
HOUSE CONCURRENT RESOLUTION NO. 4400,  
HOUSE CONCURRENT RESOLUTION NO. 4401,  
HOUSE CONCURRENT RESOLUTION NO. 4402,  
HOUSE CONCURRENT RESOLUTION NO. 4403,

The Speaker called upon Representative Lovick to preside.

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin and Minority Leader Mike Hewitt to seats on the Rostrum. The Senators were invited to sit within the Chamber.

The Speaker (Representative Lovick presiding) called upon President Owen to preside.

## JOINT SESSION

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Owen: "The purpose of the Joint Session is to receive the state of the state message from Her Excellency, Governor Christine Gregoire."

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Eddy, Goodman, Hailey and Rodne, and Senators Carrell and Roach.

The President appointed a special committee to escort the State elected officials to the House Chamber: Representatives Dunn, Kelley, Orcutt and Seaquist, and Senators Clements and Holmquist.

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Hinkle and Van De Wege, and Senator Delvin.

The Supreme Court Justices arrived, were escorted to the Floor of the House Chamber and were introduced: Chief Justice Gerry L. Alexander, and Justices Charles W. Johnson, Barbara A. Madsen, Richard B. Sanders, Bobbe J. Bridge, Tom Chambers, Susan J. Owens, Mary Fairhurst and James Johnson.

The State elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Sam Reed, State Auditor Brian Sonntag, Superintendent of Public Instruction Terry Bergeson, Commissioner of Public Lands Doug Sutherland and Insurance Commissioner Mike Kreidler.

The President introduced the special guests present in the Chambers: Former Governors Booth Gardner and Mike Lowry, King County Executive Ron Sims, Snohomish County Executive Aaron Reardon, the Honorable Fawn Sharp, President of the Quinault Nation, the Honorable Lee Adolph, Member of the Colville Business Council and the Honorable Brian Cladoosby, Chairman of the Swinomish Tribe.

The President introduced the members of the Consular Corps: H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Michael Virr, Consul General of Canada; Jorge Gilbert, Consul of Chile; Frank Brozovich, Consul of Croatia; Kazuo Tanaka, Consul General of Japan; Kwon Chanho, Consul General of The Republic of Korea; Roberto Caldera, Acting Consul of Mexico; Kim Nesselquist, Consul of Norway; Alexander Doronin, Consul General of the Russian Federation; Philippe Goetschel, Consul of Switzerland; and Robert Chen, Director General, Taipei Economic and Cultural Office.

Governor Christine Gregoire and her husband Mike Gregoire and daughter Michelle Gregoire arrived, were escorted to the Rostrum and were introduced.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard. Heidi Fredericks sang the National Anthem. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Dan Bridge, Rabbi

Emeritus, Hillel, Foundation for Jewish Life at the University of Washington.

Rabbi Bridge: "This week all across the world, Jews begin reading the Book of Exodus. In Hebrew, the Book is called '*Shemot/Names*' because it begins with a list of the names of the tribal leaders.

The Book of Proverbs also emphasizes the importance of names, claiming that "A good name is preferable to great riches" (Proverbs 22:1). Our name – it's how others call us – it is what defines us – and, based on the actions associated with it, our name will be the label of a positive legacy or not.

In a famous passage from the *Mishnah*, a third century legal code, we learn that 'there are three crowns – the Crown of *Torah*, the crown of the Priesthood, and the crown of Governance. But the verse concludes "the Crown of a Good Name surpasses them all."

The late political scientist, Daniel Elazar, interprets this saying – allow me to paraphrase – the Crown of Priest is worn by our spiritual leaders. The Crown of *Torah* is worn by our jurists those who interpret and teach the law to members of our society. And the Crown of *good* Governance is worn by the legislators who ensure acts of mercy in Society.

Finally we come to the conclusion of the saying, according to which *ketershem tov*, the Crown of a Good Name, stands above the other three – a reminder to all types of leaders to wear one crown above all others – the crown of character, the crown of a good name.

Governor, legislators, jurists and honored guests – it is my prayer that what begins here today – in this new year, this new session – that it will give honor to your names and will speak eloquently of your character to this and future generations. May your words lead to actions that will be a worthy legacy – not each for his or her own constituency, but rather for sake of this honorable State and for our common future.

*Ken yih ratzon – may it be so."*

The President introduced Governor Christine Gregoire.

### STATE OF THE STATE

Governor Gregoire: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, Governor Rosellini, Governor Gardner, Governor Lowry, King County Executive Sims, Snohomish County Executive Reardon, the Honorable Brian Cladoosby, the Honorable Fawn Sharp, and the Honorable Lee Adolph, members of the Consular Association of Washington, my fellow citizens:

Good evening. It is an honor once again to stand before you and talk about the state of this great state.

Thank you, Rabbi Bridge, for starting us off this evening with the opening prayer.

Joining me at the rostrum is my husband Mike – or First Mike as he has become known. He is a Vietnam combat veteran and has spent the last two years working on veterans issues, a subject which he is passionate about. He is a great dad to our two daughters, and a great husband, who, to borrow a line, knows me best and loves me anyway.

Also joining me is my daughter, Michelle, who will graduate from college in May. She not only has gotten darn good grades, she has provided us with four great years of college soccer which we will dearly miss. Michelle, along with her older sister, Courtney, who can't be with us today, can always be counted on to keep me grounded.

I would also like to introduce Mike's mother, Mary Gregoire, and his brother, Denny, and Denny's wife, Barb Tennis.

Not joining us is our dog, Trooper. It has been a long time since Mike and I had a puppy – if you know what I mean.

Like you, my family is the center of my life, and making life better for our families is the real measure of our work here in Olympia. It has been a hard year for many Washington families as wind, fires, and floods plagued the state in an unprecedented series of natural disasters. Sadly, some families suffered the ultimate loss in 2006 when family members in the armed services, law enforcement, and firefighting lost their lives. Still others perished from natural disasters in our state. Would you please join me in a moment of silence for these individuals and their families?

Thank you.

Despite the damage from storms and fires and the terrible toll of lives lost, Washington families have a bright future. They have a bright future because we have adopted a basic principle: the status quo in Washington is not good enough. We have fought for change – responsible change. We have demanded accountability. And the results are clear. Thousands of children will have a better shot at life thanks to our new emphasis on early learning. We have kept our promise to cut class sizes in our K-12 schools. We honored the wishes of voters and approved teacher pay raises. We opened the doors to colleges and universities to more students. We promised to provide health care to more children than ever before – and we delivered. More people are working – 155,000 new jobs were created in the last two years. Exports from our trade-dependent state are up 40 percent – headed to a record \$45 billion year, and based on successes from my trade missions, I look forward to more growth in the future.

Together, we have taken steps to help forest land owners and farmers. We cut taxes on diesel fuel, farm equipment, and the timber B&O tax. Last year we promised to set aside money for the future, and we delivered. Let's deliver again this session. It is the responsible thing to do.

New 21st century industries – like a biodiesel plant in Grays Harbor – are forming. Reducing our dependence on foreign oil must be a priority.

We did what some thought was impossible – we negotiated medical malpractice reform, and patient safety has been enhanced as a result.

Together we have fought discrimination.

We passed tough new crime-fighting bills. One has helped reduce the number of meth labs by 50 percent.

We protected our children and communities by increasing sentences for sex offenders and prohibiting sex offenders from entering areas frequented by children, such as schools, parks and playgrounds.

And when law enforcement said they needed help locating sex offenders who have been released from prison, we passed tough new sex offender registration laws.

We broke a decades-long stalemate with an agreement that will provide farms, fish and communities water they desperately need from the Columbia River.

We increased access to state parks and began preparing for the centennial celebration of our parks system in 2013.

We promoted investments in renewable energy and green buildings, and we curbed auto emissions.

We've taken on these challenges, solved real problems for real people, demanded accountability and made the kinds of changes the state needs to continue moving families forward.

We have made real progress and we are changing the way we do business.

In the past we saw a state without a clear vision for the future. Today we see hope, opportunity and steady progress toward a secure future. In the past, we've seen partisanship, bureaucratic inertia, political caution and business as usual in Olympia. Today, together, we are fighting for change that is responsible, demands accountability, and is providing the solutions Washington needs. This is the Washington we all want.

But just in case anyone here thinks we can rest on our laurels, I have one message for you. You ain't seen nothin' yet!

We have turned the corner, but we have work to do. In too many cases we are using 20th century tools to solve 21st century problems, and nothing short of change will allow us to produce a better future for Washington families. I have traveled the state and listened to our citizens from Spokane to Everett and Vancouver to Tacoma. We all want the same things for our families – quality education, reliable health insurance, and a good job. Our challenge is to stand in the shoes of our citizens, see the future through their eyes, and find common ground that provides the change needed for a future Washington families can count on. Today I want to talk about a vision for change and an agenda that provides:

- An education system families can rely on;
- An economy that offers opportunity for family-wage jobs;
- Health insurance families can afford;
- An environment where families can thrive;
- Communities where families feel safe;

And a state government that is performance-driven and accountable to Washington's families.

I still vividly remember going to work with my mom on Saturdays at the Rainbow Cafe in Auburn. She was a single parent and a short order cook who never let me forget how much she loved me and taught me a lot about hard work. Mom also taught me about the importance of education, and as I think back on it, I guess she never let there be a doubt that with hard work I would be the first person in our family to get a college degree. Mom, as usual, was right, and the power of a good education is even truer today. We need an education system families can rely on to prepare their kids for the globally competitive job market of the 21st century.

That's why my number one priority this session is education. I ask that you join me in addressing this priority. The best way to grow our economy and secure a bright future for our children is to make significant investments in a renewed education system now. There is no better example of where we have held on to a 20th century system while we face 21st century problems.

We need change when about a third of our students don't complete high school and about half of our kids aren't ready to learn when they enter kindergarten. Even parents of kids who are graduating are worried. They want to know that our education system is preparing their children to compete for good jobs with students from countries like China, India, and Ireland. We have students, teachers and school administrators with the right stuff, but we have saddled them with an education system built for yesterday's needs. We must change our education system and invest in it now. For far too long our early childhood education system has fallen behind the rest of the country. Last session we began the necessary change by recognizing that our children are born ready to learn. We invested in early learning so more kids in the first five years of life have a chance to succeed in school and life.

Now let's take the next step. Let's give more kids a chance to get quality early learning opportunities so they enter

kindergarten ready to learn. I am proposing we add more early learning slots for kids than we have in almost two decades. The research is clear. For every dollar we invest in early childhood education we get \$8 in return with children who are more likely to graduate from high school and college, get a good job and raise their families and less likely to get stuck in our social service net or the criminal justice system. But perhaps the power of early learning is better expressed by a mom.

Here's what Shanta Hibbit of Seattle wrote to the Tiny Tots Development Center.

"Today is a wonderful day. My son Avery is on the pathway to Kindergarten next year. Do you know that Avery can write his full name? He is so excited about that. He shows me every chance he gets. He recognizes colors, shapes, and even speaks some Spanish. Being a single mother can be stressful and difficult. I work very hard daily in the office and at home for the purpose of creating a future for my children. Raising my children in a community where opportunity for education at times is limited, is extremely challenging. Avery's self-esteem and excitement about learning is beyond belief at times. The early learning programs at Tiny Tots are wonderful opportunities for families like mine."

Parents are the first and best teachers, but as Shanta says, we can all use some help. I am proposing we invest in a voluntary five-star rating system for child care facilities to raise the quality of early learning. We rate restaurants, hotels, and music, don't you think we should rate the places we entrust with our children?

And let's lead the rest of the nation and give our five-year-olds the early boost they may need by phasing in voluntary all-day kindergarten. I propose we focus first on schools with high poverty levels where students can benefit the most. We all know teachers teach and students learn better in smaller classrooms, particularly in the early grades of Kindergarten through 3rd. Let's continue to lower those class sizes and ensure our children are truly ready for the 4th grade with a solid foundation in reading, math, science, arts and music, a foreign language and the skills needed to be good citizens.

This nation met the challenge of President Kennedy in the 1960's to be the first to put a man on the moon. Our modern day moon challenge is to meet the math and science crisis facing our state and nation. Three-quarters of Americans believe that if our next generation fails to improve skills in math, science, and engineering, it risks becoming the first generation of Americans who are worse off economically than their parents. They have good reason to be concerned when about half our students failed the 10th grade math WASL last year. But I will contend that our students didn't fail, our math education system failed them. So let's attack this challenge with the same zeal and success that we did the moon challenge. I propose that for the first time we reduce math and science class sizes to the nationally recognized standard of 25 students to 1 teacher.

But it doesn't help to have small class sizes without skilled teachers. In Washington, only about half of our math teachers have a degree in math. We need to help our teachers teach by providing them the training and coaching they deserve. My goal is to recruit 750 new math and science teachers by offering college scholarships, loan forgiveness, and recruiting those in the private sector who want to contribute to our children's future.

And we must change the hodge-podge of math curricula we have in our state and even within the same school districts. For many students, math and science are tough enough. When a family moves, let's help our kids succeed. If a child starts school in Aberdeen and finishes in Ritzville, she should be learning the same material. We should have no more than three curricula options in the state and we need to tie our math and science education to international standards so we know our kids can compete with anyone.

The good news is that if we continue to press for responsible change, we will get results. I have seen it happen at Eisenhower Middle School in Everett where teacher Shannon Depew has started a new, more personalized program for students who failed the math WASL. Shannon's once-struggling students are excelling at math, and it just shows that with talented teachers and our increased investment in an education system for the 21st century, we can make a difference. We have the vision to succeed and the opportunity to invest in that vision. But we also need to make sure schools are accountable to our families. I am proposing new performance standards so we invest in programs that work and show that tax dollars are being used wisely. A high school education in the future may not be enough to find a good job. That's why we need to continue our investment in running start for the trades, our school-to-work partnerships and mentoring programs to provide the kinds of specialized skills our economy needs. In the past few years we have done a good job of opening the doors to our colleges and universities. We created unprecedented new access to college degrees at campuses in Vancouver, Tri-Cities, Bothell and Tacoma. Students now can enroll in a B.A. degree program at community colleges in South Seattle, Port Angeles, Bellevue and Bremerton. But we need to do more. We need to provide graduates in high-demand fields.

A survey of Washington businesses shows that we are not keeping pace with employer needs – especially in fields like computer science, engineering and construction. We're importing workers for good-paying jobs. Don't you think our sons and daughters should get a shot at those jobs? I am proposing we expand college and university enrollment by 8,300 students, including an unprecedented 3,300 slots in high-demand fields ranging from nurse's aides to doctors, and engineers to construction workers.

Our University of Washington schools of Medicine and Dentistry and Washington State University's School of Nursing are top-notch. Let's expand these programs in Spokane to train doctors, dentists and nurses that will serve our health care needs in more rural areas. It is long overdue for our state to have a tuition policy. For example, in 1994 tuition was raised by over 12 percent and the next year by almost 15 percent. We must make the costs predictable and affordable for students and families.

So let's cap tuition increases at all our colleges and universities. To encourage more students to enroll at our community and technical colleges, I am proposing we freeze tuition. The single greatest investment we can make in our economic security is education. But if we are to make these changes real, we must do it together.

I was proud of a Yakima Herald-Republic editorial last summer that said I was shredding the Cascade Curtain and creating one Washington. I'd like to invite you to join me at the shredder and help us expand our economy to make sure all regions of our state have a chance to attract good family-wage jobs. In the last few years we have invested in 21st century opportunities that tie our state's economy together.

One example is our initiative to launch a new biodiesel industry which will help us be energy-independent, lead the nation, if not the world in alternative energy, provide new markets for Washington agricultural products, and stimulate new businesses. In Grays Harbor, Imperium Renewables is building the largest biodiesel refinery in North America. The plant will provide 50 family-wage jobs and buy from Washington farmers, so we will support those families, too.

Another example is our 2005 initiative creating the Life Sciences Discovery Fund. Our state is among the leaders in global health research. The promise is real in our laboratories today where we are discovering cures to the world's most dreaded diseases, driving up health care quality and driving down costs. This card is one example of the future. It is an entire laboratory work up on a card where at a cost of maybe \$5 to make one of these you can get results within an hour, where today it can cost \$200 and take 5 to 7 days. It is being developed right here in our state. This holds the promise of changing the cost and quality of our health care. It can also create good Washington jobs. At the center of these 21st century jobs are our two internationally recognized research institutions. Let's continue to support global health research at the University of Washington and alternative energy at Washington State University.

Now picture yourself in the Tri-Cities, Seattle, Spokane or Vancouver. Within a five-minute walk, you pass by cutting edge research facilities and offices of four or five of the world's leading companies in health care technology, silicon chip production, or alternative fuels. This vision is not far-fetched. I have personally seen its beginnings around the world. We have much of the foundation in place, now all we have to do is help regions create Innovation Zones which can serve as a powerful magnet attracting investment money, new businesses, creative people and good 21st century jobs.

Economically, we really are more like a small nation than a state. We export more than twice as much per worker as any other state in the country and the sky is the limit. With our container ports initiative, we will continue to be the gateway to America for goods from Asia, and a leading exporter of high quality products whether it's airplanes, software, wine, potatoes or cherries. While we need a new economic vision, some things don't change. We have to take care of our traditional business base. Forbes recently ranked us the 12th best state for business. But there is intense competition and we need to stay competitive. We need a new partnership, investments and support for our local economic development councils. I propose opening new small business development centers in Pullman, Grays Harbor and Kelso, and we need to improve broadband service to rural communities.

And let's not forget that small business remains the backbone of our economy.

This year we will keep more dollars in the pockets of workers and businesses by reducing their payments to unemployment and workers' compensation by more than \$400 million. That's the kind of economic incentive we need to keep creating good family-wage jobs. And in my dictionary, good family-wage jobs are those that pay well and provide affordable health insurance. For many people in Washington, they fear they are a diagnosis away from bankruptcy. I know that many of the solutions to the health care crisis facing our nation must involve the federal government. But we have to step forward and find innovative solutions for Washingtonians. Join me again this session and invest in kids' health care so we can continue our steady progress toward our goal of all children having access to health care by 2010. I propose covering an additional 32,000 children.

Children's health insurance without access to a doctor is unacceptable. Raising the reimbursement rates for pediatricians can make health care real for our children. And we will protect kids in our state from preventable diseases by spending \$26 million to increase childhood immunizations, making our state one of the few in the nation providing vaccines to all children.

Changes in Medicare have been a real challenge to many of our senior citizens who found themselves having to split, skip, or go without life-saving medications. We need to make sure Washington's seniors have access to their medications. Over the last two years we have saved \$46 million by bulk purchasing drugs for state health care systems. We can save an additional \$21 million next year.

We are blessed in Washington to have wonderful agricultural and farm forestry communities. How many of you know where Windust, Washington is? Not many. Let me help you. It is near Kahlotus. I'm still getting a lot of blank stares. Windust is a wide spot in the road in Southeast Washington. It is in the heart of wheat growing country. As a young girl, I spent summers in Windust helping on the farm while my uncle harvested wheat. It was hot, hard work, but what really made an impression on me was the wonderful culture and values in our farming communities. Hard work. Independence. Strong families. Love of the land. A sense of stewardship and an intense desire to keep the land in the family and in farming for generations. Together farming and forestry are an economic powerhouse for this state, with forestry providing 50,000 jobs and the food and agricultural industry generating a \$29 billion economy.

Thanks to our Columbia River initiative, farmers like Clark Kagele have real hope for the future. He and his neighbors above the Odessa aquifer have watched in desperation for years as their wells, livelihoods and lifetime investments in their farms go dry. But now work has begun to bring Columbia River water to the Odessa.

We need more change if we want to preserve our forest and farm lands from pressure to convert to housing developments or shopping malls. We need new tools to help owners of working farms and forests capture some of the higher economic value, and preserve the working farm for generations to come. I urge you to create an office within the Conservation Commission to put these tools to use, allowing families to do what they love and do best, farm.

In Washington we have an environment that is good for our economy and allows our families to thrive. Our quality of life is why most of us live here and it keeps and draws businesses to our state. We began the cleanup in Hood Canal. But we have more work to do to protect the jewel of the Northwest, Puget Sound. Today, it looks beautiful on its surface but beneath that surface, it is sick and in some places dying. I think the goals for Puget Sound cleanup are pretty simple. I want families to be able to swim in it, fish in it, and dig shellfish from its beaches. If all the contaminated sites in Puget Sound were put together, they would cover nine square miles, an area the size of Edmonds. Mercury, lead, arsenic and other poisons in the sediments can pass up the food chain to fish. That won't meet my measure of fishable. You can think of the marine waters of Puget Sound like a bathtub – they swirl and circulate around instead of being flushed out to the Pacific Ocean. Every time it rains or snows, millions of gallons of stormwater pick up pollution as it runs off roofs, streets, parking lots and highways and flows into our bathtub. You wouldn't put your child in this bathtub. So we must stop this flow of stormwater, or the Sound won't meet my test for swimmable. Every day, we flush more than 175 million

gallons of water and human waste into septic systems – the equivalent of filling 265 Olympic size swimming pools every 24 hours. Many septic systems are aging and in disrepair, allowing waste to reach the Sound. If we don't solve this septic problem, we can't depend on the Sound being diggable.

Thanks to the work of the Puget Sound Partnership, we can reach a healthy Puget Sound by 2020. It will take all of us recognizing we are part of the problem, and working together, we are all part of the solution. I am proposing we make an aggressive start to clean up the mess before it's too late. And by the way, I am calling for real on-the-ground work that will bring results all of us can see and the life under the surface can feel. A Washington that families can count on requires that the state do what it can to ensure the safety and security of families in their communities.

Despite inflation from the costs of foreign oil and materials demand around the world, I am asking that we continue to fund all the transportation projects we promised the public over the last few years with safety projects coming first. I am requesting that we take action before it is too late on our mega-projects like the Viaduct in Seattle, the 520 bridge, the bridge connection from Vancouver to Portland and the north-south freeway in Spokane. And when we think transportation, let's think 21st century in terms of need, funding, safety and design. When disaster strikes in most communities across this country, we have found that first responders have different communications systems so they can't talk to each other. We are no different. For a \$13 million investment we can take the steps toward solving this problem in Washington. While we can't prevent a natural disaster, we can be prepared. I won't accept the status quo in state government, so we are changing the culture of state government and holding it accountable for results. Early in my career I prosecuted cases of child abuse and neglect, so I know how important quick response to complaints can be. That's why I required a response to cases of child abuse and neglect within 24 hours, seven days a week. DSHS is meeting those deadlines and we now know the quick response is reducing child abuse and neglect. The vision, agenda, and budget I propose to you today is guided clearly and distinctly by the principle of responsibility.

We have a responsibility to change the status quo, to fight for innovation, and to make changes that will mean a better life for Washington families. We have a responsibility to invest wisely in education, health care, our economy, and the environment. We have a responsibility to provide a helping hand to those in need. And we have a responsibility to save for the future and plan ahead for tough times.

We advise families to save for a rainy day and government should be no different. A year ago, we delivered on our promise to keep surplus dollars in the bank. We need to do it again. And also create a permanent Rainy Day Fund as part of our Constitution. Today, I am asking you to join me with an initial investment of \$262 million in that Rainy Day Fund. Nothing can be a more important lesson in responsibility than showing future generations that we know how to save. We can save money and still invest in a future families can count on – a future with an education system families can rely on, an economy that offers opportunity for family-wage jobs, health insurance families can afford, an environment where families can thrive, and communities where families feel safe. I want to thank those of you who are returning this session for your work and cooperation the last two years.

And I'd like to take a moment to thank those legislators who are not back this year. It is a big sacrifice to be away from your families, jobs and communities, and I want to recognize

their great contributions to this state. Many, like Senators Alex Deccio and Pat Thibaudeau, served years in Olympia and we will miss them.

For returning members and our new members this year, I promise you I will have an open door. I will be honest with you and you will know where I stand. I will listen to and respect you and your ideas. All I ask in return is a willingness to put aside differences, find common ground and do the work of the people of our great state. I suspect I don't have to remind anyone here, but during this 105-day session I will be downstairs helping you, nudging you, pushing you to take action.

When this session ends let's have people say we got things done, we made change – responsible change – and we continued providing families a future they can count on.

In closing, let me read a few lines from Aujzha Taylor-Shaw, a graduate of Madrona Elementary School in Seattle.

"I believe people are the world and we can make it a better place. I believe that all people should have joy and hope That is unbreakable, that no one can shatter.

Let's go forward with Aujzha's sense of optimism. Together, let's leave her the inheritance she and future generations deserve. And most important, let's not forget that her optimism, and the optimism of all our families, will happen if we remain committed to the principle that the status quo is not good enough and we will provide the kind of change families can count on.

May God bless all of you and God bless the great state of Washington."

The President thanked the Governor for her remarks and asked the special committee to escort Governor Gregoire and her family from the House Chamber.

The President asked the special committee to escort the State elected officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

On motion of Representative Kessler, the Joint Session was dissolved. The Speaker (Representative Lovick presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Owen, President Pro Tempore Franklin, Minority Leader Mike Hewitt and members of the Washington State Senate from the House Chamber.

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

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., January 10, 2007, the 3th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRD DAY

House Chamber, Olympia, Wednesday, January 10, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tessa Parker and Brandon Stumpf. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Sandra Kreis, St. Christopher's Community Church, Olympia.

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

## MESSAGES FROM THE SENATE

January 10, 2007

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.  
Thomas Hoemann, Secretary

January 10, 2007

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,  
HOUSE CONCURRENT RESOLUTION NO. 4401,  
HOUSE CONCURRENT RESOLUTION NO. 4402,  
HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

## SIGNED BY THE SPEAKER

The Speaker signed SENATE CONCURRENT RESOLUTION NO. 8400.

The Speaker called upon Representative Lovick to preside.

## INTRODUCTION &amp; FIRST READING

HB 1073 by Representatives Schual-Berke, O'Brien, Anderson, Hudgins, Appleton, Green, Rodne, Ormsby, Cody, Dickerson, Morrell, Kenney and Pearson; by request of Military Department

AN ACT Relating to emergency workers; amending RCW 38.52.010 and 38.52.180; and repealing RCW 38.52.570.

Referred to Committee on Judiciary.

HB 1074 by Representatives Morrell, Campbell, Appleton, Chase, Green, Darneille, Ormsby, O'Brien, Kelley, Moeller, Goodman and Flannigan

AN ACT Relating to microenterprise development; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 1075 by Representatives Blake, Takko and Moeller

AN ACT Relating to inspections and sampling of fish, wildlife, and shellfish by department of fish and wildlife employees; amending RCW 77.15.360; adding a new section to chapter 77.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1076 by Representatives Blake, Takko, B. Sullivan and Moeller

AN ACT Relating to rockfish research; amending RCW 77.65.150, 77.65.210, and 77.32.470; adding a new section to chapter 77.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1077 by Representatives Blake and Kretz

AN ACT Relating to the public disclosure of sensitive fish and wildlife data; amending RCW 42.56.430; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1078 by Representatives Kretz and B. Sullivan

AN ACT Relating to unlawfully hunting while upon the property of another; amending RCW 77.15.420; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1079 by Representatives Kretz, Blake, Upthegrove, Ormsby, O'Brien, Morrell, Conway, Haigh, Moeller, McCune and Simpson; by request of Department of Fish and Wildlife

AN ACT Relating to hunting and fishing license fees; amending RCW 77.08.010, 77.32.400, 77.32.480, and 77.32.550; and repealing RCW 77.32.490.

Referred to Committee on Agriculture & Natural Resources.

HB 1080 by Representatives Sump, Buri, Grant, Walsh, Armstrong, Haler, Kretz, Condotta, B. Sullivan and Dunn

AN ACT Relating to community revitalization partnerships in distressed counties; adding a new chapter to Title 43 RCW; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

HB 1081 by Representatives Sump, B. Sullivan, Kretz, McCune and Dunn

AN ACT Relating to sales and use tax exemptions of heating oil; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1082 by Representatives Blake, Takko, Curtis, Van De Wege, Hunt, Eickmeyer, Pettigrew, Morrell, Springer, Flannigan and Simpson

AN ACT Relating to the requirements for displaying the proper licenses while harvesting shellfish or seaweed; and amending RCW 77.32.520.

Referred to Committee on Agriculture & Natural Resources.

HB 1083 by Representatives Blake, Curtis, Takko, B. Sullivan, Morrell, Eickmeyer, Green, Linville, Kretz, Kenney, Dunn and Ericksen

AN ACT Relating to establishing a pilot project to examine the impacts of small scale mineral prospecting on coastal areas; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1084 by Representatives Blake, Van De Wege, Kessler, Takko, Morrell, Curtis, Eickmeyer, Moeller, McCoy, Pettigrew, Haigh, Simpson, Lantz, Upthegrove, B. Sullivan, Linville, Hunt, Conway, Kenney, Wallace and Santos

AN ACT Relating to designating the Lady Washington as the official ship of the state of Washington; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1085 by Representatives Morrell, Bailey, Ericks, Dickerson, Cody, Sells, Linville, Blake, Moeller, Flannigan, Green, Miloscia, Pettigrew, Conway, Kagi, Appleton, Ormsby, Schual-Berke, B. Sullivan, Hudgins, Clibborn, Kenney, Wallace and Simpson

AN ACT Relating to long-term care insurance plans offered by the public employees' benefits board; and amending RCW 41.05.065.

Referred to Committee on Health Care & Wellness.

HB 1086 by Representatives Morrell, Bailey, Green, Cody, Ericks, Dickerson, Linville, Sells, Moeller, Blake, Flannigan, Miloscia, Hunter, Pettigrew, Conway, Lantz, Kagi, Appleton, Ormsby, Hudgins, Clibborn, Kenney, Wallace, Santos, Simpson and Schual-Berke

AN ACT Relating to long-term care insurance; amending RCW 48.84.020 and 48.84.040; and adding a new section to chapter 48.84 RCW.

Referred to Committee on Health Care & Wellness.

HB 1087 by Representatives Appleton, Jarrett, Haigh, Hudgins, Hasegawa, Green, Hurst, McDermott, Hunt, Dickerson, Darneille, Simpson, Flannigan, O'Brien, Upthegrove, Eddy, Williams, Kirby, Goodman, Roberts, Walsh, Campbell, Curtis, Wallace, Eickmeyer, Dunshee, Conway, Sommers, Rolfes, Haler, Takko, Pedersen, Chase, Sells, Ormsby, Schual-Berke, Kenney, Springer, Moeller, Wood and Santos

AN ACT Relating to payment of petition signature gatherers; adding a new section to chapter 29A.84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government & Tribal Affairs.

HB 1088 by Representatives Dickerson, Kagi, Haler, Cody, Appleton, Darneille, Simpson, Takko, Kenney, Williams, Green, McDermott, Roberts, Lantz, McCoy, Ormsby, Schual-Berke, B. Sullivan, Hurst, Pettigrew, O'Brien, Lovick, P. Sullivan, Hasegawa, Hunt, Hudgins, Clibborn, Upthegrove, Morrell, Conway, Sells, Haigh, Quall, Moeller, Goodman, Wallace, Wood and Santos

AN ACT Relating to children's mental health services; amending RCW 71.36.005 and 71.36.010; adding new sections to chapter 71.36 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 74.09 RCW; creating new sections; repealing RCW 71.36.020, 71.36.030, and 71.36.040; and making appropriations.

Referred to Committee on Early Learning & Children's Services.

HB 1089 by Representatives Sommers, Kenney, Moeller and Wallace; by request of Governor Gregoire

AN ACT Relating to fiscal matters; amending 2006 c 372 ss 108, 111, 112, 114, 118, 122, 124, 126, 127, 128, 129, 137, 138, 140, 147, 150, 152, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 214, 216, 217, 219, 221, 222, 225, 302, 303, 307, 308, 309, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 603, 604, 606, 610, 701, 703, 704, 705, 706, 707, 712, 715, 801, 802,

803, 804, and 805 (uncodified); amending 2005 c 518 s 707 (uncodified); adding new sections to 2005 c 518 (uncodified); repealing 2006 c 372 s 713 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1090 by Representatives Hunter, McIntire, B. Sullivan, Linville, O'Brien, P. Sullivan, Morrell and Wallace; by request of Governor Gregoire

AN ACT Relating to a budget stabilization account; amending RCW 43.135.035; reenacting and amending RCW 43.84.092 and 43.135.045; adding new sections to chapter 43.79 RCW; adding a new section to chapter 82.33 RCW; creating a new section; repealing RCW 43.33A.220 and 43.135.051; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1091 by Representatives Van De Wege, Chase, Upthegrove, Miloscia, B. Sullivan, O'Brien, P. Sullivan, Morrell, Sells, Kenney, Rolfes, Kelley, Moeller, Wallace and Eddy; by request of Governor Gregoire

AN ACT Relating to innovation partnership zones; amending RCW 39.102.070 and 82.14.370; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

HB 1092 by Representatives Fromhold, McDonald, Ormsby, Blake, Moeller and Wallace; by request of Governor Gregoire

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 70.105D.070, 43.43.944, and 43.155.050; amending 2005 c 488 ss 165 and 955 (uncodified); reenacting and amending RCW 43.135.045 and 43.155.050; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1093 by Representatives Clibborn, Jarrett, B. Sullivan, O'Brien and Moeller; by request of Governor Gregoire

AN ACT Relating to transportation funding and appropriations; amending 2006 c 370 ss 227, 228, 229, 301, 302, 304, 305, 309, 401, 402, 404, 405, and 406 (uncodified); amending 2005 c 313 s 204 (uncodified); adding new sections to 2005 c 313 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1094 by Representatives Clibborn, Jarrett and O'Brien; by request of Governor Gregoire

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.170 and 47.29.170; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1095 by Representatives Barlow, Hinkle, Appleton, Green, Ormsby, Schual-Berke, Cody, Blake, B. Sullivan, Hurst, O'Brien, Clibborn, Morrell, Conway, Kenney, Linville, Rolfes, Moeller and Dunn; by request of Governor Gregoire

AN ACT Relating to implementing the part D drug copayment program; and amending RCW 74.09.520.

Referred to Committee on Health Care & Wellness.

HB 1096 by Representatives Kenney, Priest, Quall, Wallace, Conway, Haler, Morris, Ormsby, Linville, Jarrett, Dickerson, Hunt, Walsh, P. Sullivan, Darneille, Appleton, Morrell, Williams, Dunn, Schual-Berke, Fromhold, Hasegawa, Chase, Upthegrove, McCoy, Green, O'Brien, Hudgins, Sells, Springer, Moeller, Goodman, Barlow, Eddy, Santos and Simpson

AN ACT Relating to creating postsecondary opportunity programs; amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; creating new sections; and declaring an emergency.

Held on 1<sup>st</sup> Reading.

HB 1097 by Representatives Miloscia, Priest, Chase, Green, Ormsby, B. Sullivan, O'Brien, Morrell, Kenney, Moeller, Wallace, McCune and Simpson

AN ACT Relating to protecting frail elders and vulnerable adults and persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to frail elders and vulnerable adults and persons with developmental disabilities; amending RCW 9A.44.050 and 9A.44.100; prescribing penalties; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1098 by Representatives Cody, Hinkle, Schual-Berke, Campbell, Morrell, Green, Darneille, Ormsby, B. Sullivan, Dickerson, Kenney, Moeller and Wallace

AN ACT Relating to the availability of vaccines during outbreaks; and amending RCW 70.95M.115.

Referred to Committee on Health Care & Wellness.

HB 1099 by Representatives Cody, Hinkle, Green, Bailey, Schual-Berke, Campbell, McCoy, Morrell, Ormsby, Kenney and Moeller

AN ACT Relating to dental professionals; amending RCW 18.32.030, 18.32.0351, and 18.130.040; adding a new section to chapter 18.29 RCW; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1100 by Representatives Campbell, Morrell, McCune, Green, Conway, Lantz, Chase, Ormsby, Schual-Berke, Cody, O'Brien, Hudgins, Kenney, Rolfes, Kelley, Moeller and Wallace

AN ACT Relating to background checks for health care providers; amending RCW 18.130.310; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1101 by Representatives Campbell, Green, Cody, Hudgins, Moeller and Wallace

AN ACT Relating to the uniform sanctioning of health care professionals; amending RCW 18.130.050; reenacting and amending RCW 18.130.160; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care & Wellness.

HB 1102 by Representatives Campbell, Green, McCune, Conway, Kirby, Appleton, McCoy, Ormsby, B. Sullivan, Hurst, Linville, O'Brien, P. Sullivan, Sells, Springer, Rolfes, Moeller, Wallace and Morrell

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties; amending RCW 84.36.381 and 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 1103 by Representatives Campbell, Green, Kenney, Hudgins, Appleton, Schual-Berke and Cody

AN ACT Relating to health professions; amending RCW 18.130.050, 18.130.060, 18.130.080, 18.130.090, 18.130.170, 18.130.172, and 70.41.210; adding a new section to chapter 18.130 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1104 by Representatives Campbell, Green, Morrell, Cody, Hudgins, Moeller and Wallace

AN ACT Relating to unprofessional conduct by health care providers; amending RCW 18.130.172; reenacting and amending RCW 18.130.160; adding a new section to chapter 18.130 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1105 by Representatives Campbell, Kirby, Appleton, Conway, Haigh, Moeller and Simpson

AN ACT Relating to homeowner's insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1106 by Representatives Campbell, Chase, Hankins, Morrell, Appleton, Hudgins, McDermott and Wallace

AN ACT Relating to the reporting of infections acquired in health care facilities; reenacting and amending RCW 70.41.200; adding a new section to chapter 43.70 RCW; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1107 by Representatives Campbell, Eickmeyer, McCune, Kirby, Hurst, Appleton, McCoy, Green, Ormsby, P. Sullivan, Morrell, Conway, Haigh, Rolfes, Moeller, Goodman, Wallace and Simpson

AN ACT Relating to property tax relief for senior citizens and persons retired by reason of physical disability; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

HB 1108 by Representatives Kagi, Haler, Kessler, McDonald, Moeller, Morrell, Hankins, Dunshee, McCoy, Ormsby, Hudgins, Sells, Haigh, Kenney, Springer and Wallace

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.004 and 26.10.160; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.09.240.

Referred to Committee on Judiciary.

HB 1109 by Representatives Appleton, Campbell, Seaquist, Moeller, Green, Hasegawa, Hunt, McCoy, Morrell, Kenney, Ormsby, Hurst, Wallace and McCune

AN ACT Relating to exempting transfer students from military families from the certificate of academic achievement requirement; amending RCW 28A.655.061; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 1110 by Representatives Morris, Hudgins, B. Sullivan, Morrell and Wallace

AN ACT Relating to creating the Washington institute of technology; and creating a new section.

Referred to Committee on Higher Education.

HB 1111 by Representatives Morris, Linville and B. Sullivan

AN ACT Relating to the duties of corporate directors; and amending RCW 23B.08.300.

Referred to Committee on Judiciary.

HB 1112 by Representatives Kirby, Strow, Kelley, Hasegawa, Chase, Ormsby, Morrell and Moeller

AN ACT Relating to the use of original equipment manufacturer crash parts for repair of motor vehicles; and adding a new section to chapter 46.71 RCW.

Referred to Committee on Commerce & Labor.

HB 1113 by Representatives Kirby, Williams, McDonald, Hasegawa, Ormsby, Morrell, Moeller and Wallace

AN ACT Relating to prohibiting insurers from having a financial interest in automotive repair facilities; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1114 by Representatives Rodne, Lantz, Moeller and B. Sullivan; by request of Attorney General

AN ACT Relating to marketing of estate distribution documents; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

HB 1115 by Representatives Miloscia, Pettigrew, Morrell, Ormsby, Green, Darneille, Haigh, Moeller, Wallace, Santos and Simpson

AN ACT Relating to programs to end homelessness; amending RCW 43.185C.005, 43.185C.010, 43.185C.020, 43.185C.040, 43.185C.050, 43.185C.060, 43.185C.070, 43.185C.080, 43.185C.090, 43.185C.100, 43.185C.130, 43.185C.160, 43.185C.900, 36.22.179, 43.185C.170, 43.185C.180, 43.185B.030, 43.20A.790, and 43.63A.650; adding new sections to chapter 43.185C RCW; recodifying RCW 36.22.179, 43.20A.790, and 43.63A.650; and making appropriations.

Referred to Committee on Housing.

HB 1116 by Representatives Miloscia, Pettigrew, Morrell, Ormsby, Green, B. Sullivan, Moeller, Dunn, Santos and Simpson

AN ACT Relating to creating a plan to increase the homeownership rate to seventy-five percent by 2020; creating a new section; and providing an expiration date.

Referred to Committee on Housing.

HB 1117 by Representatives Miloscia, Morrell, Pettigrew, Ormsby, Kenney, Moeller and Simpson

AN ACT Relating to homeless housing and assistance; adding new sections to chapter 43.185C RCW; and recodifying RCW 36.22.179, 43.20A.790, 43.63A.650,

43.185C.180, 43.330.167, 59.24.010, 59.24.020, 59.24.030, 59.24.040, 59.24.050, 59.24.060, 59.24.900, and 74.50.060.

Referred to Committee on Housing.

HB 1118 by Representatives Miloscia, Chase, Hasegawa, Cody, Moeller, Dunshee, Sells, McCoy, Darneille, Green, Pettigrew, Santos, Roberts, Appleton, Ormsby, Dickerson, Morrell, Conway, Kenney and Simpson

AN ACT Relating to providing living wages on public contracts; adding a new section to chapter 43.19 RCW; adding a new section to chapter 47.28 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Commerce & Labor.

HB 1119 by Representatives Miloscia, Chase, Hasegawa, Cody, Moeller, Dunshee, Sells, McCoy, Green, Appleton, Morrell, Dickerson, Williams, Santos, Ormsby and Simpson

AN ACT Relating to achieving economic security through income sufficient to meet basic needs; amending RCW 49.46.005 and 49.46.020; and providing for submission of this act to a vote of the people.

Referred to Committee on Commerce & Labor.

HB 1120 by Representatives Cody, Lantz, Green, Ormsby, Schual-Berke, B. Sullivan, Dickerson, Clibborn, Morrell, Kenney, Moeller, Wallace, Santos and Simpson

AN ACT Relating to families with children with disabilities; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1121 by Representatives Clibborn, Jarrett and Moeller; by request of Office of Financial Management

AN ACT Relating to requesting the issuance and sale of general obligation bonds for state highway improvements; and amending RCW 47.10.812, 47.10.813, 47.10.861, and 47.10.873.

Referred to Committee on Transportation.

HB 1122 by Representatives Kretz, Van De Wege, B. Sullivan, Kagi, McCoy, Orcutt, Eickmeyer, Lantz, Warnick, Wallace, Hailey and Dickerson

AN ACT Relating to continuing the use of contract harvesting for improving forest health on Washington state trust lands; creating a new section; and repealing 2004 c 218 s 10 (uncodified).

Referred to Committee on Agriculture & Natural Resources.

HB 1123 by Representatives Strow, Van De Wege, Kagi, B. Sullivan, Eickmeyer, McCoy, Orcutt and Hailey

AN ACT Relating to clarifying the authority of the department of natural resources with respect to certain aquatic lands; and amending RCW 79.105.210 and 79.120.040.

Referred to Committee on Agriculture & Natural Resources.

HB 1124 by Representatives Van De Wege, B. Sullivan, O'Brien, Eickmeyer, Lovick, McCoy, Lantz, Simpson, Williams and Dickerson

AN ACT Relating to the inclusion of the department of natural resources' law enforcement officers in the Washington public safety employees' retirement system by adding the department of natural resources to the definition of "employer" under chapter 41.37 RCW; and amending RCW 41.37.010.

Referred to Committee on Appropriations.

HB 1125 by Representatives B. Sullivan, Kagi, McCoy, Eickmeyer, Lantz, Williams and Dickerson

AN ACT Relating to forest fire protection assessments; and amending RCW 76.04.610.

Referred to Committee on Agriculture & Natural Resources.

HJM 4000 by Representatives Morrell, Kretz, Pettigrew, Hinkle, Kristiansen, Grant, B. Sullivan, Buri, Ahern, Newhouse, Dickerson, Hudgins and Conway

Requesting action to reach agreement on a mandatory country-of-origin labeling system for certain foods and commodities.

Referred to Committee on Agriculture & Natural Resources.

HJR 4202 by Representatives Hunter, McIntire, Ormsby, B. Sullivan, Linville, Van De Wege, P. Sullivan, Green, Morrell, Springer, Rolfes, Kelley, Wallace and Eddy; by request of Governor Gregoire

Creating the budget stabilization account in the state Constitution.

Referred to Committee on Appropriations.

HJR 4203 by Representatives Campbell, Dunshee, B. Sullivan and McCune

Amending the Constitution to provide for four-year terms for members of the house of representatives.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bills, memorial and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., January 11, 2007, the 4th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FOURTH DAY

House Chamber, Olympia, Thursday, January 11, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

## INTRODUCTION &amp; FIRST READING

HB 1096 by Representatives Kenney, Priest, Quall, Wallace, Conway, Haler, Morris, Ormsby, Linville, Jarrett, Dickerson, Hunt, Walsh, P. Sullivan, Darneille, Appleton, Morrell, Williams, Dunn, Schual-Berke, Fromhold, Hasegawa, Chase, Upthegrove, McCoy, Green, O'Brien, Hudgins, Sells, Springer, Moeller, Goodman, Barlow, Eddy, Santos, Simpson, Haigh, Lantz, Kagi and Rolfes

AN ACT Relating to creating postsecondary opportunity programs; amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

HB 1126 by Representatives Morrell, McDonald, Green, Takko, Ericks, Eickmeyer, Sells, Blake, Moeller, Flannigan, Conway, Linville, Kenney and Williams

AN ACT Relating to late renewal penalties for concealed pistol licenses; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 1127 by Representatives Morrell, Campbell, Green, Van De Wege, Sells, Takko, McDonald, Blake, Moeller, Kenney, Appleton, Flannigan, Hunt, Conway, Lantz, Kagi, Linville, Chase, Wallace, Ormsby, Haigh, Simpson, Hurst, P. Sullivan, Kelley, Rolfes, McCune, Haler and Santos

AN ACT Relating to military leave of absence; and amending RCW 38.40.060.

Referred to Committee on State Government & Tribal Affairs.

HB 1128 by Representative Sommers; by request of Governor Gregoire

AN ACT Relating to fiscal matters; amending RCW 46.09.170 and 70.105D.070; reenacting and amending RCW 38.52.540 and 70.146.030; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1129 by Representatives Dickerson and McIntire

AN ACT Relating to the excise taxation of zoos; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1130 by Representatives Lantz, Rodne, Morrell, Schual-Berke, Goodman, Kenney, Haigh and Moeller

AN ACT Relating to creating an office of public guardianship as an independent agency of the judiciary; and adding a new chapter to Title 2 RCW.

Referred to Committee on Judiciary.

HB 1131 by Representatives Dunshee, Haler, Kenney, Fromhold, Priest, Roberts, Jarrett, Kagi, Hunt, McDermott, Haigh, Ormsby, Chase, Wallace, Hudgins, Schual-Berke, Simpson, Conway, Morrell, Moeller and Santos

AN ACT Relating to helping former foster care youth gain postsecondary education and providing scholarships to former foster care youth for this purpose; adding a new chapter to Title 28B RCW; and making appropriations.

Referred to Committee on Higher Education.

HB 1132 by Representatives Strow, B. Sullivan, Sells, Kretz, Chase and Haler

AN ACT Relating to preferential parking for alternative fuel vehicles; and amending RCW 46.61.577 and 70.94.531.

Referred to Committee on Transportation.

HB 1133 by Representatives Strow, Ericks, Wallace, Simpson, Lantz, Williams, Bailey, Kelley, Green and Haler

AN ACT Relating to electronically monitoring sex offenders using radio frequency identification or similar technology; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1134 by Representatives Appleton, Jarrett, Cody, Haigh, McDermott, Rolfes and Lantz

AN ACT Relating to the reduction of Washington state ferries' charges; amending RCW 46.68.090 and 47.60.326; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1135 by Representatives Appleton, Rolfes, Lantz, Seaquist and Clibborn

AN ACT Relating to aquifer conservation zones in qualifying island cities without access to potable water sources outside their jurisdiction; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 1136 by Representatives Takko, Springer, Kelley, Blake, Moeller, Appleton, Dickerson, Strow, Hasegawa, Chase and Haler

AN ACT Relating to excise tax relief for proceeds lost due to theft; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1137 by Representatives Fromhold, McDonald, Ormsby, Moeller and Haler; by request of Office of Financial Management

AN ACT Relating to creating the water quality capital account; adding a new section to chapter 70.146 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1138 by Representatives Fromhold, McDonald, Ormsby and Moeller; by request of Office of Financial Management

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1139 by Representatives McDermott, McIntire, Springer, Cody, Ericks, Santos, Hasegawa, Simpson, Pettigrew and Kenney

AN ACT Relating to the local sales and use tax that is credited against the state sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Finance.

HB 1140 by Representatives McCoy, Crouse, Grant and Blake

AN ACT Relating to net meter aggregation of electricity; and amending RCW 80.60.010 and 80.60.030.

Referred to Committee on Technology, Energy & Communications.

HB 1141 by Representatives Roberts, Haler, O'Brien, Green, Goodman, Kagi, Appleton, Walsh, Williams, Dickerson, Darneille, Flannigan, McCoy, Hinkle, Pettigrew and Hasegawa

AN ACT Relating to destruction of diversion records; and amending RCW 13.50.050.

Referred to Committee on Human Services.

HB 1142 by Representatives Williams, Warnick, O'Brien, Rodne, Campbell, Lantz and Goodman

AN ACT Relating to statutory costs; and amending RCW 4.84.010 and 12.20.060.

Referred to Committee on Judiciary.

HB 1143 by Representatives Lantz, O'Brien, Williams, Campbell, Rodne, Goodman and Moeller

AN ACT Relating to notices of dishonor; and amending RCW 62A.3-540.

Referred to Committee on Judiciary.

HB 1144 by Representatives Strow, Warnick, Rodne, Campbell, O'Brien, Lantz, Goodman and Moeller

AN ACT Relating to jurisdiction over judgments; and amending RCW 3.66.020, 3.66.040, 3.62.060, and 12.04.130.

Referred to Committee on Judiciary.

HB 1145 by Representatives Lantz, Warnick, Williams, Rodne, O'Brien, Campbell, Goodman and Moeller

AN ACT Relating to the limitations period for an account receivable; amending RCW 4.16.040; and creating a new section.

Referred to Committee on Judiciary.

HB 1146 by Representatives B. Sullivan, Kretz, Pettigrew, Hinkle, Linville, Kristiansen, Blake, Takko, Newhouse, Warnick, Hailey, Grant, Armstrong, Kessler, Kenney, Haigh, Moeller and McCune

AN ACT Relating to increasing the amount of money available to the department of fish and wildlife to pay claims under RCW 77.36.040 without requiring the legislature to declare an emergency; and amending RCW 77.36.070 and 77.36.080.

Referred to Committee on Agriculture & Natural Resources.

HB 1147 by Representatives Kretz, B. Sullivan, Hinkle, Pettigrew, Linville, Kristiansen, Blake, Takko, Newhouse, Warnick, Hailey, Grant, Armstrong,

Kessler, Wallace, Haigh, Moeller, Haler and Condotta

AN ACT Relating to damage to livestock caused by wildlife; amending RCW 77.36.005, 77.36.010, 77.36.040, 77.36.050, 77.36.060, 77.36.070, and 77.36.080; and adding new sections to chapter 77.36 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1148 by Representatives Simpson, Dunn, Orcutt, McCune, Chase, Wallace, Ormsby and Springer

AN ACT Relating to prohibiting certain restrictions on the location of mobile homes or manufactured homes; amending RCW 35.21.684, 35A.21.312, and 36.01.225; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Housing.

HB 1149 by Representatives O'Brien, Dunn, McCune, Wallace and Simpson

AN ACT Relating to eliminating advance property tax payments for binding site plans; and amending RCW 84.40.042 and 58.08.040.

Referred to Committee on Local Government.

HB 1150 by Representatives Morris, Dunn and Orcutt

AN ACT Relating to manufactured home parks or manufactured housing communities; and amending RCW 35.63.160.

Referred to Committee on Housing.

HB 1151 by Representatives Pearson, Kretz, Dunshee, B. Sullivan, Kristiansen, Warnick and Haler

AN ACT Relating to animal identification programs; and adding a new chapter to Title 16 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1152 by Representatives Takko, Skinner, Blake, Springer, Hunt, Williams and Orcutt

AN ACT Relating to public facilities districts; and amending RCW 82.14.390.

Referred to Committee on Community & Economic Development & Trade.

HB 1153 by Representatives Morrell, Campbell, Ericks, Green, Appleton, Wallace, Sells, Williams, Lantz, Kagi and Santos

AN ACT Relating to the use of wireless communication devices by holders of instruction permits and intermediate licenses; amending RCW 46.20.055 and 46.20.075; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1154 by Representatives Morrell, Conway, Grant, Sells, Blake, Moeller, Eickmeyer, Appleton, Kenney, Flannigan, Hudgins, Williams, Ormsby and Simpson

AN ACT Relating to employment decisions based on consumption of lawful products; adding a new section to chapter 49.44 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1155 by Representatives Hurst, Wallace, Blake, Van De Wege, Lantz, Springer, Campbell, P. Sullivan, Kelley, Green and Rolfes

AN ACT Relating to limiting property tax increases to one percent by reenacting the provisions of Initiative Measure No. 747; reenacting RCW 84.55.005 and 84.55.0101; and declaring an emergency.

Referred to Committee on Finance.

HB 1156 by Representatives Hurst, Roach, Wallace, McDonald, Ormsby, Lantz, Barlow, Springer, P. Sullivan, Morrell, Green, Rolfes, McCune and Appleton

AN ACT Relating to property tax relief for senior citizens and persons retired due to disability; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 1157 by Representative Hurst

AN ACT Relating to the acceptance of gifts by state officers and employees; and amending RCW 42.52.150.

Referred to Committee on State Government & Tribal Affairs.

HB 1158 by Representative B. Sullivan

AN ACT Relating to certifying animal massage practitioners; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1159 by Representatives B. Sullivan, Takko, Wallace, Conway, Sells, Haigh, Simpson and Moeller

AN ACT Relating to establishing local public works assistance funds; amending RCW 29A.36.210, 84.52.010, and 84.52.043; and adding a new chapter to Title 36 RCW.

Referred to Committee on Finance.

HB 1160 by Representatives B. Sullivan, Linville, Morris, Hankins, P. Sullivan, Chase, Upthegrove, Dickerson, Lovick, Sells, Hudgins, Kenney, Ormsby, Schual-Berke, Simpson, Goodman, Springer, Kagi, Moeller, Green and Haler

AN ACT Relating to the energy freedom program, including activities to promote green highways; amending RCW 15.110.005, 15.110.010, 15.110.020, 15.110.040, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding new sections to chapter 15.110 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 1161 by Representatives B. Sullivan, Strow, Ericks and Sells

AN ACT Relating to local excise taxation on the sale of real property in lieu of imposing local sales and use taxes; amending RCW 82.46.010; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 1162 by Representatives B. Sullivan, Upthegrove, Wallace, Ormsby, Schual-Berke, Simpson, Goodman, P. Sullivan, Morrell, Rolfes and Santos

AN ACT Relating to tax exemptions for the use of fuels and equipment in student transportation programs; adding a new section to chapter 82.38 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1163 by Representatives B. Sullivan, Morris, Schual-Berke, Chase, Upthegrove, Hasegawa, Wallace, Appleton, Ormsby, Anderson, Moeller and Santos

AN ACT Relating to the use of the life sciences discovery fund to support research involving human stem cells; amending RCW 43.350.005; and adding a new section to chapter 43.350 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1164 by Representatives Alexander, Hunt, DeBolt, Pettigrew, Armstrong, Lovick, Kessler, Grant, Chase, Haler, Bailey and Moeller

AN ACT Relating to extending the state sales and use tax credit for public facilities districts created before September 1, 2007; and amending RCW 82.14.390.

Referred to Committee on Community & Economic Development & Trade.

HB 1165 by Representatives Fromhold, Orcutt, Anderson, Lantz, Van De Wege, Hunter, Wallace, McDonald, Sells, Kenney, Williams, Ormsby, Schual-Berke, Miloscia, Simpson, Campbell, P. Sullivan, Morrell, Moeller and Haler

AN ACT Relating to student transportation funding; amending RCW 28A.160.160 and 28A.160.170; and creating new sections.

Referred to Committee on Appropriations.

HB 1166 by Representatives Takko, Alexander, Curtis, Williams and Moeller

AN ACT Relating to modifying county treasurer administrative provisions; and amending RCW 35.61.210, 36.35.020, 36.35.100, 36.89.090, 84.56.070, 84.56.090, and 84.64.200.

Referred to Committee on Local Government.

HB 1167 by Representatives Blake, Kretz, Grant, Newhouse, Moeller, Orcutt, Haigh, Bailey, Springer and Haler

AN ACT Relating to preserving the viability of agricultural lands; and amending RCW 36.70A.060.

Referred to Committee on Local Government.

HB 1168 by Representatives Roach, Hurst, Newhouse, Santos, Orcutt, Pettigrew, Moeller, Morrell, Priest, Armstrong, Curtis, Haler, Condotta, Buri, Kristiansen, Alexander, Warnick, Strow, Ericksen, Dunshee, Kirby, Chase, Bailey, Springer, McDonald, Ross, Blake, Kenney, Lovick, Appleton, Darneille, McCoy, O'Brien, Sells, Takko, Williams, Van De Wege, Hunter, Ormsby, Schual-Berke, Pearson, Fromhold, Hinkle, Simpson, Clibborn, Lantz, Linville, Campbell, Kelley, Green, Eddy and McCune

AN ACT Relating to disorderly conduct; amending RCW 9A.84.030; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HJM 4001 by Representatives Pearson, Lovick, Kristiansen, Jarrett and Ericks

Naming the 172nd Street overpass of Interstate 5 the "Oliver "Punks" Smith Interchange."

Referred to Committee on Transportation.

HJR 4204 by Representatives Schual-Berke, Chase, Wallace, Hudgins, Sells, Kenney, Appleton, Pedersen, Ormsby, Hasegawa, Lovick, Haigh, Dunshee, Hunt, Simpson, Lantz, Hunter, Williams, Linville, Goodman, Conway, Springer, Hurst, Campbell, P. Sullivan, Miloscia, Kelley, Moeller, Green, Rolfes, Eddy, Santos, Fromhold and Haler; by request of Governor Gregoire

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Referred to Committee on Education.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### **COMMITTEE ASSIGNMENTS**

The Speaker (Representative Lovick presiding) announced the following changes in committee assignments:

Representative Ericksen was appointed to the Committee on Technology, Energy & Communications, replacing Representative Dunn.

Representative McCune was appointed to the Committee on Housing, replacing Representative Walsh.

There being no objection, the House adjourned until 10:00 a.m., January 12, 2007, the 5th Day.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTH DAY

House Chamber, Olympia, Friday, January 12, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tyler Wedrosky and Rachael Williams. The Speaker led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Sandra Kreis, St. Christopher's Community Church, Olympia.

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

## INTRODUCTION &amp; FIRST READING

HB 1169 by Representatives Kenney, Haler, Ormsby, Fromhold, P. Sullivan, Jarrett, Wallace, Anderson, Morrell, Kagi, Conway, Sells, Simpson and Haigh; by request of Workforce Training and Education Coordinating Board

AN ACT Relating to private vocational school programs; amending RCW 28C.10.020, 28C.10.050, and 28C.10.120; and making appropriations.

Referred to Committee on Higher Education.

HB 1170 by Representatives Orcutt, DeBolt, Schindler, McDonald, Strow, Rodne, McCune, Roach, Chandler, Pearson, Hailey, Warnick, Ericksen, Condotta, Kristiansen, Ross, Bailey, Kretz, Wallace, Springer, Van De Wege, Green and Anderson

AN ACT Relating to limiting property tax increases to one percent by reenacting the provisions of Initiative Measure No. 747; reenacting RCW 84.55.005 and 84.55.0101; and declaring an emergency.

Referred to Committee on Finance.

HB 1171 by Representatives Eickmeyer, Newhouse, Grant, Priest, Chase, Kretz, Hunt, Hasegawa, Kenney, Hurst, Orcutt, Hudgins, Simpson, Sump, Appleton, Ormsby, McDonald, P. Sullivan, Condotta, Kristiansen, Linville, Ross, Haler, Wallace, Springer, Kelley, Van De Wege, Rolfes, Ericks, Haigh and Green

AN ACT Relating to a business and occupation tax exemption for qualifying small businesses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 1172 by Representatives Kagi, B. Sullivan, Ericks, Chase, O'Brien, Springer, Goodman, Hudgins and Wallace

AN ACT Relating to gathering information about Saint Edward state park; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1173 by Representatives Schindler, Wood, Crouse, Ahern, Ormsby, Barlow, Hailey, Sump, Haler, Kretz and Buri

AN ACT Relating to prioritizing funding for special category C projects; and amending RCW 46.68.090 and 47.10.812.

Referred to Committee on Transportation.

HB 1174 by Representatives Pettigrew, Condotta and Haler

AN ACT Relating to a sales and use tax exemption for recovered wood waste boiler equipment used in steam production; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1175 by Representatives Strow, Ericks, Ross, O'Brien, Williams, Lovick, Green, Goodman, Darneille, Haler and Morrell

AN ACT Relating to alcoholic beverages on ferries; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 1176 by Representatives Hunt and Ormsby; by request of Department of Retirement Systems

AN ACT Relating to organizing the department of retirement systems; and amending RCW 41.50.050 and 41.50.070.

Referred to Committee on State Government & Tribal Affairs.

HB 1177 by Representatives Lantz, Rodne and Wallace; by request of Attorney General

AN ACT Relating to protection of indirect purchasers for injuries arising from violations of state antitrust laws;

amending RCW 19.86.080 and 19.86.090; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1178 by Representatives Rolfes, Linville, Simpson, Wallace, Kenney, Ericks and Green; by request of Governor Gregoire

AN ACT Relating to contracts with associate development organizations for economic development services; amending RCW 43.330.080; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

HB 1179 by Representatives Hasegawa, Jarrett, Sells, Roberts, Anderson, Green, Sommers, Kenney, Wallace, Buri, Appleton, Hudgins, Kagi, Ormsby, McDonald, Conway, Wood, Santos, Schual-Berke, Simpson, Lantz, Haigh and Morrell

AN ACT Relating to allowing students attending a postsecondary institution on a less than half-time basis to qualify for a state need grant; amending RCW 28B.92.080, 28B.92.060, and 28B.15.820; and adding a new section to chapter 28B.92 RCW.

Referred to Committee on Higher Education.

HB 1180 by Representatives Hunt, Priest, Linville, B. Sullivan, Ericks, Haler, Kessler, Chandler, Fromhold, Hinkle, Ormsby, Wallace and Kenney

AN ACT Relating to environmental remediation; amending RCW 82.04.190; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Finance.

HB 1181 by Representatives Ericks, O'Brien, Lovick, Ormsby, McDonald, Haler and Wallace

AN ACT Relating to the powers and funding of the forensic investigations council; and reenacting and amending RCW 43.103.090 and 70.58.107.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1182 by Representatives Ericks, O'Brien, Lovick, Armstrong, Ormsby, McDonald, Haler, Simpson and Wallace

AN ACT Relating to missing persons; amending RCW 43.103.110, 36.28A.110, 36.28A.120, and 43.43.751; reenacting and amending RCW 68.50.320; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1183 by Representatives Jarrett, Sommers, Wood and Roberts

AN ACT Relating to the sentencing guidelines commission; and amending RCW 9.94A.855 and 43.17.020.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1184 by Representatives Williams and Alexander

AN ACT Relating to land surveyors; amending RCW 18.43.020; and adding a new section to chapter 18.43 RCW.

Referred to Committee on Commerce & Labor.

HB 1185 by Representatives Van De Wege, Kristiansen, Kretz, Blake, Orcutt, Kessler and Haigh

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1186 by Representatives Schual-Berke, Hunt, Dunshee, McDermott, Chase, Sommers, Kagi, Pettigrew, Darneille, Cody, Miloscia, Dickerson, Appleton, Green, Ormsby, Santos, Lantz, Kenney and Roberts

AN ACT Relating to judicial campaigns; amending RCW 42.17.390, 42.17.020, 42.52.180, 42.17.128, 42.17.130, 42.36.040, 29A.32.036, 29A.32.210, 29A.32.241, and 29A.32.250; adding new sections to chapter 42.17 RCW; adding new sections to chapter 29A.32 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1187 by Representatives Kelley, Wood, Morrell, Green, Pettigrew, Ormsby, McDermott, Miloscia, Appleton, Simpson and Haigh

AN ACT Relating to affordable housing; adding a new chapter to Title 43 RCW; and recodifying RCW 43.185.010, 43.185.015, 43.185.020, 43.185.030, 43.185.050, 43.185.060, 43.185.070, 43.185.074, 43.185.076, 43.185.080, 43.185.090, 43.185.100, 43.185.110, 43.185.120, 43.185.130, 43.185.900, 43.185.910, 43.185.911, 43.185A.010, 43.185A.020, 43.185A.030, 43.185A.040, 43.185A.050, 43.185A.060, 43.185A.070, 43.185A.080, 43.185A.090, 43.185A.100, 43.185A.900, 43.185A.901, 43.185A.902, 43.185B.005, 43.185B.007, 43.185B.009, 43.185B.010, 43.185B.020, 43.185B.030, 43.185B.040, 43.185B.900, 43.63A.650, 43.330.170, 35.21.685, 35.83.005, 35.83.010, 35.83.020, 35.83.030, 35.83.040, 35.83.050, 35.83.060, 35.83.070, 59.28.010, 59.28.020, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.070, 59.28.080, 59.28.090, 59.28.100, 59.28.120, 59.28.130, 59.28.900, 59.28.901, 59.28.902, 43.63A.500, 43.63A.505, 43.330.165, 70.114.010, 70.114.020, 70.114A.010, 70.114A.020, 70.114A.030, 70.114A.040, 70.114A.045, 70.114A.050, 70.114A.060, 70.114A.065,

70.114A.070, 70.114A.081, 70.114A.085, 70.114A.100, 70.114A.110, 70.114A.900, 70.114A.901, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.645, 70.164.010, 70.164.020, 70.164.030, 70.164.040, 70.164.050, 70.164.060, 70.164.070, 70.164.900, 43.330.110, 43.63A.510, 35.21.687, 36.34.137, 43.20A.037, 47.12.063, 47.12.064, 72.09.055, and 43.19.19201.

Referred to Committee on Housing.

HB 1188 by Representatives McCoy, Barlow, Grant, Sells, Roberts, Flannigan, Ormsby, Conway, Santos and Lantz

AN ACT Relating to improving the physical health of students; adding a new section to chapter 28A.230 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1189 by Representatives Dunshee, Lovick, Miloscia, Ormsby, Simpson and Hasegawa

AN ACT Relating to campaign contributions by limited liability companies; and amending RCW 42.17.660.

Referred to Committee on State Government & Tribal Affairs.

HB 1190 by Representatives Ahern, Pearson, Kretz, Ross, Roach, Kristiansen, Warnick and Haler

AN ACT Relating to vehicular homicide and vehicular assault; amending RCW 46.61.520 and 46.61.522; reenacting and amending RCW 9.94A.515, 9.94A.030, 9.94A.533, and 13.04.030; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1191 by Representatives Ahern, Kretz, Pearson, Ross, Erickson, McDonald, Roach, Condotta, Kristiansen, Warnick, Haler and Simpson

AN ACT Relating to making it a felony to drive or be in physical control of a vehicle while under the influence of intoxicating liquor or any drug when the person has two or more prior offenses within seven years; amending RCW 46.61.502, 46.61.504, 46.61.5055, and 9.94A.640; reenacting and amending RCW 9.94A.525; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1192 by Representatives Kessler, B. Sullivan, Miloscia, Kagi and Wood

AN ACT Relating to the director of parks and recreation; and amending RCW 79A.05.070, 43.17.020, and 79A.05.040.

Referred to Committee on Agriculture & Natural Resources.

HB 1193 by Representatives B. Sullivan and Pearson

AN ACT Relating to the director of the department of fish and wildlife; and amending RCW 43.17.020, 77.04.055, and 77.04.080.

Referred to Committee on Agriculture & Natural Resources.

HB 1194 by Representatives McDermott, Santos, Miloscia, Appleton, Ormsby, Dickerson, Darneille, Schual-Berke, Simpson, Wallace, Hasegawa, Kenney and Barlow; by request of Governor Gregoire and Superintendent of Public Instruction

AN ACT Relating to providing temporary graduation provisions for students who do not meet standards on the high school mathematics assessments but meet all other graduation requirements; amending RCW 28A.655.061 and 28A.155.045; adding a new section to chapter 28A.655 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1195 by Representatives Linville, Hunt, Armstrong, Kenney and Haigh; by request of Office of Financial Management

AN ACT Relating to preserving the current regulatory assistance program with cost reimbursement changes; amending RCW 43.42.005, 43.42.010, 43.42.020, 43.42.030, 43.42.040, 43.42.050, 43.42.060, 43.42.070, 43.42.080, 43.21A.690, 43.30.490, 43.70.630, 43.300.080, 70.94.085, 43.131.401, and 43.131.402; creating a new section; decodifying RCW 43.42.905; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1196 by Representatives Hunt, Chandler, Appleton, Miloscia, Armstrong, Green, Morrell, Ormsby, Schual-Berke, Wallace, Lantz and Hasegawa

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on State Government & Tribal Affairs.

HB 1197 by Representatives Miloscia, Ormsby, Hunt, McDermott, Armstrong, P. Sullivan and Haigh

AN ACT Relating to the Washington state quality award; and amending RCW 43.17.390.

Referred to Committee on State Government & Tribal Affairs.

HB 1198 by Representatives Ross, Ahern, Bailey, Pearson, McDonald and Warnick

AN ACT Relating to the penalty for attempting to elude a police vehicle; amending RCW 46.61.024; reenacting and amending RCW 9.94A.533, 9.94A.515, 9.94A.411, and 9.94A.525; adding a new section to chapter 9.94A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1199 by Representatives Conway, Simpson, Sells, Moeller, Appleton, Hunt, Williams, Chase, Ormsby, Miloscia, Hasegawa, Quall, Dickerson, Santos, Haler, Wallace, Kenney, Barlow, Haigh and P. Sullivan

AN ACT Relating to providing retirement benefits at earlier ages in the plans 2 and 3 of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.40.630, 41.40.820, 41.32.765, 41.32.875, 41.35.420, and 41.35.680; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1200 by Representatives Conway, Darneille, Haler, Simpson, Hasegawa and Haigh

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; amending RCW 41.32.813 and 41.32.868; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1201 by Representatives Roberts, Kagi, Haler, P. Sullivan, Walsh, Pettigrew, Darneille, Santos, McCoy, Ormsby, Wood, Dickerson, Clibborn, Schual-Berke, Simpson, Lantz, Hasegawa, Kenney, Pedersen and Seaquist

AN ACT Relating to extending medicaid coverage for foster care youth who reach age eighteen; amending RCW 74.09.530; reenacting and amending RCW 74.09.510; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1202 by Representatives Roberts, Walsh, O'Brien, Dickerson, Haler, Pettigrew, Darneille, Green, Appleton, McDermott, Kagi, Miloscia, McCoy, Hudgins, P. Sullivan, Conway, Wood, Santos, Schual-Berke, Simpson, Lantz, Hasegawa, Kenney, Haigh and Morrell

AN ACT Relating to the office of the ombudsman for persons with developmental disabilities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services.

HJR 4205 by Representatives Morrell, Van De Wege, Hurst, O'Brien, Kelley, Sells, Kessler, P. Sullivan, Green, Flannigan, Linville, Conway, Kenney, Wallace, Appleton, Blake, Ormsby, Lantz and Ericks

Amending the Constitution to limit property valuation increases for the state property tax.

Referred to Committee on Finance.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., January 15, 2007, the 8th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTH DAY

House Chamber, Olympia, Monday, January 15, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Salvador Rosario and Denae Sallis. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was sung by the Total Experience Gospel Choir, Seattle. Prayer was offered by Bishop Alexander L. Brown, Faith, Love and Hope Ministry, Olympia.

The Total Experience Gospel Choir performed additional songs for the Chamber.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4604, by Representatives Barlow, Conway, Skinner, Hankins and Dunn

WHEREAS, Today, January 15, 2007, communities and neighborhoods all across our state and nation remember, celebrate, and honor the life and work of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's commitment to nonviolence, based in great part upon the life-teachings of Mohandas Gandhi, was a model of selflessness and sacrifices made so that later generations might live freer and fuller, and might more nearly live in accord with their possibilities; and

WHEREAS, Dr. King was born on January 15, 1929, in Atlanta, Georgia; and on June 18, 1953, he and Coretta Scott were married in Marion, Alabama; and

WHEREAS, After Dr. King was so violently taken from us on April 4, 1968, Coretta Scott King continued her life in the very same vein of caring and compassion until she passed on January 30, 2006; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr. advanced his goals and principles with determination, faith, dignity, and courage in the face of life-threatening opposition; and

WHEREAS, Dr. King was jailed several times throughout his struggle to bring to all people the opportunity to live free of racial, ethnic, and religious discrimination and violence; and

WHEREAS, Dr. King raised the consciousness of the nation and of our state to fundamental injustices and inequalities in American society, and moved us forward on the long and unfinished road to racial harmony and reconciliation; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr. fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and he was awarded the 1964 Nobel Peace Prize; and

WHEREAS, Dr. King's death, an awful loss for our nation and our world, was a particular loss for our own state of

Washington in which our largest county is named to honor this great American hero; and

WHEREAS, Dr. King was forever celebrated when the Congress of the United States established a permanent federal holiday to commemorate the date of his birth; and

WHEREAS, Dr. King's work and legacy were further recognized by the state of Washington, which honors his remembrance as a state holiday; and

WHEREAS, There is still much work to be done in achieving full reconciliation among America's racial, social, and ethnic communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of our state, recognize the importance of the life and work of the Reverend Dr. Martin Luther King, Jr. to the civil society and freedoms of the United States of America and of the state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of the state of Washington to study, reflect on, and celebrate Dr. King's life and ideals in order to fulfill his dream of civil and human rights for all people; and

BE IT FURTHER RESOLVED, That the House of Representatives honor his memory by urging all the citizens of our state to make Martin Luther King, Jr. Day a day of service - a day on, not a day off.

Representative Barlow moved the adoption of the resolution.

Representatives Barlow, Ross and Pettigrew spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4604 was adopted.

HOUSE RESOLUTION NO. 2007-4605, by Representative Rolfes, Conway, Skinner, Hankins and Dunn

WHEREAS, The people of the State of Washington celebrate children for the happiness they bring to our lives and the hopes and dreams they represent for our nation; and

WHEREAS, Children are the citizens of tomorrow and it is our solemn obligation to instill in them the values, convictions, goodwill, and fortitude they need to continue the wonderful legacy of freedom, peace, and prosperity we have inherited from those who came before us; and

WHEREAS, There can be no better measure of our governance than the way we treat our children; and

WHEREAS, The children of the State of Washington should be cherished and are deserving of a nurturing and protective environment where they may flourish and realize their full potential; and

WHEREAS, The children of the State of Washington should always know that they are valued members of our society; and

WHEREAS, The children of the State of Washington should have access to quality education, wholesome recreation, and safe communities; and

WHEREAS, Children should be loved and treasured by their families, and all people of the State of Washington should help them by setting examples of what it means to be an ethical, hardworking, healthy, and productive citizen; and

WHEREAS, The House of Representatives welcomes children into the House Chamber for a special day each session so they may witness the legislative process;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all citizens of Washington to celebrate children on Children's Day and throughout the year by spending more quality time with children, and reminding children of their special place in our lives.

Representative Rolfes moved the adoption of the resolution.

Representatives Rolfes, Warnick, Walsh and McDonald spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4605 was adopted.

The Speaker (Representative Lovick presiding) called upon Representative Kessler to preside.

#### INTRODUCTION & FIRST READING

HB 1203 by Representatives Chase, Kirby, Green, Appleton, Conway and Kagi

AN ACT Relating to maximum capital and reserves accumulations by health care service contractors and health maintenance organizations; amending RCW 48.31C.060 and 48.43.305; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1204 by Representatives Chase, Appleton, Haigh, Green and Lantz

AN ACT Relating to property tax relief for qualifying owners of residential property; amending RCW 84.36.379, 84.36.385, and 84.36.387; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 1205 by Representatives Chase, Conway, Kenney, Dickerson, Haigh, Moeller and Schual-Berke

AN ACT Relating to unsolicited direct mail marketing; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1206 by Representatives Chase, Kirby, Green, Wallace, Dickerson, Haigh, Ormsby, Darneille, Moeller, Santos and Wood

AN ACT Relating to assisting low-income persons to obtain affordable automobile liability insurance; amending

RCW 46.29.090 and 46.29.490; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1207 by Representatives Chase, Kirby and Green

AN ACT Relating to health benefit plan rates; amending RCW 48.18.110, 48.44.020, and 48.46.060; adding a new section to chapter 48.43 RCW; and repealing RCW 48.20.025, 48.44.017, and 48.46.062.

Referred to Committee on Health Care & Wellness.

HB 1208 by Representatives Chase, Morris, Upthegrove, Ormsby and Linville

AN ACT Relating to minimizing the environmental cost of greenhouse gas emissions by encouraging mitigation for carbon dioxide; adding a new section to chapter 82.04 RCW; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1209 by Representatives Chase, Morris, Dickerson and Moeller

AN ACT Relating to reducing greenhouse gases; and adding a new chapter to Title 19 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1210 by Representatives Chase, Morris, Kagi, Ormsby and Moeller

AN ACT Relating to reducing statewide greenhouse gas emissions; amending RCW 70.94.030; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1211 by Representatives Chase, Morris, Upthegrove, Wallace, Kagi, McCune, Moeller, Dunn, Linville and Morrell

AN ACT Relating to providing tax exemptions for solar hot water components; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1212 by Representatives McDonald, McCune, Pearson and Bailey

AN ACT Relating to tolling the statute of limitations for certain crimes committed against vulnerable adults; and amending RCW 9A.04.080.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1213 by Representatives McDonald and Bailey

AN ACT Relating to a sales tax remittance for certain qualifying individuals; amending RCW 82.03.190 and 82.32.160; adding a new section to chapter 82.08 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1214 by Representatives McDonald and Morrell

AN ACT Relating to operating a motor vehicle while reading, writing, or sending electronic messages; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1215 by Representative McDonald

AN ACT Relating to regulating alcohol vaporizing devices; reenacting and amending RCW 66.04.010; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1216 by Representatives Hinkle, O'Brien, Pearson, Fromhold, Ericks, McCune, Lovick, Hurst, Roberts, Ormsby, Schual-Berke and Morrell

AN ACT Relating to required lanes of travel for vehicles; and amending RCW 46.61.100.

Referred to Committee on Transportation.

HB 1217 by Representatives Hinkle, Darneille, Bailey, Cody, Pettigrew, Green, Kenney, Dickerson, Moeller, Schual-Berke, Campbell, Linville, Seaquist and Morrell

AN ACT Relating to clubhouse rehabilitation services; and amending RCW 71.24.025, 71.24.037, and 49.19.010.

Referred to Committee on Health Care & Wellness.

HB 1218 by Representatives Conway, Wood, Condotta, Kenney and Moeller; by request of Gambling Commission

AN ACT Relating to the temporary issuance, summary suspension, and renewal of licenses by the gambling commission; and amending RCW 9.46.070.

Referred to Committee on Commerce & Labor.

HB 1219 by Representatives Campbell, Lovick, McCune, Green, Ericks, Barlow, Lantz and Kelley

AN ACT Relating to the creation of an office of investigative assistance within the Washington state patrol; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1220 by Representatives Hurst, Kelley, Sells, Dunshee, Kenney, Lovick, McCoy, O'Brien and Simpson; by request of Indeterminate Sentence Review Board

AN ACT Relating to the appointment of indeterminate sentence review board members; and amending RCW 9.95.003.

Referred to Committee on Human Services.

HB 1221 by Representatives Hurst, Kelley, Sells, Dunshee, Kenney, Lovick, McCoy, O'Brien, Simpson and Pearson; by request of Indeterminate Sentence Review Board

AN ACT Relating to the release of offenders; and amending RCW 9.95.420, 9.95.435, and 9.96.050.

Referred to Committee on Human Services.

HB 1222 by Representatives Kenney, Haler, Sells, Walsh, Hasegawa, McDonald, Morrell, Hunter, Dunshee, McDermott, Conway, Darneille, Haigh, Pettigrew, Grant, Schual-Berke, Upthegrove, Wallace, Roberts, Ormsby and Wood

AN ACT Relating to awarding the state need grant; and amending RCW 28B.92.060.

Referred to Committee on Higher Education.

HB 1223 by Representatives Simpson, Curtis, O'Brien, Appleton, Moeller, B. Sullivan, Schual-Berke and Lantz

AN ACT Relating to establishing the statewide CBRNE response program; amending RCW 43.43.938; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1224 by Representatives Kelley, Sells, Pedersen, Fromhold, Ormsby, Hasegawa, Upthegrove, Skinner, Appleton, Wallace, Roberts, Kagi, Kenney, P. Sullivan, Darneille, Simpson, McDonald, Moeller, Schual-Berke, Morrell, Green, Barlow and Lantz

AN ACT Relating to cost savings on course materials for students at community and technical colleges; and amending RCW 28B.10.590.

Referred to Committee on Higher Education.

HB 1225 by Representatives Kelley, Dunshee, Takko, Goodman, Hasegawa, Morrell, McDermott, Green, Appleton, Miloscia, Kagi, Van De Wege, Ormsby, Moeller, Schual-Berke, Eddy, Linville and Rolfes

AN ACT Relating to provisions regarding consolidated ballots; and amending RCW 29A.36.106.

Referred to Committee on State Government & Tribal Affairs.

HB 1226 by Representatives Sells, Barlow, Santos, Appleton, Lovick, Strow, Hasegawa, Quall, Dunshee, Hunt, McCoy, Priest, Ormsby, Wood, Wallace, Conway, Kenney, Van De Wege, Dickerson, Haigh and Simpson

AN ACT Relating to establishing the first peoples' language, culture, and history teacher certification program; amending RCW 28A.415.020; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1227 by Representatives Ericks, Orcutt, Santos, Roach, Kirby, Rodne, Strow, Simpson, P. Sullivan, Priest, Kelley, Wallace, Kenney, McDonald and Moeller

AN ACT Relating to the business and occupation taxation of licensed mortgage brokers; reenacting and amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Finance.

HB 1228 by Representatives O'Brien, Warnick, McCune, B. Sullivan, McDonald and Morrell

AN ACT Relating to the rate charged mobile home parks for storm or surface water sewer system service; and amending RCW 35.92.020 and 36.94.140.

Referred to Committee on Housing.

HB 1229 by Representative B. Sullivan

AN ACT Relating to correcting references to the state wildlife account; amending RCW 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.12.670, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.36.070, 77.44.050, 79A.55.090, 82.27.070, 90.56.100, 9.41.070, 46.16.605, and 46.16.606; reenacting and amending RCW 77.12.690 and 46.16.313; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1230 by Representatives Hurst, Roach, P. Sullivan and Simpson

AN ACT Relating to designating state route number 164 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 1231 by Representatives Kirby, Roach, Simpson, Strow and Santos

AN ACT Relating to pawnbrokers; and amending RCW 19.60.060 and 19.60.061.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1232 by Representatives Hunt, Alexander, Curtis, Simpson, Chandler, Armstrong and Appleton

AN ACT Relating to the use of local government real estate excise tax proceeds for the acquisition of equipment and software related to business applications; amending RCW 82.46.010; and creating a new section.

Referred to Committee on Local Government.

HB 1233 by Representatives Ericks, Kirby, Roach, Williams, Jarrett and Simpson

AN ACT Relating to specified disease, hospital confinement, or other fixed payment insurance; and amending RCW 48.43.005.

Referred to Committee on Health Care & Wellness.

HB 1234 by Representatives Schual-Berke, Cody, Campbell, Seaquist, Morrell, Appleton, Wallace, B. Sullivan, Kagi, Kenney, Dickerson, Ormsby, Simpson and Moeller; by request of Insurance Commissioner

AN ACT Relating to granting the insurance commissioner the authority to review individual health benefit plan rates; amending RCW 48.18.110, 48.44.020, and 48.46.060; adding a new section to chapter 48.43 RCW; and repealing RCW 48.20.025, 48.44.017, and 48.46.062.

Referred to Committee on Health Care & Wellness.

HB 1235 by Representatives Kirby and Roach; by request of Insurance Commissioner

AN ACT Relating to providing confidentiality to certain insurance commissioner examinations; and reenacting and amending RCW 48.02.065.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1236 by Representatives Roach, Kirby, Simpson and Moeller; by request of Insurance Commissioner

AN ACT Relating to the capital and surplus requirements necessary to transact insurance; and amending RCW 48.05.340.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1237 by Representatives Kirby and Roach; by request of Insurance Commissioner

AN ACT Relating to medical malpractice closed claim reporting; and amending RCW 48.140.020.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1238 by Representatives Takko, Curtis, Simpson and Moeller

AN ACT Relating to water-sewer districts; amending RCW 36.55.060, 44.04.170, 57.08.005, and 57.08.120; adding new sections to chapter 57.24 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

HB 1239 by Representatives Simpson, Curtis and Moeller

AN ACT Relating to the consistency of water-sewer district general water supply comprehensive plans with city, county, and town comprehensive plans and development regulations; and amending RCW 57.16.010.

Referred to Committee on Local Government.

HB 1240 by Representatives Morrell, Bailey, McDonald, Dunn, Linville and Santos

AN ACT Relating to excise tax exemptions for water services provided by small water systems; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

HB 1241 by Representatives B. Sullivan, Upthegrove, Kessler and Kretz

AN ACT Relating to modifying existing exemptions for substantial development under chapter 90.58 RCW; and amending RCW 90.58.030.

Referred to Committee on Agriculture & Natural Resources.

HB 1242 by Representatives Morrell, Hinkle, Cody, Takko, Curtis, Blake, Campbell, Green, Alexander, Moeller, Wallace, Roberts, Conway, Kenney, Ormsby, Darneille, Simpson, McDonald and Schual-Berke

AN ACT Relating to a voluntary adult family home certification program; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health Care & Wellness.

HB 1243 by Representatives Strow, Kirby, Upthegrove, B. Sullivan, Simpson and Appleton

AN ACT Relating to providing an affirmative defense to unlawful internet gambling if the defendant committed the offense in his or her primary residence; and amending RCW 9.46.240.

Referred to Committee on Commerce & Labor.

HB 1244 by Representatives Conway, Hankins, Clibborn, Wood, Hunt, Haler, Morrell, Kirby, Hasegawa, Moeller, Sells, Strow, McCoy, O'Brien, Ericks, Simpson, Green, Campbell, Williams, Kenney and Ormsby

AN ACT Relating to industrial insurance, but only with respect to defining wages to include the cost of health insurance; and amending RCW 51.08.178.

Referred to Committee on Commerce & Labor.

HB 1245 by Representatives Chase, Kirby, Eickmeyer, Campbell, Williams, Haigh, Lovick, Green, Darneille and Morrell

AN ACT Relating to credit cards; adding a new section to chapter 82.04 RCW; adding a new section to chapter 28C.04 RCW; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1246 by Representatives McCoy, Darneille, Dickerson, Ahern, Kenney and Moeller; by request of Department of Social and Health Services

AN ACT Relating to residential services and support enforcement standards; reenacting RCW 71A.12.270; creating a new section; and recodifying RCW 71A.12.270.

Referred to Committee on Human Services.

HB 1247 by Representatives Morrell, Hinkle, Cody, Wallace and Moeller; by request of Department of Social and Health Services

AN ACT Relating to eligibility for long-term care services; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Health Care & Wellness.

HB 1248 by Representatives Linville, B. Sullivan, Blake, Van De Wege and Ericksen

AN ACT Relating to funding the department of fish and wildlife; amending RCW 77.12.177 and 77.95.090; reenacting and amending RCW 77.12.170; and repealing RCW 77.32.510.

Referred to Committee on Agriculture & Natural Resources.

HB 1249 by Representatives Blake, Kretz, Orcutt, Takko and Haigh

AN ACT Relating to hunter education; amending RCW 77.32.155 and 77.15.700; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1250 by Representatives Orcutt, B. Sullivan, Kretz, Alexander and Pearson

AN ACT Relating to providing the fish and wildlife commission with independent biological information; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1251 by Representatives Morrell, Haler, O'Brien, Skinner, Lantz, Hinkle, Upthegrove, Takko, Moeller, Wallace, Crouse, Campbell, Kristiansen, Wood, Pearson, Ross, Fromhold, McCoy, Williams, Kretz, Hurst, Green, Kenney, Van De Wege, Haigh, McCune, Grant, Darneille, Simpson, Dunn and Rolfes

AN ACT Relating to protecting and recovering property owned by utilities, telecommunications companies, railroads, state agencies, political subdivisions of the state, construction firms, and other parties; amending RCW 19.60.020 and 19.60.085; reenacting and amending RCW 19.60.066; adding new sections to chapter 19.60 RCW; creating a new section; repealing RCW 9.91.110; prescribing penalties; and declaring an emergency.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1252 by Representatives Hunter, Buri, McIntire, Springer, Rodne, Kagi, Fromhold, Kirby, Hinkle, Jarrett, McCoy, B. Sullivan, Appleton, Takko, Newhouse, Miloscia, Blake, Kenney, Dickerson, Haigh, P. Sullivan, Darneille, Moeller, Schual-Berke, Eddy, Santos and Rolfes

AN ACT Relating to establishing restrictions on prerecorded telephone calls; amending RCW 80.36.400; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 1253 by Representatives Dickerson, Schual-Berke, Campbell, Santos, Kenney and Moeller

AN ACT Relating to the commercial display of human remains; adding a new section to chapter 68.50 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1254 by Representatives Bailey, B. Sullivan, Haler, Skinner, McDonald, Wallace, Condotta, Sump, Kristiansen, Strow, Pettigrew, McCune, P. Sullivan, Dunn and Morrell

AN ACT Relating to the use of lodging tax revenues for tourism promotion; and amending RCW 67.28.080 and 67.28.1815.

Referred to Committee on Community & Economic Development & Trade.

HB 1255 by Representatives Simpson, Curtis, Sells, Walsh, Buri, B. Sullivan, Ericks, Ormsby and Moeller

AN ACT Relating to municipal officers' beneficial interest in contracts; and amending RCW 42.23.030.

Referred to Committee on Local Government.

HB 1256 by Representatives Dickerson, Kagi, Hunter, O'Brien and Ericks

AN ACT Relating to preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings; amending RCW 43.215.200; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 1257 by Representatives Condotta, Chandler, Crouse and Kristiansen

AN ACT Relating to legislative approval of class III tribal-state gaming compacts; amending RCW 9.46.360 and 43.06.010; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1258 by Representatives Alexander, Hunt, Curtis and Simpson

AN ACT Relating to the disbursement of funds by air pollution control agencies; and amending RCW 70.94.094.

Referred to Committee on Local Government.

HB 1259 by Representatives B. Sullivan, Kretz, Blake and Moeller; by request of Parks and Recreation Commission

AN ACT Relating to park passes; and amending RCW 79A.05.065.

Referred to Committee on Agriculture & Natural Resources.

HB 1260 by Representatives Conway, Crouse, Fromhold, Kenney, Ericks, Ormsby, Simpson and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1261 by Representatives Crouse, Fromhold, Conway, Kenney, Ericks, Simpson, McDonald, Moeller, Campbell and Pearson; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board

AN ACT Relating to purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system; amending RCW 41.35.070 and 41.37.060; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1262 by Representatives Bailey, Conway, Fromhold, Ericks, Simpson and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1; amending RCW 41.32.055, 41.32.570, 41.40.010, and 41.40.037; reenacting and amending RCW 41.32.010; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1263 by Representatives Fromhold, Conway, Kenney, Ericks, Ormsby, Simpson and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount; amending RCW 41.40.197 and 41.32.489; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1264 by Representatives Fromhold, Conway, B. Sullivan, Kenney, Ericks, Haigh, Ormsby, Simpson and Moeller; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board

AN ACT Relating to the portability of public retirement benefits; amending RCW 41.54.010, 41.54.030, and 41.54.070; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1265 by Representatives Fromhold, Conway, Bailey, Kenney, Ericks and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to technical corrections in the public retirement systems; amending RCW 41.04.410, 41.04.440, 41.04.445, 41.04.450, 41.05.320, 41.24.400, 41.26.195, 41.31A.020, 41.37.010, and 41.45.203; reenacting and amending RCW 6.15.020; and creating a new section.

Referred to Committee on Appropriations.

HB 1266 by Representatives Conway, Fromhold, B. Sullivan, Kenney, Ericks, Simpson and Moeller; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board

AN ACT Relating to death benefits for public employees; amending RCW 41.04.017, 41.24.160, 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, 41.40.0932, and 43.43.285; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

January 11, 2007

HB 1005 Prime Sponsor, Representative Kessler: Determining rates for the rental of county equipment. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

January 11, 2007

HB 1027 Prime Sponsor, Representative Strow: Restricting small loan practices. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Santos and Simpson.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., January 16, 2007, the 9th Day of the Regular Session.

FRANK CHOPP, Speaker  
RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## NINTH DAY

House Chamber, Olympia, Tuesday, January 16, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

## INTRODUCTION &amp; FIRST READING

HB 1267 by Representatives Wallace, Upthegrove, Lovick, Hankins and Dickerson; by request of Department of Licensing

AN ACT Relating to commercial driver's license requirements; amending RCW 46.25.060 and 46.25.060; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1268 by Representatives Goodman, Eddy, Ross, Curtis, Clibborn, Darneille, Hurst, Lovick, Simpson, Moeller, Kenney, Ericks, Rolfes and Springer

AN ACT Relating to donation of unclaimed personal property to nonprofit charitable organizations; amending RCW 63.32.050 and 63.40.060; and adding a new section to chapter 63.35 RCW.

Referred to Committee on Local Government.

HB 1269 by Representatives Quall, Strow, Bailey, Morris and Kenney; by request of Board For Judicial Administration

AN ACT Relating to superior court judicial positions; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Judiciary.

HB 1270 by Representatives Kirby, Roach and Moeller

AN ACT Relating to the duration period of loans made under the consumer loan act; and amending RCW 31.04.125.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1271 by Representatives Roach, Ericks, Santos, Strow, Kelley, Newhouse, McDonald, Simpson, Williams, Haler, O'Brien, Pearson, Van De Wege, McCune, P. Sullivan, Kenney, Rolfes and Morrell

AN ACT Relating to identity theft; adding a new section to chapter 9.35 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1272 by Representatives Roach, Ericks, Hurst, Strow, Newhouse, McDonald, Simpson, Williams, Haler, O'Brien, Pearson, Van De Wege, McCune, P. Sullivan and Rolfes

AN ACT Relating to identity theft; amending RCW 9.35.001, 9.35.020, and 46.20.0921; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1273 by Representatives Roach, Ericks, Hurst, Kirby, Strow, Newhouse, Simpson, Williams, Haler, O'Brien, Moeller, Pearson, Van De Wege, McCune, Kenney, Rolfes and Morrell

AN ACT Relating to financial fraud; and adding a new chapter to Title 30 RCW.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1274 by Representatives Roach, Ericks, Kirby, Strow, Santos, Appleton, Simpson, Williams, O'Brien, Moeller, Van De Wege, McCune and Rolfes

AN ACT Relating to an identity theft grant program; adding a new section to chapter 43.10 RCW; and making an appropriation.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1275 by Representatives Roach, Ericks, Hurst, Strow, Santos, Newhouse, Simpson, Haler, O'Brien, Pearson and McCune

AN ACT Relating to records in a criminal case; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

HB 1276 by Representatives Linville, McDonald, Dunshee, Chase, Upthegrove, Strow, Dunn, Haler, Van De Wege, McCune, Kenney, Roberts and Morrell; by request of Governor Gregoire

AN ACT Relating to creating a public-private tourism partnership; amending RCW 67.40.040, 43.330.096, 43.330.090, and 43.330.094; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.330.096; and repealing RCW 43.330.095.

Referred to Committee on Community & Economic Development & Trade.

HB 1277 by Representatives Kelley, Simpson, Wood, P. Sullivan, Conway, Kenney, Ericks, Rolfes and Morrell; by request of Governor Gregoire

AN ACT Relating to expanding competitive local infrastructure financing tools projects; amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.090, 39.102.120, 82.14.475, and 39.102.140; adding a new section to chapter 39.102 RCW; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

HB 1278 by Representatives Conway, Simpson and Kenney; by request of Governor Gregoire

AN ACT Relating to revising the industry average unemployment contribution rates; amending RCW 50.29.025; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1279 by Representatives Skinner, Kessler, Lantz, Hasegawa, Dickerson, Haler, McIntire, Conway, Newhouse and Kenney

AN ACT Relating to the state poet laureate; adding new sections to chapter 43.46 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1280 by Representatives Ericks, Jarrett, Quall, O'Brien, Strow, Morrell, Roach, Hunt, McDonald, Chase, Simpson, Haler, Moeller, McCune, Schual-Berke, Miloscia and Springer

AN ACT Relating to the use of the school district capital projects funds for technology; amending RCW 28A.320.330 and 84.52.053; and creating a new section.

Referred to Committee on Education.

HB 1281 by Representatives Sells, Williams, Ericks, Morrell, Conway, Linville, Moeller, Chase, Simpson, Haler, Schual-Berke and Kenney

AN ACT Relating to retired or disabled school employee participation in state health insurance plans; and amending RCW 41.05.080.

Referred to Committee on Appropriations.

HB 1282 by Representatives Lovick, Strow and Haler

AN ACT Relating to ferry terminal security; adding a new section to chapter 88.08 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1283 by Representatives Roach, McDonald, Morrell, Rolfes, Kelley, Skinner, Orcutt, Priest, Takko,

Conway, Appleton, Newhouse, Haler, Moeller, Van De Wege, McCune, Roberts and Springer

AN ACT Relating to high school diplomas for persons who leave school before graduation to serve in the United States armed forces; and amending RCW 28A.230.120.

Referred to Committee on Education.

HB 1284 by Representatives Cody, Conway, Schual-Berke, Hunt, Green, Barlow, Simpson, Moeller, Kenney and Morrell

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; and amending RCW 41.05.011.

Referred to Committee on Appropriations.

HB 1285 by Representatives Anderson, Fromhold, Priest, Quall and Haler

AN ACT Relating to recodifying the basic education program; amending RCW 28A.150.200, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.290, 28A.150.360, and 28A.150.410; adding a new section to chapter 28A.160 RCW; adding a new chapter to Title 28A RCW; recodifying RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.270, 28A.150.290, 28A.150.410, 28A.150.275, 28A.150.280, 28A.150.350, 28A.150.360, 28A.150.370, 28A.150.420, and 28A.150.280; and repealing RCW 28A.150.100.

Referred to Committee on Education.

HB 1286 by Representatives O'Brien, Miloscia, Dunshee, Lantz, Springer, Ormsby, Kirby, Appleton, Hurst, Chase, Simpson, Dunn, Moeller, McCune, Rolfes, Quall and Morrell

AN ACT Relating to the housing trust fund; and amending RCW 43.185.050.

Referred to Committee on Housing.

HB 1287 by Representatives Kagi, Hinkle, Walsh, Haler, Appleton, Simpson, Moeller and Kenney; by request of Department of Social and Health Services

AN ACT Relating to compliance with the federal safe and timely interstate placement of foster children; amending RCW 13.34.138 and 13.34.145; and adding new sections to chapter 13.34 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 1288 by Representatives Haler, Santos, Hankins, P. Sullivan, Lovick, Chase, Simpson, Hasegawa, McCune and Kenney

AN ACT Relating to revising the essential academic learning requirements and statewide academic system; amending RCW 28A.655.070, 28A.655.061, 28A.150.220, 28A.180.100, 28A.195.010, 28A.200.010, 28A.230.090,

28A.305.130, 28A.600.310, and 28A.655.090; reenacting and amending RCW 28A.230.125; adding new sections to chapter 28A.655 RCW; repealing RCW 28A.155.045, 28A.655.010, 28A.655.063, 28A.655.065, and 28A.230.195; and declaring an emergency.

Referred to Committee on Education.

HB 1289 by Representatives Clibborn, Campbell, Van De Wege, Dickerson, Moeller and Morrell; by request of Department of Licensing

AN ACT Relating to the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1290 by Representatives Clibborn and Hankins

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.025, 82.36.026, 82.36.027, 82.36.029, 82.36.031, 82.36.035, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.090, 82.38.100, 82.38.110, 82.38.130, 82.38.140, 82.38.150, 82.38.160, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; repealing RCW 82.36.042, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.185, 82.38.285, and 82.38.165; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

HB 1291 by Representatives Quall, Priest, Wood, Condotta, Moeller, Conway and Simpson; by request of Horse Racing Commission

AN ACT Relating to advance deposit wagering; and amending RCW 67.16.260.

Referred to Committee on Commerce & Labor.

HB 1292 by Representatives Barlow, Ahern, Morrell, Hailey, Seaquist, Schindler, Appleton, Skinner, Williams, McDonald, Hurst, Campbell, Haler, Wood, Moeller, Van De Wege, McCune, Conway and Kenney; by request of Department of Veterans Affairs

AN ACT Relating to establishing the eastern Washington state veterans' cemetery; adding a new section to chapter 72.36 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1293 by Representatives Cody and Sommers; by request of Insurance Commissioner

AN ACT Relating to insurance commissioner regulatory assessment fees; and amending RCW 48.02.190 and 48.46.120.

Referred to Committee on Appropriations.

HB 1294 by Representatives B. Sullivan, Rodne, Eddy, Chase, Simpson, Haler and Roberts

AN ACT Relating to special fuel taxes; and amending RCW 82.38.080.

Referred to Committee on Transportation.

HB 1295 by Representatives Eickmeyer and Upthegrove

AN ACT Relating to water resource inventory area 14; and amending RCW 90.82.060.

Referred to Committee on Select Committee on Puget Sound.

HB 1296 by Representatives Hunter and Anderson

AN ACT Relating to information technology projects; and amending RCW 43.88A.020, 43.105.160, 43.105.041, and 43.105.825.

Referred to Committee on Technology, Energy & Communications.

HB 1297 by Representatives Schual-Berke, Kessler, Walsh, Appleton, Linville, Darneille, Clibborn, Haigh, Lantz, Wood, McCoy, Quall, Morrell, Jarrett, Fromhold, Hunt, Hankins, Cody, McDermott, Williams, Ericks, Moeller, Pedersen, Chase, Kagi, Hasegawa, Dunshee, Upthegrove, Simpson, Dickerson, McIntire, Goodman, P. Sullivan, Conway, Kenney, Roberts, Springer and Seaquist

AN ACT Relating to providing medically and scientifically accurate sexual health education in schools; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1298 by Representatives Green, Campbell, Cody, Morrell, Moeller and Conway

AN ACT Relating to dental hygiene; and amending RCW 18.29.056 and 18.29.220.

Referred to Committee on Health Care & Wellness.

HB 1299 by Representatives B. Sullivan, Kretz, Newhouse, Chase and Haler

AN ACT Relating to ballast water management; and amending RCW 77.120.030.

Referred to Committee on Agriculture & Natural Resources.

HB 1300 by Representatives Morrell, Campbell, Cody, Curtis, Schual-Berke, Green and Moeller; by request of Department of Health

AN ACT Relating to health professions administrative penalties; amending RCW 18.130.040, 18.130.050, 18.130.140, 18.130.150, 18.130.165, 18.130.170, 18.130.172, 18.130.180, 9.96A.020, and 9.95.240; reenacting and amending RCW 18.130.160; adding new sections to chapter 18.130 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1301 by Representatives B. Sullivan, Haler, Hudgins, Blake, Chase and Kenney

AN ACT Relating to requiring the department of ecology to aid in the development of projects designed to demonstrate to the public options available for preserving the state's natural resources through enhanced air quality; adding a new section to chapter 70.94 RCW; and making an appropriation.

Referred to Committee on Technology, Energy & Communications.

HB 1302 by Representatives Hunt, Rodne, Williams and Kirby

AN ACT Relating to limitations on asbestos-related liabilities relating to certain mergers or consolidations occurring before 1972; adding a new chapter to Title 23 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1303 by Representatives Dickerson, B. Sullivan, Jarrett, Linville, Priest, Appleton, Pedersen, Kenney, Sells, Morrell, Lantz, O'Brien, Chase, Eickmeyer, McCoy, Haigh, Rolfes, Hurst, Eddy, Springer, Schual-Berke, Fromhold, Moeller, Hunt, Goodman, Williams, Darneille, Kagi, Lovick, Campbell, Dunshee, Sommers, Simpson, Hunter, Roberts and Miloscia

AN ACT Relating to providing for the means to encourage the use of cleaner energy thereby providing for healthier communities by reducing emissions; amending RCW 46.68.020, 53.08.040, 70.94.017, 19.112.010, 19.112.120, 82.04.4334, and 82.08.955; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 15.110 RCW; adding a new section to chapter 19.112 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.01 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 28B.30 RCW; creating new sections; prescribing penalties; and making appropriations.

Referred to Committee on Agriculture & Natural Resources.

HB 1304 by Representatives Kagi, Clibborn, Jarrett, Flannigan, McCoy, Darneille, Lovick, Campbell, Schual-Berke, Kenney and Morrell

AN ACT Relating to commercial motor vehicle carriers; amending RCW 46.04.480, 46.32.010, 46.32.020, 46.32.040, 46.32.080, 46.32.090, 46.32.100, 46.87.294, 46.87.296, and 82.38.100; reenacting and amending RCW 46.16.160 and 46.44.105; adding new sections to chapter 46.16 RCW; adding

a new section to chapter 46.32 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

HB 1305 by Representatives Kretz, Warnick, Hailey, McCoy, Newhouse and Haler; by request of Department of Agriculture

AN ACT Relating to the regulation of food lockers; amending RCW 19.02.110 and 43.70.900; and repealing RCW 19.32.005, 19.32.010, 19.32.020, 19.32.030, 19.32.040, 19.32.050, 19.32.055, 19.32.060, 19.32.090, 19.32.100, 19.32.110, 19.32.150, 19.32.160, 19.32.165, 19.32.170, 19.32.180, and 19.32.900.

Referred to Committee on Agriculture & Natural Resources.

HB 1306 by Representatives Green, Morrell, Cody, Williams, Conway, Darneille, Hurst, Campbell, Chase, Simpson, Wood and Moeller

AN ACT Relating to revising the mandatory overtime prohibition applicable to nurses, but only with respect to increasing the types of health care facilities that are subject to the prohibition from requiring nurses to perform overtime work; and amending RCW 49.28.130 and 72.01.042.

Referred to Committee on Commerce & Labor.

HB 1307 by Representatives Upthegrove, Lantz, Williams, O'Brien, Sells, McCoy, Appleton, Darneille, Lovick, Dunshee, Takko, Pedersen, Simpson, Dickerson, Moeller, McIntire, Schual-Berke, Quall, Springer and Morrell

AN ACT Relating to freedom of student press and speech; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1308 by Representatives McCune, Morrell, Campbell, McDonald, Sump, Roach, Kristiansen, Hailey, Dunn, Appleton, Hurst, Pearson, Upthegrove, Strow, Moeller, Van De Wege, Springer, Bailey and Seaquist

AN ACT Relating to the support of military families stationed in Washington state through an exemption from the state and local real estate excise taxes for home sales resulting from military relocation orders; adding a new section to chapter 82.45 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1309 by Representatives Morrell, Curtis, Eddy, Orcutt, Santos, McDonald, Moeller, Bailey, Kagi, Hinkle, Campbell, Simpson and Kenney

AN ACT Relating to physical therapist assistants; amending RCW 18.74.010, 18.74.020, 18.74.030, 18.74.035, 18.74.040, 18.74.060, 18.74.070, 18.74.073, 18.74.090, 18.74.120, 18.74.130, 18.74.150, 18.74.160, and 18.74.170; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health Care & Wellness.

HB 1310 by Representatives B. Sullivan, Hailey, McCoy, Newhouse, Haler and Kenney; by request of Department of Agriculture

AN ACT Relating to the enforcement of animal health laws; amending RCW 16.36.050, 16.36.010, 20.01.610, and 20.01.380; adding new sections to chapter 16.36 RCW; recodifying RCW 16.36.092; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1311 by Representatives Grant, Hailey, McCoy, McDonald, Newhouse, Chase, Dickerson, Haler, Kenney, Springer and Morrell; by request of Department of Agriculture

AN ACT Relating to the small farm direct marketing assistance program; and amending RCW 15.64.050.

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

January 11, 2007

HB 1024 Prime Sponsor, Representative Hunter: Phasing out the use of polybrominated diphenyl ethers. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Chase; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Hailey.

Passed to Committee on Rules for second reading.

January 15, 2007

HB 1095 Prime Sponsor, Representative Barlow: Implementing the part D drug copayment program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 11:30 a.m., January 17, 2007, the 10th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## TENTH DAY

House Chamber, Olympia, Wednesday, January 17, 2007

The House was called to order at 11:30 a.m. by the Speaker (Representative Lovick presiding).

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

## INTRODUCTION &amp; FIRST READING

HB 1312 by Representatives Hudgins and Hankins; by request of Utilities & Transportation Commission

AN ACT Relating to the regulation of transportation providers; amending RCW 80.01.040, 81.04.010, 81.04.080, 81.04.130, 81.04.150, 81.04.160, 81.04.220, 81.04.240, 81.04.250, 81.04.270, 81.04.280, 81.04.300, 81.04.330, 81.04.350, 81.04.360, 81.08.010, 81.12.010, 81.16.010, 81.24.010, 81.28.010, 81.28.020, 81.28.030, 81.28.040, 81.28.050, 81.28.080, 81.28.180, 81.28.190, 81.28.200, 81.28.210, 81.28.220, 81.28.230, 81.28.250, 81.28.260, 81.29.010, 81.29.020, 81.44.010, 81.44.020, 81.44.040, 81.61.020, 81.66.040, 81.66.060, 81.68.010, 81.68.015, 81.68.020, 81.68.040, 81.68.060, 81.68.065, 81.68.080, 81.68.090, 81.70.020, 81.70.030, 81.70.230, 81.70.250, 81.70.280, 81.70.290, 81.70.320, 81.70.330, 81.70.340, 81.77.010, 81.77.040, 81.77.100, 81.80.010, 81.80.020, 81.80.045, 81.80.060, 81.80.070, 81.80.080, 81.80.130, 81.80.140, 81.80.150, 81.80.170, 81.80.190, 81.80.220, 81.80.230, 81.80.250, 81.80.260, 81.80.270, 81.80.272, 81.80.280, 81.80.305, 81.80.330, 81.80.370, 81.80.371, 81.80.430, 81.84.020, 47.76.230, 47.76.240, 81.68.030, 81.84.060, 79A.40.100, 81.53.261, and 15.66.270; reenacting and amending RCW 81.84.010; adding new sections to chapter 81.04 RCW; adding a new section to chapter 81.66 RCW; adding a new section to chapter 81.68 RCW; adding a new section to chapter 81.70 RCW; adding a new section to chapter 81.77 RCW; adding a new section to chapter 81.80 RCW; adding a new section to chapter 81.48 RCW; recodifying RCW 81.56.120; and repealing RCW 15.65.610, 81.04.170, 81.04.180, 81.04.190, 81.04.520, 81.08.070, 81.36.070, 81.40.040, 81.40.100, 81.44.031, 81.44.032, 81.44.050, 81.44.060, 81.44.065, 81.44.091, 81.44.092, 81.44.093, 81.44.094, 81.44.095, 81.44.096, 81.44.097, 81.44.0971, 81.44.0972, 81.44.098, 81.44.0981, 81.44.0982, 81.44.099, 81.44.100, 81.44.101, 81.44.102, 81.44.103, 81.44.104, 81.44.105, 81.44.110, 81.44.120, 81.48.010, 81.48.015, 81.52.010, 81.52.020, 81.52.030, 81.52.040, 81.56.010, 81.56.020, 81.56.030, 81.56.040, 81.56.050, 81.56.060, 81.56.070, 81.56.080, 81.56.100, 81.56.110, 81.56.130, 81.56.140, 81.56.150, 81.56.160, 81.68.070, 81.70.300, 81.77.015, 81.77.070, 81.80.030, 81.80.175, 81.80.240, 81.80.301, 81.80.312, 81.80.318, 81.80.340, 81.80.346, 81.80.375, 81.80.380, 81.80.381, 81.80.391, 81.80.395, 81.80.400, 81.80.410, 81.80.420, 81.80.440, 81.80.450, and 81.80.460.

Referred to Committee on Transportation.

HB 1313 by Representatives Eddy, Hankins and Kenney; by request of Utilities & Transportation Commission

AN ACT Relating to the intervention authority of the department of transportation on railroad shipping matters; amending RCW 47.76.240; and repealing RCW 81.28.250.

Referred to Committee on Transportation.

HB 1314 by Representatives Morris, Crouse, Linville and Anderson; by request of Utilities & Transportation Commission

AN ACT Relating to regulation of gas and hazardous liquid pipelines; amending RCW 81.88.010, 81.88.040, 81.88.050, 81.88.060, 81.88.080, 81.88.090, 81.88.100, 19.122.020, and 81.04.490; adding a new section to chapter 81.88 RCW; and repealing RCW 80.28.205, 80.28.207, 80.28.210, 80.28.212, 80.28.215, and 81.88.150.

Referred to Committee on Technology, Energy & Communications.

HB 1315 by Representatives Hudgins, Lovick and Dickerson; by request of Washington State Patrol, Department of Licensing and Washington Traffic Safety Commission

AN ACT Relating to motorcycle driver's license endorsement and education; and amending RCW 46.20.505, 46.81A.020, 46.82.420, and 28A.220.080.

Referred to Committee on Transportation.

HB 1316 by Representatives Hudgins, Lovick, Hankins and Kenney; by request of Washington State Patrol, Department of Licensing and Washington Traffic Safety Commission

AN ACT Relating to authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses; and amending RCW 46.55.113.

Referred to Committee on Transportation.

HB 1317 by Representatives Lantz, Hinkle, Kenney, Springer, Skinner, Darneille, Williams, Uptegrove, Chase, Dickerson and Ormsby

AN ACT Relating to public access to county law libraries; and amending RCW 27.24.067 and 27.24.068.

Referred to Committee on Judiciary.

HB 1318 by Representatives Hunt, Wood, Conway, Williams, Chandler, Green, Moeller and Morrell

AN ACT Relating to licensing of soil scientists; adding a new section to chapter 18.220 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1319 by Representatives O'Brien, Pearson, Dickerson, Blake, Kenney and Ormsby; by request of Department of Corrections

AN ACT Relating to the protection of employees, contract staff, and volunteers of a correctional agency from stalking; and amending RCW 9A.46.110.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1320 by Representatives Ahern, Haler, McCune, Dunn, Pearson, McDonald and Ormsby

AN ACT Relating to the statute of limitations on certain sex offenses against minors; and amending RCW 9A.04.080.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1321 by Representatives Ahern, O'Brien, Warnick, Miloscia, McCune, Haler, Kretz, Roach, Ericksen, Chandler, Dunn, Kristiansen, Pearson, Condotta and Hurst

AN ACT Relating to requiring parental notification for abortion; adding a new section to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1322 by Representatives McCoy, Grant, Sells, Cody, Conway, Schual-Berke, Roberts, Pettigrew, Lantz, Kagi, Moeller, Chase, Green, Kenney, Simpson, Darneille, Dickerson, Hankins, Santos, Ormsby and Flannigan

AN ACT Relating to the definition of disability in the Washington law against discrimination; amending RCW 49.60.040; and creating new sections.

Referred to Committee on Judiciary.

HB 1323 by Representatives McIntire, Pettigrew, Pedersen and Dunn

AN ACT Relating to excise tax relief for certain limited purpose public corporations, commissions, and authorities; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1324 by Representatives Hunter, Lovick, Alexander, Simpson, Ericks, Dickerson, Dunn, Morrell, McDonald, Conway, Linville, Wallace and Schual-Berke

AN ACT Relating to sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment; amending RCW 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.08.945, and 82.12.945; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1325 by Representatives Dickerson, Roach, Simpson, O'Brien, Eddy, Hurst, Kenney, Ericks and Ormsby

AN ACT Relating to establishing the retirement age for members of the Washington state patrol retirement system; amending RCW 43.43.250; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1326 by Representatives P. Sullivan, Roach, Hurst, Simpson, McCoy, O'Brien and McDonald

AN ACT Relating to record checks for employees and applicants for employment at bureau of Indian affairs-funded schools; and amending RCW 28A.400.303 and 28A.400.305.

Referred to Committee on State Government & Tribal Affairs.

HB 1327 by Representatives Santos, Skinner, Hunt, Green, Miloscia, McDermott, Anderson, Hudgins, Hasegawa, Darneille, Haigh, Wallace, Hankins, Pettigrew and Kenney

AN ACT Relating to materialpersons; and amending RCW 28B.07.020, 39.04.155, 39.08.010, 39.08.030, 47.28.030, 60.28.010, 60.28.011, 60.28.020, 60.28.021, 85.28.130, and 85.28.140.

Referred to Committee on State Government & Tribal Affairs.

HB 1328 by Representatives Santos, Anderson, Green, Hunt, Miloscia, McDermott, Hasegawa, Hudgins, Chandler, Darneille, Haigh, Hankins, Wallace, Kristiansen, Kagi, Pettigrew, Kenney and Conway

AN ACT Relating to small works roster contracting procedures; and amending RCW 39.04.155.

Referred to Committee on State Government & Tribal Affairs.

HB 1329 by Representative Flannigan; by request of Department of Social and Health Services

AN ACT Relating to implementation of the deficit reduction act; amending RCW 26.18.170, 26.23.035, 26.23.050, 26.23.110, 74.20.040, 74.20.330, 74.20A.030, and 74.20A.055; and reenacting and amending RCW 74.20A.056.

Referred to Committee on Judiciary.

HB 1330 by Representatives Alexander, Kenney, DeBolt, Bailey, Pettigrew, Haler, Schual-Berke,

Upthegrove, Kessler, Kristiansen, Pearson, Anderson, Ericks, McDonald and Linville

AN ACT Relating to small business economic impact statements; and amending RCW 19.85.040.

Referred to Committee on State Government & Tribal Affairs.

HB 1331 by Representatives Haigh, Kretz, Wallace, Walsh, Cody, Strow, Hinkle, Pettigrew, Priest and Dunn

AN ACT Relating to veterinary technicians; amending RCW 18.92.015, 18.92.021, 18.92.030, 18.92.013, 18.92.140, and 18.92.145; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1332 by Representatives Pettigrew, Dunn, Miloscia, Springer, McCune, Ormsby, Kenney, Roberts, Wood, Santos and Chase

AN ACT Relating to affordable housing development; amending RCW 43.63A.510, 35.21.687, 36.34.137, 43.20A.037, 47.12.063, 47.12.064, 72.09.055, 43.19.19201, 79A.05.170, 79A.05.175, 79.11.005, 79.22.060, and 28A.335.120; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 43.30 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1333 by Representatives Hinkle, Kagi and Walsh

AN ACT Relating to child welfare; amending RCW 13.34.138 and 13.34.145; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 1334 by Representatives Hinkle and Walsh

AN ACT Relating to documentation in child welfare proceedings; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 1335 by Representatives Hinkle, Walsh and Linville

AN ACT Relating to improving casework in child welfare cases; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 1336 by Representatives Morris, Anderson and B. Sullivan

AN ACT Relating to organisms made by human innovation; adding new sections to chapter 43.350 RCW;

adding a new section to chapter 43.23 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1337 by Representatives Kenney, Skinner, Hunter, Priest, Darneille, Ericks, Pettigrew, Hankins, Lantz, Fromhold, Walsh, Williams, Kessler, Haler, Morrell, Barlow, McCoy, Appleton, Ormsby, Springer, Campbell, Moeller, Lovick, Rolfes, Hasegawa, Flannigan, Hudgins, Hunt, Green, Chase, Dunshee, Simpson, Roberts, O'Brien, Rodne, Dickerson, Quall, Goodman, Linville, Hurst, Santos and Wallace

AN ACT Relating to insurance coverage for colorectal cancer early detection; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1338 by Representatives P. Sullivan, Newhouse, B. Sullivan and Santos

AN ACT Relating to the Washington beer commission; and amending RCW 15.89.070.

Referred to Committee on State Government & Tribal Affairs.

HB 1339 by Representatives Pearson, Kristiansen, Orcutt, Kretz, Hinkle, Ross, Ahern, Anderson and McCune

AN ACT Relating to an emergency preparedness pilot program for flood control; amending RCW 77.55.021; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1340 by Representatives Pearson, Moeller, O'Brien, Lovick and Upthegrove

AN ACT Relating to standardized chemical dependency assessment protocols; and adding new sections to chapter 70.96A RCW.

Referred to Committee on Judiciary.

HB 1341 by Representatives Simpson, Curtis, Ericks and Alexander

AN ACT Relating to limiting the regulation of the practice of massage by political subdivisions; amending RCW 18.108.210; creating a new section; and repealing RCW 18.108.100.

Referred to Committee on Local Government.

HB 1342 by Representatives Takko, Bailey, Springer, Skinner, Blake, Haler, Miloscia, McIntire, Ericks, Chase, Pearson, Kenney and Dunn

AN ACT Relating to clarifying the use of existing lodging tax revenues for tourism promotion; and amending RCW 67.28.080.

Referred to Committee on Community & Economic Development & Trade.

HB 1343 by Representatives Takko and Armstrong; by request of Washington State Patrol

AN ACT Relating to examination requirements for a certificate of ownership; and amending RCW 46.12.030.

Referred to Committee on Transportation.

HB 1344 by Representatives Lovick, Rodne, Hudgins, Upthegrove and Campbell; by request of Washington State Patrol

AN ACT Relating to a window tint exemption for law enforcement vehicles; and amending RCW 46.37.430.

Referred to Committee on Transportation.

HB 1345 by Representatives Wood, Condotta, Kristiansen, Lantz, Dickerson, Morrell, McCune and Conway; by request of Gambling Commission

AN ACT Relating to clarifying and prescribing penalties for gambling under the age of eighteen; amending RCW 9.46.0305; adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1346 by Representatives Wood, Conway and Moeller; by request of Gambling Commission

AN ACT Relating to the exclusion of certain persons from licensed gambling premises; adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1347 by Representatives Schual-Berke, Kagi, Morrell, Haigh, Green, Kessler, Cody, Appleton, Ormsby, Hunter, Kenney, O'Brien, Springer, Santos and Campbell

AN ACT Relating to emergency response plans for long-term care facilities; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Health Care & Wellness.

HB 1348 by Representatives Schual-Berke, Cody, Morrell, Campbell, Appleton, Moeller, Green, Pettigrew, Chase, Kenney, Conway and Ormsby

AN ACT Relating to protection against unfair prescription drug practices by pharmacy benefit managers; and adding a new chapter to Title 19 RCW.

Referred to Committee on Health Care & Wellness.

HB 1349 by Representatives Condotta and Wood

AN ACT Relating to sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200; and amending RCW 66.24.400, 66.28.200, and 66.28.220.

Referred to Committee on Commerce & Labor.

HB 1350 by Representatives Pedersen, McDermott, Upthegrove, Moeller, Darneille, Williams, Hasegawa, Dickerson, Hunt, Schual-Berke, Kenney, Sommers, McIntire, Ormsby, Sells, Flannigan, Santos, Appleton, Chase, Cody, Hudgins, Pettigrew, Wood, Kagi, Morris and Roberts

AN ACT Relating to civil marriage equality, recognizing the right of all citizens of Washington state, including couples of the same sex, to obtain civil marriage licenses; amending RCW 26.04.010 and 26.04.020; and creating a new section.

Referred to Committee on Judiciary.

HB 1351 by Representatives McDermott, Jarrett, Pedersen, Moeller, Upthegrove, Clibborn, Darneille, Simpson, Schual-Berke, Williams, Hasegawa, Dickerson, Hunt, Kenney, Sommers, McIntire, McCoy, Roberts, Hudgins, Ormsby, Sells, Kirby, Fromhold, Blake, Eickmeyer, Haigh, Lovick, Ericks, Dunshee, B. Sullivan, P. Sullivan, Wallace, Kagi, Flannigan, Kessler, Pettigrew, Wood, Quall, Conway, Hankins, Chase, O'Brien, Eddy, Appleton, Hunter, Lantz, Springer, Walsh, Grant, Takko, Goodman, Morris, Cody, Santos, Miloscia and Linville

AN ACT Relating to protecting individuals in domestic partnerships by granting certain rights and benefits; amending RCW 41.05.065, 7.70.065, 70.02.050, 11.07.010, 11.94.080, 68.32.020, 68.32.030, 68.32.040, 68.32.060, 68.32.110, 68.32.130, 68.50.100, 68.50.101, 68.50.105, 68.50.160, 68.50.200, 68.50.550, 11.04.015, and 11.28.120; adding a new section to chapter 43.07 RCW; adding a new section to chapter 41.05 RCW; and adding a new chapter to Title 26 RCW.

Referred to Committee on Judiciary.

HB 1352 by Representatives Santos, Hasegawa, Haler, Appleton, Simpson, Hankins and Wood

AN ACT Relating to meeting state academic requirements for the certificate of academic achievement; and amending RCW 28A.655.061.

Referred to Committee on Education.

HB 1353 by Representative Chase

AN ACT Relating to providing incentives for recycling beverage containers; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 1354 by Representatives Chase, Wallace, Simpson, Dunn, Morrell and Santos

AN ACT Relating to creating a low-interest student loan program for higher education; adding a new chapter to Title 28B RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1355 by Representatives Chase, Campbell, Hasegawa and Morrell

AN ACT Relating to incorporating human health analysis into environmental review; amending RCW 43.21C.030, 43.21C.031, 43.21C.034, 43.21C.060, 43.21C.075, 43.21C.110, and 43.21C.240; and creating a new section.

Referred to Committee on Select Committee on Environmental Health.

HB 1356 by Representatives Cody, Campbell, Chase, Kenney, Ericks, Green, Conway and Wood

AN ACT Relating to authorizing purchase of brand name drugs when cost-effective for all state purchased health care programs; and amending RCW 70.14.050.

Referred to Committee on Health Care & Wellness.

HB 1357 by Representatives Green, Kessler, O'Brien and Wood

AN ACT Relating to industrial insurance compensation for medical or surgical treatment for intractable pain; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 1358 by Representatives Miloscia, Dunn and Anderson

AN ACT Relating to growth management planning; and amending RCW 36.70A.030 and 36.70A.210.

Referred to Committee on Local Government.

HB 1359 by Representatives Miloscia, Chase, Hasegawa, Pettigrew, Springer, Ormsby, Roberts, Darneille, Goodman and Santos

AN ACT Relating to providing affordable housing for all; amending RCW 43.185B.040, 36.22.178, and 43.63A.650; reenacting and amending RCW 36.18.010; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 36.22.178, 43.185B.020, and 43.185B.040; making appropriations; and providing expiration dates.

Referred to Committee on Housing.

HB 1360 by Representatives Miloscia, Chase, McDermott, Hasegawa, Pettigrew, Ormsby, Kagi, Appleton, McIntire and Goodman

AN ACT Relating to public financing of campaigns; amending RCW 42.17.390, 42.17.020, 42.17.095, 42.52.180,

42.17.128, and 42.17.130; adding new sections to chapter 42.17 RCW; creating new sections; and prescribing penalties.

Referred to Committee on State Government & Tribal Affairs.

HB 1361 by Representatives Miloscia, B. Sullivan and Chase

AN ACT Relating to dedicating existing revenue to infrastructure funding; amending RCW 82.45.060; reenacting and amending RCW 43.84.092; adding new sections to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Local Government.

HB 1362 by Representatives Miloscia, Chase and Ormsby

AN ACT Relating to campaign finance reform; amending RCW 42.17.360, 42.17.640, 42.17.510, 42.17.105, and 42.17.020; adding new sections to chapter 42.17 RCW; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1363 by Representatives Miloscia, Chase, Hasegawa, McDermott, Pettigrew, Upthegrove, Roberts, Darneille and Goodman

AN ACT Relating to voter registration at state agencies; and amending RCW 29A.08.340.

Referred to Committee on State Government & Tribal Affairs.

HB 1364 by Representatives Seaquist, Rolfes, Sells, Appleton, Upthegrove, Hasegawa, Lantz, Ericks, Green, Roberts, Dunn, Morrell, McDonald, Hurst and Wallace

AN ACT Relating to increasing the disposable income threshold levels for senior citizens and persons retired by reason of physical disability to qualify for property tax relief; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

HB 1365 by Representatives Kagi, Haler, Roberts, Walsh, Appleton, Hunter, McDermott, Santos, Ormsby, Hasegawa, Kenney, Dickerson and Darneille

AN ACT Relating to home visitation services for families; amending RCW 43.121.015; adding new sections to chapter 43.121 RCW; and repealing RCW 43.70.530.

Referred to Committee on Early Learning & Children's Services.

HB 1366 by Representatives Kessler, DeBolt, Grant, Ericksen, Lantz, Rodne, Williams, Priest, Morrell, Hunt, Appleton, Blake, Chase, Anderson, Darneille, Dickerson, Linville, Springer, Hurst and Wood

AN ACT Relating to a privilege from compelled testimony for members of the news media; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

HB 1367 by Representatives Simpson, Hinkle, Kristiansen, Ericks, Roberts, Dunn and Springer

AN ACT Relating to construction or improvements at fire stations and buildings; and amending RCW 52.14.110.

Referred to Committee on Local Government.

HB 1368 by Representatives Simpson, Hinkle, Armstrong and Linville

AN ACT Relating to special purpose district commissioner per diem compensation; and amending RCW 35.61.150, 52.14.010, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 86.09.283, 87.03.460, 36.57A.050, and 85.38.075.

Referred to Committee on Local Government.

HB 1369 by Representatives Linville, Armstrong, Ericks, Grant and Simpson

AN ACT Relating to voter-approved regular property tax levies; and amending RCW 84.55.050.

Referred to Committee on Finance.

HB 1370 by Representatives Green, Conway, Hasegawa, Chase, Simpson, Morrell and Wood

AN ACT Relating to public workers excluded from prevailing wages on public works provisions; and amending RCW 39.12.020.

Referred to Committee on Commerce & Labor.

HB 1371 by Representative Appleton

AN ACT Relating to traffic infractions involving rental vehicles; and amending RCW 46.63.073, 46.63.160, and 46.63.170.

Referred to Committee on Transportation.

HB 1372 by Representatives Rolfes, Appleton, Simpson, Haigh, Seaquist and Darneille

AN ACT Relating to authorizing the acquisition and operation of tourism-related facilities by port districts; and amending RCW 53.08.255.

Referred to Committee on Local Government.

HB 1373 by Representatives Lantz, Seaquist, Rolfes, Green and Appleton; by request of Board For Judicial Administration

AN ACT Relating to photo enforcement of traffic infractions; and amending RCW 46.63.030 and 46.63.160.

Referred to Committee on Transportation.

HB 1374 by Representatives Upthegrove, Sump, Hunt, Appleton, Chase, Kenney, Simpson, Roberts, Dickerson, Conway and Springer; by request of Governor Gregoire

AN ACT Relating to the Puget Sound partnership; amending RCW 90.71.005, 90.71.100, 43.17.010, 43.17.020, and 42.17.2401; adding a new section to chapter 41.06 RCW; adding a new section to chapter 77.85 RCW; adding new sections to chapter 90.71 RCW; adding a new section to chapter 70.118 RCW; recodifying RCW 90.71.100; decodifying RCW 90.71.902 and 90.71.903; repealing RCW 90.71.010, 90.71.015, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.060, 90.71.070, 90.71.080, 90.71.900, and 90.71.901; providing an effective date; and declaring an emergency.

Referred to Committee on Select Committee on Puget Sound.

HB 1375 by Representatives B. Sullivan, Priest, Ericks, Jarrett, Morrell, Sells, Condotta, Upthegrove, Chase, Simpson, Conway and Linville

AN ACT Relating to a joint legislative task force on aerospace manufacturing; creating new sections; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

HJM 4002 by Representatives B. Sullivan, Upthegrove, Rolfes, Sells, Chase, Kenney and Linville

Requesting that Congress fund the Northwest Straits Marine Conservation Initiative.

Referred to Committee on Select Committee on Puget Sound.

HJR 4206 by Representatives Clibborn, Jarrett, Hunter, Eddy, Springer, Anderson, Flannigan, Kenney, Simpson and Rodne

Increasing state indebtedness limits for transportation projects.

Referred to Committee on Transportation.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### COMMITTEE ASSIGNMENTS

The Speaker (Representative Lovick presiding) announced the following changes in committee assignments:

Representative Barlow was reassigned from the Committee on Appropriations Subcommittee on General Government and Audit Review to the Committee on Appropriations Subcommittee on Education.

Representative McCune was removed from the Committee on Appropriations Subcommittee on Education.

Representative Uptegrove was appointed to the Committee on Appropriations Subcommittee on General Government and Audit Review.

### RESOLUTION

HOUSE RESOLUTION NO. 2007-4606, by Representatives Dunn, Wallace, Fromhold and Hankins

WHEREAS, The destruction caused by Hurricane Katrina left thousands homeless; and

WHEREAS, On Martin Luther King Jr. Day, the National Association of Realtors (NAR) and the Clark County Association of Realtors (CCAR), in conjunction with Habitat for Humanity and the Portland Metropolitan Association of Realtors (PMAR), conducted a "home in a box" project for victims of the Hurricane Katrina disaster; and

WHEREAS, The aforementioned groups built a house that will then be disassembled and shipped to Louisiana for a family devastated by Hurricane Katrina; and

WHEREAS, The home built by the aforementioned groups is one of 54 homes sponsored by NAR and the only one built by Washington and Oregon; and

WHEREAS, Habitat for Humanity International is a nonprofit, ecumenical Christian housing organization building simple, decent, affordable housing in partnership with people in need;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the National Association of Realtors (NAR) and the Clark County Association of Realtors (CCAR), in conjunction with Habitat for Humanity, for their work in renewing the hope of obtaining a family home for families who were the unfortunate victims of Hurricane Katrina; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the National Association of Realtors (NAR), the Clark County Association of Realtors (CCAR), Habitat for Humanity International, and the Portland Metropolitan Association of Realtors (PMAR).

HOUSE RESOLUTION NO. 4606 was adopted.

The Sergeant at Arms announced the Senate had arrived. The Speaker (Representative Lovick presiding) instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Vice President Pro Tempore Paull Shin and Minority Leader Mike Hewitt to seats on the Rostrum. The Senators were invited to seats within the Chamber.

### JOINT SESSION

The Speaker (Representative Lovick presiding) called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The Speaker (Representative Lovick presiding) called upon President of the Senate Owen to preside.

The President appointed a special committee to escort the Supreme Court Justices to the Chamber: Representatives Dickerson, Flannigan, Haler and Rodne, and Senators Benton, Pridemore, Regala and Swecker.

The President appointed a special committee to escort the statewide elected officials to the Chamber: Representatives Chandler, Kretz, Moeller and Simpson, and Senators Eide, Oemig, Pflug and Schoesler.

The President appointed a special committee to advise her Excellency, Governor Christine Gregoire that the Joint Session had assembled and to escort her to the Chamber: Representatives Kenney and Ross, and Senators Haugen and Morton.

The President appointed a special committee to escort Chief Justice Gerry Alexander to the Chamber: Representatives Lantz and Priest, and Senators Carrell and Keiser.

The Supreme Court Justices arrived, were escorted to the front of the Chamber and were introduced: Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Bobbe Bridge, Justice Tom Chambers, Justice Susan Owens, Justice Mary Fairhurst and Justice Jim Johnson.

The statewide elected officials arrived, were escorted to the front of the Chamber and were introduced: State Auditor Brian Sonntag, State Treasurer Mike Murphy, Attorney General Rob McKenna and Superintendent of Public Instruction Terry Bergeson.

Governor Christine Gregoire arrived and was escorted to the Rostrum.

Supreme Court Chief Justice Gerry Alexander arrived, was escorted to the Rostrum and was introduced.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Gutierrez and Dessie Larson. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Bernise S. Brown, Faith, Love and Hope Ministry, Olympia.

### STATE OF THE JUDICIARY

Chief Justice Alexander: "President Owen, Speaker Chopp, Governor Gregoire, State elected officials, members of the House and Senate, fellow justices and judges, ladies and gentlemen. Good afternoon.

Let me first extend thanks to the members of the legislature for the warm welcome you have accorded me and my fellow justices. We are very honored to be here for the purpose of allowing me to present, on behalf of our court and the judiciary of this state, the biennial State of the Judiciary address, the fourth I have had the privilege of delivering since I first became chief justice.

My colleagues and I are aware that time is precious to legislators during legislative sessions, and we are grateful for the opportunity to speak to you as well as to our State's elected officials and the people of Washington.

While the halls of this legislature are in close proximity to the offices of our State elected officials and the Temple of Justice, our respective branches of government have very different functions and we do not have many opportunities like

this to gather together. While some may feel that this is as it should be under the doctrine of separation of powers, it is my view that occasions like this and the governor's State of the State message, can lead us all to better appreciate the important role that each branch performs in our democracy.

As you know, our State's justice system is present in every county in our state as well as in most of our cities and towns. It functions in courthouses and municipal court buildings, and is presided over by nine justices of the Supreme Court, 23 judges of our court of appeals, 182 superior court judges and 204 full and part-time judges of our district and municipal courts. These justices and judges can't, of course, manage the system alone and, fortunately, they have the assistance of dedicated court commissioners, county clerks, and staff that work hard managing caseloads that collectively total more than two million filings each year—more than one filing for every three citizens of our state.

I wish I could have every judicial officer in the state here today, but as you will be able to tell from my remarks they have plenty to do at home. I did, though, ask a few judges to be here to represent the judiciary of our state. Representing our hardworking court of appeals is its presiding chief judge, Steve Brown of Yakima. Judge Brown, would you please stand. Also present are the presidents of our two excellent trial court associations, Kittitas County Superior Court Judge Michael Cooper, president of the Superior Court Judges' Association of Washington and Grant County District Court Judge Richard Fitterer, president of the District and Municipal Court Judges' Association. I would like them to stand as well and be recognized. Sitting with these judges are members of the Board for Judicial Administration, the policy setting board for the entire judiciary, which had its monthly meeting here in Olympia earlier today. Would they please stand.

I am immensely proud of these judges and the judicial officers that they represent at the four levels of our court system. I have been fortunate to serve at three of those levels during my judicial career—the superior court, the Court of Appeals, and for the last 12 years at the Supreme Court—and I can tell you from my almost 34 years of experience in our justice system, that we have one of the hardest working and innovative collection of judges in the nation. In my view, the quality of Washington's judiciary has never been better than it is at this moment.

At every level, our courts have a direct affect on the lives of individuals. This is particularly true of our trial courts. At the superior court, judges determine child custody issues, protect victims of domestic violence from harm, preside over felony criminal cases and all manner of significant civil disputes. At the limited jurisdiction level, judges handle misdemeanor and gross misdemeanor cases, traffic infractions, and a myriad of other matters, including, at the district court, small claims cases and civil actions where \$50,000 or less is sought. Our limited jurisdiction trial court judges see huge numbers of persons in their courts each year and these courts can truly be called our "people's courts."

When reflecting upon the important work of each level of court in our state, and the challenges they face, I am reminded of the old saying that, "If we do not maintain justice, justice will not maintain us." These words go to the very essence of our great republic and contribute to the pride we feel about our nation, our state, and our system of government. As Americans and Washingtonians, we revere justice, and we show that by periodically facing our nation's flag and reciting these words: "liberty and justice for all." Maintaining a strong and fair justice system is, I believe, of great concern to all of our citizens.

Unfortunately, we have not done the best job as a state government in maintaining our justice system at the trial level. Allow me to elaborate. Since we first became a state in 1889, our trial courts have been funded almost entirely by local governments—our counties and cities. This means of funding our trial courts was not problematic in earlier times because our court system was relatively small and local governments did not have huge demands placed on their resources. But as the years have gone by the number of cases flowing into our courts rose dramatically as our population increased and a variety of new laws and regulations were enacted at the state and local level. At the same time local governments have assumed financial obligations that were unknown to their predecessors. As a consequence of all of this, our trial courts have been severely challenged as they have endeavored to keep up with increasing caseloads. In some jurisdictions, particularly in our metropolitan areas, we have seen delays in getting cases to trial due to crowded court calendars, difficulties in obtaining qualified interpreters for non-English speakers, criminal defense attorneys with caseloads that are too large, and large numbers of persons going without representation in civil cases, particularly in family court matters.

Faced with all of this, our State's Board for Judicial Administration addressed, what it concluded was the crisis facing our trial courts, in the "Justice in Jeopardy Initiative," first presented to you in 2005.

This initiative flowed out of the hard work of the Court Funding Task Force and its workgroups, a body that was formed in 2002. It was comprised of more than 100 persons from across the state and from all backgrounds, including members of the legislature: Representatives Ruth Kagi and Pat Lantz and Senators Adam Kline, Mike Hewitt and Jim Kastama.

You may recall that when we first spoke to you about the Justice in Jeopardy initiative, we relayed a startling statistic from the task force's report—that Washington State ranked last among the states of the union, in terms of state government participation in the funding of trial courts, indigent defense and prosecution.

Today, despite the advent of additional state funding in the last two years, budget-strapped local governments still bear more than 80 percent of the costs of maintaining our trial courts. Although state government funds the rest, less than 1 percent of the state budget goes to maintain our justice system and the courts, which compose the key component of that system, courts that are provided for in our state constitution—a constitution that says that justice is to be administered "without unnecessary delay."

The report of the Court Funding Task Force and the other studies that have been done over the years have recommended that eventually, the State should pay 50 percent of the cost of trial court operations and indigent criminal defense, and assume a substantially greater role in funding civil legal aid services for Washington's low-income residents. We think that this partnership approach between state and local government makes more sense than a complete state takeover of the cost of our trial courts, the path that California and Oregon have followed. We say this because we believe that local jurisdictions should have a stake in how the courts operate in their jurisdictions.

We recognized, however, that obtaining an increase in state funding of the magnitude we envision is a major change, and, thus, we have opted for recommending to you an incremental approach. The more we reflect on the Task Force recommendations, the more we are convinced that we have

developed the best approach in the nation, a shared responsibility between state and local government.

The judiciary has been immensely gratified by the support that the legislature has given since we first approached you with the Justice in Jeopardy initiative. In the sessions of 2005 and 2006 you recognized that state government had a responsibility to pay a higher proportion of the costs of the state's justice system. In those sessions, you appropriated significant funds, much of which was derived from higher user fees, and applied it to the support of our trial courts, public defense and civil legal aid.

More specifically, in 2005, in Senate Bill 5454, the Office of Civil Legal Aid bill, and House Bill 1542, you provided for state funding of a portion of district and municipal court judges' salaries, and for trial court improvement accounts, as well as for legal representation for indigent parents in termination and dependency cases; civil legal aid programs; and indigent criminal defense.

In 2006, you appropriated additional funds for a pilot jury project, expansion of the parents' representation program and provided additional funds for civil legal aid programs.

While much more remains to be done, I am pleased to highlight the positive changes that have been made as a consequence of what this legislature has done in the two previous sessions.

#### CIVIL EQUAL JUSTICE

Let me first talk about civil equal justice. In 2005, the new Office of Civil Legal Aid, OCLA for short, got underway and began to administer state-funded legal aid services to the poor, monitor the use of state funds, and report on the status of access to the civil justice system for low-income people.

OCLA, headed by Jim Bamberger, a long-time legal aid attorney, and watched over by the Civil Legal Aid Oversight Committee has worked with the Supreme Court's Access to Justice Board to establish delivery objectives and accountability systems to close the gap documented in the landmark 2003 Civil Legal Needs Study.

The civil legal needs of Washington's low income people run the gamut from employment and housing issues to problems such as those faced by Dawn Seljestad, a low income mother of two children from Shelton, who endured years of controlling and abusive behavior by her husband. With the assistance of a lawyer from the Northwest Justice Project, Dawn was able to get a protective order, a decree of dissolution, and an order requiring her abuser to enter into treatment to deal with his conduct. I am pleased to say that Dawn Seljestad is with us—would you please join me in recognizing this courageous woman.

Despite recent gains, biennial funding for civil legal aid still falls \$33 million short of the level necessary to fully address the needs chronicled in the landmark 2003 Civil Legal Needs Study. One gaping hole is the lack of any meaningful legal aid services in the rural areas of our state. We encourage the legislature to provide additional funding so that legal services offices can be re-established to serve low income citizens in Colville, Pullman, Port Angeles, Aberdeen, Omak, Moses Lake, Longview, and Pasco.

#### TRIAL COURT OPERATIONS

Regarding trial court operations, important steps forward were taken in 2005 and 2006 when this legislature recognized the state's duty to partner with local jurisdictions in funding our trial courts.

As a result of your actions, local governments across the state have obtained funds that have enabled them to pay a portion of the salaries of district court judges and elected municipal court judges. Thanks to you, Trial Court

Improvement Accounts have also been established, which have enabled jurisdictions to improve and enhance a range of trial court operations.

Although the money was just beginning to flow into these accounts by mid-2006, let me give you a few examples of what is going on in jurisdictions across the state as a consequence of the creation of Trial Court Improvement Accounts:

- Benton County is upgrading the recording system in its district court courtrooms.
- Clallam County is adding a court security office position.
- The City of Everett is installing new video equipment that will connect its municipal court with the Snohomish County Jail so that arraignments can be conducted while the defendant remains in jail, thereby making it unnecessary to transport the defendant to the municipal court.
- Lewis County is partially funding an assistant court administrator for its district court.
- Yakima County is using the funds to operate a district court satellite facility in Grandview to better serve the southeast part of that county.

Your creation of trial court improvement accounts recognized that each jurisdiction has different needs. These accounts allow trial courts to tailor improvements to best serve the citizens of their judicial district. We anticipate that these accounts will have a very beneficial effect in coming years, and we will continue to update you on how the funds are being utilized.

Next year, we will also provide you with the results of the study you authorized on the effect of increasing the daily attendance fee for jurors in three jurisdictions: Des Moines Municipal Court, Franklin County Superior Court, and Clark County Superior Court. We believe that is the first time a project like this has been undertaken anywhere in the United States and we look forward to sharing the results of the study with you.

#### COURT INTERPRETERS

Let me now direct my comments to what we are proposing to you this year as a part of our continuing Justice in Jeopardy Initiative. In the area of trial court improvements we are asking for an additional \$8 million dollars in the biennium to carry out the promise of a statute that was enacted by this legislature in 1989. I refer to RCW 2.43.010, which says that it is the policy of this state to secure the constitutional rights of persons who are unable to readily understand or communicate in English and cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

When I was a superior court judge years ago, we rarely needed interpreters in court. But our society has changed and has become more diverse. Indeed, you passed the statute that I just referred to after you took note of an audit that showed that thousands of non-English speakers were routinely unable to understand what was being said in court. Unfortunately, although we have probably the best system in the nation for certifying court interpreters, many jurisdictions are not able to follow the letter or the spirit of the law because of a lack of funds. The result is that far too often uncertified court interpreters are being utilized because of low pay and/or an inability to obtain a certified interpreter. This, of course, can result in testimony and evidence not being accurately presented to the trier of fact, thereby increasing the possibility that a wrong decision may result.

Although this is not a cost that the State has heretofore underwritten, we fear that the problems I have just described

will not be eliminated unless there is an investment of dollars from state government to assist our hard pressed local jurisdictions meet their statutory obligations.

#### PUBLIC DEFENSE

Let me next talk about public defense in criminal cases. A vital element of our Justice in Jeopardy Initiative relates to the necessity of meeting the constitutional mandate that in all criminal prosecutions the accused shall have the assistance of effective counsel for his or her defense. We can be proud that Washington recognized this right long before the U.S. Supreme Court ruled in 1963 in the famous case of *Gideon v. Wainwright* that states must provide such legal assistance. Indeed, Washington's then attorney general, John J. O'Connell, rejected a request from Florida's attorney general to present a friend of the court brief in support of Florida's position that *Gideon*, although indigent, was not entitled to a publicly funded defense. Instead, our attorney general presented an *amicus curiae* brief on behalf of *Gideon*.

Despite this history, it is fair to say that we have not fully heeded *Gideon's* trumpet. I say that because too often in our state, indigent defendants are represented in criminal cases by lawyers who lack the training and experience to be considered effective or who are overburdened with caseloads that are so large that they are unable to devote adequate time to the defense. This is not, of course, true in every case. We have many dedicated public defenders in this state who do a fine job, often for inadequate compensation. But the systems we have in the state for providing public defense vary greatly and, consequently, we have a "crazy quilt" of public defender systems with no two systems being exactly the same.

They all have some problems, though, and I believe this has been borne out by the investigative series that ran in the *Seattle Times* in 2004, the recent litigation in Grant County, and the report of the Blue Ribbon Task Force on Public Defense of the Washington State Bar Association.

While state law dictates that counties adopt standards for administering public defense systems, using Washington State Bar Association standards as guidelines, I am told by our state's director of the Office of Public Defense, Joanne Moore, that presently no county public defense system is compliant.

Fortunately, positive steps are being taken to reverse this trend. As I have already observed, in 2005 this legislature adopted HB 1542, which provides that state funding will be progressively distributed to counties for the purpose of improving public defense.

We believe that with additional state funding our state's defender systems can become compliant with WSBA standards. Last year, \$3 million was distributed to counties pursuant to HB 1542 and I can report to you that 38 of the state's 39 counties are now participating in the application process, administered by the Office of Public Defense. We need, though, to make a substantial leap forward in 2007-2009 toward closing what the *Spokesman Review* called an "embarrassing funding gap" so that our systems of public defense can deliver on our constitutional duty to provide adequate representation to all indigent criminal defendants.

The Office of Public Defense has also made incredible strides since I last addressed you in expanding to 18 counties the program that provides representation of indigent parents in dependency and termination actions. Studies show that with better representation, parents are better able to access court services and work through their problems, thus increasing their ability to be reunited with their children. We are asking that you expand the Parents Representation Program to every county.

CASA

Let me say a word about CASA, Court Appointed Special Advocates. This is a terrific program that trains volunteers to be advocates in dependency cases for abused and neglected children. As a part of our Justice in Jeopardy Initiative we are requesting additional funding for CASA to accomplish essentially two things: first, to provide stability for CASA programs in rural areas and, second, to allow CASA to serve a minimum of 10,000 children statewide each year, up from the approximately 7,000 who are benefiting now. CASA is a huge bargain to the State because the public money only goes to provide supervision and training. The service to the children is provided by unpaid volunteers like Patricia Scott of Jefferson County who has contributed over 2,200 hours of service as a CASA volunteer. Ms. Scott, who was recently named CASA Volunteer of the Year, is here with a group of CASA volunteers, and I would like them to stand and be recognized for their service.

#### TECHNOLOGY IN THE COURTS

Allow me to take a brief moment to discuss positive developments in technology in the judicial branch. We have decided to pursue purchase of a case management system for statewide implementation to replace our 20-plus year old systems. This approach will greatly mitigate risks and accelerate the time to full implementation.

We will be seeking your authorization to expend funds from the dedicated JIS account toward this end and are developing a court rule change to increase revenues generated from traffic infraction penalties to pay for this project.

Although I am not a technical whiz, it is my vision that by the time my service on the Supreme Court comes to an end, the foundation will have been laid so that the work of all of the courts of this state will find support in a common case management system.

#### JUDICIAL ELECTIONS

Before I close, I would like to say something about the subject of judicial elections, a subject that was of considerable interest to me in 2006. I recognize that a number of proposals are now before the legislature that are aimed at reforming the process by which we elect judges. Some of these relate to the public financing of judicial campaigns and others endeavor to reign in the influence of independent expenditures by special interests. You may even be presented with proposals to amend the constitution to provide for an entirely different way to select judges. At this point, the judiciary as a whole has not taken a position in response to any of these specific proposals but I can assure you that we are intensely interested in the subject and we may take a position on all or some of these proposals, provided we can do so without compromising our ethical obligations. I do feel comfortable, though, in restating the long-standing position of the judiciary favoring a publicly financed voters' pamphlet in the primary election. As you know, many judicial elections are decided in the primary so we support the proposals for creation of a statewide primary voters' pamphlet that would be mailed to every household. The judiciary is also of the view that as long as we continue to elect judges in the manner set forth in our state constitution, we should elect *all* judges including municipal court judges. We believe that this is necessary to assure independence of the judicial branch.

Let me close by saying that we know that this legislature will be presented with a myriad of requests to increase funding for a variety of governmental functions—for common schools and universities, for public employee salaries, for projects to improve the physical environment, and for corrections, and so on. All of these proponents, I am sure, will have a legitimate case to make. I don't mean to tell you how to sort out all of

these competing requests, other than to say that the provision of justice, on both the criminal and civil side, is a core function of government that should be adequately supported by all taxpayers, not just users of the system. The first building that was placed on this campus, courtesy of a long ago appropriation from the legislature, was called the Temple of Justice and the first building that every county built after this state came into being was a county courthouse. This reflects the fact that provision of justice has always been a priority for Washingtonians. In order for our state's judiciary to continue to provide the quality of justice that our citizens expect us to provide, we must make the recommendations I have outlined. We hope that you will give these reasonable requests favorable consideration. Thank you for listening to me so courteously and for inviting me to present this address."

The President thanked Chief Justice Alexander for his remarks.

The President asked the special committee to escort Chief Justice Alexander from the Rostrum.

The President asked the special committee to escort the Governor from the Rostrum.

The President asked the special committee to escort the State elected officials from the Chamber.

The President asked the special committee to escort the Supreme Court Justices from the Chamber.

#### MOTION

On motion of Representative Kessler, the Joint Session was dissolved.

The President thanked the Speaker (Representative Lovick presiding) and members of the House for their hospitality, and returned the gavel to him.

The Speaker (Representative Lovick presiding) asked the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Owen, President Pro Tempore Franklin, Vice President Pro Tempore Shin, Minority Leader Hewitt and members of the Senate from the Chamber.

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

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 18, 2007, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## ELEVENTH DAY

House Chamber, Olympia, Thursday, January 18, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

## INTRODUCTION &amp; FIRST READING

HB 1376 by Representatives Ericks, Haler, Takko, Pettigrew, Buri, Walsh, Kretz, Grant, Linville, Chandler, Kessler, McDonald, Morrell, Armstrong, Warnick, Newhouse, P. Sullivan and Chase

AN ACT Relating to a sales and use tax exemption for the nonhighway use of propane by farmers; amending RCW 82.08.865 and 82.12.865; and providing an effective date.

Referred to Committee on Finance.

HB 1377 by Representatives Pettigrew, Hinkle, Walsh, Haler, Kagi, Appleton, Warnick and Roberts; by request of Department of Social and Health Services

AN ACT Relating to the placement of children; amending RCW 13.34.130; and reenacting and amending RCW 74.15.020.

Referred to Committee on Early Learning & Children's Services.

HB 1378 by Representatives Cody, Priest, Campbell, Green, Morrell, Jarrett, Williams and Ormsby

AN ACT Relating to licensing specialty hospitals; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1379 by Representatives Hinkle, Green, Campbell, Cody and Morrell

AN ACT Relating to the qualifications of an applicant for licensure as a hearing instrument fitter/dispenser; and amending RCW 18.35.040.

Referred to Committee on Health Care & Wellness.

HB 1380 by Representatives Hunter and McIntire; by request of Department of Revenue

AN ACT Relating to the printing and publishing business and occupation tax classification; amending RCW 82.04.250, 82.04.250, 82.04.270, 82.04.120, 82.04.240, 82.04.240, 82.04.460, 82.04.280, 82.04.280, 82.08.0253, 82.08.806,

82.08.820, 82.08.820, 82.12.020, and 35.102.150; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.04.050 and 34.05.328; adding new sections to chapter 82.04 RCW; repealing RCW 82.04.214; providing effective dates; providing a contingent effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 1381 by Representatives Hasegawa, Orcutt, McIntire and Condotta; by request of Department of Revenue

AN ACT Relating to making changes of a technical nature to laws relating to taxes or tax programs, administered by the department of revenue; amending RCW 76.09.405, 82.04.250, 82.04.261, 82.04.294, 82.04.4281, 82.04.440, 82.04.4461, 82.04.4462, 82.04.530, 82.08.02745, 82.08.841, 82.12.0284, 82.12.841, 82.14B.020, 82.32.520, 82.32.545, 82.32.550, 82.32.555, 84.33.140, 84.34.108, 84.52.010, and 84.52.054; amending 2006 c 84 s 9 (uncodified); reenacting and amending RCW 82.04.050, 82.04.260, and 82.14B.030; reenacting RCW 82.32.600 and 82.32.600; creating a new section; repealing RCW 84.55.012 and 84.55.0121; repealing 2005 c 514 s 113, 2004 c 153 s 502, 2003 c 168 s 902, and 2002 c 67 s 18 (uncodified); repealing 2005 c 514 s 112 and 2003 c 168 s 503; providing an effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 1382 by Representatives Ericks, Hunter, Orcutt, McIntire and Condotta; by request of Department of Revenue

AN ACT Relating to the excise taxation of sales of tangible personal property originating from or destined to foreign countries; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1383 by Representatives Appleton, Campbell, Cody, Hinkle, Morrell, Walsh, Schual-Berke, Curtis, Green, Clibborn, Lantz, Moeller, Condotta, Hasegawa, Kagi and Santos

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1384 by Representatives Kenney, Roberts, Wallace, Hasegawa, Jarrett, Seaquist, Green, Upthegrove, Appleton, Ormsby, Quall, P. Sullivan, Chase, Conway and Simpson; by request of State Board for Community and Technical Colleges

AN ACT Relating to academic employee salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1385 by Representatives Jarrett, Priest, Wallace, Buri, Sells, Ormsby and Chase

AN ACT Relating to implementing a strategic direction for higher education by the year 2014; amending RCW 28B.10.784, 28B.15.067, 28B.92.010, 28B.92.020, 28B.45.014, 28B.50.820, 28B.50.810, 28B.50.140, 28B.15.069, 28B.50.090, and 28B.76.290; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; creating a new section; and repealing RCW 28B.10.776, 28B.10.778, 28B.10.780, 28B.10.782, 28B.10.786, 28B.45.060, 28B.45.080, and 28B.76.270.

Referred to Committee on Higher Education.

HB 1386 by Representatives McCune, Ahern, Sump, Kristiansen, Dunn, Roach and Warnick

AN ACT Relating to designating an official state Christmas tree; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1387 by Representatives Dickerson, Darneille, Roberts, McCoy, Hasegawa, Kagi, Appleton, Ormsby, Goodman and Moeller

AN ACT Relating to medicaid coverage for youth temporarily placed in juvenile detention; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1388 by Representatives McDonald, Ericks, Morrell, Ormsby and Moeller

AN ACT Relating to a contractor's use of another contractor's registration number; amending RCW 18.27.020; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1389 by Representatives McDonald, Ericks, Morrell and Ormsby

AN ACT Relating to contractor advertising; and amending RCW 18.27.100.

Referred to Committee on Commerce & Labor.

HB 1390 by Representatives Armstrong, Lovick, Ericks, Alexander, Linville, Takko, Williams, Kessler,

P. Sullivan, Schual-Berke, Van De Wege and Moeller

AN ACT Relating to the use of headlights on certain roads; and amending RCW 46.37.020.

Referred to Committee on Transportation.

HB 1391 by Representatives Eddy, Ross, Curtis, Jarrett, Morrell and B. Sullivan

AN ACT Relating to filling vacancies in the office of mayor; and amending RCW 35.23.101, 35.23.191, 35.27.140, and 35A.12.050.

Referred to Committee on Local Government.

HB 1392 by Representatives Moeller, Curtis, B. Sullivan, Appleton, Chase and Schual-Berke

AN ACT Relating to medical insurance for city officials; and amending RCW 41.04.190.

Referred to Committee on Local Government.

HB 1393 by Representatives Williams, Roach, Hurst, Green, Ormsby, Chase, Van De Wege, Kelley, Simpson and Santos

AN ACT Relating to record checks for developmental disabilities service providers; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Human Services.

HB 1394 by Representatives Williams, Roach, O'Brien, Hurst, Ormsby, Chase and Simpson

AN ACT Relating to training medical students to work with patients with developmental disabilities; and creating a new section.

Referred to Committee on Higher Education.

HB 1395 by Representatives Appleton, Hankins, Darneille, Skinner, Morrell, Hunt, Walsh, Williams, Schual-Berke, Cody, Kenney, Moeller, Hasegawa, Upthegrove, Ormsby, Chase and Santos

AN ACT Relating to out-of-state physicians recommending medical marijuana for patients facing terminal or debilitating medical conditions; amending RCW 69.51A.010; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1396 by Representatives Flannigan, Jarrett, B. Sullivan, Upthegrove, Rodne, Eddy, Kagi, Chase and Schual-Berke

AN ACT Relating to a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election; amending RCW 36.120.070 and 81.112.030; adding a new section to chapter

29A.36 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

HB 1397 by Representatives Campbell, Kenney, Curtis, Cody and Upthegrove

AN ACT Relating to the definition of massage therapy; and amending RCW 18.108.010.

Referred to Committee on Health Care & Wellness.

HB 1398 by Representatives Fromhold, Wallace, Anderson, McDonald, Pedersen and Chase; by request of University of Washington

AN ACT Relating to the University of Washington's and Washington State University's local borrowing authority; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1399 by Representatives Conway, Green, Kenney, Sells, Wood, Williams, Hasegawa, McCoy, Morrell, Moeller, Chase, Wallace, P. Sullivan, Haler, Strow, Fromhold, Walsh, Hankins, Grant, Appleton, Ormsby, Miloscia and Simpson

AN ACT Relating to collective bargaining for certain employees of institutions of higher education and related boards; and amending RCW 41.80.005.

Referred to Committee on Commerce & Labor.

HB 1400 by Representatives B. Sullivan, Clibborn, Ericks, Quall, Springer, Kagi, Upthegrove, Takko, Kessler, Chase, Van De Wege and Moeller

AN ACT Relating to excluding from the definition of body-gripping traps those traps commonly used to capture certain burrowing mammals; and amending RCW 77.15.192.

Referred to Committee on Agriculture & Natural Resources.

HB 1401 by Representatives Pettigrew, Springer, Dunn, McCune, Miloscia, Chase and Santos

AN ACT Relating to land acquisition for affordable housing development; adding new sections to chapter 43.185A RCW; creating a new section; and making an appropriation.

Referred to Committee on Housing.

HB 1402 by Representatives Wallace, Dunn and Orcutt

AN ACT Relating to private carriers of solid waste; and amending RCW 81.77.010.

Referred to Committee on Transportation.

HB 1403 by Representatives O'Brien, Hinkle, Condotta, Fromhold, Ahern, McCune and Warnick

AN ACT Relating to snowmobile registration; and amending RCW 46.10.020.

Referred to Committee on Transportation.

HB 1404 by Representatives Wallace, Hinkle, Condotta, O'Brien, Fromhold, Ahern, McCune and Warnick

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

HB 1405 by Representatives Wallace, Hinkle, Condotta, O'Brien, Fromhold, McCune and Ahern

AN ACT Relating to the fuel tax rate used to determine fuel tax distributions to fund nonhighway expenditures; and amending RCW 46.10.170.

Referred to Committee on Transportation.

HB 1406 by Representatives Conway, Wood and Green; by request of Employment Security Department

AN ACT Relating to reporting, penalty, and corporate officer provisions of the unemployment insurance system; amending RCW 50.12.070, 50.29.021, 50.12.220, 50.04.165, 50.04.310, 50.12.070, 50.20.070, 50.04.245, 50.24.170, and 50.04.080; adding a new section to chapter 50.12 RCW; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.24 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1407 by Representatives Conway, Wood and Green; by request of Employment Security Department

AN ACT Relating to funding the administration of Title 50 RCW, unemployment compensation; amending RCW 50.20.190, 50.24.014, 50.29.063, and 50.16.010; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1408 by Representatives Orcutt, B. Sullivan, Kretz, Blake, Armstrong, Chandler, Pearson and Takko

AN ACT Relating to the conversion of forest land to nonforestry uses; amending RCW 76.09.060, 76.09.070, 76.09.065, 76.09.067, and 76.09.240; and adding new sections to chapter 76.09 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1409 by Representatives B. Sullivan, Orcutt, Kretz and Takko

AN ACT Relating to the transfer of jurisdiction over conversion-related forest practices to local governments; amending RCW 76.09.240; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1410 by Representatives McCune, Campbell and Van De Wege

AN ACT Relating to changing the burden of proof on certain property tax appeals; amending RCW 84.40.0301; and creating a new section.

Referred to Committee on Finance.

HB 1411 by Representatives Santos, Orcutt, Upthegrove, Roach, Ericks, Condotta, Pettigrew, Hasegawa, Kristiansen, Williams, Kessler and Ormsby

AN ACT Relating to sales and use tax exemptions for amenities purchased by lodging businesses for use by lodging guests; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1412 by Representatives Eddy, Curtis, Simpson and Upthegrove; by request of Department of Ecology

AN ACT Relating to providing a one-year extension for shoreline master program updates in RCW 90.58.080; and amending RCW 90.58.080.

Referred to Committee on Local Government.

HB 1413 by Representatives Eddy, Simpson and Curtis; by request of Department of Ecology

AN ACT Relating to changing the definition of floodway in the shoreline management act; and amending RCW 90.58.030.

Referred to Committee on Local Government.

HB 1414 by Representatives Cody, Green, Morrell, Moeller, Schual-Berke and Campbell

AN ACT Relating to licensing ambulatory surgical facilities; amending RCW 70.56.010, 18.130.070, 18.71.0195, 70.170.010, 70.170.020, 70.170.060, and 70.170.080; reenacting and amending RCW 43.70.510, 70.41.200, and 42.56.360; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1415 by Representatives Cody, Green, Morrell, Moeller and Campbell

AN ACT Relating to activities to support the certificate of need program; amending RCW 70.38.015, 70.38.025, 70.38.095, 70.38.115, 70.38.125, 70.38.135, and 70.38.105; adding new sections to chapter 70.38 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1416 by Representatives Grant, Chandler, Linville, Newhouse, Warnick and Van De Wege

AN ACT Relating to standards and grades for fruits and vegetables; and amending 2005 c 234 s 1 (uncodified).

Referred to Committee on Agriculture & Natural Resources.

HB 1417 by Representatives Lovick, Roach, Simpson, Hurst, O'Brien, Eddy, Ericks, Eickmeyer, Kelley, Van De Wege, Pedersen, Sells, Hankins, B. Sullivan, Dickerson, Rodne, Springer, Appleton, Rolfes, Hudgins, Pettigrew, Williams, Kessler, Green, Ormsby, P. Sullivan and Santos

AN ACT Relating to Washington state patrol survivor benefits; amending RCW 43.43.285 and 41.05.011; and amending 2006 c 345 s 2 (uncodified).

Referred to Committee on Appropriations.

HB 1418 by Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams

AN ACT Relating to the keeping of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1419 by Representatives McCoy, Jarrett, Hudgins, Campbell, Chase, Dunshee, Hunt, Upthegrove, Williams, Hasegawa, Schual-Berke, Simpson and Santos

AN ACT Relating to hazardous waste releases and cleanup at other sites requiring twenty or more years to remediate; adding new sections to chapter 70.105 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Select Committee on Environmental Health.

HB 1420 by Representatives Kelley, Hailey, Chandler, Warnick, Hunt, Armstrong, Green, Miloscia, Appleton, Ormsby and Moeller; by request of Secretary of State

AN ACT Relating to primary election ballots; and amending RCW 29A.04.008, 29A.36.104, 29A.36.106, and 29A.52.151.

Referred to Committee on State Government & Tribal Affairs.

HB 1421 by Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick and Moeller; by request of Secretary of State

AN ACT Relating to modifying the provisions of the address confidentiality program; and amending RCW 40.24.020, 40.24.030, 40.24.040, 40.24.060, and 40.24.070.

Referred to Committee on State Government & Tribal Affairs.

HB 1422 by Representatives Roberts, Dickerson, Appleton, Walsh, Haler, Darneille, Lovick, Pettigrew, Quall, Hasegawa, Sells, Goodman, Eddy, Green, O'Brien, Chase, Kagi, Ormsby and Santos

AN ACT Relating to children and families of incarcerated parents; adding a new section to chapter 72.09 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.63A RCW; creating a new section; and making appropriations.

Referred to Committee on Human Services.

HB 1423 by Representatives McCoy, Hunt, Van De Wege and Upthegrove

AN ACT Relating to small rainwater collection facilities; and amending RCW 90.03.250 and 90.03.370.

Referred to Committee on Agriculture & Natural Resources.

HB 1424 by Representatives McCoy, Van De Wege and Chase

AN ACT Relating to rainwater collection facilities; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1425 by Representatives Kagi, Walsh, Roberts, Appleton, Dickerson, Haler, Darneille, Pettigrew, Hinkle, Ormsby and Moeller

AN ACT Relating to permanency planning hearings; and amending RCW 13.34.145.

Referred to Committee on Early Learning & Children's Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### COMMITTEE ASSIGNMENTS

The Speaker (Representative Lovick presiding) announced the following committee assignments:

Representative Walsh was appointed as the Assistant Ranking Minority Member on the Committee on Early Learning & Children's Services.

Representative Warnick was appointed as the Assistant Ranking Minority Member on the Committee on Appropriations Subcommittee on General Government and Audit Review.

#### REPORTS OF STANDING COMMITTEES

January 18, 2007

HB 1025 Prime Sponsor, Representative Rolfes: Recommending authorization for projects by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

January 16, 2007

HB 1051 Prime Sponsor, Representative Upthegrove: Expanding high school completion programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

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

January 17, 2007

HB 1168 Prime Sponsor, Representative Roach: Regarding disorderly conduct. Reported by Committee on Judiciary

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

MINORITY recommendation: Do not pass. Signed by Representatives Pedersen.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., January 19, 2007, the 12th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## TWELFTH DAY

House Chamber, Olympia, Friday, January 19, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nichole Locke and Hillary Tak. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Bishop Alexander L. Brown, Faith, Love and Hope Ministry, Olympia.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4607, by Representatives Kessler and Ericksen

BE IT RESOLVED, That permanent House Rules for the Sixtieth Legislature be adopted as follows:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES  
SIXTIETH LEGISLATURE  
2007-2008

HOUSE RULE NO.	
<b>Rule 1</b>	Definitions
<b>Rule 2</b>	Chief Clerk to Call to Order
<b>Rule 3</b>	Election of Officers
<b>Rule 4</b>	Powers and Duties of the Speaker
<b>Rule 5</b>	Chief Clerk
<b>Rule 6</b>	Duties of Employees
<b>Rule 7</b>	Admission to the House
<b>Rule 8</b>	Absentees and Courtesy
<b>Rule 9</b>	Bills, Memorials and Resolutions - Introductions
<b>Rule 10</b>	Reading of Bills
<b>Rule 11</b>	Amendments
<b>Rule 12</b>	Final Passage
<b>Rule 13</b>	Hour of Meeting, Roll Call and Quorum
<b>Rule 14</b>	Daily Calendar and Order of Business
<b>Rule 15</b>	Motions
<b>Rule 16</b>	Members Right to Debate
<b>Rule 17</b>	Rules of Debate
<b>Rule 18</b>	Ending of Debate - Previous Question
<b>Rule 19</b>	Voting
<b>Rule 20</b>	Reconsideration
<b>Rule 21</b>	Call of the House
<b>Rule 22</b>	Appeal from Decision of Chair
<b>Rule 23</b>	Standing Committees
<b>Rule 24</b>	Duties of Committees
<b>Rule 25</b>	Standing Committees - Expenses - Subpoena Power
<b>Rule 26</b>	Vetoed Bills
<b>Rule 27</b>	Suspension of Compensation
<b>Rule 28</b>	Smoking
<b>Rule 29</b>	Liquor
<b>Rule ((29)) 30</b>	Parliamentary Rules
<b>Rule ((30)) 31</b>	Standing Rules Amendment

**Rule ((31)) 32** Rules to Apply for Assembly  
**Rule ((32)) 33** Legislative Mailings  
**((Rule 33** Liquor))

## Definitions

**Rule 1.** "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article 2 ? 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

## Chief Clerk to Call to Order

**Rule 2.** It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

## Election of Officers

**Rule 3.** The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II ? 27)

## Powers and Duties of the Speaker

**Rule 4.** The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II ? 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs ~~((from the majority party of the house))~~ as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

#### Chief Clerk

**Rule 5.** The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, ~~((upon the recommendation of the employment committee and,))~~ subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

#### Duties of Employees

**Rule 6.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

#### Admission to the House

**Rule 7.** It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;  
Members of the senate;  
State elected officials;  
Officers and authorized employees of the legislature;  
Former members of the house who are not advocating any pending or proposed legislation;  
Representatives of the press;  
Other persons with the consent of the speaker.

(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

#### Absentees and Courtesy

**Rule 8.** No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

#### Bills, Memorials and Resolutions - Introductions

**Rule 9.** Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II ? 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

#### Reading of Bills

**Rule 10.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) FIRST READING. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No

amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. No more than one resolution per day may be scheduled for consideration by the house except by mutual agreement of the majority leader and minority leader: **PROVIDED,** That this limit does not apply to resolutions necessary for the operation of the house nor to resolutions scheduled for consideration on pro forma session days.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

### **Amendments**

**Rule 11.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall

take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) **AMENDMENTS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II ? 38)

(F) **NO AMENDMENT BY REFERENCE.** No act shall ever be revised or amended without being set forth at full length. (Art. II ? 37)

(G) **TITLE AMENDMENTS.** The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

### **Final Passage**

**Rule 12.** Rules relating to bills on final passage are as follows:

(A) **RECOMMITMENT BEFORE FINAL PASSAGE.** A bill may be recommitted at any time before its final passage.

(B) **FINAL PASSAGE.** No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II ? 22)

(C) **BILLS PASSED - CERTIFICATION.** When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

### **Hour of Meeting, Roll Call and Quorum**

**Rule 13.** (A) **HOUR OF MEETING.** The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) **ROLL CALL AND QUORUM.** Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II ? 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

### **Daily Calendar and Order of Business**

**Rule 14.** The rules relating to the daily calendar and order of business are as follows:

(A) **DAILY CALENDAR.** Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

### Motions

**Rule 15.** Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
  - Adjourn
  - Adjourn to a time certain
  - Recess to a time certain
  - Reconsider
  - Demand for division
  - Question of privilege
  - Orders of the day
- (2) Subsidiary motions:
  - First rank: Question of consideration
  - Second rank: To lay on the table
  - Third rank: For the previous question
  - Fourth rank: To postpone to a day certain  
To commit or recommit  
To postpone indefinitely
  - Fifth rank: To amend
- (3) Incidental motions:
  - Points of order and appeal
  - Method of consideration
  - Suspension of the rules
  - Reading papers
  - Withdraw a motion
  - Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

### Members Right to Debate

**Rule 16.** The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house; PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

### Rules of Debate

**Rule 17.** The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject

to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

#### Ending of Debate - Previous Question

**Rule 18.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative \_\_\_\_\_ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

#### Voting

**Rule 19.** (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II ? 30)

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II ? 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(H) DIVISION. If the speaker is in doubt, or if division is called for by any member, the house shall divide.

#### Reconsideration

**Rule 20.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

**Call of the House**

**Rule 21.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) **DOORS TO BE CLOSED.** When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) **SERGEANT AT ARMS TO BRING IN THE ABSENTEES.** The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) **HOUSE UNDER CALL.** While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

**Appeal from Decision of Chair**

**Rule 22.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

**Standing Committees**

**Rule 23.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

<del>1.</del>	<del>Appropriations</del> .....	<del>31</del>
2.	Capital Budget.....	<del>29</del>
3.	Children & Family Services.....	<del>9</del>
4.	Commerce & Labor.....	<del>9</del>
5.	Criminal Justice & Corrections.....	<del>7</del>
6.	Economic Development, Agriculture & Trade.....	<del>23</del>
7.	Education.....	<del>13</del>
8.	Finance.....	<del>11</del>
9.	Financial Institutions & Insurance.....	<del>11</del>
10.	Health Care.....	<del>15</del>
11.	Higher Education & WorkForce Education.....	<del>13</del>
12.	Housing.....	<del>9</del>

<del>13.</del>	<del>Judiciary</del> .....	<del>10</del>
14.	Juvenile Justice & Family Law.....	<del>7</del>
15.	Local Government.....	<del>7</del>
16.	Natural Resources, Ecology & Parks.....	<del>11</del>
17.	Rules.....	<del>19</del>
18.	State Government, Operations & Accountability.....	<del>9</del>
19.	Technology, Energy & Communications.....	<del>12</del>
20.	Transportation.....	<del>29</del>
1.	Agriculture & Natural Resources.....	<del>15</del>
2.	Appropriations.....	<del>34</del>
3.	Appropriations Subcommittee on Education.....	<del>19</del>
4.	Appropriations Subcommittee on General Government & Audit Review.....	<del>15</del>
5.	Capital Budget.....	<del>22</del>
6.	Commerce & Labor.....	<del>8</del>
7.	Community & Economic Development & Trade.....	<del>9</del>
8.	Early Learning & Children's Services.....	<del>7</del>
9.	Education.....	<del>9</del>
10.	Finance.....	<del>9</del>
11.	Health Care & Wellness.....	<del>13</del>
12.	Higher Education.....	<del>9</del>
13.	Housing.....	<del>7</del>
14.	Human Services.....	<del>8</del>
15.	Insurance, Financial Services & Consumer Protection	<del>8</del>
16.	Judiciary.....	<del>11</del>
17.	Local Government.....	<del>7</del>
18.	Public Safety & Emergency Preparedness.....	<del>7</del>
19.	Rules.....	<del>24</del>
20.	State Government & Tribal Affairs.....	<del>9</del>
21.	Technology, Energy & Communications.....	<del>11</del>
22.	Transportation.....	<del>26</del>

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

**Duties of Committees**

**Rule 24.** House committees shall operate as follows:

(A) **NOTICE OF COMMITTEE MEETING.** The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) **COMMITTEE QUORUM.** A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage. For purposes of this subsection, fiscal committee means the appropriations, capital budget, finance, and transportation committees.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

**Standing Committees - Expenses - Subpoena Power**

**Rule 25.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

**Vetoed Bills**

**Rule 26.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

**Suspension of Compensation**

**Rule 27.** (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

**Smoking**

**Rule 28.** Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

**Liquor**

**Rule 29.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

**Parliamentary Rules**

**Rule ((29)) 30.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

**Standing Rules Amendment**

**Rule ((30)) 31.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

**Rules to Apply for Assembly**

**Rule ((31)) 32.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

#### Legislative Mailings

**Rule ((32)) 33.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

#### ((Liquor

**Rule 33.** ~~The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.~~

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4607 was adopted.

HOUSE RESOLUTION NO. 2007-4609, by Representatives Dickerson, Skinner, Kagi, Hankins, Eddy, Springer, Lantz, Appleton, Sells, Rolfes, Takko, Williams, Upthegrove, Dunshee, Wood, Chandler, Hudgins, Lovick, Cody, Fromhold, McIntire, Kessler, Linville, McDermott, Warnick, Ericks, Rodne, Blake, Sommers, Darneille, Van De Wege, Morris, Ross, Jarrett, Armstrong, Miloscia, Crouse and Conway

WHEREAS, In 1910, Washington State distinguished itself by becoming the first state in the 20th century and the 5th state in the nation to permanently enact women's suffrage; and

WHEREAS, This right is contained in the 5th Amendment to the Washington State Constitution, which was approved by the all male Legislature in 1909 and by the all male voters in 1910; and

WHEREAS, Washington's action inspired and reinvigorated the national suffrage movement, which culminated in the passage of the 19th Amendment to the United States Constitution in 1920, assuring all women in the nation the right to vote; and

WHEREAS, 2010 will mark the 100th anniversary of women's suffrage in Washington State; and

WHEREAS, In commemorating the Washington Women's Suffrage Centennial, Washingtonians will be celebrating the basic inclusive principles of democracy, the long and arduous road to achievement of women's suffrage, and the continually expanding roles of women in public and private life; and

WHEREAS, The Washington Women's History Consortium has been charged by the Legislature with providing leadership for statewide and community celebrations of the centennial of women's suffrage; and

WHEREAS, Public information about the Washington women's suffrage movement and centennial is available today in the Columbia Room of the Legislative Building;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives: Recognize the centrality of women's suffrage to democratic values; express appreciation to those who have prepared public exhibits for the Legislative

Building; and encourage all to visit, enjoy, and learn from these displays and exhibitors; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington Women's History Consortium.

Representative Dickerson moved the adoption of the resolution.

Representatives Dickerson and Skinner spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4609 was adopted.

The Speaker (Representative Lovick presiding) called upon Representative Darneille to preside.

#### INTRODUCTION & FIRST READING

HB 1426 by Representatives Clibborn and Hankins; by request of Department of Licensing

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.025, 82.36.026, 82.36.027, 82.36.029, 82.36.031, 82.36.035, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.090, 82.38.100, 82.38.110, 82.38.130, 82.38.140, 82.38.150, 82.38.160, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; repealing RCW 82.36.042, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.185, 82.38.285, and 82.38.165; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

HB 1427 by Representatives Appleton and Hasegawa

AN ACT Relating to permitting educational employees not employed in instructional, research, or principal administrative capacities, including school bus drivers, to receive benefits for periods of unemployment between academic terms; amending RCW 50.44.050; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1428 by Representatives Kelley, Hurst, O'Brien, Ericks, Takko, Lovick, Green, Strow, Williams, Moeller, Ormsby, Haigh, Van De Wege, Pearson, Morrell and Conway

AN ACT Relating to protecting children under the age of seven by creating the crime of homicide by abuse in the second degree; amending RCW 9A.32.055, 9A.32.060, 13.40.0357, 13.34.180, 43.43.830, and 9A.04.080; reenacting and amending RCW 9.94A.515, 9.94A.030, 9.94A.411, and 9.94A.712; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1429 by Representatives Hunter, Hinkle, Morrell, Schual-Berke, Clibborn, Green, Lovick, Haigh, Van De Wege and Santos

AN ACT Relating to automatic external defibrillators in public schools; adding a new section to chapter 28A.210 RCW; and creating new sections.

Referred to Committee on Education.

HB 1430 by Representatives Pettigrew, Haler, Kenney, Chase, P. Sullivan and Linville

AN ACT Relating to financing community and economic development; amending RCW 35.21.735; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

HB 1431 by Representatives Goodman, Lantz, O'Brien, Rodne, Moeller and Hasegawa; by request of Secretary of State

AN ACT Relating to certificates of discharge; amending RCW 9.94A.637 and 9.96.050; and repealing RCW 29A.08.660.

Referred to Committee on Judiciary.

HB 1432 by Representatives P. Sullivan, Upthegrove, Simpson, Hunter, Moeller, Linville, Schual-Berke and Santos

AN ACT Relating to educational staff associates; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 1433 by Representative Kirby; by request of Uniform Legislation Commission

AN ACT Relating to the uniform securities act of Washington; reenacting and amending RCW 42.56.400; adding a new chapter to Title 21 RCW; repealing RCW 21.20.005, 21.20.010, 21.20.020, 21.20.030, 21.20.035, 21.20.037, 21.20.040, 21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120, 21.20.130, 21.20.135, 21.20.140, 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.220, 21.20.230, 21.20.240, 21.20.250, 21.20.260, 21.20.270, 21.20.275, 21.20.280, 21.20.290, 21.20.300, 21.20.310, 21.20.320, 21.20.325, 21.20.327, 21.20.330, 21.20.340, 21.20.350, 21.20.360, 21.20.370, 21.20.380, 21.20.390, 21.20.395, 21.20.400, 21.20.410, 21.20.420, 21.20.430, 21.20.435, 21.20.440, 21.20.450, 21.20.460, 21.20.470, 21.20.480, 21.20.490, 21.20.500, 21.20.510, 21.20.520, 21.20.530, 21.20.540, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 21.20.700, 21.20.702, 21.20.705, 21.20.710, 21.20.715, 21.20.717, 21.20.720, 21.20.725, 21.20.727, 21.20.730, 21.20.732, 21.20.734, 21.20.740, 21.20.745, 21.20.750, 21.20.800, 21.20.805, 21.20.810, 21.20.815, 21.20.820, 21.20.825, 21.20.830, 21.20.835, 21.20.840, 21.20.845, 21.20.850, 21.20.855, 21.20.900, 21.20.905, 21.20.910, 21.20.915, 21.20.920, 21.20.925, 21.20.930, 21.20.935, and

21.20.940; prescribing penalties; and providing an effective date.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1434 by Representatives Hunt, Dickerson, Williams, Chase, Kagi, Kenney and Lantz

AN ACT Relating to environmental noise abatement; amending RCW 46.09.120, 46.09.190, 70.107.060, 70.107.050, 70.107.020, and 46.09.020; adding new sections to chapter 70.107 RCW; adding a new section to chapter 46.09 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1435 by Representatives P. Sullivan, Upthegrove, Simpson, Schual-Berke and Pettigrew

AN ACT Relating to public facilities districts and regional centers under the authority of such districts; amending RCW 35.57.010 and 82.14.390; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 1436 by Representatives McIntire, Chase, Dunshee, Sells, Wallace, Jarrett, Anderson, Kenney, Ormsby, Roberts, Haigh, Ericks and O'Brien; by request of Washington State Higher Education Facilities Authority

AN ACT Relating to authorizing the Washington higher education facilities authority to originate and purchase educational loans and to issue student loan revenue bonds; amending RCW 28B.07.030; adding new sections to chapter 28B.07 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1437 by Representatives Eddy, Williams, Lantz, Seaquist, Appleton, Darneille, Rolfes, Lovick, Moeller and Ericks

AN ACT Relating to sexual assault protection orders; amending RCW 7.90.020; and adding a new section to chapter 7.90 RCW.

Referred to Committee on Judiciary.

HB 1438 by Representatives Chandler, Anderson, McDonald, Haler, Bailey, Newhouse, Condotta, McCune, Strow, Rodne, Armstrong, Roach, Kristiansen, Pearson, Hankins, Skinner, Dunn and Ross

AN ACT Relating to forwarding ballots; and amending RCW 29A.40.091.

Referred to Committee on State Government & Tribal Affairs.

HB 1439 by Representatives Hinkle, Condotta, Curtis, Haler, Moeller, Kristiansen and Dunn

AN ACT Relating to a study to review the age of consent in Washington; and creating a new section.

Referred to Committee on Judiciary.

HB 1440 by Representatives Hinkle, Haler, Warnick, McCune, Haigh and Dunn

AN ACT Relating to provisional drivers' licenses for persons who fail to prove United States citizenship; amending RCW 46.20.035, 46.20.091, 46.20.105, and 46.20.181; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1441 by Representatives Kenney, Haler, Pettigrew, Blake, Dickerson, Morrell, Hasegawa, Flannigan, Ormsby, McCoy, Santos, Sells, Haigh, Cody, Quall, Rolfes, Van De Wege, Ericks, Grant, Lantz, Hankins, Hudgins, P. Sullivan, Williams, Skinner, Conway, Wood and O'Brien

AN ACT Relating to the creation of the joint legislative community development fund committee; amending RCW 44.04.260; adding a new chapter to Title 44 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

HB 1442 by Representatives Simpson, Curtis, Williams and Wallace

AN ACT Relating to private residential fire sprinkler water charges; and creating a new section.

Referred to Committee on Local Government.

HB 1443 by Representatives Grant, Buri, Blake, Walsh, B. Sullivan, Linville, Hailey, Newhouse and O'Brien

AN ACT Relating to a state public utility tax deduction for certain transportation activities with respect to agricultural commodities; and amending RCW 82.16.050.

Referred to Committee on Finance.

HB 1444 by Representatives Kessler, Rodne, Chandler, Upthegrove, Williams, Miloscia and O'Brien; by request of Attorney General

AN ACT Relating to the public records exemptions accountability committee; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1445 by Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia; by request of Attorney General

AN ACT Relating to making adjustments to the recodification of the public records act; amending RCW 42.56.010 and 42.56.030; reenacting and amending RCW 42.56.270, 42.56.270, and 42.56.400; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 1446 by Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia; by request of Attorney General

AN ACT Relating to the statute of limitations for actions under the public records act; and reenacting and amending RCW 42.56.550.

Referred to Committee on State Government & Tribal Affairs.

HB 1447 by Representative Morrell

AN ACT Relating to temporary management in boarding homes; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Health Care & Wellness.

HB 1448 by Representatives Condotta, Hinkle, Kristiansen, Haigh and Sells

AN ACT Relating to reducing the administrative cap on off-road vehicle moneys; and amending RCW 46.09.110.

Referred to Committee on Transportation.

HB 1449 by Representatives Condotta, Armstrong, Curtis, Orcutt and Dunn

AN ACT Relating to independent auditor reports and financial statements of licensees regulated by the gambling commission; reenacting and amending RCW 42.56.270 and 42.56.270; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1450 by Representatives Sells, Strow, Miloscia, Curtis, O'Brien, B. Sullivan, Roberts, Lovick, Appleton, Kenney, Ormsby and Hasegawa

AN ACT Relating to the exemption of housing for very low-income households from taxation; and amending RCW 84.36.560.

Referred to Committee on Housing.

HB 1451 by Representatives Ericks, Lovick, Walsh, Williams, Newhouse, Grant, Orcutt, Linville, Strow, Armstrong, Roach, Morris, Bailey, Warnick, Haler, O'Brien, Simpson, Santos, Eddy, McDonald and Kenney

AN ACT Relating to the taxation of temporary staffing services; amending RCW 82.04.460, 82.04.190, 82.04.290, and 82.08.054; reenacting and amending RCW 82.08.050; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1452 by Representatives Haigh, Jarrett, Kirby, Chase, P. Sullivan, Campbell, Fromhold, Dunshee, Kessler, Quall, Lantz, Wallace, Kenney, Ormsby, Linville, O'Brien, Schual-Berke, Wood, Goodman, Hasegawa, Miloscia and McDermott

AN ACT Relating to higher education; amending RCW 28B.50.873; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1453 by Representatives Grant, Haler, Moeller, Hankins and Linville

AN ACT Relating to changes in the point of diversion under a water right; amending RCW 90.03.380, 90.03.395, and 90.03.397; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1454 by Representatives Haler, McDonald, Hankins, Strow, McCune, Rodne, Ormsby, Green, Haigh, Ericks, O'Brien, Dunn and Campbell

AN ACT Relating to tuition waivers for veterans' families; and amending RCW 28B.15.621, 28B.15.910, and 28B.15.385.

Referred to Committee on Higher Education.

HB 1455 by Representatives Haler, Moeller, Pettigrew and Hankins

AN ACT Relating to contracts between public hospital districts and prisons or correctional industry programs; and amending RCW 70.44.060.

Referred to Committee on Local Government.

HB 1456 by Representatives Green, Hinkle, Appleton, Cody, Moeller, Strow, Crouse, Curtis, Seaquist, Jarrett, Hasegawa, Walsh, P. Sullivan, Buri, Simpson, O'Brien, Lantz, Hunt, McDonald, Sells, Schual-Berke, Linville, Kessler, Hankins, Haler, Skinner, Campbell, Morrell, Darneille, Armstrong, Dunshee, Fromhold, Kagi, Williams, Conway, Barlow, Grant, Priest, Dunn, Hunter, Hurst, Ericks, Pearson, Anderson, Clibborn, Pettigrew, Flannigan, Lovick, Dickerson, Kenney, Ormsby, Haigh, Wood, Rolfes, Santos and McDermott

AN ACT Relating to home visits by mental health professionals; adding new sections to chapter 71.05 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1457 by Representatives Lovick, Dunshee, Ericks, Williams, Conway, Wood, Moeller, Crouse, Green and Hunter

AN ACT Relating to youth soccer referees; and amending RCW 26.28.060 and 51.12.020.

Referred to Committee on Commerce & Labor.

HB 1458 by Representatives Van De Wege, Kessler, Rodne, Appleton, Ahern, Curtis, Kenney, Clibborn, Morrell, P. Sullivan, Eickmeyer, Armstrong, Buri, Chandler, Ericksen, Hinkle, Condotta, Anderson, Eddy, Goodman, Kelley, Haler, McCune, Kretz, Kagi, Ericks, Warnick, Pedersen, Bailey, Newhouse, McDonald, Priest, Roach, Strow, Green, Campbell, Hunter, Takko, Sells, Springer, McCoy, Upthegrove, Williams, Moeller, Ormsby, Pearson, Haigh, Linville, Conway, Dickerson, Dunn, Hasegawa, Rolfes, Ross and Lantz; by request of Governor Gregoire and Attorney General

AN ACT Relating to adequate notice to property owners regarding acquisition of property for public purposes through the exercise of eminent domain; amending RCW 8.12.530; adding a new section to chapter 8.25 RCW; ; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; and adding a new section to chapter 8.20 RCW.

Referred to Committee on Judiciary.

HB 1459 by Representatives Kretz and B. Sullivan

AN ACT Relating to cost-reimbursement agreements under chapter 78.52 RCW; and adding a new section to chapter 78.52 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1460 by Representatives Schual-Berke, Hankins, Cody, Campbell, Morrell, Green, Dickerson, Darneille, McDermott, Jarrett, Hudgins, Moeller, Kagi, Rodne, Williams, Ormsby, Haigh, Linville, Wood, Conway, O'Brien, Hasegawa, Santos and Lantz

AN ACT Relating to extending existing mental health parity requirements to individual and small group plans; amending RCW 48.21.241, 48.44.341, 48.46.291, and 48.41.110; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.41 RCW; repealing RCW 48.21.240, 48.44.340, and 48.46.290; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1461 by Representatives Morrell, Miloscia, O'Brien, Ericks, Hunt, Sells, Green, Flannigan, Williams, Kenney, Appleton, Ormsby, Quall, Haigh, Hasegawa and Lantz

AN ACT Relating to manufactured/mobile home community registrations and dispute resolution; amending RCW 59.22.050 and 59.22.070; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing.

HB 1462 by Representatives Dickerson, Kagi, Hunter, Kenney, Appleton, Roberts, Green, Ericks, Morrell and Lantz

AN ACT Relating to child care safety; amending RCW 43.215.005, 43.215.010, 43.215.200, 43.215.525, and 43.215.530; adding new sections to chapter 43.215 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Early Learning & Children's Services.

HB 1463 by Representatives Simpson and Williams

AN ACT Relating to Washington's vesting laws; amending RCW 58.17.033, 19.27.095, 36.70A.302, and 80.50.100; adding a new section to chapter 36.70B RCW; and repealing RCW 36.70B.170, 36.70B.180, 36.70B.190, 36.70B.200, and 36.70B.210.

Referred to Committee on Local Government.

HB 1464 by Representatives Simpson, Hudgins, Wood, Campbell, Morrell and Hasegawa

AN ACT Relating to reducing the environmental health impact of cleaning in state facilities; and adding a new chapter to Title 70 RCW.

Referred to Committee on Select Committee on Environmental Health.

HB 1465 by Representatives Roberts, Haler, Pettigrew, McDonald, Appleton, Darneille, McIntire, Kagi, P. Sullivan, Walsh, Green, Schual-Berke, Dickerson, Ormsby, Haigh, Morrell, Hasegawa and Lantz

AN ACT Relating to consultation services for early learning and child care programs; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 1466 by Representatives Pearson and Kristiansen

AN ACT Relating to the expenditure of lodging tax receipts; and amending RCW 67.28.080.

Referred to Committee on Community & Economic Development & Trade.

HB 1467 by Representatives Anderson, Alexander, McDonald, Haler, Bailey, McCune, Chandler, Dunn, Rodne, Skinner, Warnick, Ross and Newhouse

AN ACT Relating to a budget stabilization fund; amending RCW 43.135.025 and 43.135.035; reenacting and amending RCW 43.84.092 and 43.135.045; adding new sections to chapter 43.79 RCW; adding a new section to chapter 82.33 RCW; creating a new section; repealing RCW 43.33A.220 and 43.135.051; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 1468 by Representatives Anderson, Chandler, Rodne, Roach, Warnick and Ross

AN ACT Relating to requiring all voters to provide proof of citizenship and valid photo identification; amending RCW 29A.44.205, 29A.08.110, and 46.20.117; adding new sections to chapter 29A.08 RCW; and adding new sections to chapter 29A.04 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1469 by Representatives Quall, Dickerson, Green and Ericks

AN ACT Relating to record checks for school employees; amending RCW 28A.400.303 and 43.43.838; adding a new section to chapter 72.41 RCW; and adding a new section to chapter 72.42 RCW.

Referred to Committee on Education.

HB 1470 by Representatives McCune, Grant, Kristiansen, Campbell, Dunn, Roach, Kretz, Newhouse and Haler

AN ACT Relating to state capital funding assistance for fire districts; amending RCW 43.155.020; and providing an effective date.

Referred to Committee on Capital Budget.

HB 1471 by Representatives Kristiansen, O'Brien, Pettigrew, Haler, Pearson, Kretz, Lovick, Ericks, Sells, Rodne, Campbell, Moeller, Morrell, Goodman and Ross

AN ACT Relating to prohibiting the use of voluntary intoxication as a defense against a criminal charge; and amending RCW 9A.16.090 and 9A.08.010.

Referred to Committee on Judiciary.

HB 1472 by Representatives Pettigrew, Haler, Kagi, P. Sullivan, Walsh, Lovick, Barlow, Kenney, McCoy, Darneille, Hasegawa, Roberts, Hinkle, Santos, Appleton, Upthegrove, Williams, Moeller, Ormsby, Van De Wege, Schual-Berke and Dickerson

AN ACT Relating to analyzing and remedying racial disproportionality and racial disparity in child welfare; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 1473 by Representatives Darneille, Williams, Pettigrew, Kenney, Appleton, Hunt, Santos, McDermott, Upthegrove, Wood, Miloscia, Pedersen, Ormsby, Green, Hasegawa, Hudgins, Flannigan, Chase, Kagi, Moeller, Roberts, Schual-Berke, Dickerson and Lantz

AN ACT Relating to the restoration of the right to vote for people who were convicted of felonies; amending RCW 29A.04.079, 29A.08.520, 29A.68.020, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; and repealing RCW 10.64.021 and 29A.08.660.

Referred to Committee on State Government & Tribal Affairs.

HB 1474 by Representatives Darneille, Appleton, Goodman, Williams, Lantz, McDermott, Pettigrew, Moeller, Upthegrove, Hudgins, Chase, Flannigan, Kagi, Ormsby, Roberts, Schual-Berke, Wood, Santos and Hasegawa

AN ACT Relating to the interest rate on legal financial obligations; and amending RCW 10.82.090 and 4.56.110.

Referred to Committee on Judiciary.

HB 1475 by Representatives Hurst, Haigh, Eickmeyer, Curtis, Alexander, Morrell, Crouse, Simpson, Roach and Van De Wege

AN ACT Relating to the state board for volunteer firefighters and reserve officers; and amending RCW 41.24.250.

Referred to Committee on State Government & Tribal Affairs.

HB 1476 by Representatives Blake and Kretz

AN ACT Relating to charter licenses; and amending RCW 77.65.150.

Referred to Committee on Agriculture & Natural Resources.

HB 1477 by Representatives Conway, Condotta, Wood, Moeller, Curtis, Williams, Chandler, Crouse and Chase

AN ACT Relating to regulating house-banked social card games; amending RCW 9.46.295 and 9.46.070; adding new sections to chapter 9.46 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HJR 4207 by Representatives Anderson, Alexander, Haler, McDonald, Bailey, McCune, Chandler, Dunn, Rodne and Newhouse

Amending the state Constitution to include the budget stabilization fund.

Referred to Committee on Appropriations.

HCR 4404 by Representatives Kenney, Anderson, Wallace, Sells, Jarrett, Ormsby, Linville and Conway; by request of Workforce Training and Education Coordinating Board

Approving the 2006 update to the state comprehensive plan for workforce training.

Referred to Committee on Higher Education.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

January 17, 2007

HB 1038 Prime Sponsor, Representative Morris: Developing regional compacts for siting electric transmission lines. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

January 17, 2007

HB 1041 Prime Sponsor, Representative Pedersen: Modifying plurality voting for directors. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

January 17, 2007

HB 1042 Prime Sponsor, Representative Rodne: Modifying the share acquisition time period for engaging in a significant business transaction. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 17, 2007

HB 1045 Prime Sponsor, Representative B. Sullivan: Maintaining the ability of the board of natural

resources to determine the deduction of proceeds from transactions on state lands managed by the department of natural resources. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt.

Referred to Committee on Appropriations.

January 17, 2007  
HB 1064 Prime Sponsor, Representative Seaquist: Addressing veterans' benefits. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

January 17, 2007  
HB 1065 Prime Sponsor, Representative Kelley: Revising veterans' scoring criteria in examinations. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

January 18, 2007  
HB 1095 Prime Sponsor, Representative Barlow: Implementing the part D drug copayment program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated except for the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1065,  
 HOUSE BILL NO. 1095,

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

#### COMMITTEE ASSIGNMENTS

The Speaker (Representative Darneille presiding) announced the following committee assignment changes:

Representative Dunn was appointed to the Committee on Appropriations.

Representative Walsh was appointed to the Committee on Appropriations.

Representative Buri was removed from the Committee on Appropriations Subcommittee on Education.

There being no objection, the House adjourned until 10:00 a.m., January 22, 2007, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTEENTH DAY

House Chamber, Olympia, Monday, January 22, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Justin Cobb and Sonia Taylor. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rich Young, Thurston County East Baha'i.

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

## INTRODUCTION &amp; FIRST READING

HB 1478 by Representatives Morris, Crouse, Takko, McCoy, McCune, Kenney and Linville

AN ACT Relating to authorities of the Washington utilities and transportation commission relative to the requirement imposed upon gas and hazardous liquid pipelines under RCW 81.88.080; and amending RCW 81.88.080 and 42.56.330.

Referred to Committee on Technology, Energy & Communications.

HB 1479 by Representatives Appleton, Lantz, Green, Williams, Linville, Kagi, Ormsby, Santos and Seaquist

AN ACT Relating to exempting transfer students from military families from certain prerequisites for earning a certificate of academic achievement; amending RCW 28A.655.061; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 1480 by Representatives Roach, Hunter, McIntire, Condotta and Ericks; by request of Department of Revenue

AN ACT Relating to the administration of tax programs administered by the department of revenue; amending RCW 82.16.120, 82.24.120, 82.24.135, 82.24.280, 82.32.033, 82.32.050, 82.32.100, 82.32.130, 82.32.140, 82.32.160, 82.32.170, 82.45.100, 84.12.260, 84.16.036, 84.36.815, 84.36.820, 84.36.825, 84.36.830, and 84.36.840; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1481 by Representative Alexander

AN ACT Relating to exempting students who pass the WASL from intermediate license restrictions; amending RCW 46.20.075; and providing an effective date.

Referred to Committee on Transportation.

HB 1482 by Representatives Takko, Flannigan, Springer and Hailey; by request of Transportation Improvement Board

AN ACT Relating to retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance; amending RCW 47.26.080 and 47.26.164; and reenacting and amending RCW 46.68.110.

Referred to Committee on Transportation.

HB 1483 by Representatives Green, Miloscia, Hunt, Appleton, McDermott, Ormsby, Hurst, Hasegawa, Dunshee, Springer, Hudgins and Rolfes

AN ACT Relating to prepaid postage for primary and general election ballots; and amending RCW 29A.04.420, 29A.40.091, and 29A.48.050.

Referred to Committee on State Government & Tribal Affairs.

HB 1484 by Representatives Green, Buri, Kelley, Haler, Ormsby, Chase, Hailey, Conway, Darneille and Hudgins

AN ACT Relating to correctional programs, facilities, and institutions on the grounds of a state hospital; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services.

HB 1485 by Representatives Green, Conway and Williams

AN ACT Relating to attorneys' fees for industrial insurance appeals; and amending RCW 51.52.120.

Referred to Committee on Commerce & Labor.

HB 1486 by Representatives Blake, Orcutt, Van De Wege, Takko, B. Sullivan, Kretz, Grant, Sells, Kessler, Newhouse and Kristiansen

AN ACT Relating to excise tax relief for log hauling businesses; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 1487 by Representatives Campbell, Ericks, Green, P. Sullivan, McCune, Ormsby and Morrell

AN ACT Relating to fraudulent pseudoephedrine procurement; reenacting and amending RCW 9.94A.515; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1488 by Representatives B. Sullivan, Upthegrove, Appleton, Dunshee, Hunt, Dickerson, Van De Wege, Campbell, Kessler, Eickmeyer, McCoy, Chase, Green, Sells, Kenney, Ericks, Roberts, Lantz, Goodman, Wood, Kagi, Moeller and Rolfes

AN ACT Relating to protecting all of Washington's waters by enhancing the state's oil spill program; amending RCW 82.23B.020, 90.56.500, 90.56.510, 79.100.100, 82.23B.010, 82.23B.030, and 82.23B.045; adding new sections to chapter 82.23B RCW; adding new sections to chapter 90.56 RCW; creating a new section; and repealing RCW 82.23B.040.

Referred to Committee on Agriculture & Natural Resources.

HB 1489 by Representatives Van De Wege, Kessler, Warnick, Blake, Morrell and Lantz

AN ACT Relating to volunteer hospice care centers; and amending RCW 18.20.030 and 70.128.030.

Referred to Committee on Health Care & Wellness.

HB 1490 by Representatives Hinkle, Cody, Moeller, Linville and Wood

AN ACT Relating to a consumer-directed medicaid coverage plan; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1491 by Representatives Kirby, Campbell, Simpson, Hurst, Appleton, Williams, Wood, Santos, Chase, Ormsby and Morrell

AN ACT Relating to creating the insurance fair conduct act; amending RCW 48.30.010; adding a new section to chapter 48.30 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1492 by Representatives Simpson, Campbell, Kirby, Van De Wege, Williams, Chase, Wood and Santos

AN ACT Relating to arbitration under certain insurance policies; and amending RCW 48.22.085.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1493 by Representatives Hudgins, Simpson, Jarrett, B. Sullivan, Rodne, McCoy, Sells and Kenney

AN ACT Relating to clarifying the definition of development activity with regard to regional transit authorities; and amending RCW 82.02.090.

Referred to Committee on Transportation.

HB 1494 by Representatives Moeller, Hinkle, Seaquist, Green, Morrell, Kenney and Barlow; by request of Department of Health

AN ACT Relating to credentialing standards for counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.205 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1495 by Representatives Hunt and Williams

AN ACT Relating to increasing the penalty for certain assaults against code enforcement officers; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1496 by Representatives Hunt and Williams

AN ACT Relating to restrictions on the county treasurer regarding receipting current year taxes; and amending RCW 84.56.010 and 84.56.020.

Referred to Committee on Local Government.

HB 1497 by Representatives Wallace, Anderson, Sells, Hinkle, Roberts, Warnick, Buri, B. Sullivan, Priest and Hasegawa

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; amending RCW 28B.15.910; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1498 by Representatives Grant, Walsh, Lovick, Santos, Armstrong, Linville, Hinkle, Kessler, Green, Kenney, Williams and Ericks

AN ACT Relating to excluding self-service laundry from the definition of retail sale for excise tax purposes; reenacting and amending RCW 82.04.050; creating a new section; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1499 by Representatives Green, Conway, Williams, Chase, Kenney, Wood, Moeller and Ormsby

AN ACT Relating to increasing minimum industrial insurance benefits; amending RCW 51.32.050 and 51.32.060; reenacting and amending RCW 51.32.090; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1500 by Representatives Conway, Williams, Chase, Kenney, Wood and Moeller

AN ACT Relating to permanent partial disability claims; amending RCW 51.32.080; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1501 by Representatives Wood, Conway, Williams, Chase, Kenney and Moeller

AN ACT Relating to adjustments to industrial insurance total disability compensation reductions; and amending RCW 51.32.220.

Referred to Committee on Commerce & Labor.

HB 1502 by Representatives Williams, Conway, Wood, Chase, Moeller and Ormsby

AN ACT Relating to the suppression of workers' compensation claims; amending RCW 51.28.010, 51.28.025, and 51.28.050; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1503 by Representatives Conway, McCoy, Wood, Campbell, Williams, Green, Kenney, Moeller, Ormsby and Chase

AN ACT Relating to injured worker medical rights; amending RCW 51.04.050, 51.36.060, 51.32.110, 51.36.070, and 51.32.112; adding a new section to chapter 51.52 RCW; adding a new section to chapter 51.36 RCW; creating a new section; recodifying RCW 51.32.112; repealing RCW 51.32.114; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1504 by Representatives Conway and Wood

AN ACT Relating to violation of Title 51 RCW; amending RCW 51.48.080; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1505 by Representatives Clibborn, Curtis, Seaquist, Hinkle, Morrell, Linville, Armstrong, Rodne, B. Sullivan, Ericksen, Ericks, Roberts, Darneille, Moeller and McCune

AN ACT Relating to allowing physician assistants to determine disability for special parking privileges; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1506 by Representatives Haigh, Armstrong, Hunt and Ormsby

AN ACT Relating to alternative public works; amending RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.080, 39.10.070, 39.10.130, 39.10.120, 60.28.011, and 70.150.070; reenacting and amending RCW 39.10.051 and 39.10.061; adding new sections to chapter 43.131 RCW; adding new sections to chapter 39.10 RCW; recodifying RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.051, 39.10.080, 39.10.070, 39.10.061, 39.10.130, 39.10.100, 39.10.090, 39.10.120, 39.10.900, and 39.10.901; repealing RCW 39.10.902, 39.10.030, 39.10.040, 39.10.063, 39.10.065, 39.10.067, 39.10.068, 39.10.115, and 39.10.117; providing effective dates; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1507 by Representatives Seaquist, Bailey, Schual-Berke, Green, Kenney, Williams, Conway, Ericks, Lantz, Darneille, Linville, Moeller, Kelley, Morrell and Rolfes; by request of Governor Gregoire

AN ACT Relating to shared leave for state employees in the uniformed services; amending RCW 41.04.665; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1508 by Representatives Orcutt, Hunter, Blake, Takko and Condotta; by request of Department of Revenue

AN ACT Relating to an exemption from the business and occupation tax for the resale of natural or manufactured gas by consumers; and amending RCW 82.04.310.

Referred to Committee on Technology, Energy & Communications.

HB 1509 by Representatives Pettigrew, Orcutt, O'Brien, McCune, Ericks, Warnick, Alexander, Simpson, Fromhold, P. Sullivan, Morris, Ahern, Kirby, Wood, Buri, Crouse, Kenney, Kristiansen and Ormsby

AN ACT Relating to clarifying the business and occupation taxation of property management companies in regards to on-site property managers' wages and benefits; and amending RCW 82.04.394.

Referred to Committee on Finance.

HB 1510 by Representatives Hasegawa, Chase, Conway, Williams, Roberts, Hudgins, Wood, Moeller, Ormsby, Santos and Morrell

AN ACT Relating to community reinvestment of oil windfall profits; amending RCW 15.110.020, 15.110.050,

70.94.017, 82.04.230, 82.04.240, 82.04.240, 82.04.250, 82.04.250, 82.04.255, 82.04.270, 82.04.280, 82.04.280, 82.04.290, 39.35C.020, 39.35C.100, 82.03.130, and 82.03.140; amending 2006 c 300 s 12 (uncodified); adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 39.35C RCW; adding a new section to chapter 43.21F RCW; creating a new section; prescribing penalties; providing effective dates; providing a contingent effective date; providing expiration dates; and providing contingent expiration dates.

Referred to Committee on Technology, Energy & Communications.

HB 1511 by Representatives Hasegawa, Chase, Williams and Roberts

AN ACT Relating to business and occupation taxation of investment income received by corporations; amending RCW 82.04.4281; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1512 by Representatives Hasegawa, Haler, Pettigrew, Skinner, Santos, Hankins, Kenney, Walsh, McCoy, Kirby, Schual-Berke, Chase, Williams, Roberts, P. Sullivan, Hudgins, Ericks, Darneille, Kagi and Ormsby

AN ACT Relating to the linked deposit program; and amending RCW 43.86A.030.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1513 by Representatives Kessler, Orcutt, Grant, Alexander, Blake, Van De Wege, Kretz, Takko, Linville and Ericks

AN ACT Relating to the excise taxation of forest products businesses; amending RCW 76.09.405, 82.04.261, 82.04.333, and 82.32.630; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.45 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1514 by Representatives B. Sullivan, Kretz and Linville; by request of Parks and Recreation Commission

AN ACT Relating to disposal of unneeded park land; and amending RCW 79A.05.175.

Referred to Committee on Agriculture & Natural Resources.

HB 1515 by Representatives P. Sullivan, Rodne, Simpson, Priest, Jarrett, Ericks and Morrell

AN ACT Relating to allowing owners of property enrolled in a current use property tax program to transfer the property

between one another or to withdraw the property on the death of the owner, without penalty; amending RCW 84.33.140, 84.34.070, 84.34.080, and 84.34.108; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1516 by Representatives Roach, Hurst, Orcutt, Dunn, McDonald, Warnick, Haler, McCune, Rodne, Ericksen, Chase, Kristiansen, Morrell and Rolfes

AN ACT Relating to business and occupation tax exemptions for new businesses; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Community & Economic Development & Trade.

HB 1517 by Representatives Schual-Berke, Priest, McDermott, Anderson, Quall, Kenney, Roberts, Lantz, Kagi, Moeller, Santos, Hunt and Hudgins

AN ACT Relating to enhancing world language instruction in public schools; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 1518 by Representatives Williams, Lantz, Moeller, Appleton, Darneille, Goodman, Hunt, Chase, Miloscia, Ormsby, Hudgins, Pedersen, McDermott and Santos

AN ACT Relating to creating a death penalty task force; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1519 by Representatives Williams, O'Brien, Ericks, Rodne and Hudgins

AN ACT Relating to the authority of liquor enforcement officers; and amending RCW 66.44.010.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1520 by Representatives Williams, Rodne, Simpson, Moeller, O'Brien, Kirby and Kenney

AN ACT Relating to polygraph examinations of sexual assault victims; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

HB 1521 by Representatives Williams, Conway, Simpson, Green, O'Brien, Chase, Moeller, Appleton, Hurst, Blake, Ericks and Hudgins

AN ACT Relating to enforcement officers employed by the liquor control board; amending RCW 9A.36.031; adding a new section to chapter 43.101 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1522 by Representatives Williams, Darneille, Chase, Moeller, Lantz, Ericks, Goodman, Wood, Ormsby and Hunt

AN ACT Relating to eliminating the mandatory retirement age for judges; amending RCW 2.10.100; and repealing RCW 3.74.030.

Referred to Committee on Judiciary.

HB 1523 by Representatives Chase, Morris, B. Sullivan, Linville and Kagi

AN ACT Relating to the voluntary green power program; reenacting and amending RCW 19.29A.090; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 1524 by Representatives Chase, Morris and B. Sullivan

AN ACT Relating to the sale of light-emitting diode holiday lights; amending RCW 19.260.020, 19.260.030, 19.260.040, and 19.260.050; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1525 by Representatives Chase, Kessler, Morris, Sump, B. Sullivan, Hunt and Hudgins

AN ACT Relating to regulatory fairness for small businesses; amending RCW 19.85.020, 19.85.030, and 19.85.040; adding a new section to chapter 19.85 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1526 by Representatives Hunt, Chandler, Armstrong, Ormsby, Kenney, Linville and Moeller; by request of Secretary of State

AN ACT Relating to presidential primary ballots; and amending RCW 29A.56.040.

Referred to Committee on State Government & Tribal Affairs.

HB 1527 by Representatives Appleton, Armstrong, Kenney, Moeller, Ormsby and Seaquist; by request of Secretary of State

AN ACT Relating to administering elections by mail; amending RCW 29A.40.150, 29A.44.090, 29A.48.060, 29A.60.110, 29A.60.170, 29A.60.190, and 29A.60.190; reenacting and amending RCW 29A.40.110 and 29A.60.165; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 1528 by Representatives Hunt, Chandler, Green, Kretz, Ormsby, Armstrong, Miloscia, Appleton, Kenney, Goodman and Moeller; by request of Secretary of State

AN ACT Relating to electronic voter registration; adding a new section to chapter 29A.08 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1529 by Representatives Appleton, Chandler, Armstrong, Kenney, Moeller, Ormsby and Seaquist; by request of Secretary of State

AN ACT Relating to voter registration; amending RCW 29A.08.113, 29A.08.115, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.410, 29A.08.430, 29A.08.510, 29A.08.520, 29A.08.605, 29A.08.640, 29A.08.651, 29A.40.010, 29A.40.020, 29A.40.061, 29A.40.091, and 29A.60.235; reenacting and amending RCW 29A.04.611, 29A.08.620, and 29A.40.110; and repealing RCW 29A.04.103, 29A.08.145, 29A.08.660, and 29A.08.785.

Referred to Committee on State Government & Tribal Affairs.

HB 1530 by Representatives Green, Miloscia, Hunt, Ormsby, Kretz, Armstrong, Kenney, Hurst, Goodman, Kagi, Moeller and Hudgins; by request of Secretary of State

AN ACT Relating to primary election voters' pamphlets; and amending RCW 29A.32.010 and 29A.32.036.

Referred to Committee on State Government & Tribal Affairs.

HB 1531 by Representatives Warnick, McDonald, Ahern, Van De Wege, Hinkle, Haler, McCune, Strow, Rodne, Green, Ericks, Barlow, Bailey and Rolfes

AN ACT Relating to excise taxation of required college instructional materials; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Higher Education.

HB 1532 by Representatives Kirby, Kenney, Moeller and Morrell; by request of Insurance Commissioner

AN ACT Relating to the establishment of a program of market conduct oversight within the office of the insurance commissioner; reenacting and amending RCW 42.56.400; adding a new section to chapter 48.03 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1533 by Representatives Kirby, Simpson and Kenney; by request of Insurance Commissioner

AN ACT Relating to persons selling, soliciting, or negotiating insurance; amending RCW 48.17.010, 48.17.060, 48.17.063, 48.17.065, 48.17.067, 48.17.090, 48.17.110, 48.17.125, 48.17.150, 48.17.160, 48.17.170, 48.17.180, 48.17.250, 48.17.270, 48.17.380, 48.17.390, 48.17.410, 48.17.420, 48.17.450, 48.17.460, 48.17.470, 48.17.475, 48.17.480, 48.17.490, 48.17.510, 48.17.530, 48.17.565, 48.17.591, 48.17.600, and 48.14.010; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.17 RCW; repealing RCW 48.17.020, 48.17.030, 48.17.040, 48.17.050, 48.17.055, 48.17.070, 48.17.100, 48.17.120, 48.17.130, 48.17.190, 48.17.200, 48.17.210, 48.17.230, 48.17.240, 48.17.260, 48.17.280, 48.17.290, 48.17.300, 48.17.310, 48.17.320, 48.17.330, 48.17.340, 48.17.500, 48.17.520, and 48.05.310; prescribing penalties; and providing an effective date.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1534 by Representatives Hunt, Williams, Armstrong and Moeller; by request of Secretary of State

AN ACT Relating to candidates for elective office; amending RCW 29A.20.111, 29A.20.121, 29A.20.151, 29A.20.171, 29A.20.181, 29A.20.191, 29A.20.201, 29A.24.031, 29A.24.070, 29A.24.091, 29A.24.131, 29A.24.320, 29A.28.041, 29A.32.031, 29A.36.121, 29A.36.191, 29A.40.061, 29A.52.321, 29A.56.320, 29A.80.051, and 35.02.086; adding new sections to chapter 29A.24 RCW; recodifying RCW 29A.28.011 and 29A.28.021; and repealing RCW 29A.20.131, 29A.20.141, and 29A.20.161.

Referred to Committee on State Government & Tribal Affairs.

HB 1535 by Representatives Dunn, Haigh, Pettigrew, Bailey, Orcutt and McCune

AN ACT Relating to a sales and use tax exemption for physical fitness equipment; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1536 by Representatives Dunn, Haigh, Orcutt, Anderson, Pettigrew, McCune, Morrell and Ahern

AN ACT Relating to excise tax exemptions for hands-free wireless communications devices; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1537 by Representatives Lovick, Ericks, O'Brien and Strow

AN ACT Relating to making a false or misleading material statement that results in an Amber alert; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1538 by Representatives Bailey, Linville, Hinkle, Alexander, Haler, Strow, Rodne, Warnick, Morrell, Green and Ericksen

AN ACT Relating to an independent study of health benefit requirements; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1539 by Representatives Bailey, Alexander, Hinkle, Condotta, Haler, Rodne, Newhouse, Ericksen, Kristiansen and Strow

AN ACT Relating to access to health insurance for small employers and their employees; and amending RCW 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health Care & Wellness.

HB 1540 by Representative Miloscia

AN ACT Relating to equalizing school district salary allocations; amending RCW 84.52.0531 and 84.52.0531; adding a new section to chapter 28A.150 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

HB 1541 by Representatives Hunter, Anderson, Quall, Priest, P. Sullivan, Fromhold, Kenney, Linville, Moeller and Santos

AN ACT Relating to educational data and data systems; amending RCW 28A.410.070; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Education.

HB 1542 by Representatives P. Sullivan, Orcutt, Ericks, Condotta, Roach, Linville, B. Sullivan and Ormsby

AN ACT Relating to creating a business and occupation tax credit against state and federal payroll taxes paid by restaurateurs on employee tips; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Commerce & Labor.

HB 1543 by Representatives Buri, Grant, Dunshee, Ahern, Hailey, Pettigrew, Kretz, Bailey, Linville and Moeller

AN ACT Relating to financing economic development officers; and amending RCW 82.14.370.

Referred to Committee on Community & Economic Development & Trade.

HB 1544 by Representatives Wallace, Rodne, Kirby, Chase, Schual-Berke, Eddy, Green, Sells, Jarrett,

Hurst, P. Sullivan, Kagi, Moeller, Ormsby, Springer and Morrell; by request of Attorney General

AN ACT Relating to placing a credit freeze on a credit report; adding new sections to chapter 19.182 RCW; repealing RCW 19.182.170; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1545 by Representatives Kirby, Ericks and Ormsby

AN ACT Relating to industrial insurance death benefits for the surviving spouses of law enforcement officers; amending RCW 51.32.050; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1546 by Representatives Kirby and Dickerson

AN ACT Relating to the accuracy and completeness of information available in background check reports; and amending RCW 19.182.005, 19.182.010, 19.182.040, and 19.182.070.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1547 by Representatives Lantz, Rolfes, Chase, Seaquist, Appleton, McCoy, Linville, Dunshee and Morrell

AN ACT Relating to shellfish aquaculture in Puget Sound; amending RCW 79.135.110; adding new sections to chapter 28B.20 RCW; adding new sections to chapter 90.58 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Select Committee on Puget Sound.

HB 1548 by Representatives Pettigrew, Miloscia, Jarrett, O'Brien, Haler, Priest, Ormsby, Roberts, Eddy, Darneille, Appleton, Walsh, Sells, Barlow, Kenney, Conway, Kristiansen, Ericks, P. Sullivan, Goodman, Linville, Wood, Pearson, Moeller, Springer, Lovick, Lantz, Morrell and Santos

AN ACT Relating to creating the individual and family services program for people with developmental disabilities; adding a new section to chapter 71A.12 RCW; and creating new sections.

Referred to Committee on Human Services.

HB 1549 by Representatives Linville, Kristiansen, Ericksen and McCune

AN ACT Relating to exempting wholesale sales of unprocessed milk for processing from business and occupation tax; and amending RCW 82.04.332.

Referred to Committee on Agriculture & Natural Resources.

HB 1550 by Representatives McDermott, Santos, Appleton, Haler, Fromhold, Quall, Kagi, Barlow, Cody, P. Sullivan, Walsh, Schual-Berke, Kenney, Hasegawa and Ormsby

AN ACT Relating to after-school care programs; adding a new section to chapter 28A.215 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1551 by Representatives McDermott, Miloscia, McIntire, Fromhold, Dunshee, Cody, Green, Ormsby, Appleton, Hunt, Chase, Schual-Berke, Sells, Roberts, Hasegawa, Kagi, Moeller, Pedersen and Rolfes

AN ACT Relating to public funding of campaigns for local offices; and amending RCW 42.17.128.

Referred to Committee on State Government & Tribal Affairs.

HB 1552 by Representatives McDermott, Wood, Hunt, Green, Ormsby, Appleton and Miloscia

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.

Referred to Committee on State Government & Tribal Affairs.

HB 1553 by Representatives Hinkle, Morrell, Moeller, Seaquist, Curtis, Linville, Green and Ormsby

AN ACT Relating to a controlled substances prescription monitoring program; reenacting and amending RCW 42.56.360; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1554 by Representatives B. Sullivan, Ericks, Strow and Linville

AN ACT Relating to excise tax relief for aerospace product development businesses; amending RCW 82.08.981, 82.12.981, 82.04.4487, 82.32.545, and 82.04.4463; reenacting and amending RCW 82.04.440; adding a new section to chapter 82.04 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1555 by Representatives Williams, Rodne, Lantz, Chase and Ericks

AN ACT Relating to sexual assault protection orders; and amending RCW 7.90.005, 7.90.030, 7.90.110, 7.90.130, and 7.90.140.

Referred to Committee on Judiciary.

HB 1556 by Representatives Walsh, Grant, Haler, Sells, Springer, O'Brien, Seaquist, Ahern, Takko, Williams, Ericks, Roberts, Strow, Linville, Ormsby and McDermott

AN ACT Relating to designating the Walla Walla sweet onion as the official Washington state vegetable; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1557 by Representatives Rodne, Lovick, Haler, Springer, Strow, Sells, Jarrett, Hurst, Linville, Ormsby and Hudgins

AN ACT Relating to tax incentives for emergency preparedness at retail gasoline stations; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1558 by Representatives Jarrett, Dunshee, Priest, Moeller, Anderson, Linville and Ormsby

AN ACT Relating to the establishment of a growth management needs and priorities task force; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Local Government.

HJM 4003 by Representatives Chase, Morris and Hunt

Requesting the abolition of the Federal Lands Recreation Enhancement Act.

Referred to Committee on Agriculture & Natural Resources.

HJR 4208 by Representatives B. Sullivan, Ericks and Linville

Amending the Constitution to address use of public funds for economic development.

Referred to Committee on Community & Economic Development & Trade.

HJR 4209 by Representatives Williams, Darneille, Chase, Moeller, Lantz, Kenney, Ericks, Goodman, Wood, Ormsby and Hunt

Eliminating the mandatory retirement age for judges.

Referred to Committee on Judiciary.

There being no objection, the bills, memorial and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

January 17, 2007

HB 1037 Prime Sponsor, Representative Morris: Regarding electrical transmission. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

January 19, 2007

HB 1052 Prime Sponsor, Representative Upthegrove: Modifying the legislative youth advisory council. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 18, 2007

HB 1113 Prime Sponsor, Representative Kirby: Prohibiting insurers from having a financial interest in automotive repair facilities. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Strow, Assistant Ranking Minority Member; Hurst and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne and Simpson.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

#### SECOND READING

**HOUSE BILL NO. 1095, by Representatives Barlow, Hinkle, Appleton, Green, Ormsby, Schual-Berke, Cody, Blake, B. Sullivan, Hurst, O'Brien, Clibborn, Morrell, Conway, Kenney, Linville, Rolfes, Moeller and Dunn; by request of Governor Gregoire**

**Implementing the part D drug copayment program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1095 was substituted for House Bill No. 1095 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1095 was read the second time.

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

Representatives Barlow, Hinkle and Cody spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Santos, Representatives Dunshee and Morris were excused. On motion of Representative Hailey, Representatives Armstrong, Chandler, Crouse and Schindler were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1095.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1095 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Excused: Representatives Armstrong, Chandler, Crouse, Dunshee, Morris and Schindler - 6.

SECOND SUBSTITUTE HOUSE BILL NO. 1095, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Barlow on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1168, by Representatives Roach, Hurst, Newhouse, Santos, Orcutt, Pettigrew, Moeller, Morrell, Priest, Armstrong, Curtis, Haler, Condotta, Buri, Kristiansen, Alexander, Warnick, Strow, Ericksen, Dunshee, Kirby, Chase, Bailey, Springer, McDonald, Ross, Blake, Kenney, Lovick, Appleton, Darneille, McCoy,**

**O'Brien, Sells, Takko, Williams, Van De Wege, Hunter, Ormsby, Schual-Berke, Pearson, Fromhold, Hinkle, Simpson, Clibborn, Lantz, Linville, Campbell, Kelley, Green, Eddy and McCune**

#### Regarding disorderly conduct.

The bill was read the second time.

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

Representatives Roach, Darneille, Sump, Hurst and Morrell spoke in favor of passage of the bill.

Representatives Pedersen, Flannigan and McIntire spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1168.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1168 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood, and Mr. Speaker - 89.

Voting nay: Representatives Flannigan, Hasegawa, McIntire, Pedersen, and Schual-Berke - 5.

Excused: Representatives Crouse, Dunshee, Morris, and Schindler - 4.

HOUSE BILL NO. 1168, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1051, by Representatives Upthegrove, Kagi, P. Sullivan, Haigh, Simpson, Moeller, Green, Santos, Kenney, Williams, Hunter and Miloscia**

#### Expanding high school completion programs.

The bill was read the second time.

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

Representatives Upthegrove, Haigh, Priest and Hunter spoke in favor of passage of the bill.

Representatives Buri and Skinner spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1051.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1051 and the bill passed the House by the following vote: Yeas - 73, Nays - 21, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Armstrong, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, Dickerson, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood, and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Barlow, Buri, Chandler, DeBolt, Dunn, Flannigan, Hailey, Hinkle, Kretz, McDonald, Newhouse, Orcutt, Ross, Skinner, Strow, Sump, and Warnick - 21.

Excused: Representatives Crouse, Dunshee, Morris, and Schindler - 4.

HOUSE BILL NO. 1051, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 1051.  
DON BARLOW, 6<sup>th</sup> District

### SECOND READING

**HOUSE BILL NO. 1025, by Representatives Rolfes, Newhouse, Lovick, Armstrong, Dunshee, Eickmeyer, Ericks, Blake, Morrell, Kenney, P. Sullivan, Wallace, Moeller, Warnick, Chase and Miloscia; by request of Department of Community, Trade, and Economic Development**

**Recommending authorization for projects by the public works board.**

The bill was read the second time.

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

Representatives Rolfes and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1025.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1025 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood, and Mr. Speaker - 94.

Excused: Representatives Crouse, Dunshee, Morris, and Schindler - 4.

HOUSE BILL NO. 1025, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Springer congratulated Representative Rolfes on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

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

There being no objection, the House adjourned until 9:55 a.m., January 23, 2007, the 16th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 23, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**INTRODUCTION & FIRST READING**

HB 1559 by Representatives Curtis, Fromhold, Haler, Newhouse, Walsh, Quall, Anderson, Priest, Moeller, Lantz and O'Brien

AN ACT Relating to college readiness standards; and creating new sections.

Referred to Committee on Higher Education.

HB 1560 by Representatives P. Sullivan, Walsh, Pettigrew, Appleton, Simpson, Kenney, Lantz, Santos and O'Brien

AN ACT Relating to preschool tuition scholarships for children in foster care; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 1561 by Representatives Jarrett, Clibborn, Goodman, Springer, Eddy, Rodne and P. Sullivan

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Judiciary.

HB 1562 by Representatives Conway, Green, Williams, Moeller and Wood

AN ACT Relating to industrial insurance medical and chiropractic advisory committees for the department of labor and industries; and adding new sections to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 1563 by Representatives Ericksen, Bailey, Strow, McDonald, Chandler, Ross and Linville

AN ACT Relating to using environmental mitigation moneys for agricultural preservation; adding a new section to chapter 47.12 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1564 by Representatives Ericksen, Curtis, McDonald, Ahern, Ross, Strow, Haler, Linville, McCune, Green, Conway and Bailey

AN ACT Relating to tax incentives for motor vehicle purchases to reduce air pollution; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 1565 by Representatives Kagi, Dickerson and Kenney

AN ACT Relating to public access to child in need of services and at-risk youth hearings; and amending RCW 13.32A.200.

Referred to Committee on Early Learning & Children's Services.

HB 1566 by Representatives Van De Wege, Ericks, McIntire, Ericksen, Ross, Warnick, Condotta, Kessler and McCune; by request of Department of Revenue

AN ACT Relating to modifying the rural county tax credit provided in chapter 82.62 RCW; amending RCW 82.62.010, 82.62.020, 82.62.030, and 82.62.045; and providing an effective date.

Referred to Committee on Finance.

HB 1567 by Representatives Rolfes, Hailey, Eddy, Clibborn, Appleton, Springer, Sells, Seaquist, Barlow, Simpson and Lantz

AN ACT Relating to increasing the proportionate share of earnings from surplus balance investments that are deposited in transportation-related accounts; and reenacting and amending RCW 43.84.092.

Referred to Committee on Appropriations.

HB 1568 by Representatives Campbell, Cody, Appleton, Hasegawa, Moeller, Morrell, Wood and Ormsby

AN ACT Relating to evaluating the feasibility of operating a multistate health insurance pool; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1569 by Representatives Cody, Campbell, Morrell, Linville, Moeller, Green, Seaquist, Conway, Dickerson, Appleton, McIntire, McCoy, Kagi,

Pedersen, Kenney, Lantz, Santos, Wood and Ormsby

AN ACT Relating to reforming the health care system in Washington state; amending RCW 41.05.021, 48.43.005, 48.43.015, 48.43.025, and 48.43.035; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 41 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 48.01.260, 48.20.025, 48.20.028, 48.20.029, 48.21.045, 48.21.047, 48.43.012, 48.43.018, 48.43.038, 48.43.041, 48.44.017, 48.44.021, 48.44.022, 48.44.023, 48.44.024, 48.46.062, 48.46.063, 48.46.064, 48.46.066, 48.46.068, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.900, 48.41.010, 48.41.020, 48.41.030, 48.41.037, 48.41.040, 48.41.050, 48.41.060, 48.41.070, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.130, 48.41.140, 48.41.150, 48.41.160, 48.41.170, 48.41.190, 48.41.200, 48.41.210, 48.41.900, and 48.41.910; and providing effective dates.

Referred to Committee on Health Care & Wellness.

HB 1570 by Representatives Hudgins, Campbell, Wood, Chase, Morrell, Hunt, McCoy and Kenney

AN ACT Relating to biomonitoring; adding a new chapter to Title 70 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Select Committee on Environmental Health.

HB 1571 by Representatives Conway, Moeller and Wood

AN ACT Relating to temporary total disability; and reenacting and amending RCW 51.32.090.

Referred to Committee on Commerce & Labor.

HB 1572 by Representatives Quall, Priest, Barlow, P. Sullivan, Haigh, McDermott, Kenney and Ormsby; by request of Superintendent of Public Instruction

AN ACT Relating to granting authority to the superintendent of public instruction to enter into and participate in joint purchasing and master price agreements; and amending RCW 28A.300.040 and 28A.320.080.

Referred to Committee on Education.

HB 1573 by Representatives Quall, Priest, P. Sullivan, Pettigrew, Kenney, Kagi, Wallace, McCoy, Dickerson, Lovick, Santos, Hunt, Hasegawa, Simpson, Pedersen, Morrell, Conway, Lantz, O'Brien and Ormsby; by request of Superintendent of Public Instruction

AN ACT Relating to dropout prevention, intervention, and retrieval; adding new sections to chapter 28A.175 RCW; and creating a new section.

Referred to Committee on Education.

HB 1574 by Representatives Wood, Conway, Hudgins, Condotta, Moeller and Kenney; by request of Department of Licensing

AN ACT Relating to the uniform regulation of business and professions; amending RCW 18.140.160, 18.185.110, 18.185.120, 19.16.410, 18.220.040, 18.220.130, 18.220.050, 18.165.170, 18.170.180, 18.235.005, 18.235.010, 18.235.020, 18.235.040, 18.235.050, 18.235.080, 18.235.090, 18.235.100, 18.235.110, 18.235.130, 18.235.150, and 18.235.210; and repealing RCW 18.140.175, 18.85.343, 18.220.140, 18.220.150, 18.220.170, and 18.220.180.

Referred to Committee on Commerce & Labor.

HB 1575 by Representatives Conway, Hudgins and Moeller; by request of Department of Licensing

AN ACT Relating to boxing, mixed martial arts, and wrestling events; amending RCW 67.08.002, 67.08.007, 67.08.015, 67.08.017, 67.08.030, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.110, 67.08.140, 67.08.160, 67.08.170, 67.08.180, and 67.08.200; reenacting and amending RCW 67.08.090 and 67.08.100; adding new sections to chapter 67.08 RCW; creating a new section; repealing RCW 67.08.010, 67.08.040, 67.08.130, 67.08.220, and 67.08.240; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1576 by Representatives Linville, McDonald, Wallace, Chase, Ericks, Darneille, Clibborn, Strow, P. Sullivan, Haler, Pettigrew, Moeller and Morrell

AN ACT Relating to qualified small business incubators; and amending RCW 43.176.020.

Referred to Committee on Community & Economic Development & Trade.

HB 1577 by Representative B. Sullivan; by request of Office of Financial Management

AN ACT Relating to the salmon recovery office; amending RCW 77.85.005, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.090, 77.85.150, 77.85.200, 43.41.270, and 79A.25.240; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1578 by Representatives Orcutt, Takko, McDonald, Kretz, Ahern, Morrell, McCune, Green, Appleton, O'Brien and Bailey

AN ACT Relating to property tax relief for senior citizens, persons retired because of physical disability, or veterans; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 1579 by Representatives Orcutt, Takko, McDonald, Blake, Kretz, Ahern, Kessler and McCune

AN ACT Relating to excise tax relief for commercial fuel users; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1580 by Representatives Takko, Orcutt, Lovick and Sells

AN ACT Relating to consolidating designated forest lands and open space timber lands for ease of administration; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.33.170, 84.34.020, 84.34.030, 84.34.060, 84.34.070, 84.34.080, 84.34.108, 84.34.145, 84.34.155, 84.34.210, 84.34.220, 84.34.300, 84.34.310, 84.34.330, 84.34.340, 84.34.370, and 84.34.380; reenacting and amending RCW 84.34.320 and 84.34.360; and repealing RCW 84.33.077, 84.34.041, and 84.34.131.

Referred to Committee on Finance.

HB 1581 by Representative Takko

AN ACT Relating to reconvening boards of equalization; and amending RCW 84.08.060.

Referred to Committee on Finance.

HB 1582 by Representatives Takko, Sells, Morrell and O'Brien

AN ACT Relating to streamlining the property tax appeal process; and amending RCW 84.40.038.

Referred to Committee on Finance.

HB 1583 by Representatives Moeller, Conway, Darneille, Wood, Green, Ormsby and Morrell

AN ACT Relating to disclosure of the percentage of automatic service charges paid to servers; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1584 by Representatives Moeller, Jarrett, Springer, Dunshee, Darneille, Ormsby, Cody, Appleton, McCoy, Kagi, Morrell and Green

AN ACT Relating to state institutions; amending RCW 71A.20.020 and 72.23.020; adding a new section to chapter 41.06 RCW; adding a new section to chapter 72.05 RCW; adding a new section to chapter 72.16 RCW; adding a new section to chapter 72.19 RCW; adding a new section to chapter 72.20 RCW; adding a new section to chapter 72.40 RCW; adding a new section to chapter 72.36 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 72.09 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1585 by Representatives Seaquist, Pettigrew, Hinkle, Buri, Ericks, Linville, Jarrett, Priest, Moeller, Lantz, Appleton, Hunt and Kenney

AN ACT Relating to athletic trainers; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

HB 1586 by Representatives Hunt and Ormsby

AN ACT Relating to removing the limitations on the number of divisions and assistant directors within the department of retirement systems; and amending RCW 41.50.050 and 41.50.070.

Referred to Committee on State Government & Tribal Affairs.

HB 1587 by Representatives Newhouse, Warnick, Haler, Hailey, Curtis, Ross, Chandler, McCune, Dunn, Kristiansen, Bailey and Ericks

AN ACT Relating to the business and occupation tax rate for custom farming services; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1588 by Representatives Upthegrove, Wood, Hudgins, Takko, Moeller and Simpson

AN ACT Relating to providing mobility education to students in driver training programs; amending RCW 46.82.420; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

HB 1589 by Representatives Schual-Berke, Hunt, Appleton, McIntire, Kagi, Pedersen, Moeller, Kenney, Miloscia, O'Brien, Wood, Goodman, McDermott and Ormsby; by request of Governor Gregoire

AN ACT Relating to funding of judicial election campaign expenses; amending RCW 42.52.180, 42.17.020, 42.17.128, 42.17.130, and 42.17.640; adding new sections to chapter 42.17 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

HB 1590 by Representatives Goodman, Rodne, Curtis, Eddy, Pearson, Springer, Linville, Roach, Jarrett, Priest, Clibborn, Ericks, Chandler, Schual-Berke, Dunshee, Upthegrove, Sells, Miloscia, Hurst, Williams, Newhouse, Simpson and Kenney

AN ACT Relating to administration of the courts of limited jurisdiction; amending RCW 3.50.003, 3.50.005, 3.50.020, 3.50.805, 39.34.180, and 10.14.150; adding a new

section to chapter 3.50 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1591 by Representatives Warnick and Hinkle

AN ACT Relating to access facilities in artificial lakes; amending RCW 90.58.030, 90.58.100, 90.58.140, 79.105.240, and 79.105.430; and creating a new section.

Referred to Committee on Local Government.

HB 1592 by Representative Hurst; by request of Indeterminate Sentence Review Board

AN ACT Relating to the indeterminate sentenced offenders; and amending RCW 9.95.011, 9.95.420, 9.95.435, and 9.96.050.

Referred to Committee on Human Services.

HB 1593 by Representatives Grant, Walsh, Moeller and Wood

AN ACT Relating to importing a simulcast race of regional or national interest on horse race days; amending RCW 67.16.200; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1594 by Representatives Springer, B. Sullivan, Chandler and Condotta

AN ACT Relating to the merchandising of beer and wine by employees between the ages of eighteen and twenty-one on or about a licensee's premises; and amending RCW 66.44.318.

Referred to Committee on Commerce & Labor.

HB 1595 by Representatives Appleton, Jarrett, Hunt and Lantz

AN ACT Relating to shellfish protection programs; amending RCW 90.72.020, 90.72.030, and 90.72.045; creating new sections; and making an appropriation.

Referred to Committee on Select Committee on Puget Sound.

HJM 4004 by Representatives Simpson, Hurst, Dunshee, Darneille, Williams, Upthegrove, Dickerson, Sells, Hasegawa, Green, McIntire, Conway, Clibborn, Cody, Moeller, Eddy, Haigh, Schual-Berke, Ericks, Flannigan, Ormsby, Hunt, Hudgins, Kessler, Kagi, Kenney, Santos, Goodman and Quall

Calling for no escalation in Iraq.

Referred to Committee on State Government & Tribal Affairs.

HJM 4005 by Representatives Moeller, Takko, Appleton, Cody, Dunshee, Clibborn, Green, Pedersen, Flannigan, Hunt, Roberts, Darneille, Williams,

Hasegawa, Kagi, Simpson, Kenney, Conway, Santos, McDermott and Ormsby

Requesting that Congress enact a universal health care system.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., January 24, 2007, the 17th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 24, 2007

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

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

## INTRODUCTION &amp; FIRST READING

HB 1596 by Representatives McCune, Dunn, McDonald, Chandler, Kristiansen, Chase, Pearson, Morrell, Hinkle and Ormsby

AN ACT Relating to property tax relief for senior citizens, persons retired because of physical disability, and veterans; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

HB 1597 by Representative Moeller

AN ACT Relating to requiring workers to have licenses, certificates, or permits in their possession when performing plumbing, electrical, and conveyance work; amending RCW 19.27.050, 18.106.020, 18.106.070, 18.106.090, 18.106.170, 19.28.271, 19.28.211, 19.28.231, 19.28.251, 70.87.230, 70.87.250, and 70.87.120; reenacting and amending RCW 19.28.161; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1598 by Representatives Kretz, Ericks, Blake, Pettigrew, Armstrong, Warnick, Sump, Upthegrove, Newhouse, Kristiansen and Condotta

AN ACT Relating to accountability in the funding of salmon recovery; and reenacting and amending RCW 77.85.130.

Referred to Committee on Agriculture & Natural Resources.

HB 1599 by Representatives Hunt, Williams, Conway, Ormsby, McDermott and Wood

AN ACT Relating to raffles conducted by state employees; amending RCW 9.46.0209; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Commerce & Labor.

HB 1600 by Representatives Hunt, B. Sullivan, McCoy, Williams, Appleton, Chase, Hasegawa, Dickerson, Wood, Simpson and Pedersen

AN ACT Relating to ancestral trees; amending RCW 79.02.010, 79.15.010, 79.15.510, and 79.15.510; adding a new section to chapter 79.15 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1601 by Representatives Rolfes, Campbell, Chase, Hudgins, Hunt, Morrell, Upthegrove, McCoy, Santos, Dickerson, Hasegawa, Sells, Schual-Berke, Wood and Simpson

AN ACT Relating to the children's environmental health and protection advisory council; creating new sections; and providing an expiration date.

Referred to Committee on Select Committee on Environmental Health.

HB 1602 by Representatives Kagi, Dickerson, Pettigrew, Appleton, Walsh, Roberts, Santos, Ormsby, Hasegawa, McDermott, Schual-Berke, Haigh and Simpson

AN ACT Relating to enrollment of foster parents in the Washington basic health plan; amending RCW 70.47.020 and 70.47.060; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1603 by Representatives Conway, Wood, Condotta and Moeller; by request of Liquor Control Board

AN ACT Relating to enforcement of liquor and tobacco laws; amending RCW 82.26.105; adding a new section to chapter 66.08 RCW; and adding a new section to chapter 82.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1604 by Representatives Eickmeyer, Sump, Morris, Chase, O'Brien and Haigh

AN ACT Relating to creating a pilot project to study the effects of oxygenation in Hood Canal; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Select Committee on Puget Sound.

HB 1605 by Representatives Eickmeyer, Haigh, Upthegrove, Blake, Lantz, Seaquist, Linville, Chase, Pedersen, Morris, Wood and Rolfes

AN ACT Relating to the effect of extension of sewer services in aquatic rehabilitation zone one; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Select Committee on Puget Sound.

HB 1606 by Representatives Blake, Newhouse, Grant, Buri, Takko, Van De Wege, B. Sullivan, Eickmeyer, Kretz, Hailey, Warnick, Kessler, Strow, Hinkle, Dunn and Moeller

AN ACT Relating to trapping; amending RCW 77.08.010; adding a new chapter to Title 77 RCW; creating new sections; repealing RCW 77.15.190, 77.15.191, 77.15.192, 77.15.194, 77.15.196, 77.15.198, 77.32.545, 77.65.450, and 77.65.460; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1607 by Representatives O'Brien, Lovick, Pearson and Strow; by request of Criminal Justice Training Commission

AN ACT Relating to corrections personnel training; and amending RCW 43.101.220.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1608 by Representatives O'Brien, Lovick, Pearson and Strow; by request of Criminal Justice Training Commission

AN ACT Relating to requiring polygraph tests; and amending RCW 49.44.120.

Referred to Committee on Commerce & Labor.

HB 1609 by Representatives O'Brien, Lovick, Pearson and Strow; by request of Criminal Justice Training Commission

AN ACT Relating to core training requirements; and amending RCW 43.101.350.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1610 by Representatives Anderson, Priest, Haler and Strow

AN ACT Relating to creating a school and school district accountability system that provides for progressive interventions for schools and school districts that fail to meet academic standards; amending RCW 28A.305.130; and adding new sections to chapter 28A.305 RCW.

Referred to Committee on Education.

HB 1611 by Representatives Anderson, Haler, Strow and Haigh

AN ACT Relating to creating a performance-based compensation system for teachers and other certificated

instructional staff in K-12 public schools; amending RCW 28A.150.410, 28A.400.200, 28A.400.205, and 28A.340.040; adding new sections to chapter 28A.400 RCW; adding a new section to chapter 28A.150 RCW; creating new sections; repealing RCW 28A.405.200, 28A.415.020, 28A.415.023, 28A.415.024, and 28A.415.025; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

HB 1612 by Representatives Anderson and Rodne

AN ACT Relating to revising school funding from school district levies and local effort assistance; amending RCW 28A.500.010, 28A.500.020, and 84.52.0531; amending 2006 c 119 s 3 (uncodified); reenacting and amending RCW 28A.500.030; adding a new section to chapter 28A.500 RCW; and providing an effective date.

Referred to Committee on Education.

HB 1613 by Representatives Anderson, Priest, Haler, Strow, Haigh and Hunter

AN ACT Relating to establishing the schoolwide academic achievement bonus program; adding new sections to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 1614 by Representatives Anderson, Priest, Hasegawa and Haigh

AN ACT Relating to improving availability of student guidance and planning programs; amending RCW 28A.150.260 and 28A.600.045; and creating a new section.

Referred to Committee on Education.

HB 1615 by Representatives Anderson, Priest, Rodne, Haigh and Hunter

AN ACT Relating to revising the state funding formula for nonemployee-related costs; and creating new sections.

Referred to Committee on Appropriations.

HB 1616 by Representatives Anderson, Priest and Rodne

AN ACT Relating to developing a new state funding formula for student transportation; amending RCW 28A.160.170; and creating new sections.

Referred to Committee on Appropriations.

HB 1617 by Representatives Anderson, Priest and Orcutt

AN ACT Relating to restoring full funding for the student achievement fund from the state property tax; amending RCW 28A.505.220, 83.100.230, and 84.52.068; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1618 by Representatives Anderson, Priest, Morrell, Haigh and Hunter

AN ACT Relating to aligning standards for high school graduation, college readiness, and college admission; amending 2006 c 263 s 405 (uncodified); and creating new sections.

Referred to Committee on Education.

HB 1619 by Representatives Anderson, Priest and Haigh

AN ACT Relating to establishing first teacher parent mentor programs; and creating new sections.

Referred to Committee on Education.

HB 1620 by Representatives Haler, Ericks, Kretz, Dunn, Newhouse, McCune and O'Brien

AN ACT Relating to sales and use tax exemptions for police and fire equipment; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1621 by Representatives B. Sullivan, Sells, Morrell, Lovick, Ormsby, Miloscia, Springer, McCoy, P. Sullivan, Hasegawa, O'Brien, Roberts, Conway, Wood, Haigh, Rolfes and Simpson

AN ACT Relating to the preservation of manufactured/mobile home communities; amending RCW 59.22.050; adding a new section to chapter 82.45 RCW; adding a new chapter to Title 59 RCW; repealing RCW 59.23.005, 59.23.010, 59.23.015, 59.23.020, 59.23.025, 59.23.030, 59.23.035, and 59.23.040; and prescribing penalties.

Referred to Committee on Housing.

HB 1622 by Representatives Moeller and Jarrett

AN ACT Relating to the authority of boundary review boards; and amending RCW 36.93.150.

Referred to Committee on Local Government.

HB 1623 by Representative Morris

AN ACT Relating to setting fees for utility easements on state-owned aquatic lands; and amending RCW 79.110.230 and 79.110.240.

Referred to Committee on Technology, Energy & Communications.

HB 1624 by Representatives Kagi, Walsh, Appleton, Roberts and Haigh

AN ACT Relating to child welfare; amending RCW 13.34.200; adding a new section to chapter 13.34 RCW; adding a new section to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Early Learning & Children's Services.

HB 1625 by Representatives DeBolt, Blake, Hinkle, Warnick, Seaquist, Kagi, Kirby, Hunt, Wood, Dickerson, Conway, Lovick, Roach, Chase, Dunn, Flannigan, McCune, Priest, McDermott, Santos, Williams, McDonald, Newhouse, Alexander, Strow, Kretz, Condotta, Roberts, Ormsby, Haigh, Rolfes and Moeller

AN ACT Relating to motorcycles at traffic signals; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1626 by Representatives Sells, Hankins, Flannigan and Ormsby; by request of Transportation Commission

AN ACT Relating to naming or renaming state transportation facilities; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 1627 by Representatives Linville, Quall, Pearson, Strow, Morrell, Bailey, Conway, Haigh, Rolfes, Springer and Simpson

AN ACT Relating to farmland preservation; adding a new chapter to Title 89 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1628 by Representatives Condotta, Armstrong, Kristiansen and Dunn

AN ACT Relating to requiring resident notification of proposed housing developments; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government.

HB 1629 by Representatives Ahern, O'Brien, Ross, Eddy, McCune, Quall, Haler, Rolfes, Blake, Hinkle, Armstrong, McDonald, Dunn, Kretz, Warnick, Bailey, Strow, Kristiansen, Condotta, Ormsby, Sells, Haigh, Van De Wege and Green

AN ACT Relating to property tax relief for senior citizens, persons retired because of physical disability, and veterans; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

HB 1630 by Representatives Curtis, Morrell, Simpson, Cody, Campbell, Clibborn, McCune, Rodne, Green, Williams, McCoy, Priest, Dunn, Appleton, Chase, Dickerson, Ormsby and Conway

AN ACT Relating to contracts with chiropractors; adding a new section to chapter 48.43 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1631 by Representatives Curtis, Cody, Campbell, Morrell, Walsh, McCune, Rodne, Green, Williams, Simpson, McCoy, Dunn, Appleton, Chase, Ormsby, Conway and Moeller

AN ACT Relating to discrimination against chiropractors; adding a new section to chapter 48.43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1632 by Representatives Roach and Strow

AN ACT Relating to redistricting for nested legislative districts; and amending RCW 44.05.090 and 79A.05.510.

Referred to Committee on State Government & Tribal Affairs.

HB 1633 by Representatives Roach, Dunn, Williams, Blake, Strow, McCune, Haler, Moeller and Takko

AN ACT Relating to protecting the constitutionally guaranteed right to the lawful possession of firearms during an emergency; amending RCW 43.06.220; and creating a new section.

Referred to Committee on Judiciary.

HB 1634 by Representatives Roach, Anderson, Priest, McCune, Rodne and Strow

AN ACT Relating to expanding required instruction and instructional capacity in high school mathematics; amending RCW 28A.230.090; adding new sections to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Education.

HB 1635 by Representatives McCoy, B. Sullivan, Simpson, Dunshee, Upthegrove and Linville

AN ACT Relating to water conservation development strategies; creating a new section; and making appropriations.

Referred to Committee on Agriculture & Natural Resources.

HB 1636 by Representatives Simpson, B. Sullivan, Dunshee, Upthegrove, McCoy, Dickerson, P. Sullivan, Morrell, Sells and Rolfes

AN ACT Relating to the creation of a regional transfer of development rights program; and adding a new chapter to Title 43 RCW.

Referred to Committee on Local Government.

HB 1637 by Representatives Hinkle, Cody, B. Sullivan, Moeller, Campbell, Williams, Green, Lovick, Upthegrove, Seaquist, Goodman, Simpson, Morrell, Linville, Ormsby and Rolfes

AN ACT Relating to creating the revised uniform anatomical gift act; adding a new chapter to Title 68 RCW; repealing RCW 68.50.520, 68.50.530, 68.50.540, 68.50.550, 68.50.560, 68.50.570, 68.50.580, 68.50.590, 68.50.600, 68.50.610, and 68.50.620; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1638 by Representatives Hinkle, Bailey, McDonald, Condotta, Warnick, Rodne, Newhouse, Dunn, Strow, Roach, McCune, Ahern, Kristiansen and Alexander

AN ACT Relating to tax incentives for employer provided health care; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1639 by Representatives Hinkle, Blake, Wood, Kirby, Warnick, DeBolt, Chase, Dunn, Upthegrove, Newhouse, Condotta and Haigh

AN ACT Relating to motorcycle helmet use; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

HB 1640 by Representatives Schindler, Morris, Dunn, McCune, Haigh and O'Brien

AN ACT Relating to siting new mobile home parks and manufactured housing communities; amending RCW 82.02.090; adding a new section to chapter 36.70A RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

HB 1641 by Representatives McDermott, Kagi, Roberts, Ormsby, Haigh, Moeller and Simpson; by request of Governor Gregoire

AN ACT Relating to implementing Washington learns; amending RCW 43.215.020, 43.215.070, 28A.150.210, 28A.505.210, 28A.310.350, 28A.660.005, 28A.660.050, 28B.102.080, 28B.15.820, 28B.92.080, 28B.76.050, 28B.76.090, and 28B.76.210; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.215 RCW; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 28A.630 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.405 RCW; adding new sections to chapter 28A.660 RCW; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.15 RCW; adding new sections to chapter 43.41 RCW; adding new chapters to Title 28B RCW; creating new sections; repealing RCW 28B.76.100; providing expiration dates; and declaring an emergency.

Referred to Committee on Education.

HB 1642 by Representatives Pedersen, Lantz, Williams, Moeller, Wood, Kirby, O'Brien, Chase, Ormsby and Green

AN ACT Relating to criminal violations of no-contact orders, protection orders, and restraining orders; amending RCW 26.50.110; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1643 by Representatives Flannigan, Wood and Moeller; by request of Department of Transportation

AN ACT Relating to rail transit safety plans; and amending RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, 81.112.180, and 81.104.115.

Referred to Committee on Transportation.

HB 1644 by Representatives Kenney, Sells, Anderson, Appleton, Morrell, Linville, Roberts, Ormsby, McDermott, Conway, Schual-Berke and Haigh; by request of Health Care Authority

AN ACT Relating to health care eligibility for part-time academic employees of community and technical colleges; amending RCW 41.05.053; and amending 2006 c 308 s 1 (uncodified).

Referred to Committee on Health Care & Wellness.

HB 1645 by Representatives Pedersen, Curtis, Schual-Berke, Ormsby and Moeller; by request of Health Care Authority

AN ACT Relating to providing the administrator with authority to administer grants on behalf of the health care authority; and amending RCW 41.05.021.

Referred to Committee on Health Care & Wellness.

HB 1646 by Representative Blake

AN ACT Relating to sampling of fish, wildlife, and shellfish by department of fish and wildlife employees; amending RCW 77.15.360; adding a new section to chapter 77.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1647 by Representatives Kirby, Chase, Campbell, Williams, Dunn, O'Brien, Wood, P. Sullivan, Appleton, Dunshee, Blake, Morrell, Fromhold, Santos, Ormsby, McDermott, Quall, Miloscia, Haigh, Springer, Simpson and Green

AN ACT Relating to faculty salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1648 by Representatives B. Sullivan, Kretz, Grant, Linville and Strow

AN ACT Relating to agricultural operations, activities, and practices; amending RCW 7.48.310; reenacting and amending RCW 7.48.305; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1649 by Representatives Fromhold, Conway, Bailey, Crouse, Sells, Moeller and Simpson

AN ACT Relating to purchasing an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the teachers' retirement system; amending RCW 41.40.124, 41.40.127, 41.40.870, 41.40.873, and 41.32.584; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1650 by Representatives Fromhold, Hunt, B. Sullivan and Moeller

AN ACT Relating to providing for an inspected inventory of on-site sewage disposal systems not located within a marine recovery area designated under RCW 70.118A.040; amending RCW 70.118.010, 70.118.020, 70.05.072, and 70.118.030; adding new sections to chapter 70.118 RCW; and providing expiration dates.

Referred to Committee on Select Committee on Environmental Health.

HB 1651 by Representatives Fromhold, Alexander, B. Sullivan, Walsh and Simpson

AN ACT Relating to boating activities; amending RCW 82.49.030 and 82.49.065; adding new sections to chapter 79A.60 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1652 by Representatives Grant, Kretz, Hailey, Blake, Pearson, McCoy, B. Sullivan and Kristiansen

AN ACT Relating to wildfire prevention and protection; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1653 by Representatives Haigh, Chandler, Hudgins, Kretz, Miloscia, Armstrong, Dunshee, Orcutt, Moeller, Curtis, Newhouse, Wallace and Dunn

AN ACT Relating to modifying the dates on which a special election may be held; amending RCW 29A.04.321 and 29A.04.330; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1654 by Representatives Appleton, Haigh and Hunt

AN ACT Relating to modifying provisions on the canvassing of ballots; amending RCW 29A.60.160 and 29A.60.170; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 1655 by Representatives Pearson, O'Brien, Ericks, Fromhold, Ross, Sells and Moeller

AN ACT Relating to monetary penalties for traffic infractions on high accident corridors; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

HB 1656 by Representatives Rolfes, Upthegrove, B. Sullivan, Appleton, Chase, Santos, Dickerson and Sells

AN ACT Relating to establishing a Puget Sound scientific research account; adding a new section to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Select Committee on Puget Sound.

HB 1657 by Representatives Chase, Skinner, Grant, Hunt, Newhouse, Warnick, Chandler, Ross, Morrell and Quall

AN ACT Relating to extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes; and amending RCW 67.28.180.

Referred to Committee on Finance.

HB 1658 by Representatives Dickerson, Conway, Hankins, Appleton, Green, Hurst, Campbell, Moeller, Wood, McCoy, Hasegawa, Ormsby, Sells, Roberts, Williams, Chase, Kagi, Santos, Cody and Simpson

AN ACT Relating to family and medical leave insurance; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

HB 1659 by Representatives P. Sullivan and Santos

AN ACT Relating to the high school Washington assessment of student learning; amending RCW 28A.655.061 and 28A.655.070; adding a new section to chapter 28A.655 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1660 by Representatives P. Sullivan, Ormsby, Williams, Campbell, Appleton, Dunn, Chase, Dunshee, Fromhold, Santos, Dickerson, Kagi, Quall, Schual-Berke, Wood, Haigh, Moeller, Simpson and Green

AN ACT Relating to higher education; adding new sections to chapter 28B.50 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1661 by Representatives P. Sullivan, Santos, Upthegrove, Walsh, Quall, Ormsby, Miloscia, Conway, Schual-Berke and Simpson

AN ACT Relating to identifying the cost of delivering a basic education; and creating new sections.

Referred to Committee on Education.

HB 1662 by Representatives McDonald, Anderson, Bailey, Strow, McCune, Roach, Dunn, Alexander, Rodne and Kristiansen

AN ACT Relating to implementing a proposed constitutional amendment placing restrictions on tax increases; amending RCW 43.135.035; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1663 by Representatives Kagi, Haler, Walsh, P. Sullivan, Appleton, Green, Seaquist, Fromhold, Hurst, Santos, Roberts, Dickerson, Ormsby, Sells, Conway, Flannigan, Chase, Morrell, Haigh, Sommers and Simpson

AN ACT Relating to early child development and learning; amending RCW 43.215.020 and 43.215.070; adding new sections to chapter 43.215 RCW; and creating new sections.

Referred to Committee on Early Learning & Children's Services.

HB 1664 by Representatives Kelley, Miloscia, Morrell, Barlow, Green, Seaquist, Appleton, Chase, Linville, Strow, Hurst, Ormsby, Sells, Conway, Haigh, Rolfes, Moeller and Simpson

AN ACT Relating to protecting persons with veteran or military status from discrimination; and amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and 49.60.225.

Referred to Committee on State Government & Tribal Affairs.

HB 1665 by Representatives Kelley, Barlow, Rodne, Miloscia, Green, Seaquist, Morrell, Williams, Dunn, Hurst, Ormsby, Conway, Haigh and Moeller

AN ACT Relating to veteran-owned businesses; and adding a new section to chapter 43.60A RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1666 by Representatives Green, Conway, Morrell, Cody, Ormsby, Schual-Berke, Moeller and Simpson

AN ACT Relating to extending the authority of nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance; repealing 2004 c 65 s 19 (uncodified); and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1667 by Representatives Green, Cody, Morrell, Ormsby, Moeller and Simpson

AN ACT Relating to fairness and equity in health professions licensing fees; and amending RCW 43.70.250.

Referred to Committee on Health Care & Wellness.

HB 1668 by Representatives Ormsby, Miloscia, B. Sullivan, Morrell, Wood and Simpson

AN ACT Relating to minimum terms for manufactured/mobile home lot rental agreements; amending RCW 59.20.050; and creating a new section.

Referred to Committee on Housing.

HB 1669 by Representatives Strow, Ericks, O'Brien, Rodne, Kirby, Haler, Eddy, Hinkle and Lantz

AN ACT Relating to district and municipal court preconviction and postconviction probation and supervision services for persons charged with or convicted of misdemeanor crimes; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 1670 by Representatives Quall and Santos

AN ACT Relating to the role of school counselors in public schools; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Education.

HB 1671 by Representative Green; by request of Department of Personnel

AN ACT Relating to reclassifications, class studies, and salary adjustments; and amending RCW 41.06.152.

Referred to Committee on State Government & Tribal Affairs.

HB 1672 by Representative Green; by request of Department of Personnel

AN ACT Relating to the authority of the director of the Washington state department of personnel and the Washington personnel resources board; amending RCW 41.06.070, 41.06.093, 41.06.420, 41.48.140, 41.04.670, 43.43.832, 70.24.300, 72.01.210, and 72.02.045; reenacting and amending RCW 41.06.150; and repealing RCW 41.06.136.

Referred to Committee on State Government & Tribal Affairs.

HB 1673 by Representative Green; by request of Department of Personnel

AN ACT Relating to the employee assistance program; and amending RCW 41.04.730.

Referred to Committee on State Government & Tribal Affairs.

HB 1674 by Representatives Hunter, Conway, Dunn, Ormsby and Wood; by request of Department of Revenue

AN ACT Relating to authorizing the governor to enter into a cigarette tax contract with the Spokane Tribe; and amending RCW 43.06.460.

Referred to Committee on State Government & Tribal Affairs.

HB 1675 by Representatives Santos, Curtis, McDermott, Williams, Upthegrove, Hasegawa, Roberts, Schual-Berke and Simpson

AN ACT Relating to providing public notices of public health, safety, and welfare in a language other than English; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1676 by Representatives Fromhold, Curtis, Moeller, Orcutt, Wallace, Dunn, Santos and Simpson

AN ACT Relating to allowing public utility districts to disburse low-income energy assistance contributions; and amending RCW 54.52.010 and 54.52.020.

Referred to Committee on Technology, Energy & Communications.

HB 1677 by Representatives Quall, Rodne, Dunshee, Ormsby, B. Sullivan, Hurst, Chase, Hunt, P. Sullivan, Pettigrew, Lovick, Jarrett, McCoy, Anderson, Upthegrove, Santos, Sells, Conway and Rolfes

AN ACT Relating to outdoor education and recreation; adding a new section to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Education.

HB 1678 by Representatives Morrell, Curtis, Seaquist, Campbell, Appleton, McDonald, Hurst, Ormsby, Conway, Haigh and Simpson; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to law enforcement officer and firefighter retirement system plan 2 retiree medical; and amending RCW 41.05.011, 41.05.022, and 41.05.080.

Referred to Committee on Appropriations.

HB 1679 by Representatives Ericks, Hinkle, Conway, Buri, McDonald, Hurst, Haigh and Simpson; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to membership on the law enforcement officers' and firefighters' retirement system plan 2 board; amending RCW 41.26.715; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 1680 by Representatives Hunter, Haler, P. Sullivan, Priest, Hurst, Conway, Schual-Berke, Haigh and Simpson; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to transfers of service credit for emergency medical technicians under the law enforcement officers' and firefighters' retirement system plan 2; amending RCW 41.26.547; amending 2005 c 459 s 3 (uncodified); amending 2003 c 293 s 2 (uncodified); and providing an expiration date.

Referred to Committee on Appropriations.

HB 1681 by Representatives Ericks, Crouse, Lovick, O'Brien, Sells, Springer, Strow, Quall, P. Sullivan, Grant, Dunshee, B. Sullivan, Kessler, Bailey, Haler, Santos, McCune and Kristiansen

AN ACT Relating to the modernization of the regulation of telecommunications; amending RCW 80.24.010; adding a new section to chapter 80.04 RCW; adding a new section to chapter 80.08 RCW; adding a new section to chapter 80.12 RCW; adding a new section to chapter 80.16 RCW; adding a new section to chapter 80.20 RCW; adding a new section to chapter 80.36 RCW; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1682 by Representatives Dickerson, O'Brien, Roberts, Ormsby and Green; by request of Department of Social and Health Services

AN ACT Relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration; amending RCW 13.40.210; and prescribing penalties.

Referred to Committee on Human Services.

HB 1683 by Representatives Orcutt, Dunn, Strow, McCune and Warnick

AN ACT Relating to exempting active duty military personnel from certain driver's license fees; and amending RCW 46.20.200.

Referred to Committee on Transportation.

HB 1684 by Representatives Orcutt and Van De Wege

AN ACT Relating to effective and expiration dates for the clean fuel sales and use tax exemptions; amending 2005 c 296 s 5 (uncodified); and amending 2005 c 296 s 6 (uncodified).

Referred to Committee on Finance.

HB 1685 by Representative Orcutt

AN ACT Relating to the final disposition of harvested problem-causing wild ungulates; and amending RCW 77.36.030.

Referred to Committee on Agriculture & Natural Resources.

HJM 4006 by Representatives Blake, Newhouse, B. Sullivan, Orcutt, Eickmeyer, Hinkle, Kessler and Kretz

Requesting the federal government consider ways to increase the amount of timber and fiber removed from federal land in Washington.

Referred to Committee on Agriculture & Natural Resources.

HJR 4210 by Representatives Anderson, McDonald and Hasegawa

Amending the Constitution to provide for equal pay for equal work.

Referred to Committee on Commerce & Labor.

HJR 4211 by Representatives Sommers, Curtis and Simpson

Authorizing consolidation or merging of statutory and constitutional county functions and structures.

Referred to Committee on Local Government.

HJR 4212 by Representatives Sommers, Curtis and Simpson

Authorizing additional governance options for counties.

Referred to Committee on Local Government.

HJR 4213 by Representatives McDonald, Anderson, Bailey, Strow, Roach, McCune, Dunn and Kristiansen

Placing restrictions on tax increases.

Referred to Committee on Finance.

There being no objection, the bills, memorial and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

January 22, 2007

HB 1085 Prime Sponsor, Representative Morrell: Revising requirements for long-term care

insurance plans offered by the public employees' benefits board. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen and Seaquist.

Passed to Committee on Rules for second reading.

January 22, 2007

HB 1086 Prime Sponsor, Representative Morrell: Revising requirements for long-term care insurance. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen and Seaquist.

Passed to Committee on Rules for second reading.

January 22, 2007

HB 1098 Prime Sponsor, Representative Cody: Authorizing suspension of restriction on the availability of vaccines during outbreaks. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen and Seaquist.

Passed to Committee on Rules for second reading.

January 22, 2007

HB 1229 Prime Sponsor, Representative B. Sullivan: Correcting references to the state wildlife account. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the

Sergeant at Arms of the Senate escorted President of the Senate Brad Owen to the Rostrum. The Senators were invited to sit within the Chamber.

### JOINT SESSION

The Speaker (Representative Lovick presiding): "It is our privilege to host the Medal of Valor and Medal of Merit ceremonies. We welcome you, President Owen, our colleagues from the Senate and all other guests who are with us today. It is now my pleasure to call upon President of the Senate Brad Owen to preside over the Joint Session."

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The President appointed a special committee to escort the State elected officials and Supreme Court Justices to the House Chamber: Representatives Ahern, Linville, McCoy and Walsh, and Senators Fraser, Hobbs, Parlette and Schoesler.

The President appointed a special committee to advise her Excellency, Governor Christine Gregoire the Joint Session was assembled and escort her to the House Chamber: Representatives Green and Ross, and Senators Franklin and Pflug.

The President appointed a special committee to escort the Medal of Valor to the House Chamber: Representatives Ericks and Pearson, and Senators Roach and Stevens.

The President appointed a special committee to escort the Medal of Honor to the House Chamber: Representatives Alexander and Roberts, and Senators Kauffman and McCauliffe.

The State elected officials arrived and were escorted to the Rostrum. The President introduced Secretary of State Sam Reed; Attorney General Rob McKenna; Insurance Commissioner Mike Kreidler; and Commissioner of Public Lands Doug Sutherland.

The Supreme Court Justices arrived and were escorted to the Rostrum. The President introduced Chief Justice Gerry Alexander, Justice Charles W. Johnson; Justice Barbara A. Madsen; Justice Richard B. Sanders; Justice Bobbe Bridge; Justice Susan Owens; Justice Mary Fairhurst; and Justice Jim Johnson. Chief Justice Alexander was escorted to the Rostrum.

Her Excellency Governor Christine Gregoire and Mike Gregoire arrived and were escorted to the Rostrum.

The Medal of Valor honorees arrived and were escorted to the Rostrum. The President introduced Timothy Bourasaw, Rick Bowers, Edward D. Marsette and Alana Schutt.

The Medal of Merit honorees arrived and were escorted to the Rostrum. The President introduced Dr. Bonnie J. Dunbar, Mr. Dale Chihuly, Dr. Linda Horowicz (on behalf of Dr. Linda Buck) and Daniel J. Evans.

The President introduced the Consul General of Azerbaijan, Mr. Elin Sulelymanov, his wife Lala Abdurahimova and Consul Elman Abdullayev. In November

2005, Consul General Suleymanov was appointed as Azerbaijan's first consul general to Los Angeles. Washington falls under his jurisdiction.

The Flags were escorted to the Rostrum by the Washington State Patrol Honor Guard. The President led the Chamber in the Pledge of Allegiance. The National Anthem was sung by Representative Maureen Walsh. The prayer was offered by Sergeant Charles LeBlanc, Washington State Patrol.

President Owen: "The purpose of the joint session is to present Medal of Valor and Medal of Merit awards, honoring eight deserving citizens. It is now my pleasure to present Governor Christine Gregoire."

Governor Gregoire: "Thank you, Mr. President, Mr. Speaker, Secretary Reed and Chief Justice Alexander, members of our Washington State Legislature, ladies and gentlemen. We gather today to honor several of our fellow Washingtonians who have made great contributions to not only the State of Washington but to our Nation as well.

Our awardees of the Medal of Valor have shown tremendous bravery of moments of grave danger. In a time when many people feel isolated within their communities, when some would feel it was just easier to look the other way, these individuals looked directly into the face of danger. They saw strangers facing great harm and they were willing to put their lives at risk – the ultimate act of selflessness.

Our awardees of the Medal of Merit have made very valuable contributions to our State and to our Nation scientific, cultural and political landscapes. They have pursued careers that not only captured their hearts and their minds, but they have yielded tremendous benefits to our State and to the country. They have been trailblazers in their fields and they have been fine examples of the entrepreneurial spirit that is essential as a part of our State's cultural.

So, Mike and I want to congratulate each of the individuals here. To offer them a heartfelt thank you on behalf of all of the citizens of our State – for their bravery and for their service to others. You have shown us true heroism. You have shown us what real public service is all about. You have made our State very proud. We are proud of you but more importantly everyone in our State – every one of the six and half million people are very proud of you and are very proud to call you a fellow Washingtonian.

I am deeply honored today to present these medals to such deserving Washingtonians. They are true examples of the Washington way – going above and beyond to serve and help our neighbors and our fellow citizens.

Congratulations to each of you."

Secretary of State Sam Reed: "It is indeed an honor and privilege that the Legislature has placed the Medals of Merit and Valor programs into the Office of Secretary of State. I am grateful to all of you attending today, and to the families and friends of the recipients.

The medals are awarded by a committee consisting of the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Chief Justice of the Washington State Supreme Court. The Speaker Pro Tempore represented the Speaker and did an outstanding job. I want to thank the four of them because they took very strong personal interest in this and helped make this happen.

Along with choosing the recipients, the committee also chose the design and layout of both medals and the accompanying certificates. Both the Medal of Valor and the

Medal of Merit were produced and designed by the Washington State-based Territorial Mint in Auburn using guidelines laid out in the Revised Code of Washington. They are of the highest quality and are a testament to the professionalism and attention to detail of the people who made them.

The Medal of Valor is pure silver and displays the seal of the state of Washington, surrounded by a raised laurel wreath and suspended from a silver bar device inscribed "For Valor". The reverse of the decoration within the raised laurel wreath is inscribed with the recipient's name and the words: "For exceptionally valorous service, given in the act of saving the life of another."

The Medal of Merit is solid bronze displaying the seal of the state of Washington, surrounded by a raised laurel wreath and suspended from a ring attached by a dark green ribbon. The reverse of the decoration within the raised laurel wreath is inscribed with the recipient's name and the words: "For exceptionally meritorious conduct in performing outstanding services to the people and state of Washington."

The certificates accompanying the medals were signed by each committee member representing three branches of our government: Executive, Judicial and Legislative. It is my honor as the Keeper of the State Seal to affix the Seal of the State of Washington along with my signature to each of the certificates. Like the medals, each certificate bears the name of the recipient and why they have been awarded this prestigious honor.

I thank all of those who made this auspicious occasion possible. The staff of the Secretary of State's Office, particularly Laurel Juergens and Patrick McDonald, and the Legislative staff, particularly Patty Moore. And a special thanks to all of those who had a hand in making the event a success from the Washington State Patrol and the State Capitol Tours Office.

I especially want to thank and congratulate each recipient being nominated and chosen for this honor.

Finally I thank their family and their friends who traveled to Olympia to be here today for their support and consideration.

Thank you very much."

### **MEDAL OF VALOR**

Mr. President: "The Medal of Valor is awarded to any person who has saved, or attempted to save, the life of another at the risk of serious injury or death to himself or herself."

### **ALANA SCHUTT**

Speaker Pro Tempore Lovick: "On a sunny day in May, Alana Schutt looked out the window of her Lynnwood home and saw three men in trouble on a sinking paddleboat on Martha Lake. She jumped into action before emergency services arrived, launching her family's paddleboat and making her way to the fishermen. One man who couldn't swim was on top of the boat. The other men were in the water. Schutt pulled two men aboard her paddleboat. While encouraging the third man to swim with her, she pushed the boat to shore. The quick action of the 22 year old Schutt is credited with saving the lives of the three men."

The Governor presented Ms. Schutt with the Medal of Valor and certificate.

Alana Schutt: "Thank you. I am honored to receive this medal on behalf of all the other Washingtonians who have saved the lives of others.

Today I want to share with you the story of a man I met at the Snohomish County Chapter of the American Red Cross's "real heroes" breakfast in December. During a routine at work on November 6, 2006, John Hickman of Granite Falls received a call from his wife regarding the rising flood waters near their home. John responded immediately by going home to help out his friends and neighbors. By the time he arrived home, many people were wading through water up to five feet deep trying to get to dry land. John began driving his big red dump truck through the water picking up people who were stranded. On his first trip, he picked up 47 people. As the water continued to rise, John made a second and a third trip. On the third trip, the water had risen above the truck's wheels and had reached the gas tank. The truck stalled completely. At that point a search and rescue team had to pick up John and the others who were stranded. In all John rescued somewhere between seventy and ninety people.

My reason for sharing John's story with you today is that the most important thing to make is the decision to react in a crisis situation. John's decision to take action in his big red truck saved the lives of many. If I hadn't made the decision to help the men whose boat was sinking, a man would have drowned. John and I are just two ordinary people who have made the most important decision.

I want to thank Battalion Chief Gary Kestle, Sheriff Rick Bart, Representative John Lovick and Representative Hans Dunshee for nominating me for this award. I would also like to thank the Medal of Valor committee, Governor Christine Gregoire, Lieutenant Governor Brad Owen, Speaker of the House Frank Chopp, and Supreme Court Chief Justice Gerry Alexander for presenting me with this award. In addition, I would like to thank my parents who raised me to be responsible and sensible, and my family and friends who support me and mean so much to me.

I leave you today with one last thought. When you least expect it, you may be caught in the middle of a crisis situation. I urge you to make the right decision, the decision to take action. People's lives are at stake and every second counts.

Thank you."

#### **TIMOTHY BOURASAW & RICK BOWERS**

Chief Justice Alexander: "Timothy Bourasaw ran from his house when he heard the sound of a head-on collision involving a van and a sports utility vehicle on State Route 530 near Arlington. Both vehicles were in flames. Bourasaw and another volunteer arrived at the scene in February before the emergency services did, and pulled one of the drivers from his vehicle and rolling the man in the grass to put out the flames. Bourasaw played a critical role in saving the lives of Tony Scappini and Marchello Galvez.

Rick Bowers was the other Good Samaritan who joined Timothy Bourasaw in aiding the victims of a head-on collision and car fire in February on State Route 530 near Arlington. Bowers was driving on SR 530 and stopped to render aid before fire and emergency services arrived. Bowers helped pull one of the drivers from his vehicle, the driver's hair and clothing burning, and cut a seat belt to free an unconscious passenger from a car that was quickly engulfed in flames seconds later. His quick action is credited with saving the lives of Tony Scappini and Marchello Galvez."

The Governor presented Mr. Bourasaw and Mr. Bowers with the Medal of Valor and certificate.

Mr. Bourasaw: "All I can say is thank you. I'm not much on speeches. It is deeply appreciated and it is quite an honor. Thank you."

Mr. Bowers: "I want to thank you for having me here. I am really honored to be here. I want to accept this medal in honor of the Lord, Jesus Christ my Savior for having me there at that time to save these individuals. Also, there was a half dozen other civilians that helped us out. Once we got the victims out of the vehicle, there was a nurse who helped one of the individuals who was having seizures. There were other people who were comforting everyone.

I want to thank the Washington State Patrol, the Arlington Police Department and the Arlington Fire Department. I want them to be involved also. Thank you."

#### **EDWARD D. MARSETTE**

Mr. President: "On March 15, the first day of his spring break from the University of Washington, Edward D. Marsette was awakened at 1 a.m. by the sound of a car crash outside his home on the Muckleshoot reservation near Auburn. Wearing only his night clothes, Marsette rushed down an embankment to the automobile, which had flipped over, smashed into a utility pole and burst into flames. He pulled four of the six people in the vehicle to safety. Marsette ignored his own burn injuries in the effort to save the 18-year-old driver and three 15-year-old passengers. When medical personnel arrived on the scene, Marsette asked them to treat the crash victims before his own burn wounds. Although Marsette could not save two of the victims in the car, the lives of the four that Marsette pulled to safety are credited to his quick thinking and bravery."

The Governor presented Mr. Marsette with the Medal of Valor and certificate.

Edward Marsette: "Thank you very much on behalf of my family and all my relatives that stand beside us. This has been a very trying year. For me to get over something like this has been a tough chore but I'm dealing with it. And on behalf of all these great honors, it is really astounding that people go out of their way and do things like this and receive awards and get recognition. There are other people out there like our service men. I would really like to recognize those men and women that are overseas and have to put their lives on the line each and every day. Just doing one thing like this, it's just one day that I've done, and they have to count many days over there. I have had several relatives who have spent years in the service – there are not very happy stories when they come back.

On behalf of this great honor, I would like to thank everyone of you once again, the House and Senate and the Governor Gregoire. I would also like to thank Senator Pam Roach, Representative Dan Roach and Peter B. Lewis for giving me this nomination and serving this Medal of Valor.

Thank you for much folks."

Mr. President: "Thank you all for your courage and for your example. We are proud to honor you today."

#### **MEDAL OF MERIT**

Mr. President: "The Medal of Merit is to honor those who have been distinguished by exceptionally meritorious conduct in performing outstanding service to the people and State of Washington."

**DR. LINDA B. BUCK**

Mr. President: "Nobel Prize Laureate and Seattle native, Dr. Linda Buck began her love for the sciences at the University of Washington, studying psychology. She postponed her graduation in the field, however, to study immunology, and graduated in 1975 with degrees in both psychology and immunology.

Dr. Buck has been studying the olfactory system – the neural system that relays signals to the brain, triggering the brain to identify, discriminate between thousands of odors, perceive and remember the smell. Buck's work earned her the 2004 Nobel Prize in Medicine. Her work is foundational to the understanding of relaying sensory signals from the receptor to the central nervous system.

After 11 years teaching at Harvard Medical School, Dr. Buck joined the research team at Fred Hutchinson Cancer Research Center in Seattle in 2002. She is also an affiliate professor at the University of Washington and an associate at the Neurosciences Research Program at the Neurosciences Institute.

In addition to her Nobel Prize, Buck has also been commended by more than twenty-one professional organizations, including the National Academy of Sciences, Washington University School of Medicine, the University of Washington, Johns Hopkins University, and the University of Texas Southwestern Medical Center."

The Governor presented Dr. Horowicz, on behalf of Dr. Buck, with the Medal of Merit and certificate.

Dr. Linda Horowicz (on behalf of Dr. Linda Buck): "It is my honor to be here today representing Dr. Linda Buck. I've had the pleasure to conduct research with her for a number of years. As you know, her travel schedule prevents her from accepting this personally and on her behalf I would like to thank you for the State's Medal of Merit.

Dr. Buck has prepared a few words and I would like to now share them with all of you.

Good morning. First of all, I want to apologize for being unable to be with you today. I thank my colleague Dr. Lisa Horowicz for accepting this honor on my behalf and I thank all of you for extending this remarkable award to me. I am humbled to be recognized by the State of Washington and to stand in the company of Dale Chihuly, Dan Evans and Bonnie Dunbar.

In 2002, I returned to my home state of Washington from Harvard to conduct my research at Fred Hutchinson Cancer Research Center. I love doing science and feel very fortunate to be able to conduct my research at the Hutchinson Center in Washington State - both entities that understand the importance of biomedical research and that work to support and promote its future. Through my research I was able to identify a family of genes that are central to the olfactory system – a complex network that governs our sense of smell. The genes are blueprints for a family of odor receptor proteins in the nose. These proteins work in different combinations so that the brain can identify a nearly infinite array of odors much like the letters of the alphabet are combined to form different words.

Each odor sensing cell in the nose possesses only one type of odor receptor and each receptor can detect a limited number of odor substances. Using this knowledge, we have determined how the identities of different odors are perceived by the brain to allow us to sense distinct odors. We have been able to uncover sensory maps in parts of the brain known as the olfactory bulb and the olfactory cortex that are virtually identical in all individuals; providing an explanation for similarities and odor perception in different individuals. This work has also shed light on the way chemicals with similar structures have different smells and why mixing chemicals together can create novel odor perceptions.

The Hutchinson Center is a very unusual place to conduct scientific research. There is a desire and a devotion to doing excellent science and a commitment to understanding basic biology. It is from the fundamental mechanisms of how life works that we make the greatest advances in treating disease. However, we can't work in isolation. All of us at the Hutchinson Center benefit from the fact that our State recognizes the importance of biomedical research and undertakes efforts to promote and strengthen our endeavors.

Thank you again for the State's Medal of Merit. I appreciate the personal recognition but also that in recognizing me, that other scientists know that Washington values biomedical research and the contributions it makes to our world."

**DALE CHIHULY**

Speaker Pro Tempore: "Lauded for revolutionizing the studio glass movement in the 1970s, Dale Chihuly's glass art is internationally renowned. His artistic inspiration continues to come from the Pacific Northwest, notably the natural surroundings of his hometown, Tacoma, Washington.

A student of interior and architectural design at the University of Washington, Chihuly left Washington to pursue graduate study at the University of Wisconsin's hot glass program, the first of its kind in the United States. He went on to study in the ceramics program at the Rhode Island School of Design where he later established its well-known glass art program. Returning to his roots in 1983, Chihuly came back to the Northwest and began the Pilchuck Glass School in Stanwood, Washington, now the premier international school for glass artists.

In 1984, he was awarded the Visual Arts Award from the American Council for the Arts and received the first three Governor Arts Awards. Three years later, in 1987, Chihuly finished Puget Sound forms for the Seattle Aquarium, and donated a permanent exhibit collection at the Tacoma Art Museum in memory of his father and brother. Because Chihuly's inspiration comes from the Northwest, he is committed to promoting the arts in this area.

In 1993, the University of Washington awarded him the institution's most prestigious honor, Alumnus Summa Laude Dignatus. That same year, Chihuly partnered with the Tacoma Public School District to create an arts program for at-risk youths, a program he still continues to support and mentor today."

The Governor presented Mr. Chihuly with the Medal of Merit and certificate.

Dale Chihuly: "Thank you for this honor."

**DR. BONNIE DUNBAR**

Chief Justice Alexander: "A Washington native and graduate of the University of Washington, astronaut Dr. Bonnie Dunbar pursued a career in engineering and science during a time when women in the field were few and far between. Dunbar has worked for over 30 years in the aerospace industry. During her undergraduate studies at the University of Washington, Dr. Dunbar helped develop ceramic tiles used to coat space shuttles, equipping the shuttle for re-entry into the atmosphere. From there, her illustrious career in the aerospace industry flourished.

Dr. Dunbar has flown in five space flights, logging more than 50 days in space. She also has thirty years as a licensed private pilot, flying more than 1,000 hours in NASA's T-38 jets. In addition to her flight time, Dr. Dunbar has served as an adjunct professor at the University of Houston. She is also an accomplished and inspirational public speaker.

Currently, Dr. Dunbar is the president and CEO of the Museum of Flight in Seattle, where she is developing youth education programs to inspire youth to enter the science industry. Dunbar uses her own experience and determination as an example for youth. Prior to her appointment at the Museum of Flight in 2005, Dunbar served as the Assistant Director for University Research and Affairs at the Johnson Space center.

Dunbar has been commended by several professional agencies including NASA, the Museum of Flight, the University of Washington, American Ceramic Society, and the National Academy of Engineers."

The Governor presented Dr. Dunbar with the Medal of Merit and certificate.

Dr. Bonnie J. Dunbar: "I am deeply honored and deeply humbled by this recognition. I am standing up here with an invisible team around me starting from a grandfather who immigrated from Scotland and believed anything was attainable by coming to this country. Continuing with two parents who after World War II homesteaded in Washington State in the Yakima Valley and impressed upon me as the oldest of four kids that anything was attainable if you are willing to work for it and study hard. I'm grateful to my first principal, Mr. Stan Snow, for Mr. Eidd, for Sally Sarise, Mr. Jacobsen, my trig teacher, for Mr. Anderson, physics and chemistry teacher, for Doc Muller, my first professor at the University of Washington and a host of other people who enabled this to happen.

I've had a wonderful career in aerospace and research and I'm delighted to be back in the State of Washington and be back home for the next chapter. That chapter is something else my parents instilled in me – at some point in your life it is important to give back. And so at the Museum of Flight we are investing in our youth through our education programs and hopefully will produce a few more engineers and scientists, and promote our Washington Aerospace Scholars Program across the State.

For this, I thank you, Governor, Lieutenant Governor, Mr. Speaker, legislators and the wonderful people who have been awarded the Medal of Valor and my colleagues here for the Medal of Merit. Thank you very much."

#### **DANIEL J. EVANS**

Mr. President: "A graduate of University of Washington, former Governor and U.S. Senator Daniel J. Evans is a long-time public servant. Evans is recognized as one of the most distinguished leaders in the history of Washington State, and

a study at the University of Michigan named him one of the ten most outstanding governors of the 20th century.

His public leadership began as a State Representative in 1956, and after serving eight years in the State House of Representatives, Evans was elected governor in 1964. The youngest governor in the history of Washington State, Evans focused on higher education. His leadership led to the creation of the community college system and The Evergreen State College.

Evans also charted new waters during a special session on environmental issues, when he led Washington State to create the nation's first Department of Ecology. Along with this, Evans broke new legislative frontiers, passing the Washington State Environmental Policy Act in 1971, the first framework enabling state government to address how the environment is impacted by decision making.

Serving three terms as governor, Evans declined to run for a fourth term and became President of the Evergreen State College in 1977, where he provided critical leadership for the institution's "alternative curriculum."

Evans was appointed to the U.S. Senate when Henry "Scoop" Jackson died in 1983, and won a special election to serve the remainder of Senator Jackson's term. Evans retired from politics in 1989, and returned to the Northwest.

Following Evans' distinguished political career, he created his own consulting firm, Daniel J. Evans Associates. He served from 1993 to 2005 on the University of Washington's Board of Regents, acting as Vice-President (1995-1996) and President (1996-1997).

Evans has been active on several corporate and civic boards, including COSTCO, Initiative for Global Development and the Nature Conservancy."

The Governor presented the Honorable Daniel J. Evans with the Medal of Merit and certificate.

Daniel J. Evans: "What an honor it is to be on this platform with the winners of the Medal of Valor and my colleagues, the Medal of Merit. I might note in passing that all four of the Medal of Merit winners are University of Washington Huskies.

First let me introduce my family, the former First Lady of the State of Washington, my first lady always, my wife, Nancy Evans. My brother Roger Evans, who has been a bulwork of strength during my campaigns and my time in office. My son, Dan who was four and a half when we moved into the Mansion and my three grandchildren, Eloise, Isobelle and Jackson.

Fifty years ago this month, I stood in this Chamber way back in that corner, and took the oath of office for my first term as a member of this House of Representatives. It was a great thrill and my time here was interesting, provocative and rewarding. I remember with greater clarity many of the things that happened in this Chamber that in my other responsibilities in politics. It was an interesting time. Half a dozen of my colleagues were born before Washington reached statehood. It was that long ago. Spittoons still stood by each of the desks in this Chamber and some of them were still used. We had no staff, our office was our desk here in the Chambers. Pay was \$100 a month. We met every other year. And the high tech method of communications – the urgent method – from citizen to their legislator was by telegram. Through that system, a modern Washington was built.

There were great times. I remember some of the incidents with great clarity particularly one time when we then in the minority were harassing the majority – that's what the minority

is supposed to do – and the majority was trying to carry on a bill for the Governor, they weren't very happy about pushing it but were inclined to do it. We were debating this bill with great energy. Finally Speaker O'Brien slammed his gavel down and said "It is time we kept the debate on this bill on a high plain." I jumped up from that seat right down there where the Gentleman from the 20<sup>th</sup> District sits now and said "Mr. Speaker, how can we conduct the bill on such a high plain when it is such a low bill?" With that John O'Brien slammed his gavel down, the head came off the gavel and spun clear down into the audience almost at my feet. As you might guess, that broke the tension and as he walked off the podium, there was that wry little smile on his face. He showed who was still boss.

It is interesting that that legislature meeting every other year with little in the way of support and staff, really did build modern Washington. The Washington we all enjoy today. I guess the only real message of importance I want to leave with all of you, my former colleagues, is that you too will build not just a Washington for today, the budget you pass and the bills you pass, won't affect us just this year but you are building the Washington that we will enjoy a generation for now. I hope you keep that in mind because you have a great responsibility not just for us and our generation but for our children's and certainly for my own grandchildren and your grandchildren's generation.

It is a great privilege for me to stand in front of you one more time. I was tempted originally to give another keynote state of the state address but I decided to leave that to Governor Gregoire.

Thank you."

Mr. President: "The State of Washington is truly blessed by its people and exceptionally so by the ones we have had an opportunity to recognize here today. We truly appreciate what you have done for the State of Washington.

It is my pleasure to invite everyone to the state reception room after session to greet the honorees and their guests."

The Sergeant at Arms escorted the Medal of Valor and Medal of Honor recipients from the Chambers.

The Sergeant at Arms escorted the Governor and Mr. Gregoire from the Chamber.

The Sergeant at Arms escorted the State elected officials from the Chamber.

The Sergeant at Arms escorted Chief Justice Gerry Alexander and the Supreme Court Justices from the Chamber.

#### MOTION

On motion of Representative Kessler, the joint session was dissolved.

President Owen returned the gavel to the Speaker (Representative Lovick presiding). The Speaker (Representative Lovick presiding) thanked the President and asked the Sergeant at Arms to escort the President and members of the Senate from the Chambers.

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

There being no objection, the House adjourned until 9:55 a.m., January 25, 2007, the 18th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 25, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

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

## INTRODUCTION &amp; FIRST READING

HB 1686 by Representatives Kessler, Williams, Schual-Berke, Lantz, Appleton, Chase, Takko, Linville, Simpson, Morrell, Haler, Ericks, McIntire, Darneille, Walsh, Dickerson, Green, Hasegawa, Conway and Kenney

AN ACT Relating to parent and child health services provided by the department of health; amending RCW 43.70.080 and 43.70.010; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

HB 1687 by Representatives Simpson, Hurst, Williams, Curtis and Ericks

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 1688 by Representatives Newhouse, Grant and Morrell

AN ACT Relating to the fair and orderly marketing of fruits and vegetables by the state of Washington; and reenacting and amending RCW 42.56.380.

Referred to Committee on State Government & Tribal Affairs.

HB 1689 by Representatives Morrell, McDonald, Grant, DeBolt, Green, Quall, Curtis, Haler, Springer, Kessler, Takko, Williams, Hunt, Bailey, Hudgins, Blake, Goodman, McDermott, Hasegawa, Walsh, Simpson, Campbell, Flannigan, McCune, Van De Wege, Lantz, Kelley, Seaquist, Darneille, Rodne, P. Sullivan, Dunn, Moeller, Conway, Santos, Hurst and Kenney

AN ACT Relating to improving the cardiac delivery system in the state of Washington by creating a new statutory certificate of need category for adult nonemergent interventional cardiology for hospitals without on-site open heart surgery programs; adding new sections to chapter 70.38 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1690 by Representatives Ahern, Rolfes, Ross, Eddy, Haler and Hasegawa

AN ACT Relating to informing policyholders about insurer name changes; and amending RCW 48.05.190.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1691 by Representatives O'Brien, Darneille, Walsh, Dickerson, Hurst, Ericks, Lantz, Quall, Chase, Moeller, Linville, Santos, Wood and Kenney

AN ACT Relating to deferred prosecutions for persons with mental or developmental disabilities; amending RCW 10.05.010, 10.05.015, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.070, 10.05.090, 10.05.100, 10.05.120, and 10.05.160; and creating a new section.

Referred to Committee on Judiciary.

HB 1692 by Representatives Kristiansen, Pearson, Kretz, Hinkle and Condotta

AN ACT Relating to eligibility for nonhighway and off-road vehicle activities program account grant funding; and amending RCW 46.09.170.

Referred to Committee on Agriculture & Natural Resources.

HB 1693 by Representatives Appleton, Flannigan and Rodne; by request of Department of Transportation

AN ACT Relating to time periods for collective bargaining by state ferry employees; and amending RCW 47.64.170, 47.64.210, and 47.64.300.

Referred to Committee on Commerce & Labor.

HB 1694 by Representatives Flannigan, Uptegrove and Kenney

AN ACT Relating to the agency council on coordinated transportation; amending RCW 47.06B.015, 47.06B.040, 47.06B.900, and 47.06B.901; reenacting and amending RCW 47.06B.030; adding a new section to chapter 47.06B RCW; and repealing 1999 c 372 s 13.

Referred to Committee on Transportation.

HB 1695 by Representatives Eddy, Dunn, Wallace, Orcutt, Linville, Ericks and Kelley; by request of Department of Revenue

AN ACT Relating to the business and occupation tax credit for high technology research and development spending; amending RCW 82.04.4452; and providing an effective date.

Referred to Committee on Finance.

HB 1696 by Representatives McDermott, Haler, Haigh, Hunt, Jarrett, Linville, Chase, Appleton, Moeller, Fromhold, Hasegawa, Miloscia, Dunshee, Green, Ormsby, Strow, Sells and Kenney

AN ACT Relating to facilitating the statewide initiative and referendum processes under Article II, section 1 of the state Constitution; amending RCW 29A.32.070, 29A.72.250, and 29A.72.260; adding a new chapter to Title 29A RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1697 by Representatives Orcutt, O'Brien, Dunn, McCune and Moeller

AN ACT Relating to garbage collection in mobile home parks; amending RCW 35.13.280 and 35A.14.900; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Local Government.

HB 1698 by Representatives Simpson, Dickerson and B. Sullivan

AN ACT Relating to urban growth area capital facilities plans; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 1699 by Representative Simpson

AN ACT Relating to clarifying criteria for more intensive development outside of urban growth areas; and amending RCW 36.70A.350 and 36.70A.360.

Referred to Committee on Local Government.

HB 1700 by Representatives Appleton, Campbell, Green, Williams, Kagi, Eddy, Kenney, Haigh, Dickerson, Hasegawa and Curtis

AN ACT Relating to establishing a prohibition on performing any body piercing below the neck on certain sensitive parts of the body for minors under the age of eighteen; amending RCW 26.28.085; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1701 by Representatives Fromhold, Dunn and Moeller

AN ACT Relating to exempting historical property owned by the United States government from leasehold excise taxation; and reenacting and amending RCW 82.29A.130.

Referred to Committee on Finance.

HB 1702 by Representatives Hasegawa, Pettigrew, Santos, Hudgins, Eddy and Simpson

AN ACT Relating to the annexation by a city, code city, or town of a portion of a rural county library district; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Local Government.

HB 1703 by Representatives Schual-Berke, Walsh, Pettigrew, Haler, Simpson, Hinkle, Hurst, Hunter, Priest, Upthegrove, Roberts, Springer, Pedersen, Hudgins, Morrell, Cody, Dickerson, McIntire, P. Sullivan, Appleton, Roach, Kessler, Darneille, Hasegawa, Moeller, Williams, Conway, Santos, Kenney and Lantz

AN ACT Relating to creating a domestic violence pilot program to colocate a domestic violence advocate in department of social and health services offices; adding a new section to chapter 74.13 RCW; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 1704 by Representatives Schual-Berke, Morrell, Williams, Curtis, Green, Hasegawa, Moeller and Lantz

AN ACT Relating to insurance coverage of pharmacy services; adding new sections to chapter 48.43 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1705 by Representatives Barlow, Ormsby, Kenney and Wood

AN ACT Relating to the creation of health sciences and services authorities; reenacting and amending RCW 42.56.270 and 42.56.270; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 35 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 1706 by Representatives Conway, Hunt, Wood, Hurst, Simpson and Appleton

AN ACT Relating to removing expiration dates for state consent to federal court jurisdiction in actions under the Indian gaming regulatory act; and amending RCW 9.46.36001.

Referred to Committee on State Government & Tribal Affairs.

HB 1707 by Representatives Williams, Pedersen, O'Brien, Moeller, Flannigan, Darneille, Hudgins, Chase, Hunt, Santos, Wood and Lantz

AN ACT Relating to death penalty eligibility for persons who are mentally retarded or have a severe mental disorder;

amending RCW 10.95.030, 10.95.060, 10.95.070, and 10.95.080; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1708 by Representatives Dickerson, Roberts and Kenney; by request of Department of Labor & Industries

AN ACT Relating to modifying the definition of criminal act; and amending RCW 7.68.020.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1709 by Representatives Condotta, Chandler and Crouse

AN ACT Relating to industrial insurance final settlement agreements; and adding new sections to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 1710 by Representatives Lovick, Hankins, Moeller and Morrell; by request of Department of Transportation

AN ACT Relating to the use of automated traffic safety cameras in state highway work zones; amending RCW 46.63.170; and prescribing penalties.

Referred to Committee on Transportation.

HB 1711 by Representatives Chase and B. Sullivan

AN ACT Relating to creating a Washington state energy road map; adding a new section to chapter 28B.30 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 1712 by Representatives Chase, B. Sullivan, Kagi, Kessler, O'Brien and Lantz

AN ACT Relating to requiring the state parks and recreation commission to fully plan for potential future impacts at Saint Edward state park; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1713 by Representatives Chase, Hunt and Kessler

AN ACT Relating to prohibiting paper billing fees; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Commerce & Labor.

HB 1714 by Representative Chase

AN ACT Relating to campaign contribution limits; and amending RCW 42.17.640.

Referred to Committee on State Government & Tribal Affairs.

HB 1715 by Representatives Chase, Miloscia, B. Sullivan, Skinner, Grant, Hunt, McDermott, Morrell, Eickmeyer, Kessler, Haler, Kristiansen, Conway, Sells, Kenney and Simpson

AN ACT Relating to assisting manufacturers; amending RCW 24.50.010; creating a new section; and making appropriations.

Referred to Committee on Community & Economic Development & Trade.

HB 1716 by Representatives Roberts, Kagi, Hinkle, Haler, Walsh, Appleton, Pettigrew, Dickerson, Darneille, Anderson, Moeller, O'Brien, McDonald, Santos, Wood, Kenney, Simpson and Lantz

AN ACT Relating to supporting educational achievement for children in foster care; amending RCW 28A.150.510; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 43.20A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 1717 by Representatives Simpson and Moeller

AN ACT Relating to providing notices with health care premium billings; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1718 by Representatives Simpson, Hankins, Lovick, Dickerson, Wood, Flannigan, Chase and Hasegawa

AN ACT Relating to reviewing project cost estimates for transportation projects; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

HB 1719 by Representatives Campbell, Ericks, Dunn, Moeller, O'Brien, Kelley and Van De Wege

AN ACT Relating to ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 69.43.120 and 69.43.105; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1720 by Representatives McCune, Campbell, Dunn, Haler, Ahern, Moeller, Warnick, Kristiansen and Hinkle

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties;

amending RCW 84.36.381 and 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 1721 by Representatives P. Sullivan, Pettigrew, Kristiansen, Orcutt, Chase, Skinner, Haler, Roach, Morrell, Linville, Eickmeyer, Kessler, Walsh, Dunn, Kenney, Van De Wege and Simpson

AN ACT Relating to the creation of certified capital companies to promote economic development through investment in start-up and emerging Washington businesses; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

HB 1722 by Representatives Conway, Curtis, Moeller, Darneille, Wood and Simpson

AN ACT Relating to physician assistants executing certain certificates and other forms for labor and industries; adding a new section to chapter 51.28 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1723 by Representatives B. Sullivan, Roach, Blake and Alexander

AN ACT Relating to Christmas tree grower licensure; amending RCW 15.13.250, 15.13.260, 15.13.265, 15.13.270, 15.13.340, 15.13.370, 15.13.390, 15.13.400, 15.13.420, 15.13.430, 15.13.440, 15.13.455, 15.13.470, and 15.13.490; adding new sections to chapter 15.13 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1724 by Representatives Grant, Hinkle, Simpson, Newhouse, Ericks, Armstrong and Hurst

AN ACT Relating to fire safety standards; and amending RCW 43.43.938.

Referred to Committee on Commerce & Labor.

HB 1725 by Representatives Morrell, Roach, Conway, Williams, Simpson, Hinkle, Armstrong and Moeller

AN ACT Relating to prohibiting discrimination against licensed health care providers; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Health Care & Wellness.

HB 1726 by Representatives Springer, Eddy, Curtis, Pettigrew, Dunn, Takko, Strow, B. Sullivan, Orcutt, Ahern, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien,

Newhouse, Miloscia, Hinkle, Walsh, McCune, Appleton, Kagi, Chase, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seaquist and Kenney

AN ACT Relating to growth management planning related to the development of population projections; and amending RCW 36.70A.210 and 43.62.035.

Referred to Committee on Local Government.

HB 1727 by Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seaquist, Kenney and P. Sullivan

AN ACT Relating to growth management planning to ensure sufficient land and densities available to accommodate growth; and amending RCW 36.70A.070, 36.70A.090, 36.70A.110, 36.70A.115, and 36.70A.130.

Referred to Committee on Local Government.

HB 1728 by Representatives Eickmeyer, Blake, Strow, Haigh, Walsh, Kessler, Grant, Linville, Takko, McCoy, Darneille, Williams, Quall, Sump, Pearson and P. Sullivan

AN ACT Relating to shellfish aquaculture; adding new sections to chapter 28B.40 RCW; adding a new chapter to Title 15 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Select Committee on Puget Sound.

HB 1729 by Representatives Dickerson, Roberts, O'Brien and Walsh; by request of Department of Corrections

AN ACT Relating to earned release time; and amending RCW 9.94A.728.

Referred to Committee on Human Services.

HB 1730 by Representatives B. Sullivan and Schual-Berke

AN ACT Relating to the use of the life sciences discovery fund for human stem cell research; adding a new section to chapter 68.50 RCW; and adding a new section to chapter 43.350 RCW.

Referred to Committee on Health Care & Wellness.

HB 1731 by Representatives Anderson and Moeller

AN ACT Relating to reporting by lobbyists and lobbyists' employers; and amending RCW 42.17.3691.

Referred to Committee on State Government & Tribal Affairs.

HB 1732 by Representatives Morris, B. Sullivan and Chase

AN ACT Relating to organisms created by human innovation; adding new sections to chapter 43.350 RCW; adding a new section to chapter 43.23 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

January 23, 2007

HB 1009 Prime Sponsor, Representative Moeller: Establishing work groups to periodically review and update the child support schedule. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

January 23, 2007

HB 1029 Prime Sponsor, Representative B. Sullivan: Defining E85 motor fuel. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1039 Prime Sponsor, Representative B. Sullivan: Allowing the department of ecology to issue opinions for a portion of a facility under the model toxics control act. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1057 Prime Sponsor, Representative Hudgins: Requesting information on the use of alternative fuels. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

January 24, 2007

HB 1071 Prime Sponsor, Representative Clibborn: Concerning access to health care services for children. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Sequist.

MINORITY recommendation: Without recommendation. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta and Curtis. Referred to Committee on Appropriations.

January 22, 2007

HB 1076 Prime Sponsor, Representative Blake: Creating a rockfish research program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Strow. Referred to Committee on Appropriations.

January 22, 2007

HB 1079 Prime Sponsor, Representative Kretz: Merging fishing and hunting license fees for certain veterans and persons with disabilities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

January 22, 2007

HB 1082 Prime Sponsor, Representative Blake: Requiring that certain shellfish and seaweed harvest license be available for inspection. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

January 22, 2007

HB 1117 Prime Sponsor, Representative Miloscia: Recodifying statutes governing homeless families, housing, and assistance, and homelessness. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune and Ormsby.

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1130 Prime Sponsor, Representative Lantz: Creating an office of public guardianship as an independent agency of the judiciary. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern and Ross.

Referred to Committee on Appropriations.

January 23, 2007

HB 1142 Prime Sponsor, Representative Williams: Changing provisions regarding statutory costs. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1143 Prime Sponsor, Representative Lantz: Concerning notices of dishonor. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1144 Prime Sponsor, Representative Williams: Providing a uniform method of transferring a municipal court judgment into district court. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1145 Prime Sponsor, Representative Lantz: Modifying the definition of an "account receivable" for purposes of commencing an action. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1149 Prime Sponsor, Representative O'Brien: Eliminating advance property tax payments for binding site plans. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1231 Prime Sponsor, Representative Kirby: Modifying provisions concerning pawnbrokers. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1258 Prime Sponsor, Representative Alexander: FRANK CHOPP, Speaker  
 Changing the disbursement of funds by air RICHARD NAFZIGER, Chief Clerk  
 pollution control agencies. Reported by  
 Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

January 23, 2007

HB 1296 Prime Sponsor, Representative Hunter:  
 Regarding state purchasing of information  
 technology projects. Reported by Committee on  
 Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1029,  
 HOUSE BILL NO. 1037,  
 HOUSE BILL NO. 1038,  
 HOUSE BILL NO. 1039,  
 HOUSE BILL NO. 1042,  
 HOUSE BILL NO. 1057,  
 HOUSE BILL NO. 1086,  
 HOUSE BILL NO. 1113,  
 HOUSE BILL NO. 1143,  
 HOUSE BILL NO. 1231,

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the Second Reading Suspension calendar.

HOUSE BILL NO. 1005,  
 HOUSE BILL NO. 1079,  
 HOUSE BILL NO. 1082,  
 HOUSE BILL NO. 1085,  
 HOUSE BILL NO. 1117,  
 HOUSE BILL NO. 1142,  
 HOUSE BILL NO. 1144,  
 HOUSE BILL NO. 1145,  
 HOUSE BILL NO. 1149,  
 HOUSE BILL NO. 1229,  
 HOUSE BILL NO. 1258,

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

There being no objection, the House adjourned until 10:00 a.m., January 26, 2007, the 19th Day of the Regular Session.

## SIXTIETH LEGISLATURE - REGULAR SESSION

## NINETEENTH DAY

House Chamber, Olympia, Friday, January 26, 2007

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

The flags were escorted to the rostrum by the Washington Army National Guard Color Guard comprised of Sergeant William Graak, Specialist Terry Marshall, Private First Class Donald Whitman and Private Jacob Smalcer. The National Anthem was performed by the Washington Army National Guard's Trombone Quartet, Just Four Bones, comprised of First Sergeant Rebecca Sharrett, Staff Sergeant Thomas Lee, Sergeant Patrick O'Hara and Sergeant Jeffrey Vogel. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Colonel Kenneth Hegvedt, Washington National Guard.

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

**RESOLUTION**

HOUSE RESOLUTION NO.2007-4610, by Representatives Rodne, Kelley, Campbell, Haler, Skinner, Conway, Flannigan, Kenney, Moeller, Takko, Hunter, Eddy, Green, Sells, Wallace, Blake, Walsh, Appleton, McCoy, Springer, Hailey, Morrell, Jarrett, Rolfes, Clibborn, Seaquist, Orcutt, Hunt, Hankins, Kretz, Roberts, Williams, Warnick, Roach, Newhouse, Linville and Hudgins

WHEREAS, Nearly eighty six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Guard answered the state's call numerous times in response to firefighting and flood support efforts and to protect lives in both civil and natural emergencies and disasters; and

WHEREAS, The Washington Army and Air National Guard provided critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, The Washington Army and Air National Guard answered the call in support of hurricane relief efforts on the Gulf Coast resulting from Hurricanes Katrina, Rita, and Wilma; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention

programs with school aged children and community based organizations; and

WHEREAS, The Guard continues to actively participate in the state's counter drug efforts by providing soldiers, airmen, and specialized equipment to over thirty five local, state, and federal law enforcement agencies; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug free, well equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representative Rodne moved the adoption of the resolution.

Representative Rodne and Kelley spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4610 was adopted.

The Speaker (Representative Lovick presiding) recognized Major General Timothy Lowenberg. Also recognized at the Rostrum was Mike Gregoire. Members of the National Guard in the Galleries were also recognized.

**INTRODUCTION & FIRST READING**

HB 1733 by Representatives Conway, Kirby, Darneille and Chase

AN ACT Relating to essential state community justice facilities; amending RCW 72.05.020, 72.05.400, 72.65.010, 72.65.220, and 36.70A.200; adding a new section to chapter 72.05 RCW; adding a new section to chapter 72.65 RCW;

adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; and declaring an emergency.

Referred to Committee on Human Services.

HB 1734 by Representatives Haigh, Chandler, McDermott, Hunt, Armstrong, Kretz and Ormsby

AN ACT Relating to reorganizing campaign contribution and disclosure laws; amending RCW 42.17.020, 42.17.367, 42.17.369, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.375, 42.17.380, 42.17.405, 42.17.420, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.135, 42.17.510, 42.17.520, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.070, 42.17.095, 42.17.125, 42.17.660, 42.17.720, 42.17.740, 42.17.790, 42.17.680, 42.17.130, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, and 42.17.400; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 42 RCW; creating new sections; recodifying RCW 42.17.010, 42.17.035, 42.17.020, 42.17.367, 42.17.369, 42.17.460, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.375, 42.17.380, 42.17.405, 42.17.420, 42.17.430, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.135, 42.17.510, 42.17.520, 42.17.530, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.700, 42.17.070, 42.17.095, 42.17.120, 42.17.125, 42.17.650, 42.17.660, 42.17.670, 42.17.720, 42.17.730, 42.17.740, 42.17.770, 42.17.780, 42.17.790, 42.17.680, 42.17.760, 42.17.128, 42.17.130, 42.17.710, 42.17.750, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, 42.17.410, 42.17.900, 42.17.910, 42.17.911, 42.17.912, 42.17.920, 42.17.930, 42.17.940, 42.17.945, 42.17.950, 42.17.955, 42.17.960, 42.17.961, 42.17.962, 42.17.963, 42.17.964, 42.17.965, and 42.17.966; repealing RCW 42.17.131, 42.17.362, 42.17.365, 42.17.440, 42.17.465, 42.17.467, 42.17.469, 42.17.471, 42.17.562, 42.17.620, and 42.17.647; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1735 by Representatives Hunt, Chase, Appleton, Dickerson, O'Brien, Hasegawa, Wood and Ormsby

AN ACT Relating to authorizing state employees who provide services to persons with developmental disabilities to express their professional opinions and use their independent professional judgments; adding new sections to chapter 42.52 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1736 by Representatives Simpson, Conway, Ormsby, Ericks, Hurst, Kenney, Campbell, O'Brien, Wood and Morrell

AN ACT Relating to negotiating state patrol officer wages and wage-related matters; and amending RCW 41.56.475.

Referred to Committee on Commerce & Labor.

HB 1737 by Representatives Ericks, Curtis, Simpson, Jarrett, Miloscia, Springer, Clibborn, Eddy, Haler, Roberts and Ormsby

AN ACT Relating to multiple-unit dwellings in urban centers; and amending RCW 84.14.010, 84.14.020, 84.14.030, 84.14.090, and 84.14.110.

Referred to Committee on Housing.

HB 1738 by Representatives B. Sullivan and Chase

AN ACT Relating to ballast water management; amending RCW 77.120.010, 77.120.020, 77.120.030, and 77.120.070; amending 2004 c 227 s 2 (uncodified); adding new sections to chapter 77.120 RCW; repealing RCW 77.120.060, 77.120.080, and 77.120.090; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1739 by Representatives Eickmeyer, Chase, Grant, Seaquist and Darneille

AN ACT Relating to excluding newly created property tax exemptions from applying to school district levies; amending RCW 84.36.005; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 1740 by Representatives Hunt, Dickerson, Jarrett, Linville, B. Sullivan, Upthegrove, Kenney, O'Brien, Wood, Ormsby and Chase

AN ACT Relating to the production of greenhouse gases; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.10 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 15.04 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 38.52 RCW; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1741 by Representatives Hunt, Skinner and Conway

AN ACT Relating to the oral history program; amending RCW 42.17.095, 42.52.802, 43.07.370, 43.07.380, 43.07.220, 43.07.240, and 43.07.365; reenacting and amending RCW 42.17.710; adding a new section to chapter 42.52 RCW;

adding new sections to chapter 44.04 RCW; adding a new section to chapter 43.07 RCW; creating a new section; and recodifying RCW 43.07.220, 43.07.230, 43.07.240, and 43.07.365.

Referred to Committee on State Government & Tribal Affairs.

HB 1742 by Representatives Appleton, Roach, Haigh, Rolfes and Hurst

AN ACT Relating to providing for privacy protection for certain voter registration information; and amending RCW 29A.08.710 and 29A.40.091.

Referred to Committee on State Government & Tribal Affairs.

HB 1743 by Representatives Kretz, B. Sullivan, Sump, Upthegrove and Linville

AN ACT Relating to noxious weed control boards; amending RCW 17.10.010, 17.10.020, 17.10.030, 17.10.040, 17.10.050, 17.10.060, 17.10.074, 17.10.080, 17.10.190, 17.10.205, 17.10.240, 17.10.250, 17.10.280, and 17.10.890; adding a new section to chapter 17.10 RCW; and recodifying RCW 17.10.890.

Referred to Committee on Agriculture & Natural Resources.

HB 1744 by Representatives Kretz and Sump

AN ACT Relating to rural public utility districts; adding a new section to chapter 82.16 RCW; adding a new section to chapter 54.16 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1745 by Representatives Takko, Skinner, Hunt, Eddy, Santos, Sells, Haigh, Wallace, Clibborn, Dickerson, Moeller and Chase

AN ACT Relating to the practice of hairdressing; amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100, 18.16.130, 18.16.170, 18.16.180, 18.16.190, 18.16.200, 18.16.290, and 18.16.900; and reenacting and amending RCW 18.16.175.

Referred to Committee on Commerce & Labor.

HB 1746 by Representatives Orcutt, Santos, McIntire and Alexander

AN ACT Relating to the property taxation of historic property leased to counties; amending RCW 84.36.010; and creating a new section.

Referred to Committee on Finance.

HB 1747 by Representatives Simpson and Rodne

AN ACT Relating to the acquisition of insurance for regional transit authority projects over one hundred million dollars; and amending RCW 81.112.060.

Referred to Committee on Transportation.

HB 1748 by Representatives B. Sullivan, Curtis and Pearson

AN ACT Relating to flood protection; and amending RCW 77.55.021.

Referred to Committee on Agriculture & Natural Resources.

HB 1749 by Representatives Condotta, Chandler and Crouse

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.32.050, 51.32.060, and 51.32.240; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1750 by Representatives McDermott, Hankins, Miloscia, Armstrong, Jarrett, Campbell, Appleton, Darneille, O'Brien, Hasegawa, Roberts, Ormsby and Chase

AN ACT Relating to electing the president of the United States by national popular vote; amending RCW 29A.56.320; adding a new section to chapter 29A.56 RCW; and providing a contingent effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1751 by Representatives Eddy, McDonald, O'Brien, Pearson, Green, Simpson and Ormsby

AN ACT Relating to indecent exposure; amending RCW 9A.88.010; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1752 by Representatives Eddy and Curtis

AN ACT Relating to growth management planning; and amending RCW 36.70A.367.

Referred to Committee on Local Government.

HB 1753 by Representatives Eddy, Curtis and McCune

AN ACT Relating to transportation concurrency and impact fees under the growth management act; and amending RCW 36.70A.070 and 82.02.050.

Referred to Committee on Local Government.

HB 1754 by Representatives Lovick, Pearson, O'Brien, Hurst, Kenney, Green, Van De Wege, Simpson, Lantz and McCune

AN ACT Relating to registration of methamphetamine offenders; and adding a new section to chapter 9A.44 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1755 by Representatives Hurst, O'Brien, Eddy, Kessler, Lovick, Rolfes, Williams, Dunshee, Kenney, Green, Hunter, Quall, Van De Wege, Simpson, Hasegawa and Ormsby

AN ACT Relating to consumer credit reports; amending RCW 19.182.170; and providing an effective date.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1756 by Representatives Kretz, Upthegrove, B. Sullivan, Blake, Takko and Van De Wege

AN ACT Relating to the department of fish and wildlife's hound hunting cougar season pilot project; amending 2004 c 264 s 1 (uncodified); and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1757 by Representatives Newhouse, Ross, Dunn, Chandler, Hailey, Warnick, McCune, Kristiansen, Bailey, Kretz and Morrell

AN ACT Relating to excise tax exemptions for farm machinery and equipment; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1758 by Representatives Ormsby, Hunt, Dunn, Appleton, Moeller, Kenney, Conway, Simpson and Wood; by request of Health Care Authority

AN ACT Relating to authorizing tribal governments to participate in public employees' benefits board programs; amending RCW 41.05.011, 41.05.021, 41.05.050, 41.05.065, 41.05.080, and 41.05.195; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1759 by Representatives McIntire, Hunt, Kessler, Upthegrove, Darneille, Moeller, Kenney, Hasegawa, Simpson, Ormsby and Morrell

AN ACT Relating to shared leave for declared emergencies; and amending RCW 41.04.665.

Referred to Committee on State Government & Tribal Affairs.

HB 1760 by Representatives McDonald, O'Brien, Pearson and Morrell

AN ACT Relating to prohibiting the reproduction of certain evidence collected in prosecutions for sexual

exploitation of children; and adding a new section to chapter 9.68A RCW.

Referred to Committee on Judiciary.

HB 1761 by Representatives Linville, Hunter, Priest, Hunt, B. Sullivan, Upthegrove, Kessler, Sump, Hankins, Jarrett, Fromhold, Appleton, Rolfes, Darneille, Campbell, Conway, Green, O'Brien, Schual-Berke, Simpson, Ormsby and Chase

AN ACT Relating to expediting the cleanup of hazardous waste and creating incentives for Puget Sound cleanups; amending RCW 70.105D.070; adding new sections to chapter 70.105D RCW; and creating a new section.

Referred to Committee on Select Committee on Environmental Health.

HB 1762 by Representatives Williams, Darneille, Upthegrove, Hasegawa, Simpson and Ormsby

AN ACT Relating to local government contracts for correctional industries services; and amending RCW 72.09.100.

Referred to Committee on Local Government.

HB 1763 by Representatives Williams, Morris, Moeller and Simpson

AN ACT Relating to protecting financial information and means of identification stored on portable electronic data storage devices; amending RCW 9.35.001; and adding a new section to chapter 9.35 RCW.

Referred to Committee on Judiciary.

HB 1764 by Representatives Lantz, Strow, Kagi, Anderson, Skinner, Appleton, Hankins, Seaquist, Jarrett, Roberts, Williams, Rolfes, Hurst, Moeller, Kenney, Schual-Berke and Ormsby

AN ACT Relating to the possession of electronic weapons on school property; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1765 by Representatives Lantz, Springer, Williams, Rodne and Moeller

AN ACT Relating to claims under a construction contract; amending RCW 4.24.370 and 4.24.380; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 1766 by Representatives B. Sullivan and Roberts

AN ACT Relating to using certain state sales tax proceeds to maintain lifeguards at state parks; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1767 by Representatives B. Sullivan, Moeller, Ormsby and Morrell

AN ACT Relating to expanding the veterans conservation corps program; amending RCW 43.60A.150; amending 2005 c 257 s 1 (uncodified); adding new sections to chapter 43.60A RCW; creating a new section; and making appropriations.

Referred to Committee on Agriculture & Natural Resources.

HB 1768 by Representatives Ericks, B. Sullivan, Hurst and Roberts

AN ACT Relating to maintenance and operation funding for parks; and reenacting and amending RCW 82.46.035.

Referred to Committee on Finance.

HB 1769 by Representatives Ericks, Strow, Simpson and Linville

AN ACT Relating to an allowance for retailers for sales and use tax collection costs; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1770 by Representatives B. Sullivan, Chase and Kagi

AN ACT Relating to state and municipal park funding; amending RCW 39.42.060; adding a new chapter to Title 79A RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Capital Budget.

HB 1771 by Representative Sommers; by request of Office of Financial Management

AN ACT Relating to public pensions that revises gain-sharing provisions and makes certain changes in benefits for the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system; amending RCW 41.34.020, 41.34.040, 41.34.060, 41.31A.020, 41.34.110, 41.32.835, 41.32.840, 41.35.610, 41.35.620, 41.40.790, 41.31.010, and 41.31.020; adding new sections to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.34 RCW; creating a new section; decodifying RCW 41.31A.020, 41.31.010, and 41.31.020; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1772 by Representatives Quall, Priest, P. Sullivan, McDermott, Kenney, Simpson, Kagi and Ormsby

AN ACT Relating to the voluntary participation in the Washington assessment of student learning by students enrolled in private schools; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Education.

HB 1773 by Representatives Clibborn and Jarrett

AN ACT Relating to the imposition of tolls; amending RCW 47.56.030, 47.56.031, 47.56.075, 47.56.0761, 47.56.240, 53.34.010, and 35.74.050; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Transportation.

HB 1774 by Representatives Hinkle, Chandler, Haler, Bailey, Dunn, Priest and Warnick

AN ACT Relating to ensuring the integrity of elections; amending RCW 29A.04.008, 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010, 29A.08.110, 29A.08.140, 29A.08.210, 29A.08.220, 29A.08.520, 29A.08.625, 29A.08.820, 29A.40.050, 29A.40.020, 29A.40.091, 29A.40.140, 29A.44.201, 29A.44.330, 29A.44.340, 29A.84.110, 46.20.035, 46.20.091, 46.20.105, 46.20.117, and 46.20.155; reenacting and amending RCW 29A.84.670 and 9.94A.515; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; adding a new section to chapter 46.20 RCW; adding a new chapter to Title 29A RCW; recodifying RCW 29A.40.050; repealing RCW 29A.08.145; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1775 by Representatives Hinkle, Pettigrew, Kretz, Grant, Armstrong, Pearson, Strow, Sump, Warnick and Blake

AN ACT Relating to crimes against livestock belonging to another person; amending RCW 4.24.320; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1776 by Representatives Hinkle, McCune and Hudgins

AN ACT Relating to the election of judges and the state superintendent of public instruction; amending RCW 29A.24.181, 29A.24.191, and 29A.36.171; and providing a contingent effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1777 by Representatives Rodne, Lantz, Darneille, Kirby, Ahern, Ross, Flannigan, Moeller, Kenney and Morrell; by request of Secretary of State

AN ACT Relating to charitable organizations that solicit contributions from the public; amending RCW 19.09.010, 19.09.020, 19.09.075, 19.09.076, 19.09.079, 19.09.085, 19.09.097, 19.09.100, 19.09.210, and 19.09.440; adding new sections to chapter 19.09 RCW; prescribing penalties; and repealing RCW 19.09.095.

Referred to Committee on Judiciary.

HB 1778 by Representatives Wallace, Dunn, Kenney, Haigh, Hasegawa, B. Sullivan, Darneille, McDermott, Takko, Roberts, Schual-Berke and Santos

AN ACT Relating to modernizing Washington state history and government course requirements for high school graduation; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 1779 by Representatives Wallace, Dunn, Haigh, Kenney, Hasegawa, B. Sullivan, McDermott, Takko, Roberts, P. Sullivan, Fromhold, Quall, Simpson, Lantz, Hudgins, Kagi, Santos, Ormsby and Morrell

AN ACT Relating to the GET ready for math and science scholarship program; amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1780 by Representatives Kagi, Walsh, McIntire, Fromhold, Moeller, P. Sullivan, Hunt, Flannigan, Pettigrew, Appleton, Darneille, Kenney, Dickerson, Simpson, Wood, Haler, Santos and Ormsby

AN ACT Relating to creation of a statewide family court; amending RCW 26.12.010, 26.12.190, 26.12.230, 13.04.021, and 13.40.010; reenacting and amending RCW 13.04.030; adding new sections to chapter 2.08 RCW; creating new sections; repealing RCW 26.12.020, 26.12.060, 26.12.800, 26.12.802, and 26.12.804; and providing an effective date.

Referred to Committee on Judiciary.

HJR 4214 by Representatives Hinkle, Campbell, McCune and Hudgins

Amending the Constitution to require election of judges at the general election.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## REPORTS OF STANDING COMMITTEES

January 24, 2007

HB 1054 Prime Sponsor, Representative Hudgins: Modifying membership of the information services board. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune,

Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

January 24, 2007

HB 1073 Prime Sponsor, Representative Schual-Berke: Concerning limited emergency worker volunteer immunity. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 22, 2007

HB 1096 Prime Sponsor, Representative Kenney: Creating postsecondary opportunity programs. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Higher Education.

January 24, 2007

HB 1116 Prime Sponsor, Representative Miloscia: Creating a plan to increase the home ownership rate to seventy-five percent by 2020. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Passed to Committee on Rules for second reading.

January 24, 2007

HB 1126 Prime Sponsor, Representative Morrell: Changing late renewal penalty provisions for concealed pistol licenses. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 24, 2007

HB 1127 Prime Sponsor, Representative Morrell: Extending military leaves for public employees. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 24, 2007

HB 1131 Prime Sponsor, Representative Dunshee: Creating the passport to college promise program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

January 24, 2007

HB 1292 Prime Sponsor, Representative Barlow: Establishing the eastern Washington state veterans' cemetery. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Appropriations.

January 24, 2007

HB 1295 Prime Sponsor, Representative Eickmeyer: Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Passed to Committee on Rules for second reading.

January 24, 2007

HB 1326 Prime Sponsor, Representative P. Sullivan: Authorizing record checks for employees and applicants for employment at bureau of Indian affairs-funded schools. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 24, 2007

HB 1327 Prime Sponsor, Representative Santos: Concerning materialpersons. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 24, 2007

HB 1507 Prime Sponsor, Representative Seaquist: Creating the uniformed service shared leave pool. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Appropriations.

January 24, 2007

HJM 4002 Prime Sponsor, Representative B. Sullivan: Requesting that Congress fund the Northwest Straits Marine Conservation Initiative. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 1064, by Representatives Seaquist, Morrell, Haigh, Kelley, Miloscia, Hunt, Appleton, Conway, P. Sullivan, McDonald, Haler, Wallace, Moeller, B. Sullivan, Kenney, Hunter, Chase, Ormsby, Upthegrove and Hurst**

**Addressing veterans' benefits.**

The bill was read the second time.

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

Representatives Seaquist and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1064.

#### MOTION

On motion of Representative Santos, Representative Goodman and B. Sullivan were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1064 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood, and Mr. Speaker - 96.

Excused: Representatives Goodman and B. Sullivan - 2.

HOUSE BILL NO. 1064, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Springer congratulated Representative Seaquist on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1065, by Representatives Kelley, Morrell, Haigh, Miloscia, Hunt, Seaquist, Conway, P. Sullivan, McDonald, Haler, Moeller, B. Sullivan, Campbell and Hurst**

#### Revising veterans' scoring criteria in examinations.

The bill was read the second time.

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

Representatives Kelley and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1065.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1065 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Goodman and B. Sullivan - 2.

HOUSE BILL NO. 1065, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Kelley on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

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

There being no objection, the House adjourned until 10:00 a.m., January 29, 2007, the 22nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

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**TWENTY-SECOND DAY**


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House Chamber, Olympia, Monday, January 29, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ashley Engleman and Chris Johnson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Mary Olney-Loyd, First Christian Church, Olympia.

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

**MESSAGE FROM THE SENATE**

January 26, 2007

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1168,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

**INTRODUCTION & FIRST READING**HB 1781 by Representatives Eddy, Schindler and Springer

AN ACT Relating to the best available science requirement for critical areas; and amending RCW 36.70A.172.

Referred to Committee on Local Government.

HB 1782 by Representatives Hinkle and Clibborn

AN ACT Relating to public works contract completion reporting threshold requirements; and amending RCW 60.28.051, 39.08.010, and 39.12.040.

Referred to Committee on State Government &amp; Tribal Affairs.

HB 1783 by Representatives McCoy, Warnick, Buri, Wood, Crouse, Kenney, Rolfes and Moeller

AN ACT Relating to the value of a tenant's abandoned property; and amending RCW 59.18.310.

Referred to Committee on Judiciary.

HB 1784 by Representatives Kenney, Sells, Buri and Wood; by request of Washington State University

AN ACT Relating to investment of funds derived from the sale of lands set apart for institutions of higher education; amending RCW 39.42.070, 39.42.090, 43.79.010, 43.79.060,

43.79.110, 43.79.130, and 43.79.160; and providing a contingent effective date.

Referred to Committee on Capital Budget.

HB 1785 by Representatives Green, Curtis and Morrell

AN ACT Relating to provider payment in state subsidized health care; amending RCW 70.47.100; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care &amp; Wellness.

HB 1786 by Representatives Hunter, Orcutt, Quall, Cody, Santos, Dickerson, Hinkle, Grant, Kessler, Chase, Appleton, Kenney, Linville, O'Brien, Campbell, Ericks, Simpson, Hankins and Skinner

AN ACT Relating to business and occupation tax deduction for chemotherapy and anticancer drugs dispensed pursuant to prescription; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1787 by Representatives B. Sullivan, Hankins, Eickmeyer, Walsh, Williams, Hinkle, Grant and Kessler

AN ACT Relating to wildlife management at airports; amending RCW 77.12.240, 77.32.010, and 77.15.194; and creating new sections.

Referred to Committee on Agriculture &amp; Natural Resources.

HB 1788 by Representatives Conway, Kenney, Van De Wege, Green, Rolfes, Morrell, Lantz and Moeller

AN ACT Relating to vehicle registrations for deployed military personnel; and amending RCW 46.16.006.

Referred to Committee on Transportation.

HB 1789 by Representatives Kagi, Priest, Hunter, Jarrett, Dunshee, Orcutt, Linville, Strow, Dickerson, McCoy, B. Sullivan, Lantz, Hunt, Chase, Rodne and Schual-Berke

AN ACT Relating to minimizing the environmental threat caused by leaking home heating oil tanks; amending RCW 70.149.040; adding a new section to chapter 70.149 RCW; and creating a new section.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1790 by Representatives Ericks, Newhouse, Linville, Armstrong, Simpson, Haler, Takko, Hunt, McCoy, Hailey, Grant, Buri, Hinkle, Kessler, Alexander, P. Sullivan, Eddy, Curtis, Van De Wege, Conway, O'Brien, Green, Goodman, Morrell, Lantz and Moeller

AN ACT Relating to the distribution of funds from excise tax collections on the sale of real property for jobs, economic development, and local capital projects; amending RCW 82.45.060, 43.160.080, and 82.46.010; reenacting and amending RCW 82.46.035 and 43.155.050; adding a new section to chapter 43.160 RCW; repealing 2005 c 425 s 6 (uncodified); and providing effective dates.

Referred to Committee on Community & Economic Development & Trade.

HB 1791 by Representatives Schual-Berke, Walsh, Kagi, Haler, Roberts, Hunter, Appleton, Pettigrew, Kenney, Santos, Ericks, Dickerson and Moeller

AN ACT Relating to the Washington council for the prevention of child abuse and neglect; and amending RCW 43.121.020.

Referred to Committee on Early Learning & Children's Services.

HB 1792 by Representatives Conway, Condotta, Morris, Chandler, Kenney, Priest, P. Sullivan, Chase, Wood and Moeller

AN ACT Relating to a study of the incidence of total permanent disability pensions in the state's workers' compensation system; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1793 by Representatives Lantz, Hinkle, Springer, Rodne, O'Brien, Kenney, Schual-Berke, Clibborn, Newhouse, Lovick, Williams, Dickerson, McIntire, Appleton, Hasegawa, Ericks, Roberts, Wood and Moeller

AN ACT Relating to removing the limit on the number of cities eligible for indigent defense grants through the office of public defense; and amending RCW 10.101.080.

Referred to Committee on Judiciary.

HB 1794 by Representatives Conway, Simpson, McCoy, Chase, Wood and Moeller

AN ACT Relating to removing essential government services as a condition to exempt from taxation property belonging to any federally recognized Indian tribe located in the state; and amending RCW 84.36.010.

Referred to Committee on State Government & Tribal Affairs.

HB 1795 by Representatives Williams, DeBolt and Alexander

AN ACT Relating to intercounty rural library districts; and amending RCW 27.12.190.

Referred to Committee on Local Government.

HB 1796 by Representatives Conway, Orcutt, Pettigrew, Ericks, Chase, Green, Haler, Dunn, Hankins, Hasegawa, Appleton, Kenney, Santos, Van De Wege, Simpson, Goodman, Morrell and Lantz

AN ACT Relating to property tax exemptions for nonprofit organizations for small business incubators which assist in the creation and expansion of innovative small commercial enterprises; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

HB 1797 by Representatives O'Brien, Campbell and Morrell

AN ACT Relating to automating the reporting requirements for ephedrine, pseudoephedrine, and phenylpropanolamine sales by establishing a state repository; adding a new section to chapter 69.43 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1798 by Representatives Eddy, Lantz, Dickerson and B. Sullivan

AN ACT Relating to fees and costs on appeals of land use decisions; and amending RCW 4.84.370.

Referred to Committee on Judiciary.

HB 1799 by Representatives Grant, Warnick, Buri, Lovick, Kessler, Rolfes and Moeller

AN ACT Relating to the unauthorized occupation of rental units; and amending RCW 59.12.030.

Referred to Committee on Judiciary.

HB 1800 by Representatives Lovick, Warnick, Grant, Crouse, Kessler, Rolfes and Moeller

AN ACT Relating to tenants of real property; and amending RCW 59.18.130 and 59.12.030.

Referred to Committee on Judiciary.

HB 1801 by Representatives Ericksen and Schindler

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.025, 82.36.026, 82.36.031, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.305, 82.36.370, 82.36.373, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.070, 82.38.130, 82.38.140, and

82.38.180; adding a new section to chapter 82.36 RCW; repealing RCW 82.36.407 and 82.38.285; and declaring an emergency.

Referred to Committee on Transportation.

HB 1802 by Representatives Darneille, Kenney, Dickerson, Hankins, Linville, Cody, Roberts, Appleton, Schual-Berke, Walsh, Santos, Wallace, Haigh, Simpson, Green, Clibborn, Warnick, Rolfes, Morrell, Pettigrew, Bailey, Lantz, Eddy, Sommers, Kessler, Kagi, Skinner, McDonald, Chase, Hudgins, Hasegawa, Pedersen, Ericks, Goodman and Moeller

AN ACT Relating to information about the human papillomavirus disease and vaccine; and amending RCW 28A.210.080.

Referred to Committee on Health Care & Wellness.

HB 1803 by Representatives Dickerson, Darneille, Roberts, McCoy, Appleton, Kenney and Santos

AN ACT Relating to specific juvenile reentry programs; and adding new sections to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 1804 by Representatives O'Brien, Warnick, Sells, Buri, Kessler, Crouse, Haigh and Moeller

AN ACT Relating to an authorization directing the disposition of personal property; and amending RCW 59.18.310.

Referred to Committee on Judiciary.

HB 1805 by Representatives Morrell, Lantz, Linville, Wallace, Rodne, Conway, Kessler, Hudgins, Hunt, Chase, Hasegawa, Van De Wege, Campbell, Ericks, Green, Simpson and Schual-Berke

AN ACT Relating to increasing the homestead exemption amount; and amending RCW 6.13.030.

Referred to Committee on Judiciary.

HB 1806 by Representatives Pedersen, Upthegrove, Campbell, Kenney, McDermott, Morrell, Chase, Appleton, Dunshee, McIntire, Santos, Moeller, Darneille, Roberts, Hudgins, Hunt, Hasegawa, Conway, O'Brien, Green, Rolfes, Simpson, Schual-Berke, Goodman, Wood and Lantz

AN ACT Relating to pesticide application in school facilities; amending RCW 17.21.020 and 17.21.150; adding new sections to chapter 17.21 RCW; and creating new sections.

Referred to Committee on Select Committee on Environmental Health.

HB 1807 by Representatives B. Sullivan, Springer, Kretz, Blake, Warnick, Chase, Linville and O'Brien

AN ACT Relating to the economic impact of department of ecology draft general permits; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1808 by Representatives Curtis, Morrell, Haler, Green, Hinkle, Ross, Warnick, Chandler, Sump, Moeller, O'Brien and Simpson

AN ACT Relating to the reimbursement of extraordinary criminal justice costs; and amending RCW 43.330.190.

Referred to Committee on Appropriations.

HB 1809 by Representatives Morrell, Campbell, Green, Kenney, Cody, Darneille, Hunt, Conway, Williams, Simpson, Moeller, Santos and Wood

AN ACT Relating to the Washington state patient safety act; amending RCW 70.56.020; adding new sections to chapter 70.41 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1810 by Representatives Hudgins, Hunt, Chase, Kenney, Santos, Campbell, Schual-Berke, Dickerson, B. Sullivan, McIntire, Roberts, Wood and Moeller

AN ACT Relating to monitoring pesticide drift and its impacts on environmental health; adding a new section to chapter 70.104 RCW; and creating a new section.

Referred to Committee on Select Committee on Environmental Health.

HB 1811 by Representatives Pedersen, Simpson, Wood, Moeller and Quall

AN ACT Relating to the installation of automatic sprinkler systems in nightclubs; amending RCW 19.27.500, 19.27.510, and 84.36.660; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1812 by Representatives Ericks and Jarrett

AN ACT Relating to the creation of the transportation project contingency account; amending RCW 82.14.030; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.79 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1813 by Representatives Kelley, Priest, Hunt, Dunshee, Hinkle, Condotta, Fromhold and Linville; by request of Interagency Committee for Outdoor Recreation

AN ACT Relating to changing the name of the interagency committee for outdoor recreation; making technical, nonsubstantive changes in order to facilitate the

name change; amending RCW 42.17.2401, 43.03.028, 43.21J.030, 43.41.270, 43.60A.150, 43.83C.040, 43.99A.070, 43.99B.016, 43.99B.032, 43.99N.060, 43.99N.120, 46.09.020, 46.09.110, 46.09.165, 46.09.170, 46.09.240, 46.09.250, 46.09.280, 77.85.110, 77.85.120, 77.85.140, 79.10.140, 79.70.070, 79A.05.785, 79A.15.010, 79A.15.020, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.065, 79A.15.070, 79A.15.080, 79A.15.100, 79A.15.110, 79A.15.120, 79A.15.130, 79A.25.005, 79A.25.010, 79A.25.020, 79A.25.030, 79A.25.060, 79A.25.080, 79A.25.090, 79A.25.100, 79A.25.110, 79A.25.120, 79A.25.130, 79A.25.140, 79A.25.150, 79A.25.190, 79A.25.200, 79A.25.210, 79A.25.220, 79A.25.230, 79A.25.240, 79A.25.250, 79A.25.820, 79A.25.830, 79A.25.310, 79A.25.370, 79A.35.010, 79A.35.030, 79A.35.050, 79A.35.060, 79A.35.070, 79A.35.090, 79A.35.100, 79A.35.110, 79A.35.120, 79A.60.590, 84.34.055, and 90.71.020; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1814 by Representatives McCune, Dunn, Campbell, Schindler, Van De Wege, Green, Rolfes, Kristiansen and Lantz

AN ACT Relating to methamphetamines; amending RCW 69.50.440, 69.50.401, and 9.94A.518; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.91 RCW; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1815 by Representatives Wallace, Curtis, Jarrett, Chandler, Lovick, Newhouse, Sells, Fromhold, Eddy, Kenney, Haigh, Linville and Moeller

AN ACT Relating to rail preservation; reenacting and amending RCW 43.79A.040; adding new sections to chapter 47.01 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

HB 1816 by Representatives Kirby, Chase and Simpson

AN ACT Relating to eliminating the industrial insurance offset for social security retirement benefits; and repealing RCW 51.32.225.

Referred to Committee on Commerce & Labor.

HB 1817 by Representatives Kirby, Roach, Simpson, Strow, Santos, Rodne, Hurst, Kelley, Chase, Ericks, B. Sullivan, Hunt, Wallace, Haigh, Sells, Linville, Campbell, Green and Wood

AN ACT Relating to adding an additional payment plan option for small loans; and amending RCW 31.45.084.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1818 by Representatives Cody, Hinkle, Kenney and Morrell; by request of Insurance Commissioner

AN ACT Relating to retainer health care practices; amending RCW 48.44.010; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care & Wellness.

HB 1819 by Representatives Lovick, Strow, Ericks, Armstrong, Springer, Newhouse, Kenney, O'Brien, Goodman, Morrell and Moeller

AN ACT Relating to furnishing liquor to minors; amending RCW 66.44.270, 46.20.342, and 46.20.391; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1820 by Representatives Dickerson, Hankins, Lovick, B. Sullivan, Simpson, Hasegawa and Moeller

AN ACT Relating to reducing air pollution through the licensing and use of medium-speed electric vehicles; amending RCW 46.61.688; reenacting and amending RCW 46.04.320 and 46.61.687; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1821 by Representatives Hunt, Kenney, O'Brien, Haigh, Darneille, Lovick, Eickmeyer, McCoy, Chase, Linville and Wood

AN ACT Relating to an exemption for manufacturers of biological remediation technologies for use in on-site sewage disposal systems; amending RCW 70.118.020; and adding a new section to chapter 70.118 RCW.

Referred to Committee on Select Committee on Environmental Health.

HJM 4007 by Representatives Hudgins, Campbell, Morrell, Wood, Hunt, Chase, Kenney, Simpson and Goodman

Requesting Congress and the Environmental Protection Agency to further regulate benzene.

Referred to Committee on Select Committee on Environmental Health.

HJR 4215 by Representatives Kenney, Sells, Buri, Hunt and Wood; by request of Washington State University

Eliminating prohibitions on the investment of certain state moneys.

Referred to Committee on Capital Budget.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the

fourth order of business were referred to the committees so designated.

### REPORTS OF STANDING COMMITTEES

HB 1010 January 25, 2007  
Prime Sponsor, Representative Moeller:  
Notifying parents, guardians, and custodians  
when a juvenile is taken into custody. Reported  
by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by  
Representatives Dickerson, Chairman; Roberts, Vice  
Chairman; Ahern, Ranking Minority Member; Walsh,  
Assistant Ranking Minority Member; Bailey; Darneille;  
McCoy and O'Brien.

Passed to Committee on Rules for second reading.

HB 1016 January 25, 2007  
Prime Sponsor, Representative Haler: Providing  
a business and occupation tax credit for the  
employment of individuals with developmental  
disabilities. Reported by Committee on Human  
Services

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed  
by Representatives Dickerson, Chairman; Roberts, Vice  
Chairman; Ahern, Ranking Minority Member; Walsh,  
Assistant Ranking Minority Member; Bailey; Darneille;  
McCoy and O'Brien.

Referred to Committee on Finance.

HB 1023 January 25, 2007  
Prime Sponsor, Representative Miloscia:  
Providing for broader collection of biological  
samples for the DNA identification system.  
Reported by Committee on Public Safety &  
Emergency Preparedness

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed  
by Representatives O'Brien, Chairman; Hurst, Vice  
Chairman; Pearson, Ranking Minority Member; Ross,  
Assistant Ranking Minority Member; Ahern and Lovick.

Referred to Committee on Appropriations.

HB 1099 January 25, 2007  
Prime Sponsor, Representative Cody: Regulating  
certain dental professions. Reported by  
Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed  
by Representatives Cody, Chairman; Morrell, Vice  
Chairman; Hinkle, Ranking Minority Member;  
Alexander, Assistant Ranking Minority Member; Barlow;  
Campbell; Condotta; Curtis; Green; Moeller; Pedersen;  
Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

January 25, 2007

HB 1125 Prime Sponsor, Representative B. Sullivan:  
Modifying forest fire protection assessments.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed  
by Representatives B. Sullivan, Chairman; Blake, Vice  
Chairman; Dickerson; Eickmeyer; Grant; Kagi; Lantz and  
McCoy.

MINORITY recommendation: Do not pass. Signed by  
Representatives Kretz, Ranking Minority Member;  
Warnick, Assistant Ranking Minority Member; Hailey;  
Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

HB 1185 January 25, 2007  
Prime Sponsor, Representative Van De Wege:  
Extending the expiration date for reporting  
requirements on timber purchases. Reported by  
Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives B. Sullivan, Chairman; Blake, Vice  
Chairman; Kretz, Ranking Minority Member; Warnick,  
Assistant Ranking Minority Member; Dickerson;  
Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy;  
Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

HB 1255 January 25, 2007  
Prime Sponsor, Representative Simpson:  
Prohibiting municipal officers from being  
beneficially interested in any personal services  
contract that is made by, through, or under the  
supervision of that officer. Reported by  
Committee on Local Government

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed  
by Representatives Simpson, Chairman; Eddy, Vice  
Chairman; Curtis, Ranking Minority Member; Schindler,  
Assistant Ranking Minority Member; Ross; B. Sullivan  
and Takko.

Passed to Committee on Rules for second reading.

HB 1268 January 25, 2007  
Prime Sponsor, Representative Goodman:  
Authorizing donation of unclaimed personal  
property to nonprofit charitable organizations.  
Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed  
by Representatives Simpson, Chairman; Eddy, Vice  
Chairman; Curtis, Ranking Minority Member; Schindler,  
Assistant Ranking Minority Member; Ross; B. Sullivan  
and Takko.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

**SECOND READING SUSPENSION**

**HOUSE BILL NO. 1005, by Representatives Kessler, Ericks and B. Sullivan**

**Determining rates for the rental of county equipment.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Kessler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1005.

**MOTIONS**

On motion of Representative Santos, Representatives Quall and Upthegrove were excused. On motion of Representative Schindler, Representative Hinkle was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1005, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Hinkle, Quall and Upthegrove - 3.

HOUSE BILL NO. 1005, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1079, by Representatives Kretz, Blake, Upthegrove, Ormsby, O'Brien, Morrell, Conway, Haigh, Moeller, McCune and Simpson; by request of Department of Fish and Wildlife**

**Merging fishing and hunting license fees for certain veterans and persons with disabilities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1079 was read the second time.

The bill was placed on final passage.

Representatives Kretz and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1079.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1079, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Hinkle, Quall, and Upthegrove - 3.

SUBSTITUTE HOUSE BILL NO. 1079, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1082, by Representatives Blake, Takko, Curtis, Van De Wege, Hunt, Eickmeyer, Pettigrew, Morrell, Springer, Flannigan and Simpson**

**Requiring that certain shellfish and seaweed harvest license be available for inspection.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1082 was read the second time.

The bill was placed on final passage.

Representatives Blake and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1082.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1082, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Hinkle, Quall, and Upthegrove - 3.

SUBSTITUTE HOUSE BILL NO. 1082, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1085, by Representatives Morrell, Bailey, Ericks, Dickerson, Cody, Sells, Linville, Blake, Moeller, Flannigan, Green, Miloscia, Pettigrew, Conway, Kagi, Appleton, Ormsby, Schual-Berke, B. Sullivan, Hudgins, Clibborn, Kenney, Wallace and Simpson**

**Revising requirements for long-term care insurance plans offered by the public employees' benefits board.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Morrell and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1085.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1085, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer,

Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1085, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1117, by Representatives Miloscia, Morrell, Pettigrew, Ormsby, Kenney, Moeller and Simpson**

**Recodifying statutes governing homeless families, housing, and assistance, and homelessness.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1117 was read the second time.

The bill was placed on final passage.

Representatives Miloscia and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1117.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1117, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

SUBSTITUTE HOUSE BILL NO. 1117, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1142, by Representatives Williams, Warnick, O'Brien, Rodne, Campbell, Lantz and Goodman**

**Changing provisions regarding statutory costs.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Williams and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1142.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1142, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1142, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1144, by Representatives Williams, Warnick, Rodne, Campbell, O'Brien, Lantz, Goodman and Moeller**

**Providing a uniform method of transferring a municipal court judgment into district court.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1144 was read the second time.

The bill was placed on final passage.

Representatives Williams and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1144.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1144, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy,

Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

SUBSTITUTE HOUSE BILL NO. 1144, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1145, by Representatives Lantz, Warnick, Williams, Rodne, O'Brien, Campbell, Goodman and Moeller**

**Modifying the definition of an "account receivable" for purposes of commencing an action.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1145.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1145, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1145, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1149, by Representatives O'Brien, Dunn, McCune, Wallace and Simpson**

**Eliminating advance property tax payments for binding site plans.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1149.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1149, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1149, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1229, by Representative B. Sullivan**

**Correcting references to the state wildlife account.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1229.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1229, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1229, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1258, by Representatives Alexander, Hunt, Curtis and Simpson**

**Changing the disbursement of funds by air pollution control agencies.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1258 was read the second time.

The bill was placed on final passage.

Representatives Alexander and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1258.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1258, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

SUBSTITUTE HOUSE BILL NO. 1258, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Springer congratulated Representative Goodman on the birth of his first son, Felix on January 26, 2007.

#### SECOND READING

**HOUSE BILL NO. 1038, by Representatives Morris, Hudgins, Anderson, Moeller and B. Sullivan**

**Developing regional compacts for siting electric transmission lines.**

The bill was read the second time.

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

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1038.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1038 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1038, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1039, by Representatives B. Sullivan, Kenney and Chase**

**Allowing the department of ecology to issue opinions for a portion of a facility under the model toxics control act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1039 was substituted for House Bill No. 1039 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1039 was read the second time.

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

Representatives B. Sullivan and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1039.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1039 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

SUBSTITUTE HOUSE BILL NO. 1039, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1042, by Representatives Rodne, Pedersen, Moeller and Lantz**

**Modifying the share acquisition time period for engaging in a significant business transaction.**

The bill was read the second time.

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

Representatives Rodne and Pedersen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1042.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1042, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1057, by Representatives Hudgins, Dunshee, Wood and Chase**

**Requesting information on the use of alternative fuels.**

The bill was read the second time.

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

Representatives Hudgins and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1057.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1057 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Curtis, and Dunn - 3.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1057, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1086, by Representatives Morrell, Bailey, Green, Cody, Ericks, Dickerson, Linville, Sells, Moeller, Blake, Flannigan, Miloscia, Hunter, Pettigrew, Conway, Lantz, Kagi, Appleton, Ormsby, Hudgins, Clibborn, Kenney, Wallace, Santos, Simpson and Schual-Berke**

**Revising requirements for long-term care insurance.**

The bill was read the second time.

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

Representatives Morrell and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1086.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1086 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1086, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1143, by Representatives Lantz, O'Brien, Williams, Campbell, Rodne, Goodman and Moeller**

**Concerning notices of dishonor.**

The bill was read the second time.

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

Representatives Lantz and Rodne spoke in favor of passage of the bill.

Representative Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1143.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1143 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1143, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1231, by Representatives Kirby, Roach, Simpson, Strow and Santos**

**Modifying provisions concerning pawnbrokers.**

The bill was read the second time.

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

Representatives Kirby and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1231.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1231 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien,

Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

HOUSE BILL NO. 1231, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1029, by Representatives B. Sullivan, Linville and Morris**

**Defining E85 motor fuel.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1029 was substituted for House Bill No. 1029 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1029 was read the second time.

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

Representatives B. Sullivan and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1029.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1029 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Quall - 1.

SUBSTITUTE HOUSE BILL NO. 1029, having received the necessary constitutional majority, was declared passed.

**SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE BILL NO. 1025,

SECOND SUBSTITUTE HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1168,

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

There being no objection, the House adjourned until 9:55 a.m., January 30, 2007, the 23rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

SIXTIETH LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, January 30, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4612, by Representatives DeBolt and Roach

WHEREAS, Karen Bolin was born as Karen Frances in Barberton, Ohio, on July 24, 1953; and

WHEREAS, Karen loved her family very much, marrying John Bolin in 1974 and possessing a close marriage highlighted by mutual devotion, fun, and adventure, raising two wonderful children, Ehren and Elaine, enjoying one adorable grandson, Colin, and remaining very close to her sister, Jane Chaney; and

WHEREAS, Karen Bolin was a 27-year resident of Auburn and worked as a bookseller at the Barnes & Noble bookstore in Federal Way; and

WHEREAS, Karen enjoyed gardening and especially motorcycle riding, an activity she began with her husband John in the late 1980s; and

WHEREAS, Her interest in motorcycle riding led Karen to become involved as one of the original members of the Washington Road Riders Association, a group that now has more than 500 members; and

WHEREAS, Karen distinguished herself in the Washington State Legislature as an official and lobbyist for the Washington Road Riders Association, advocating for issues and causes benefitting motorcycling, as well as helping to improve several bills affecting motorcyclists; and

WHEREAS, Karen Bolin helped broaden the influence of motorcyclists by using her very bright mind, political savvy, and astute observations, and showing motorcyclists how to work constructively with legislators and other officials; and

WHEREAS, Karen's dynamic and friendly personality, excellent sense of humor, and loyalty to principles earned her many friends and admirers in Olympia and throughout the motorcycling community in Washington and other states; and

WHEREAS, Although Karen Bolin lost her battle to cancer on October 30, 2006, she fought her battle to the end with courage, strength, and inspiration;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington remember and honor the life and work of Karen Bolin; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Karen's husband, John Bolin, and her two children, Ehren Bolin and Elaine Bolin-Parsons.

HOUSE RESOLUTION NO. 4612 was adopted.

**INTRODUCTION & FIRST READING**

HB 1822 by Representatives Simpson, Haigh, Appleton, Moeller, Darneille, Williams, Hunt, Hurst, Ormsby and Schual-Berke

AN ACT Relating to reduced cigarette ignition propensity; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1823 by Representatives Kenney, Santos, Pettigrew, McIntire, Hasegawa, Moeller and Ormsby

AN ACT Relating to the creation of the business school association for small business growth; adding a new section to chapter 28B.20 RCW; and making appropriations.

Referred to Committee on Higher Education.

HB 1824 by Representatives Chase, O'Brien, Simpson, Williams and Ormsby

AN ACT Relating to benefits for the survivors of certain firefighters; and amending RCW 41.18.080 and 41.18.100.

Referred to Committee on Appropriations.

HB 1825 by Representatives Schual-Berke, Curtis, Dunshee, Moeller, Lovick, Morrell, Seaquist, McCoy, Clibborn, Barlow, Green, Appleton, Pedersen, Darneille, P. Sullivan, Kenney, Rolfes, Simpson, McIntire, Roberts and Ormsby

AN ACT Relating to public health funding; amending RCW 82.24.020, 43.70.575, and 43.70.520; adding new sections to chapter 43.70 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Health Care & Wellness.

HB 1826 by Representatives Seaquist, Hinkle, Morrell, Moeller and Ormsby; by request of Department of Social and Health Services

AN ACT Relating to medical benefits; amending RCW 74.09A.005, 74.09A.010, and 74.09A.020; and adding a new section to chapter 74.09A RCW.

Referred to Committee on Health Care & Wellness.

HB 1827 by Representatives Santos, Hasegawa, Campbell, Kenney, McDermott, Hunt, Appleton, Haler, Blake, Hankins, Green, Upthegrove, Williams, Simpson, McIntire and Ormsby

AN ACT Relating to tax expenditure reports; and amending RCW 43.06.400 and 43.88.030.

Referred to Committee on Finance.

HB 1828 by Representatives Sells, Campbell, Conway, Cody, Green, Seaquist, McCoy, Chase, Dunshee, Wood, Moeller, Kenney, P. Sullivan, B. Sullivan, Kirby, Roberts, Appleton, Blake, Hasegawa, Hunt, Miloscia, Lovick, Morrell, Williams, Rolfes, Hurst, Simpson and Ormsby

AN ACT Relating to establishing a state tax policy that requires persons claiming certain tax incentives to maintain neutrality towards unionization; amending RCW 82.32.545, 82.04.250, 82.04.4461, 82.04.4463, 82.04.4487, 82.08.975, 82.08.980, 82.08.981, 82.12.975, 82.12.981, 84.36.655, and 82.29A.137; adding new sections to chapter 82.32 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1830 by Representatives O'Brien, Pearson and Anderson

AN ACT Relating to creating the emergency transportation grant program; amending RCW 82.26.020; adding new sections to chapter 18.73 RCW; adding a new section to chapter 43.135 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1829 by Representatives Morrell, Ericksen, Appleton, Priest, Moeller, Strow, Campbell, Conway, Wallace, Fromhold, Miloscia, Armstrong, P. Sullivan, Haler, Pettigrew, Crouse, Darneille, McDonald, Green, Hinkle, Seaquist, Simpson, Van De Wege, Lovick, O'Brien, Kenney, Rolfes and Ormsby

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.020, 74.46.165, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.439, 74.46.496, 74.46.501, 74.46.506, 74.46.508, 74.46.511, 74.46.515, and 74.46.521; adding new sections to chapter 74.46 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1831 by Representatives Hunt, Armstrong, Appleton, Miloscia, Priest, Green, Ormsby, Williams, Hudgins, Condotta and Moeller

AN ACT Relating to the definition for election cycle; and amending RCW 42.17.020.

Referred to Committee on State Government & Tribal Affairs.

HB 1832 by Representatives Hunt, Chandler, Williams, Ormsby and Condotta

AN ACT Relating to limitation on actions; and amending RCW 42.17.410.

Referred to Committee on State Government & Tribal Affairs.

HB 1833 by Representatives Conway, Pettigrew, Seaquist, Upthegrove, Morrell, Kessler, P. Sullivan, Williams, Kenney, Haler, Ericksen, Moeller, Sells, Dunn, Rolfes, Lantz, McCoy, Lovick, Jarrett, Strow, Hurst, Springer, Campbell, Goodman, Simpson, Pearson, Curtis, Rodne, Schual-Berke, McDermott and Ormsby

AN ACT Relating to occupational diseases affecting firefighters; amending RCW 51.32.185; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1834 by Representatives Alexander, Haler, Chandler, Bailey and Kretz

AN ACT Relating to appropriations legislation; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1835 by Representatives Alexander, Haler, Bailey, Rodne, Chandler and Kretz

AN ACT Relating to the state expenditure limit; and amending RCW 43.135.010, 43.135.025, and 43.135.035.

Referred to Committee on Appropriations.

HB 1836 by Representatives Ericks, Pearson, Lovick, Williams, Kelley, Kretz, Hurst and Simpson

AN ACT Relating to requiring registered sex and kidnapping offenders to register after serving a term of confinement for a subsequent offense that is not a sex or kidnapping offense; and reenacting and amending RCW 9A.44.130.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1837 by Representatives Newhouse, Cody and Schual-Berke

AN ACT Relating to directing the department of health to develop guidelines for the safety of individuals who rely upon stretchers and personal mobility devices; amending RCW 18.73.180; adding a new section to chapter 18.73 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1838 by Representatives Seaquist, Haler, McIntire, Conway, Kenney, Simpson and Ormsby

AN ACT Relating to the retirement allowances of certain members who die before retirement when they could have

retired with thirty years of service credit; and amending RCW 41.32.520 and 41.40.270.

Referred to Committee on Appropriations.

HB 1839 by Representative Anderson

AN ACT Relating to suspending certain collective bargaining agreements and administrative rules in the event of a disaster; adding a new section to chapter 49.36 RCW; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Commerce & Labor.

HB 1840 by Representatives Anderson, O'Brien, Pearson and Kessler

AN ACT Relating to emergency communications; and creating new sections.

Referred to Committee on Technology, Energy & Communications.

HB 1841 by Representatives Anderson, O'Brien, Pearson, Rodne, Hurst and Campbell

AN ACT Relating to requiring certain providers of food, water, or fuel to operate on backup power in the event of a disaster; adding a new section to chapter 4.24 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1842 by Representatives Kenney, Conway, Campbell, McDonald and Ormsby

AN ACT Relating to strengthening requirements governing cosmetology professions; amending RCW 18.16.100 and 18.16.180; reenacting and amending RCW 18.16.175; adding new sections to chapter 18.16 RCW; and repealing RCW 18.16.210.

Referred to Committee on Commerce & Labor.

HB 1843 by Representatives Conway, Condotta, Chandler and Moeller; by request of Department of Labor & Industries

AN ACT Relating to the regulation of construction contractors; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.080, 18.27.090, 18.27.104, 18.27.114, 18.27.200, 18.27.210, 18.27.230, 18.27.240, 18.27.250, 18.27.270, 18.27.290, and 18.27.310; adding a new section to chapter 18.27 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1844 by Representatives Morrell, Hinkle, Moeller, Strow, Curtis, Green, Simpson, Kagi, Fromhold and P. Sullivan

AN ACT Relating to revising the nursing facility payment system; amending RCW 74.46.431, 74.46.433, 74.46.506,

74.46.511, 74.46.515, and 74.46.521; adding a new section to chapter 74.46 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1845 by Representatives Simpson, Lovick, B. Sullivan, Springer and Appleton

AN ACT Relating to requiring and funding driver training for all new first-time drivers; amending RCW 46.20.100; reenacting and amending RCW 46.63.110; and adding new sections to chapter 74.08A RCW.

Referred to Committee on Transportation.

HB 1846 by Representatives Cody, Sommers, Hunter, Fromhold, Kenney, Moeller, Simpson and Ormsby

AN ACT Relating to the health care facilities authority; amending RCW 70.37.090; reenacting and amending RCW 70.37.050; adding new sections to chapter 70.37 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1847 by Representatives O'Brien, Warnick, Eickmeyer, Dunn, Darneille and Simpson

AN ACT Relating to lead poisoning prevention; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Select Committee on Environmental Health.

HB 1848 by Representatives Curtis, Cody, Hinkle, Condotta, Orcutt, Fromhold, Moeller and Campbell

AN ACT Relating to identification for health services applicants; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Health Care & Wellness.

HB 1849 by Representatives Flannigan and Ormsby; by request of Department of Transportation

AN ACT Relating to design-build construction for transportation projects; and amending RCW 47.20.780.

Referred to Committee on Transportation.

HB 1850 by Representatives Pedersen, Schual-Berke, Morrell, Cody, Hasegawa, Moeller, Rolfes, Lantz, Green, Hurst, Campbell and Ormsby

AN ACT Relating to prescription information; and adding a new section to chapter 69.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 1851 by Representatives O'Brien, Chandler, Flannigan and Dunn

AN ACT Relating to authorizing a sales tax by cities to fund criminal justice system costs; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1852 by Representatives Green, Cody, Kenney and Schual-Berke; by request of Department of Social and Health Services

AN ACT Relating to treatment records; and amending RCW 71.05.630 and 71.05.020.

Referred to Committee on Health Care & Wellness.

HB 1853 by Representatives Cody, Green, Morrell, Appleton, Kenney, Moeller and Ormsby; by request of Department of Social and Health Services

AN ACT Relating to case management services for dangerous mentally ill offenders; and amending RCW 71.24.470.

Referred to Committee on Health Care & Wellness.

HB 1854 by Representatives Dickerson, Darneille, Roberts, Appleton, Kenney and Hurst; by request of Department of Social and Health Services

AN ACT Relating to background check requirements for the department of social and health services and the department of early learning; amending RCW 26.33.190, 26.44.030, 41.06.475, 43.43.830, 43.43.832, 43.43.842, 70.128.120, 70.128.130, 70.129.130, 71.09.115, 71.09.300, and 72.23.035; reenacting and amending RCW 74.15.030; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 41.06.476, 43.20A.710, 41.06.480, and 72.05.440; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Early Learning & Children's Services.

HB 1855 by Representatives Schual-Berke, Kessler, Walsh, Appleton, Linville, Darneille, Hankins, Kenney, Lantz, Green, McCoy, Quall, Morrell, Haigh, Fromhold, Hunt, Dunshee, P. Sullivan, McDermott, McIntire, Wood, Dickerson, Ericks, Moeller, Pedersen, Conway, Hasegawa, Roberts, Seaquist, Kagi, Sells, Upthegrove, Williams, Goodman, Simpson and Springer

AN ACT Relating to providing sexual health education in schools that is consistent with the 2005 guidelines for sexual health information and disease prevention; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1856 by Representatives Roberts, Jarrett, Wallace, Upthegrove, Chase, Barlow, Hasegawa, Lovick, Kenney, Kessler, Kagi, Lantz and Simpson

AN ACT Relating to child care programs for higher education students; amending RCW 28B.135.010 and 28B.135.030; and repealing RCW 28B.135.020.

Referred to Committee on Higher Education.

HB 1857 by Representatives McCoy, Kessler, Haler, Rodne, Crouse, Wallace, Grant, Morris, Hudgins and Seaquist

AN ACT Relating to regulating utility pole attachments; amending RCW 54.04.045; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1858 by Representatives Fromhold, Curtis, Clibborn, Jarrett, Simpson, Springer and Moeller

AN ACT Relating to the imposition of fees by transportation benefit districts; and amending RCW 36.73.065 and 82.80.140.

Referred to Committee on Transportation.

HB 1859 by Representatives Goodman and Priest; by request of Statute Law Committee

AN ACT Relating to publications of the statute law committee; and amending RCW 40.04.031, 1.08.110, 34.05.210, 34.05.312, 34.05.380, and 42.56.580.

Referred to Committee on Judiciary.

HB 1860 by Representatives Dunn, McCune and Kretz

AN ACT Relating to restoring the American dream by providing a tax exemption for property that has declined in value due to shoreline or growth management regulation; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1861 by Representatives Dunn and McCune

AN ACT Relating to restoring the American Dream by eliminating impact fees in counties and cities in counties where the first-time buyer housing affordability index shows that housing is not affordable; amending RCW 82.02.100; adding new sections to chapter 82.02 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1862 by Representatives Dunn and McCune

AN ACT Relating to restoring the American dream by allowing single-family residential development outside urban growth areas in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1863 by Representatives Dunn and McCune

AN ACT Relating to restoring the American dream by eliminating the state sales tax on construction labor and services in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1864 by Representative Takko

AN ACT Relating to water-sewer districts; adding a new section to chapter 35.13A RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

HB 1865 by Representatives Williams, O'Brien, Springer, Fromhold, Warnick and McCune

AN ACT Relating to limiting the obligations of landlords under writs of restitution; amending RCW 59.18.312; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1866 by Representatives Condotta, Armstrong, McDonald, Haler, Rodne, Ahern, Bailey, Kristiansen, McCune, Morrell, P. Sullivan, Moeller and Kretz

AN ACT Relating to purple heart special license plates; amending RCW 46.16.237 and 46.16.270; reenacting and amending RCW 46.16.305; and creating a new section.

Referred to Committee on Transportation.

HB 1867 by Representatives Fromhold, Wallace and Moeller

AN ACT Relating to increasing penalties in safety corridors; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1868 by Representatives Seaquist, Kenney, Dunn and Roberts

AN ACT Relating to the use of a wireless communications device while operating a moving motor vehicle; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1869 by Representatives Green, Flannigan, Appleton, Morrell, Darneille, Hasegawa, Williams, Kenney, Hunt, Sells, Moeller, Lantz, Campbell, Simpson, Roberts and Ormsby

AN ACT Relating to providing coverage for hearing aids; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1870 by Representatives Pedersen, Ross, Lovick, Bailey, Hunt, Hasegawa, Pettigrew, Skinner, Flannigan, Darneille, Roberts, Newhouse, Hankins, Walsh, Appleton, Santos, Lantz, McCoy, Rodne, Schual-Berke, Ormsby, Upthegrove, Morrell, Kessler, Williams, Kenney and McDermott

AN ACT Relating to a Washington state day of remembrance for Juneteenth; amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1871 by Representative Santos

AN ACT Relating to education system benchmarks and monitoring; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Education.

HB 1872 by Representative Santos

AN ACT Relating to enhancing student learning opportunities and student achievement; amending RCW 28A.150.210 and 28A.505.210; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 28A.630 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Education.

HB 1873 by Representatives Ormsby, Haler, Pedersen, Wood, Van De Wege, Campbell, Flannigan, Kessler, Williams and Lantz

AN ACT Relating to actions for wrongful injury or death; amending RCW 4.20.010, 4.20.020, 4.20.060, and 4.24.010; and creating a new section.

Referred to Committee on Judiciary.

HB 1874 by Representatives Roberts, Dickerson, Green, Pettigrew, O'Brien, Kagi, Dunshee, Hunt, Goodman, Jarrett, Darneille, Hasegawa, McCoy, Appleton, Upthegrove, Kessler, Kenney, Moeller, Lantz, Sells, Hurst, Simpson, McIntire and Ormsby

AN ACT Relating to transition and reentry of offenders into the community; amending RCW 9.94A.728, 72.09.460, 9.94A.737, 9.96.050, and 9.94A.637; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.63A RCW; adding a new chapter to Title 72 RCW; creating new

sections; making appropriations; and providing expiration dates.

Referred to Committee on Human Services.

HJR 4216 by Representatives Alexander, Haler, Chandler, Bailey, McCune and Kretz

Amending the state Constitution to require that appropriation bills are made available prior to a vote.

Referred to Committee on Appropriations.

HJR 4217 by Representatives Alexander, Haler, Bailey, Rodne, Chandler and Kretz

Amending the state Constitution to include an expenditure limit.

Referred to Committee on Appropriations.

HJR 4218 by Representatives Bailey, Alexander, Curtis, Buri, Hinkle, Ericks, Chandler, Dunn, Priest, Sump, Anderson, Haler, Kristiansen, Ahern, McCune and Kretz

Requiring a sixty percent vote for emergency clauses.

Referred to Committee on State Government & Tribal Affairs.

HJR 4219 by Representatives McCune, Dunn, Ahern and Hinkle

Amending the Constitution to establish English as the official language of Washington.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

January 26, 2007

HB 1006 Prime Sponsor, Representative Moeller: Studying electronic filing of disclosure reports. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Appropriations.

January 25, 2007

HB 1067 Prime Sponsor, Representative Haigh: Authorizing certain members of the teachers' retirement system plan 1 to join the public employees' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1072 Prime Sponsor, Representative McIntire: Conforming Washington's tax structure to the streamlined sales and use tax agreement. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1077 Prime Sponsor, Representative Blake: Modifying requirements concerning the public disclosure of sensitive fish and wildlife information. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1084 Prime Sponsor, Representative Blake: Designating the Lady Washington as the official ship of the state of Washington. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 25, 2007

HB 1122 Prime Sponsor, Representative Kretz: Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural

treatments. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

January 25, 2007

HB 1123 Prime Sponsor, Representative Strow: Clarifying the authority of the department of natural resources with respect to certain aquatic lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

January 25, 2007

HB 1124 Prime Sponsor, Representative Van De Wege: Adding the department of natural resources to the definition of "employer" under RCW 41.37.010. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1196 Prime Sponsor, Representative Hunt: Regulating legislators' mail to constituents. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 25, 2007

HB 1200 Prime Sponsor, Representative Conway: Purchasing service credit in plan 2 and plan 3 of

the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1218 Prime Sponsor, Representative Conway: Modifying gambling commission powers and duties to temporarily issue, suspend, and renew licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1279 Prime Sponsor, Representative Skinner: Establishing the poet laureate program. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Held for further consideration.

January 26, 2007

HB 1291 Prime Sponsor, Representative Quall: Allowing advance deposit wagering to continue beyond October 1, 2007. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1328 Prime Sponsor, Representative Santos: Concerning small works roster contracting

procedures. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1345 Prime Sponsor, Representative Wood: Prohibiting minors from participating in gambling activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., January 31, 2007, the 24th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, January 31, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Danni Mansfield and Evan Fowler. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Mary Olney-Loyd, First Christian Church, Olympia.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4613, by Representatives Quall, Kenney, O'Brien, Skinner, Springer, Miloscia, Green, Hasegawa, Seaquist, Morrell, Conway and Hankins

WHEREAS, Catholic schools will be celebrating "Catholic Schools Week 2007" by recognizing the good news in education today; and

WHEREAS, Across the United States, close to half of the students enrolled in private schools attend Catholic schools; and

WHEREAS, Catholic schools encourage parent and community involvement in schools via a school board, commission, council, or parent organization; and

WHEREAS, Close to 200,000 teachers and staff have answered the call to service in Catholic schools; and

WHEREAS, The 7,800 Catholic schools in the United States, both elementary and secondary, save the government and taxpayers up to \$20 billion dollars a year in public school expenses; and

WHEREAS, Catholic education is an integral part of the mission of the Catholic Church, and its strong commitment to students and educational excellence is of great value to the State of Washington; and

WHEREAS, Catholic schools have been enriching students' lives in Washington State for more than one hundred fifty years; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs, and the schools are committed to serving students of diverse backgrounds; and

WHEREAS, Catholic schools have produced many of our finest leaders throughout this state and nation, committed to service, and Catholic Schools Week provides an opportunity to celebrate the contributions of the schools to our State; and

WHEREAS, Catholic schools across the nation are celebrating "Catholic Schools Week 2007";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Catholic schools of Washington State and honor their academic excellence and faith-based instruction during this celebration of Catholic

Schools Week, January 28, 2007, through February 3, 2007; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

Representative Quall moved the adoption of the resolution.

Representatives Quall and DeBolt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4613 was adopted.

HOUSE RESOLUTION NO. 2007-4614, by Representatives Linville, Armstrong, Hankins and Skinner

WHEREAS, Washington is home to 241,000 dairy cows; and

WHEREAS, Washington's dairy cows are the most productive in America, averaging more than 300 gallons above the national average; and

WHEREAS, Washington's dairy farms have a three and a half billion dollar economic impact each year; and

WHEREAS, Over eighty percent of Washington's dairy farms have less than 500 cows; and

WHEREAS, Washington's dairy industry is actually older than the state itself; and

WHEREAS, The first creamery in Washington was started in Cheney in 1880, at a time when cattle outnumbered territorial residents by more than two-to-one; and

WHEREAS, January 31, 2007, marks the observance of Legislative Dairy Day, an annual event celebrated at the state capitol of the great state of Washington for well over thirty years; and

WHEREAS, Legislative Dairy Day honors the dairy industry, which is the second largest agricultural industry in this state, for the extensive contributions it makes to the economic well-being of our state as well as its invaluable contribution in providing an indispensable part of a healthy, balanced, and nutritious diet, with such irreplaceable products as milk, cheese, ice cream, yogurt, and many other dairy products; and

WHEREAS, Legislative Dairy Day also honors the Washington State Dairy Federation which, as a professional organization of dairy farmers, provides an exceptional voice for the contribution and special concerns of the dairy farmers; and

WHEREAS, The Washington State Dairy Federation is the proud sponsor of this observance; and

WHEREAS, Trista Van Berkum of Mount Vernon is a 2006 graduate of Mount Vernon Christian, where she lettered twice and was a Student Council member; andne WHEREAS, Ms. Van Berkum is serving a nine-month internship with the Washington Dairy Products Commission; and

WHEREAS, Ms. Van Berkum's coalternates are Melisa Lancaster of Lynden who represents the Whatcom County dairy farmers; and Debbie Branch of Onalaska who represents the Lewis County dairy farmers;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Dairy Federation, to Washington State Dairy Ambassador Trista Van Berkum, and to co-alternates Melisa Lancaster and Debbie Branch.

Representative Linville moved the adoption of the resolution.

Representatives Linville and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4614 was adopted.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) welcomed the Washington State Dairy Ambassador to the House of Representatives.

#### **MESSAGE FROM THE SENATE**

January 30, 2007

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1168,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

#### **INTRODUCTION & FIRST READING**

HB 1875 by Representatives Kenney, Haigh, Sells, Moeller, McDermott, Appleton, Wallace, Lantz, Hasegawa, P. Sullivan, Ormsby, Conway, Roberts, O'Brien and Goodman

AN ACT Relating to employment opportunities at institutions of higher education; adding a new section to chapter 28B.52 RCW; and adding a new section to chapter 41.76 RCW.

Referred to Committee on Higher Education.

HB 1876 by Representatives Conway, Wood, O'Brien and Ormsby

AN ACT Relating to certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work; amending RCW 18.27.060; reenacting and amending RCW 43.84.092; adding new chapters to Title 18 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1877 by Representatives Conway, Curtis, Green, Condotta, Williams, Walsh, Wood, Anderson, Haler, Crouse, Kenney, Hasegawa and Ormsby

AN ACT Relating to payment of industrial insurance medical aid claims; and amending RCW 51.36.010.

Referred to Committee on Commerce & Labor.

HB 1878 by Representatives Kristiansen, Linville, Curtis, Blake, Orcutt, Ericks, Hinkle, Grant, B. Sullivan, McCune, Ericksen, Pearson, Sump, Morrell, Newhouse, Dunn and Warnick

AN ACT Relating to vocational rehabilitation services for volunteer firefighters and reserve officers; amending RCW 41.24.010; adding a new section to chapter 41.24 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1879 by Representatives Blake, B. Sullivan, Moeller, Kretz, Morris, Strow, Pettigrew, Orcutt, Armstrong, McCoy, Linville, Van De Wege, Takko, Lovick, Williams, Haigh, P. Sullivan, Sump, Kenney and Ormsby

AN ACT Relating to allowing the department of natural resources to provide nonprofit organizations with nominally valuable materials; and amending RCW 79.15.010.

Referred to Committee on Agriculture & Natural Resources.

HB 1880 by Representatives Wallace, Anderson, Ormsby, Buri, Curtis, Haigh, Priest, Armstrong, Jarrett, Roberts, Kenney, Conway, Morrell and Wood

AN ACT Relating to creating the skills-based economic growth program; amending RCW 28C.18.010; adding new sections to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1881 by Representatives Wallace, Moeller, Haigh, McDermott, Kagi, Roberts, O'Brien, Kenney, Hurst and Ormsby

AN ACT Relating to modification of the higher education coordinating board; amending RCW 28B.76.050, 28B.76.090, and 28B.76.210; repealing RCW 28B.76.100; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1882 by Representatives Wallace, Moeller, Haigh, McDermott, Kagi, Roberts, O'Brien, Kenney, Hurst and Ormsby

AN ACT Relating to higher education costs; amending RCW 28B.15.820 and 28B.92.080; reenacting and amending RCW 43.79A.040; adding new sections to chapter 28B.15 RCW; adding new sections to chapter 28B.50 RCW; adding new chapters to Title 28B RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 1883 by Representatives Wallace, Anderson, Chase, Jarrett, Moeller, McDermott, Priest, Haigh, Kagi, Roberts, Kenney and Conway

AN ACT Relating to modification of the higher education coordinating board; amending RCW 28B.76.050, 28B.76.090, 28B.76.100, 28B.76.200, and 28B.76.210; reenacting and amending RCW 28B.76.040; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1884 by Representatives Linville, Orcutt, Hailey, Eddy, Wood, Grant, Ericks, P. Sullivan, Pettigrew, O'Brien, McDonald, Kristiansen, Newhouse, Roach, Dunn, Springer, Bailey, McCune, Ormsby and Warnick

AN ACT Relating to creating an estate tax exemption for certain property held by qualified family-owned businesses; and adding a new section to chapter 83.100 RCW.

Referred to Committee on Finance.

HB 1885 by Representatives Goodman, Springer, Rodne, Jarrett, Eddy, Ericks, Hunter, O'Brien, Dunshee, Lovick, Anderson, Hasegawa, Miloscia, Kessler, Ormsby and Kenney

AN ACT Relating to the applied baccalaureate degree pilot program; amending RCW 28B.50.810; and creating a new section.

Referred to Committee on Higher Education.

HB 1886 by Representatives Appleton, Hasegawa, Ormsby, Moeller, Pettigrew, Schual-Berke, Dickerson, Simpson, Williams, Darneille, Flannigan, Hunt, Chase, McCoy, Green and Wood

AN ACT Relating to health care financing; amending RCW 41.05.130, 66.24.290, 82.24.020, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; reenacting and amending RCW 41.05.120; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; making an appropriation; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1887 by Representatives Linville, Armstrong and Grant

AN ACT Relating to allowing identicaid renewal by mail or electronic commerce for individuals over the age of seventy; amending RCW 46.20.117; and providing an effective date.

Referred to Committee on Transportation.

HB 1888 by Representatives Linville, Newhouse, Grant, Hailey and B. Sullivan

AN ACT Relating to Brassica seed production; adding a new chapter to Title 15 RCW; repealing RCW 15.65.055 and 15.66.025; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1889 by Representatives Barlow, Hankins, O'Brien, Blake and Ormsby

AN ACT Relating to the wild horse coordinated resource management plan; creating new sections; and making appropriations.

Referred to Committee on Agriculture & Natural Resources.

HB 1890 by Representatives Strow, O'Brien, Darneille, Jarrett, Williams, Hasegawa, Lantz, Pedersen, Hunt, Flannigan, Wood and Ormsby

AN ACT Relating to requiring DNA evidence prior to the imposition of the death penalty; adding new sections to chapter 10.95 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 1891 by Representatives Linville, Orcutt, Quall, Cody, Hinkle, Hurst and Dunn

AN ACT Relating to business and occupation tax deductions for drugs dispensed pursuant to prescription; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1892 by Representatives Goodman, Rodne, O'Brien, Jarrett, Lovick and Priest

AN ACT Relating to the impoundment of vehicles by police officers; and amending RCW 46.55.113 and 46.16.010.

Referred to Committee on Transportation.

HB 1893 by Representatives Chase, Morris, B. Sullivan, Hunt, Morrell, Hudgins, Dunshee, Eickmeyer, O'Brien and Kenney

AN ACT Relating to establishing greenhouse gases emission performance standards; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1894 by Representatives Chase, Newhouse, Campbell and Skinner

AN ACT Relating to auctioning vessels; and amending RCW 88.02.230 and 46.70.011.

Referred to Committee on Commerce & Labor.

HB 1895 by Representatives Chase, Morris and Eickmeyer

AN ACT Relating to E85 fuel tax rates; adding a new section to chapter 82.36 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1896 by Representative Hunt

AN ACT Relating to creating a legislative gift center; and adding a new chapter to Title 44 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1897 by Representatives Williams and Hunt

AN ACT Relating to disclosure of attorney invoices; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1898 by Representatives Quall, Conway, Haler, Santos, Appleton, McDermott, Haigh, P. Sullivan, Chase, Green, Fromhold, Moeller, Wood, Simpson, Linville, Hunt, Barlow, Sells, Hasegawa, Kenney, Hudgins, Morrell and Ormsby

AN ACT Relating to apprenticeship utilization requirements on school district public works projects; and amending RCW 39.04.310 and 39.04.320.

Referred to Committee on Commerce & Labor.

HB 1899 by Representatives Grant, Walsh, Linville, Hailey, Newhouse and Dunn

AN ACT Relating to extending the expiration date for the tax deduction for certain businesses impacted by the ban on American beef products; amending RCW 82.04.4336; and providing an expiration date.

Referred to Committee on Finance.

HB 1900 by Representatives Kretz, Appleton, Armstrong, Hunt and Chandler; by request of Secretary of State

AN ACT Relating to updating public records provisions; amending RCW 36.22.175, 42.17.020, 10.97.140, 42.56.240, 42.56.320, and 43.07.380; adding new sections to chapter 40.14 RCW; creating a new section; and repealing RCW 40.14.010, 40.14.020, 40.14.022, 40.14.024, 40.14.025, 40.14.027, 40.14.030, 40.14.040, 40.14.050, 40.14.060, 40.14.070, 40.14.080, 40.14.100, 40.14.110, 40.14.120, 40.14.130, 40.14.140, 40.14.150, 40.14.160, 40.14.170, and 40.14.180.

Referred to Committee on State Government & Tribal Affairs.

HB 1901 by Representatives Grant, Newhouse, Linville, Orcutt, Blake, Hailey, Walsh, Morrell, Kristiansen, Dunn and Hinkle

AN ACT Relating to the sales and use taxation of repairs to farm machinery and equipment; and amending RCW 82.08.855 and 82.12.855.

Referred to Committee on Finance.

HB 1902 by Representatives Grant, Newhouse, Linville, Orcutt, Blake, Hailey, Walsh, P. Sullivan, Kristiansen, Dunn and Hinkle

AN ACT Relating to the sales and use taxation of repairs to farm machinery and equipment; and amending RCW 82.08.855 and 82.12.855.

Referred to Committee on Finance.

HB 1903 by Representatives Morris and Hudgins

AN ACT Relating to the rate of business and occupation taxation for persons engaged in certain life sciences research, development, and production; and reenacting and amending RCW 82.04.260.

Referred to Committee on Finance.

HB 1904 by Representative Anderson

AN ACT Relating to construction specifications for public schools; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1905 by Representatives Kagi, Conway, Seaquist, Anderson, Ormsby, Simpson, Williams, Rodne, Appleton, Kessler, P. Sullivan, Kenney, Hasegawa, Morrell, Wood and Santos

AN ACT Relating to early learning and child care programs grants; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 1906 by Representatives Hunter, Anderson, Wallace, Seaquist, Eddy, P. Sullivan, McDermott, Ormsby, McIntire, Pedersen, Rolfes, Barlow, Goodman, Rodne, O'Brien, Kenney, McDonald, Morrell, Newhouse, Roach, Hurst, Skinner, Wood and Bailey

AN ACT Relating to improving mathematics and science education; amending RCW 28A.660.005, 28A.660.050, and 28B.102.080; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.660 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 1907 by Representatives P. Sullivan, McDermott and Ormsby

AN ACT Relating to educator preparation, professional development, and compensation; amending RCW

28A.310.350; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.405 RCW; and creating new sections.

Referred to Committee on Education.

HB 1908 by Representatives Wood, Ormsby and Conway

AN ACT Relating to defining locality for purposes of paying prevailing wages on public works, including the off-site prefabrication of nonstandard, project-specific items; and amending RCW 39.12.010.

Referred to Committee on Commerce & Labor.

HB 1909 by Representatives Orcutt, B. Sullivan, Roach, Blake, Takko, Pearson, Kristiansen and Hinkle

AN ACT Relating to specialized forest products; amending RCW 76.48.020, 76.48.040, 76.48.050, 76.48.060, 76.48.070, 76.48.085, 76.48.094, 76.48.098, 76.48.110, 76.48.120, and 76.48.150; adding new sections to chapter 76.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1911 by Representatives McDermott, Hunt, Dunshee, Williams, Appleton, Green, Darneille, Hasegawa, Morrell, Wood and Ormsby

AN ACT Relating to state employee whistleblower protection; and amending RCW 42.40.020 and 42.40.050.

Referred to Committee on State Government & Tribal Affairs.

HB 1912 by Representatives Kagi, Haler, Eickmeyer, Appleton, O'Brien, Roberts, Hinkle, Upthegrove, Pettigrew, Lantz, Darneille, Hunt, Moeller, Schual-Berke, Kenney, Wood and Ormsby

AN ACT Relating to improving court hearings in dependency proceedings; amending RCW 13.34.060, 13.34.062, 13.34.065, 13.34.136, 13.34.138, and 13.34.145; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 1913 by Representatives Conway, Hunt, Appleton, Moeller, Green and Ormsby

AN ACT Relating to certifying an employee organization for the purposes of state collective bargaining; and amending RCW 41.56.060, 41.76.020, and 41.80.080.

Referred to Committee on Commerce & Labor.

HB 1914 by Representatives Buri, Hunt, Hinkle, Sells and Wood

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350.

Referred to Committee on State Government & Tribal Affairs.

HB 1915 by Representatives Darneille, McDermott, Moeller, Appleton, Morrell, Green, Ormsby, Flannigan, Goodman, Upthegrove and Santos

AN ACT Relating to human immunodeficiency virus insurance coverage; and amending RCW 43.70.670.

Referred to Committee on Health Care & Wellness.

HB 1917 by Representatives Grant, Chandler, Condotta and O'Brien

AN ACT Relating to the regulation of the HVAC/R profession; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.110, 18.106.130, 18.106.150, 18.106.170, 18.106.180, and 18.106.270; adding new sections to chapter 18.106 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1918 by Representatives Curtis, Ross, Eddy, Schindler, Takko, B. Sullivan, P. Sullivan and Ormsby

AN ACT Relating to urban growth area planning; and amending RCW 36.70A.115.

Referred to Committee on Local Government.

HB 1919 by Representatives Conway, Darneille, Morrell, Seaquist, Upthegrove, Schual-Berke, Kenney, Hudgins, Hasegawa, Ormsby and Santos

AN ACT Relating to apprenticeship utilization requirements on port district public works projects; and amending RCW 39.04.310 and 39.04.320.

Referred to Committee on Commerce & Labor.

HB 1920 by Representatives Conway and Wood

AN ACT Relating to overtime compensation for truckers transporting agricultural commodities; and amending RCW 49.46.130.

Referred to Committee on Commerce & Labor.

HB 1921 by Representatives Springer, Pettigrew, Santos, Walsh, Appleton, McDonald, Kenney, Darneille, Hasegawa and Ormsby

AN ACT Relating to providing assistance to homeless individuals and families; adding new sections to chapter 43.185C RCW; and making appropriations.

Referred to Committee on Housing.

HJM 4008 by Representatives Conway, Campbell, Green, Appleton, Hasegawa, Van De Wege, Ormsby, Moeller, Chase, Cody, Wood, Miloscia, Williams, Hunt, Dickerson, Morrell, Sells, Flannigan, Ericks and Kenney

Requesting that Congress enact the Employee Free Choice Act.

Referred to Committee on Commerce & Labor.

HJM 4009 by Representatives Kessler, Ericksen, Bailey, Roach, Hinkle, Ahern, Schual-Berke, Rodne, Chandler, Ross, Upthegrove, Kenney, Dunn, Ormsby and Santos

Requesting that Taiwan be allowed to participate in the World Health Organization.

Referred to Committee on Health Care & Wellness.

HJM 4010 by Representatives Ericksen, Bailey, Rodne, McDonald, Ahern, Hinkle, Haler, Strow and Santos

Calling on the President and Congress to enact the TUFTA.

Referred to Committee on Community & Economic Development & Trade.

HJR 4220 by Representatives Anderson, Kristiansen, Newhouse and Warnick

Amending the Constitution to prioritize basic education expenditures within the state appropriations process.

There being no objection, the bills, memorials and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated except for HOUSE JOINT RESOLUTION NO. 4220.

#### MOTION

Representative Buri moved that the rules be suspended and HOUSE JOINT RESOLUTION NO. 4220 be advanced to the Second Reading calendar and read in full.

Representative Buri spoke in favor of adoption of the motion.

Representative Kessler spoke against adoption of the motion.

There being no objection, Representatives Campbell and Simpson were excused.

#### ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance House Joint Resolution No. 4220 to the Second Reading calendar and the motion failed the House by the following vote: Yeas - 35, Nays - 61, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 35.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Excused: Representatives Campbell and Simpson - 2.

The motion, having not received the necessary two thirds majority, was declared failed.

There being no objection, HOUSE JOINT RESOLUTION NO. 4220 was referred to the Committee on Appropriations.

#### REPORTS OF STANDING COMMITTEES

January 30, 2007

HB 1141 Prime Sponsor, Representative Roberts: Modifying diversion records provisions. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1164 Prime Sponsor, Representative Alexander: Extending the sales and use tax credit for certain public facilities districts. Reported by Committee on Community & Economic Development & Trade

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

Referred to Committee on Finance.

January 30, 2007

HB 1217 Prime Sponsor, Representative Hinkle: Establishing standards for clubhouse rehabilitation services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1261 Prime Sponsor, Representative Crouse: Purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1265 Prime Sponsor, Representative Fromhold: Making technical corrections in the public retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

January 26, 2007

HB 1279 Prime Sponsor, Representative Skinner: Establishing the poet laureate program. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1300 Prime Sponsor, Representative Morrell: Modifying the powers and duties of health care disciplining authorities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow;

Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1441 Prime Sponsor, Representative Kenney: Creating the joint legislative community development fund committee. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Chase; Darneille; Rolfes and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Haler.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 1, 2007, the 25th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

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**TWENTY FIFTH DAY**


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House Chamber, Olympia, Thursday, February 1, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2007-4617, by Representative Santos

WHEREAS, Mr. Floyd Standifer is a true father of jazz and has been a performer and contributor to this true American art form for 60 years; and

WHEREAS, He has been a prominent and renowned jazz musician since leaving his studies in physics at the University of Washington in 1946 to further his studies in music, and became one of the favorite and most respected jazz musicians in the Pacific Northwest; and

WHEREAS, He mastered several instruments, including trumpet, flugelhorn, and saxophone, and the vocalization of bebop and jazz favorites and is well known as a true father of jazz; his creative expressions were a testimony to his values for peace and tranquility; and

WHEREAS, Mr. Standifer has kept jazz alive in the Pacific Northwest region through his 20-year stint at the New Orleans Jazz Club in Pioneer Square, an area where many musicians including Quincy Jones, Ray Charles, and Jimi Hendrix performed in their beginning years as musicians; and

WHEREAS, Along with performing jazz, he taught at Cornish College of the Arts, the University of Washington, Olympic College in Bremerton, and the Northwest School; and

WHEREAS, Mr. Standifer has given his talents freely to perform many benefits to enrich the lives of those less fortunate including the Have a Heart Help A Child Benefit for First Place, a school for homeless children, and has been a mentor to young and emerging musicians; and

WHEREAS, Floyd Standifer was born in North Carolina, raised in Portland and Gresham, Oregon and moved to Seattle and attended the University of Washington as a physics student; and

WHEREAS, In his passing, the state of Washington has lost a great legend and a respected resident of our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington, on behalf of the residents of the state of Washington, honor Floyd Standifer's life as a jazz musician, educator, father, and friend; he will be missed; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family and friends of Floyd Standifer.

HOUSE RESOLUTION NO. 4617 was adopted.

HOUSE RESOLUTION NO. 2007-4618, by Representatives Jarrett and Clibborn

WHEREAS, As the preeminent intelligence and paramilitary arm of the Central Intelligence Agency and the people of the United States of America, whenever there was a crisis or an emergency in Asia, Civil Air Transport and Air America were ready to immediately respond; and

WHEREAS, Tracing the organizations' roots to the Cold War, Civil Air Transport and Air America personnel served alongside allied intelligence agents and military personnel in the Far East, often in dangerous combat; and

WHEREAS, For twenty-five years, from 1950 to 1975, Civil Air Transport and Air America provided the United States government with a unique intelligence and paramilitary aerial capability that helped win the Cold War; and

WHEREAS, Missions included air dropping thousands of tons of food, evacuating civilians, rescuing downed United States aircrews, and emergency medical evacuations; and

WHEREAS, Civil Air Transport and Air America personnel flew with skill and courage in supplying the anticommunist forces in Southeast Asia. They were the first Americans in China and Korea and, after the United States military had withdrawn from Vietnam, Air America flight crews risked their lives to evacuate the last Americans; and

WHEREAS, The men and women of Civil Air Transport and Air America, and their families, willingly made sacrifices during times of conflict, war, and evacuations, for the protection of liberty and freedom; and

WHEREAS, More than two hundred forty Civil Air Transport and Air America personnel gave their lives in Asia; and

WHEREAS, The men and women of Civil Air Transport and Air America responded without reservation, serving with distinction and honor, truly an affirmation of the recognition they so richly merit for their faithful and successful service, and for the well-placed trust of their country in the preparedness and willingness of these heroic personnel;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the consistent readiness, bravery, and faithful service of Civil Air Transport and Air America personnel and families; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members of Civil Air Transport and Air America.

HOUSE RESOLUTION NO. 4618 was adopted.

**INTRODUCTION & FIRST READING**

HB 1922 by Representatives Pedersen, Pettigrew, Miloscia, McIntire, Walsh, Kagi, Appleton, Kenney, Hasegawa and Ormsby

AN ACT Relating to creating an independent youth housing program; adding new sections to chapter 43.63A RCW; creating new sections; and making appropriations.

Referred to Committee on Housing.

HB 1923 by Representatives Hunt and Condotta

AN ACT Relating to requirements for motor vehicle transporter license applications; and amending RCW 46.76.020.

Referred to Committee on Transportation.

HB 1924 by Representatives Hunt and Condotta

AN ACT Relating to deficiency claim limits for impoundment services provided by registered tow truck operators; and amending RCW 46.55.140.

Referred to Committee on Transportation.

HB 1925 by Representatives Curtis, Fromhold, Orcutt, Moeller, Wallace, Dunn and Hinkle

AN ACT Relating to removing a termination date affecting industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Local Government.

HB 1926 by Representatives Dickerson, Haler, Pettigrew, Conway, Hunt, Walsh, Dunshee, Upthegrove, Chase, Blake, Williams, Appleton, Sells, Armstrong, Green, Moeller, Darneille, Simpson, Takko, Kenney, Hasegawa, Santos and Schual-Berke

AN ACT Relating to the duties of the department of social and health services; and reenacting and amending RCW 74.13.031.

Referred to Committee on Early Learning & Children's Services.

HB 1927 by Representatives Walsh, Haler, Pettigrew, Hunt, Armstrong, Dunshee, Upthegrove, Chase, Blake, Williams, Green, Sells, Appleton, Conway, Moeller, Darneille, Simpson, Pedersen, Takko, Kenney, Hasegawa, Schual-Berke and Ormsby

AN ACT Relating to foster care benefits; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 1928 by Representatives Jarrett, Upthegrove and Schual-Berke; by request of Department of Health

AN ACT Relating to implementation of shellfish protection programs; and amending RCW 90.72.030 and 90.72.045.

Referred to Committee on Select Committee on Puget Sound.

HB 1929 by Representatives Hurst, Morris and Kenney

AN ACT Relating to authorizing utilities to engage in environmental mitigation efforts; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1930 by Representative Williams

AN ACT Relating to increasing the maximum term of rural, island, and intercounty rural district general obligation bonds; and amending RCW 27.12.222.

Referred to Committee on Local Government.

HB 1931 by Representatives Blake, Kretz, Grant, Newhouse, Hankins, Buri, DeBolt, Morris, Williams, Linville, Hinkle and Dunn

AN ACT Relating to agricultural activities occurring on agricultural lands; amending RCW 36.70A.060; adding new sections to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1933 by Representatives O'Brien, Pearson, Roberts, Walsh, McCoy, Sump, Darneille, Morrell, Anderson, Santos and Ormsby

AN ACT Relating to emergency shelters; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1934 by Representatives Lantz, Pedersen, Ormsby, Ericks and Wood

AN ACT Relating to the duties of the director of the office of civil legal aid; and amending RCW 2.53.020.

Referred to Committee on Judiciary.

HB 1935 by Representatives Williams, Campbell, Hunt, Moeller, Hasegawa, Conway, Green, Ericks and Flannigan

AN ACT Relating to real property; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

HB 1936 by Representatives Moeller, Williams, Hunt, Hasegawa, Ericks, Flannigan and Ormsby

AN ACT Relating to contractor licensing; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.065, 18.27.070, 18.27.075, 18.27.080, 18.27.090, 18.27.100, 18.27.104, 18.27.110, 18.27.114, 18.27.117, 18.27.120, 18.27.130, 18.27.200, 18.27.210, 18.27.225, 18.27.270, 18.27.310, 18.27.320, 18.27.340, 18.27.342, 18.27.360, 18.27.370, 18.100.140, 18.106.020, 18.106.180, 18.106.250, 18.160.030, 19.28.051, 19.28.191, 19.28.420, 19.158.020, 39.04.155, 39.06.010, 49.26.100, 50.04.145, 50.24.130,

51.08.070, 51.08.180, 51.12.070, 51.12.120, 60.04.011, 60.04.041, 70.87.220, and 70.87.240; reenacting and amending RCW 19.28.161; adding new sections to chapter 18.27 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1937 by Representative Lantz

AN ACT Relating to actions under chapter 19.86 RCW, the consumer protection act; amending RCW 19.86.080 and 19.86.090; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1938 by Representatives Hailey, Haler, Newhouse, Kretz, Warnick, Buri, Ahern, Grant, Kristiansen, Ericksen, Blake, Chandler, Walsh and Hinkle

AN ACT Relating to eliminating the partial relinquishment of water rights; and amending RCW 90.14.130, 90.14.160, 90.14.170, and 90.14.180.

Referred to Committee on Agriculture & Natural Resources.

HB 1939 by Representatives Goodman, Warnick, Rodne, Williams, Priest, Moeller, B. Sullivan, Cody, Chase, Pedersen, Lantz and Hinkle

AN ACT Relating to privileged communications; and reenacting and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 1940 by Representatives Schindler, Simpson, Crouse, McCune, Dunn, Moeller and Ormsby

AN ACT Relating to requiring state agencies to notify local governments of proposed land dispositions; adding a new section to chapter 43.17 RCW; adding a new section to chapter 79.11 RCW; adding a new section to chapter 79.17 RCW; adding a new section to chapter 79.22 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 77.04 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 47.12 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1941 by Representatives Conway, Hunt, Green, Moeller, McDermott, Appleton, Kenney, Hasegawa, Santos, Schual-Berke and Ormsby

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Appropriations.

HB 1942 by Representatives Appleton, Chandler, Pettigrew, Armstrong, McIntire, Hasegawa, Pedersen, Eddy, McDonald, Hudgins, O'Brien, McDermott, Pearson, Morrell, Kristiansen, Ormsby and Ericks

AN ACT Relating to disclosure of the dates of birth of public agency employees and volunteers under the public records act; and amending RCW 42.56.250 and 42.56.230.

Referred to Committee on State Government & Tribal Affairs.

HB 1943 by Representatives Hinkle, Curtis and Schual-Berke

AN ACT Relating to the medical disciplinary act; amending RCW 18.71.002, 18.71.003, 18.71.010, 18.71.015, 18.71.017, 18.71.019, 18.71.0191, 18.71.0195, 18.71.030, 18.71.040, 18.71.050, 18.71.051, 18.71.055, 18.71.060, 18.71.070, 18.71.080, 18.71.085, 18.71.090, 18.71.095, 18.71.230, 18.71.300, 18.71.310, 18.71.315, 18.71.320, 18.71.330, 18.71.350, 18.71A.010, 18.71A.020, 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.085, 18.130.040, 18.50.115, 69.45.010, 69.50.402, 69.51A.010, 69.51A.070, 70.41.230, 74.09.290, and 74.42.230; reenacting and amending RCW 18.71.205, 18.71A.040, 69.41.030, and 70.41.200; adding new sections to chapter 18.71 RCW; adding a new chapter to Title 18 RCW; creating new sections; repealing RCW 18.71.401 and 18.71.420; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1944 by Representatives Blake, Warnick, B. Sullivan, Kretz, Hailey, Pettigrew, Linville, Chandler, Kristiansen, Armstrong, Grant, Hinkle and Dunn

AN ACT Relating to excise tax exemptions for the handling and processing of livestock manure; and amending RCW 82.08.890 and 82.12.890.

Referred to Committee on Finance.

HB 1945 by Representatives Linville, Orcutt, Ericks, Alexander and Hinkle

AN ACT Relating to business and occupation taxation of health care services provided to government; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1946 by Representatives Wood, Campbell, Hudgins and Ormsby

AN ACT Relating to a pesticide use reporting system to protect human health and the environment; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Select Committee on Environmental Health.

HB 1947 by Representatives Cody, Hinkle, Schual-Berke, Morrell and Ormsby

AN ACT Relating to promoting chronic care management in medical assistance programs for full benefit dual eligible beneficiaries; adding a new section to chapter 74.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1948 by Representatives P. Sullivan, Walsh, Hinkle and Ormsby

AN ACT Relating to the construction or improvement of public school district facilities for youth-oriented activities; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Capital Budget.

HB 1949 by Representatives Williams, Conway, B. Sullivan, Strow, Sells, Appleton, Kessler, Hinkle, McCoy, Walsh, Chandler, Pearson, Condotta, Kenney, Hasegawa, Moeller and Ormsby

AN ACT Relating to providing industrial insurance coverage for workers involved in harvesting geoduck clams; and amending RCW 51.12.100.

Referred to Committee on Commerce & Labor.

HB 1950 by Representatives Ericks, Hunt, Pettigrew, B. Sullivan, P. Sullivan, Hudgins, Linville, Ormsby and Wood

AN ACT Relating to tax incentives for businesses that use recycled material; reenacting and amending RCW 82.04.440; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1951 by Representative Anderson

AN ACT Relating to ethics in public service; and amending RCW 42.52.180.

Referred to Committee on State Government & Tribal Affairs.

HB 1952 by Representative Anderson

AN ACT Relating to recovery audits for government overpayments; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Affairs.

HB 1953 by Representatives Wood, Buri, Wallace, Rodne, Schindler, Ahern, Morrell and Ormsby

AN ACT Relating to premium reductions for older insureds completing an accident prevention course; and amending RCW 48.19.460.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 1954 by Representatives McCune, Buri, Campbell, McDonald, Ahern, Roach, Hailey, Orcutt, Warnick, Kristiansen, Hinkle and Dunn

AN ACT Relating to methamphetamines; amending RCW 69.50.440, 69.50.401, and 9.94A.518; reenacting and amending RCW 9.94A.030; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1955 by Representatives Wood, B. Sullivan, Kristiansen, Condotta, Crouse and Lovick

AN ACT Relating to establishing licensing requirements for certain vehicle dealers; amending RCW 46.09.020, 46.70.011, 46.10.010, and 46.10.043; and repealing RCW 46.09.080, 46.09.085, 46.10.050, and 46.10.055.

Referred to Committee on Transportation.

HB 1956 by Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa

AN ACT Relating to discrimination based on lawful source of income; and amending RCW 49.60.030, 49.60.040, 49.60.222, 49.60.223, 49.60.224, and 49.60.225.

Referred to Committee on Housing.

HB 1957 by Representative Eddy; by request of Department of Transportation

AN ACT Relating to bond amounts for department of transportation highway contracts; and amending RCW 39.08.030.

Referred to Committee on Transportation.

HJM 4011 by Representatives Kessler, Warnick, Haler, Kretz, Hinkle, Orcutt, Newhouse, Lantz, McCune, Kristiansen, Haigh, B. Sullivan and Dunn

Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands.

Referred to Committee on Agriculture & Natural Resources.

HJM 4012 by Representatives Quall, Jarrett, Hunt, Linville, Santos, McDermott, Darneille, Kenney, Green, Schual-Berke, Rolfes, Morrell, Dunn, Lantz and Ormsby; by request of Superintendent of Public Instruction

Petitioning Congress to raise funding levels of the No Child Left Behind Act.

Referred to Committee on Education.

There being no objection, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

January 30, 2007

HB 1034 Prime Sponsor, Representative Morris: Allowing the electronic payment of utility bills. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; Hankins; Hudgins; Hurst; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Assistant Ranking Minority Member; Eddy.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1044 Prime Sponsor, Representative Fromhold: Amending the process for adopting contribution rates for the state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1103 Prime Sponsor, Representative Campbell: Concerning health professions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

January 30, 2007

HB 1202 Prime Sponsor, Representative Roberts: Creating an office of the ombudsman for persons with developmental disabilities. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice

Chairman; Walsh, Assistant Ranking Minority Member; Darneille; McCoy and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Ranking Minority Member; Bailey.

Referred to Committee on Appropriations.

January 30, 2007

HB 1211 Prime Sponsor, Representative Chase: Providing sales and use tax exemptions for solar hot water components. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Finance.

January 30, 2007

HB 1220 Prime Sponsor, Representative Hurst: Modifying provisions affecting the appointment of indeterminate sentence review board members. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

January 30, 2007

HB 1236 Prime Sponsor, Representative Roach: Establishing certain capital and surplus requirements necessary to transact insurance. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 30, 2007

HB 1237 Prime Sponsor, Representative Kirby: Modifying medical malpractice closed claim reporting requirements. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 30, 2007

HB 1238 Prime Sponsor, Representative Takko: Revising provisions relating to water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Referred to Committee on Appropriations.

January 30, 2007

HB 1246 Prime Sponsor, Representative McCoy: Concerning residential services and support enforcement standards. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

January 29, 2007

HB 1262 Prime Sponsor, Representative Bailey: Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1264 Prime Sponsor, Representative Fromhold: Addressing the portability of public retirement benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott;

McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

January 29, 2007

HB 1266 Prime Sponsor, Representative Conway: Determining death benefits for public employees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

January 30, 2007

HB 1341 Prime Sponsor, Representative Simpson: Limiting the regulation of the practice of massage by political subdivisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

January 30, 2007

HB 1412 Prime Sponsor, Representative Eddy: Providing for a one-year extension for shoreline master program updates in RCW 90.58.080. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

January 30, 2007

HB 1565 Prime Sponsor, Representative Kagi: Revising provisions relating to public access to child in need of services and at-risk youth hearings. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1027,  
HOUSE BILL NO. 1052,  
HOUSE BILL NO. 1054,  
HOUSE BILL NO. 1067,  
HOUSE BILL NO. 1073,  
HOUSE BILL NO. 1077,  
HOUSE BILL NO. 1098,  
HOUSE BILL NO. 1116,  
HOUSE BILL NO. 1123,  
HOUSE BILL NO. 1124,  
HOUSE BILL NO. 1185,  
HOUSE BILL NO. 1196,  
HOUSE BILL NO. 1200,  
HOUSE BILL NO. 1217,  
HOUSE BILL NO. 1255,  
HOUSE BILL NO. 1268,  
HOUSE BILL NO. 1279,  
HOUSE BILL NO. 1291,  
HOUSE BILL NO. 1295,  
HOUSE BILL NO. 1326,  
HOUSE BILL NO. 1327,  
HOUSE BILL NO. 1328,  
HOUSE BILL NO. 1345,

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

There being no objection, the House adjourned until 10:00 a.m., February 2, 2007, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

SIXTIETH LEGISLATURE - REGULAR SESSION

**TWENTY SIXTH DAY**

House Chamber, Olympia, Friday, February 2, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ann Pederson and Andrew Roley. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Mary Olney-Loyd, First Christian Church, Olympia.

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

**INTRODUCTION & FIRST READING**

HB 1958 by Representatives Williams, Moeller, Chandler and Condotta

AN ACT Relating to performing engineering services on significant structures; and amending RCW 18.43.040 and 18.43.020.

Referred to Committee on Commerce & Labor.

HB 1959 by Representatives Kagi, Haler, Pettigrew, Walsh, Kenney and Wood; by request of Department of Early Learning

AN ACT Relating to correcting provisions for the department of early learning; amending RCW 43.215.300, 43.43.838, 42.48.010, 35.21.688, 35.63.185, 35A.63.215, 36.70.757, and 36.70A.450; adding new sections to chapter 43.215 RCW; recodifying RCW 74.15.030 and 74.13.0903; and repealing RCW 43.215.2201.

Referred to Committee on Early Learning & Children's Services.

HB 1960 by Representatives Williams and Quall; by request of Court Of Appeals

AN ACT Relating to the court of appeals; amending RCW 2.06.040; and adding a new section to chapter 2.06 RCW.

Referred to Committee on Appropriations.

HB 1961 by Representatives Conway, Hudgins and Lovick

AN ACT Relating to professional athletics regulated by the department of licensing; amending RCW 67.08.002, 67.08.007, 67.08.015, 67.08.017, 67.08.030, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.110, 67.08.140, 67.08.160, 67.08.170, 67.08.180, and 67.08.200; reenacting and amending RCW 67.08.090 and 67.08.100; adding new sections to chapter 67.08 RCW; creating a new section;

repealing RCW 67.08.010, 67.08.040, 67.08.130, 67.08.220, and 67.08.240; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1962 by Representatives Sells, McCoy, Lovick, Strow, Bailey, O'Brien, Kristiansen, Roberts, B. Sullivan, Pearson, Dunshee, Ericks, Chase, Kagi, Conway, McCune and Hurst

AN ACT Relating to compensating auto theft victims for towing and impound fees; amending RCW 46.55.120; and providing an effective date.

Referred to Committee on Transportation.

HB 1963 by Representatives Goodman, Strow, O'Brien, Jarrett, Hurst, Miloscia, Roberts, Lantz, Kagi, Darneille, Ericks, Flannigan, Hunter, Lovick, Rodne, Williams, Dunshee, Kenney and Upthegrove

AN ACT Relating to credit for time served in a presentence day reporting program; and amending RCW 9.94A.680.

Referred to Committee on Human Services.

HB 1964 by Representatives Morrell, Hinkle, Campbell, Green, Schual-Berke, Conway, Pettigrew, P. Sullivan, Crouse, Upthegrove and Darneille

AN ACT Relating to studying adult family homes; creating new sections; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1965 by Representatives Eddy and Curtis

AN ACT Relating to authorizing major industrial development within industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Local Government.

HB 1966 by Representatives Curtis, Cody, Skinner, Morrell, Green, Barlow, Darneille, Ormsby and Schual-Berke

AN ACT Relating to physician assistants signing and attesting to documents; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71A RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1967 by Representatives Moeller, Skinner, Cody, Williams, Barlow, Rodne, Condotta and Campbell

AN ACT Relating to the reporting of physician convictions for driving while under the influence to an approved substance abuse program; amending RCW 46.61.5056 and 18.130.175; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Judiciary.

HB 1968 by Representatives Simpson, Conway and Ormsby

AN ACT Relating to sprinkler fitters; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1969 by Representatives Kenney, Anderson, O'Brien, McDonald, Pettigrew, Haler, Bailey, Grant, Ormsby and Dunn

AN ACT Relating to tax credits for employers employing student employees enrolled in qualified technical programs at Washington institutions of higher education; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Finance.

HB 1970 by Representatives Lantz, Linville, Seaquist, Armstrong, Morris, Curtis, Kessler, Moeller, Walsh, Hinkle, Morrell, Ericks, Condotta, Chandler, Conway, Wood, Anderson, Williams and Kenney

AN ACT Relating to the department of social and health services' technical assistance and audit program for pharmacy payments; amending RCW 74.09.200; adding new sections to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1971 by Representatives Ross, Ahern, Haler, Strow, Newhouse, Hinkle, McCune and Campbell

AN ACT Relating to prohibiting vehicle and driver's license renewal due to unpaid traffic fines; amending RCW 46.20.031; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1972 by Representatives Ross and Newhouse

AN ACT Relating to proceeds from irrigation district foreclosure sales; and amending RCW 87.06.080.

Referred to Committee on Agriculture & Natural Resources.

HB 1973 by Representatives Kagi, Clibborn, Jarrett, Flannigan, Hinkle, Green, Dickerson, Hunter, Kenney and Goodman

AN ACT Relating to drug and alcohol testing of commercial vehicle drivers involved in motor vehicle accidents; amending RCW 46.25.090, 46.25.120, and 46.25.170; adding a new section to chapter 46.25 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 1974 by Representatives Pearson, McDonald, Strow, Haler, Sump, Ericksen, Orcutt, Ahern, Bailey, Kristiansen, Hinkle, Roach, Armstrong, Hailey, Skinner, Buri, Rodne, DeBolt, Schindler, Jarrett, Priest, Curtis, Ross, Kretz, Anderson, Hankins, Warnick, McCune, Alexander, Walsh, Dunn, Condotta, Crouse, Chandler, Newhouse and Campbell

AN ACT Relating to limiting special sex offender sentencing alternatives to the immediate victim's family members; and amending RCW 9.94A.670.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1975 by Representatives Springer, Condotta and Wood

AN ACT Relating to spirits, beer, and wine restaurant licenses; and reenacting and amending RCW 66.24.420 and 66.24.320.

Referred to Committee on Commerce & Labor.

HB 1976 by Representatives Morrell, Hinkle, Moeller, Haler, Orcutt, Williams, Schual-Berke, Linville, Fromhold, Armstrong, Curtis, Hunt, Pettigrew, Bailey, Green, Upthegrove and Kenney

AN ACT Relating to payments for medicaid contracted services in boarding homes; adding a new section to chapter 18.20 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1977 by Representatives Quall, Fromhold, Priest, Curtis, Ormsby, Hunt, P. Sullivan, Haigh, Dunn, Kenney, Morrell and Wood

AN ACT Relating to skill centers; amending RCW 84.52.068; adding a new chapter to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

HB 1978 by Representatives Quall, Newhouse, Roberts, Strow and Dickerson

AN ACT Relating to disclosing services charges related to the purchase of an admission ticket; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1979 by Representatives Quall, Lovick, Haigh, Ormsby, Kenney and Hurst

AN ACT Relating to safe school plans; and amending RCW 28A.320.125.

Referred to Committee on Education.

HB 1980 by Representatives Kelley, Santos, Ormsby, Roach and Morrell

AN ACT Relating to the financial literacy public-private partnership; amending RCW 28A.300.455 and 28A.300.460; adding a new section to chapter 28A.230 RCW; and making appropriations.

Referred to Committee on Education.

HB 1981 by Representatives Hunter, Conway, Orcutt, Anderson, Santos, Kessler, Jarrett, Condotta and McIntire

AN ACT Relating to excise taxation of electronically delivered financial information; amending RCW 82.04.120; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1982 by Representative Ericksen

AN ACT Relating to public-private agreements for expansion, operation, and maintenance of a portion of the Interstate 5 corridor; amending RCW 46.68.090 and 41.06.142; adding a new section to chapter 47.04 RCW; adding a new section to chapter 46.68 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1983 by Representative Ericksen

AN ACT Relating to promoting competition for video services; amending RCW 35.21.860, 35.99.020, 35.102.020, and 80.36.370; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1984 by Representatives Ericksen, Dunn, Newhouse, Ahern, Hinkle, Kretz, Warnick, Crouse, Hailey, Schindler, Pearson, Haler, Kristiansen, Strow, Chandler and Bailey

AN ACT Relating to the right to farm; amending RCW 64.06.022, 70.94.640, 90.48.080, 36.70A.030, 36.70A.175, and 90.48.020; reenacting and amending RCW 7.48.305; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.64 RCW; adding a new chapter to Title 15 RCW; recodifying RCW 7.48.305, 7.48.315, 7.48.320, and 7.48.905; and repealing RCW 7.48.300, 7.48.310, and 90.48.450.

Referred to Committee on Agriculture & Natural Resources.

HB 1985 by Representatives Warnick, Newhouse, Kretz, Hailey, Haler, Chandler, McCune, Sump,

Schindler, Hinkle, Bailey, Skinner and Kristiansen

AN ACT Relating to clarifying the definition of "crop rotation" in RCW 90.14.140; and reenacting and amending RCW 90.14.140.

Referred to Committee on Agriculture & Natural Resources.

HB 1986 by Representatives Warnick, Kretz, Haler, Hinkle, Sump, Orcutt, Newhouse, Lantz, McCune, Armstrong, Kristiansen and Rodne

AN ACT Relating to enhancing the punishment for theft when the damages to the victim greatly exceed the value of the stolen property; reenacting and amending RCW 9.94A.533; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1987 by Representatives Warnick, Armstrong, Haler, Hailey, Sump, McCune, Van De Wege, Skinner, Kristiansen and Rodne

AN ACT Relating to exempting property owners from injury caused to another person as a result of metal theft; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 1988 by Representatives Morrell, DeBolt, Lovick, Conway, Green, Hudgins and Kenney

AN ACT Relating to security guard training; amending RCW 18.170.010; adding a new section to chapter 18.170 RCW; and repealing RCW 18.170.100.

Referred to Committee on Commerce & Labor.

HB 1989 by Representative Dunn

AN ACT Relating to reducing the taxation of physical fitness services; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1990 by Representative Dunn

AN ACT Relating to creating a property tax exemption for the owner of a mobile or manufactured home; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 1991 by Representatives Seaquist, McDonald, Quall, Campbell, Morrell, Hunt, Upthegrove and Schual-Berke

AN ACT Relating to a strategic plan to decrease obesity rates; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1992 by Representatives Santos, Kenney and Hasegawa

AN ACT Relating to community preservation and development authorities; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 43 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

HJM 4013 by Representatives Warnick, Ahern, Sump, McCune, Pearson and Dunn

Requesting that the words "under God" remain in the Pledge of Allegiance.

Referred to Committee on Judiciary.

HJM 4014 by Representatives Morrell, Cody, Darneille, Hankins, Lovick, Linville, Kessler, Morris, Goodman, Clibborn, Williams, Green, Grant, Kagi, Moeller, Conway, Seaquist, Kenney, McIntire, Schual-Berke and Hurst

Requesting that Congress amend the Tax Reform Act of 1954, Medicaid, and Medicare and grant authority on allocation of health care dollars.

Referred to Committee on Health Care & Wellness.

HJM 4015 by Representatives Ormsby, Priest, Fromhold, Orcutt, Sells, Hankins, Hasegawa, Kenney and Morrell

Petitioning congress to change the definition of highly qualified teachers to include career and technical teachers hired directly from industry.

Referred to Committee on Education.

There being no objection, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

January 30, 2007

HB 1069 Prime Sponsor, Representative Williams: Designating the Pacific chorus frog as the state amphibian. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1146 Prime Sponsor, Representative B. Sullivan: Increasing the amount of money available to pay wildlife damage claims. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

January 31, 2007

HB 1147 Prime Sponsor, Representative Kretz: Concerning damage to livestock. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Hailey; Newhouse; Orcutt; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson; Kagi; Lantz and McCoy.

Referred to Committee on Appropriations.

January 30, 2007

HB 1189 Prime Sponsor, Representative Dunshee: Regulating campaign contributions by limited liability companies. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1248 Prime Sponsor, Representative Linville: Redirecting certain moneys for the benefit of department of fish and wildlife programs. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

January 31, 2007

HB 1249 Prime Sponsor, Representative Blake: Authorizing a one-year deferral of hunter education training. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy; Orcutt; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Hailey; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1293 Prime Sponsor, Representative Cody: Modifying insurance commissioner regulatory assessment fee provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1346 Prime Sponsor, Representative Wood: Allowing the exclusion of certain people from licensed gambling premises. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1370 Prime Sponsor, Representative Green: Regarding public workers excluded from prevailing wages on public works provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 30, 2007

HB 1421 Prime Sponsor, Representative Green: Modifying address confidentiality program

provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1431 Prime Sponsor, Representative Goodman: Changing certificate of discharge requirements. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1437 Prime Sponsor, Representative Eddy: Concerning fees for petitioners of sexual assault protection orders. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1520 Prime Sponsor, Representative Williams: Concerning polygraph examinations of sexual assault victims. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1555 Prime Sponsor, Representative Williams: Addressing sexual assault protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

January 30, 2007

HB 1556 Prime Sponsor, Representative Walsh:  
Designating the Walla Walla sweet onion as the  
official Washington state vegetable. Reported by  
Committee on State Government & Tribal  
Affairs

MAJORITY recommendation: Do pass. Signed by  
Representatives Hunt, Chairman; Appleton, Vice  
Chairman; Chandler, Ranking Minority Member;  
Armstrong, Assistant Ranking Minority Member; Green;  
Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's  
committee reports sheet under the fifth order of business were  
referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00  
a.m., February 5, 2007, the 29th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

SIXTIETH LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 5, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carolina Reid and Changlin Li. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh.

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

**MESSAGE FROM THE SENATE**

February 2, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5002,  
SENATE BILL NO. 5058,  
SUBSTITUTE SENATE BILL NO. 5089,  
SENATE BILL NO. 5253,  
SENATE BILL NO. 5444,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 1993 by Representatives Barlow, Curtis, Schual-Berke, Kagi, Cody, Hinkle, Green, B. Sullivan, Eddy, Pettigrew, P. Sullivan, Bailey, Schindler, Dickerson, Morrell, Kenney, Simpson and Ormsby

AN ACT Relating to credentialing standards for counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.205 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1994 by Representatives Curtis, Ericks, Roberts and Quall

AN ACT Relating to overpayments received by courts; and amending RCW 63.29.130.

Referred to Committee on Judiciary.

HB 1995 by Representatives Blake, B. Sullivan, Kretz, Eickmeyer, Grant, Dickerson, Kenney, Linville and Ormsby

AN ACT Relating to preparing a response to the consequences of climate change on the forests of the state; creating new sections; and making appropriations.

Referred to Committee on Agriculture & Natural Resources.

HB 1996 by Representatives O'Brien, Williams, Hunt, Roberts, Green, Hasegawa, Wood, Kenney, Simpson, Linville and Ormsby

AN ACT Relating to protecting the rights of individuals with mental disorders; amending RCW 43.190.030, 71.05.360, and 71.34.355; and repealing RCW 71.24.350.

Referred to Committee on Health Care & Wellness.

HB 1997 by Representatives Pearson and Kristiansen

AN ACT Relating to medical providers receiving payment for authorized treatment in industrial insurance claims; and amending RCW 51.36.080.

Referred to Committee on Commerce & Labor.

HB 1998 by Representatives McCoy, B. Sullivan, Strow, Dunshee, Priest, Wood, Springer and Linville

AN ACT Relating to growth in rural areas; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1999 by Representatives P. Sullivan, Priest, Appleton, Morrell, Simpson and Linville

AN ACT Relating to creating a state revolving loan fund to provide financial assistance to local governments for the conservation of working farms and forests; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2000 by Representatives Van De Wege, Kessler, Ericks and Morrell

AN ACT Relating to eligibility for health coverage; and amending RCW 48.43.005 and 48.43.018.

Referred to Committee on Health Care & Wellness.

HB 2001 by Representatives Newhouse, Chandler, Ross and Hinkle

AN ACT Relating to water conservancy boards; and amending RCW 90.80.080.

Referred to Committee on Agriculture & Natural Resources.

HB 2002 by Representatives Newhouse, Chandler, Ross, Hinkle and Haler

AN ACT Relating to phasing out building permit moratoriums for cities with unprocessed water right permit applications; and amending RCW 19.27.097.

Referred to Committee on Agriculture & Natural Resources.

HB 2003 by Representatives Alexander, Hunt, Morrell and Ormsby

AN ACT Relating to a pilot program for the business enterprises program; amending RCW 74.18.200; adding a new section to chapter 74.18 RCW; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2004 by Representatives Rolfes, Armstrong, Eddy, Appleton, Clibborn and Jarrett

AN ACT Relating to providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

HB 2005 by Representatives Moeller, Wallace, Eddy and Fromhold

AN ACT Relating to petition method of annexation; amending RCW 35A.01.040 and 35.13.130; and repealing RCW 35.13.171, 35.13.172, 35.13.173, and 35.13.174.

Referred to Committee on Local Government.

HB 2006 by Representatives Moeller and Eddy

AN ACT Relating to annexation; providing authorization for cities that are required to plan under the growth management act to annex areas within their urban growth boundary; establishing a process to facilitate annexations between cities and counties; amending RCW 35.02.170; adding new sections to chapter 35.13 RCW; and adding new sections to chapter 35A.14 RCW.

Referred to Committee on Local Government.

HB 2007 by Representatives Eddy and Crouse

AN ACT Relating to defining allowable fuel blends; amending RCW 19.112.100; and adding a new section to chapter 19.112 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2008 by Representatives Van De Wege, Kessler, Haigh, Takko and Ericks

AN ACT Relating to cooperative agreements concerning the timber harvest excise taxation of timber harvests on fee land within the boundaries of the Quinault Indian Reservation; adding new sections to chapter 43.06 RCW; adding a new section to chapter 84.33 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2009 by Representatives Haigh, Hunt, Ericks, Conway, Hasegawa and Ormsby

AN ACT Relating to trench excavations on public works projects; and amending RCW 39.04.180.

Referred to Committee on State Government & Tribal Affairs.

HB 2010 by Representatives Haigh, Hunt, Ericks, Conway, Haler, Green, Hasegawa, Appleton, Campbell, Sells, Kenney, Van De Wege, Cody, Hurst, McDermott, Simpson and Ormsby

AN ACT Relating to bidder responsibility; amending RCW 39.04.010 and 39.04.155; adding a new section to chapter 39.04 RCW; and adding a new section to chapter 39.06 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2011 by Representatives Flannigan, Armstrong, Wallace, Buri, Linville, Sells, Hasegawa, Wood, Kenney, Simpson, Ormsby and Schual-Berke

AN ACT Relating to commute trip reduction programs for students at public institutions of higher education; amending RCW 70.94.524, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.547, and 70.94.551; adding a new section to chapter 70.94 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

HB 2012 by Representatives Springer, B. Sullivan, Van De Wege, Haigh, Eickmeyer, Sells, Hunt, O'Brien, Green and Pearson

AN ACT Relating to the registration process of proprietary treatment products for use in drain fields of on-site sewage disposal systems; and adding a new section to chapter 70.118 RCW.

Referred to Committee on Select Committee on Environmental Health.

HB 2013 by Representatives Williams, O'Brien, Ericks, Appleton and Ormsby

AN ACT Relating to authorizing tribal and Indian nation law enforcement officers to act as Washington state peace officers; and adding a new chapter to Title 10 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2014 by Representatives Chase, Santos, Kenney, Hasegawa, Miloscia, Simpson and Ormsby

AN ACT Relating to the regulation of conversion condominiums; and amending RCW 64.34.440, 64.34.050, and 82.02.020.

Referred to Committee on Housing.

HB 2015 by Representatives Schual-Berke, McIntire, Cody, Morrell and Kenney

AN ACT Relating to genetic counselors; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2016 by Representatives Springer, Lantz, Wallace, Seaquist, P. Sullivan, Moeller, Lovick, Takko, Kessler, Morrell, Rolfes, Ericks, Van De Wege, Goodman, Simpson, Linville and Ormsby

AN ACT Relating to eminent domain; amending RCW 8.25.010, 8.25.020, 35.80A.030, 36.68.010, 47.52.050, 53.25.040, 79.36.330, 80.28.230, and 80.40.030; adding new sections to chapter 8.25 RCW; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; adding a new section to chapter 8.20 RCW; adding a new section to chapter 35.81 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2017 by Representatives Ericks, Lovick, O'Brien and Dunshee

AN ACT Relating to designating state route number 527 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 2018 by Representatives McDermott, Ormsby, Appleton, Miloscia, Hunt, Hasegawa and Conway

AN ACT Relating to the licensing of paid signature-gatherers for initiative petitions; and adding a new chapter to Title 19 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2019 by Representatives McDermott, Ormsby, Appleton, Miloscia, Hunt, Kessler, Hasegawa and Kenney

AN ACT Relating to the accountability of signature gatherers for ballot measure petitions; amending RCW 29A.72.110, 29A.72.120, 29A.72.130, and 29A.72.170; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2020 by Representatives Condotta, Ahern, Ormsby and Dunn

AN ACT Relating to allowing designated cigar rooms in public places; and amending RCW 70.160.020, 70.160.030, and 70.160.075.

Referred to Committee on Health Care & Wellness.

HB 2021 by Representatives Conway, Condotta and Ormsby; by request of Liquor Control Board

AN ACT Relating to retail liquor licenses; amending RCW 66.24.010, 66.24.440, 66.08.180, 66.08.220, 66.20.310, 66.40.030, and 66.40.130; reenacting and amending RCW 68.50.107, 66.24.420, and 66.24.420; adding a new section to chapter 66.24 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2022 by Representatives McIntire, Condotta, Linville, Sump, Grant, Buri, Takko, Morrell and Simpson

AN ACT Relating to increasing city-county assistance account funding and distributions; amending RCW 43.08.290 and 43.135.035; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2023 by Representatives Schual-Berke, Hinkle, Cody, Campbell, Darneille, Walsh, Morrell, Seaquist, Hunter, Hunt, Dunshee, Ericks, Haigh, Simpson and Ormsby

AN ACT Relating to newborn screening fees; amending RCW 70.83.040; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2024 by Representatives Darneille, Jarrett, Goodman, Eddy, Pedersen, Hudgins, Williams, Lantz, Kessler, Appleton, Clibborn, Hasegawa, Upthegrove, O'Brien, McDermott and Ormsby

AN ACT Relating to the University of Washington school of law public service legal loan repayment assistance program; adding a new section to chapter 28B.20 RCW; creating a new section; and making appropriations.

Referred to Committee on Higher Education.

HB 2025 by Representatives Santos, Haigh, Kessler, Schual-Berke, Hasegawa and Ormsby

AN ACT Relating to development and adoption of a common school curriculum; and adding new sections to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2026 by Representatives Santos, McDermott, Haigh, P. Sullivan, Ericks, Simpson, Ormsby and Hasegawa

AN ACT Relating to recruiters' access to high school students; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2027 by Representative Santos

AN ACT Relating to using postdated checks or drafts as security for small loans; and amending RCW 31.45.073.

Referred to Committee on Insurance, Financial Service & Consumer Protection.

HB 2028 by Representatives Santos, McIntire, Schual-Berke, Ericks, Conway, Simpson and Ormsby

AN ACT Relating to property tax relief for senior citizens and persons retired by reason of disability; amending RCW 84.36.381, 84.36.383, 84.38.030, and 84.64.050; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2029 by Representatives B. Sullivan, Newhouse, Blake, Appleton and Linville; by request of Department of Ecology

AN ACT Relating to underground storage tanks; amending RCW 90.76.005, 90.76.010, 90.76.020, 90.76.050, 90.76.070, 90.76.080, 90.76.090, 90.76.110, 43.21B.300, 43.131.393, and 43.131.394; and repealing RCW 90.76.120.

Referred to Committee on Agriculture & Natural Resources.

HB 2030 by Representatives Priest, Jarrett, Anderson, Haler and Newhouse

AN ACT Relating to high school mathematics and science standards, curriculum, and assessments; amending RCW 28A.655.061 and 28A.655.070; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.305 RCW; and creating a new section.

Referred to Committee on Education.

HJM 4016 by Representatives Seaquist, Hinkle, Pettigrew, Ormsby, Priest, Anderson, Wood, Hankins, Quall, Cody, Appleton, Morrell, Green, Kelley, Schual-Berke, Hasegawa, Rolfes, Campbell, Ericks, Kenney, Van De Wege, Conway, Goodman, Simpson and Linville

Requesting that Congress reauthorize the State Children's Health Insurance Program.

Referred to Committee on Health Care & Wellness.

HJR 4221 by Representatives Hankins, Haler, Wood, Morris, Chase, Hudgins and Ormsby

Amending the Constitution to provide for a majority of fifty-five percent of voters voting to authorize a school levy.

Referred to Committee on Education.

SSB 5002 by Senate Committee on Higher Education (originally sponsored by Senators Hewitt, Pflug, Honeyford, Swecker, Morton, Stevens, Parlette, Delvin, McCaslin, Schoesler and Sheldon)

AN ACT Relating to tuition waivers for veterans' families; and amending RCW 28B.15.621, 28B.15.910, and 28B.15.385.

Referred to Committee on Higher Education.

SB 5058 by Senators Marr, McCaslin, Brown, Parlette, Haugen, Shin, Murray and Roach; by request of Department of Veterans Affairs

AN ACT Relating to establishing the eastern Washington state veterans' cemetery; adding a new section to chapter 72.36 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

SSB 5089 by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Zarelli, Eide, Shin, Franklin, Keiser, Rockefeller, Weinstein, Pridemore, Marr, Hobbs, Rasmussen, Murray, Prentice, Fairley, Fraser, Spanel, Berkey, Tom, Kohl-Welles, McAuliffe and Kline; by request of Governor Gregoire)

AN ACT Relating to conforming Washington's tax structure to the streamlined sales and use tax agreement; amending RCW 82.32.020, 82.08.037, 82.12.037, 82.02.210, 82.32.030, 82.14.020, 82.14.390, 82.32.520, 82.04.065, 82.04.065, 82.08.0289, 82.08.0289, 82.04.060, 82.04.190, 82.14B.020, 82.72.010, 82.32.555, 35A.82.055, 35A.82.060, 35A.82.060, 35A.82.065, 35.21.712, 35.21.714, 35.21.714, 35.21.715, 35.21.860, 35.102.020, 82.04.530, 82.16.010, 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.04.470, 82.12.035, 82.08.010, 82.08.010, 82.32.430, and 82.32.330; amending 2004 c 153 s 502 (uncodified); reenacting and amending RCW 82.04.050, 82.14B.030, and 82.08.050; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.14 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 44.28 RCW; creating new sections; providing an effective date; providing contingent effective dates; and providing expiration dates.

Referred to Committee on Finance.

SB 5253 by Senators Kilmer, Swecker, Hobbs, Shin, Kohl-Welles, Regala, Marr, Hatfield, Murray, Weinstein, Rockefeller, Keiser, Sheldon, McAuliffe, Clements, Kauffman, Franklin, Eide, Jacobsen, Rasmussen and Honeyford

AN ACT Relating to veteran-owned businesses; and adding a new section to chapter 43.60A RCW.

Referred to Committee on State Government & Tribal Affairs.

SB 5444 by Senators Carrell, Kline, Holmquist, Swecker, Morton, Hewitt, McAuliffe, Tom, Sheldon, Honeyford, Clements, Schoesler, Brandland, Benton, Roach, Zarelli, Spanel, Marr, Kohl-Welles, Eide, Oemig, McCaslin, Shin, Pflug, Delvin, Rasmussen, Fairley, Weinstein, Kastama, Parlette, Stevens, Kilmer, Hatfield, Jacobsen, Haugen, Rockefeller and Keiser; by request of Governor Gregoire and Attorney General

AN ACT Relating to adequate notice to property owners regarding acquisition of property for public purposes through the exercise of eminent domain; amending RCW 8.12.530; adding a new section to chapter 8.25 RCW; ; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; and adding a new section to chapter 8.20 RCW.

Referred to Committee on Judiciary.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 1, 2007

HB 1030 Prime Sponsor, Representative Takko: Enhancing the penalty for eluding a police vehicle. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Appropriations.

January 31, 2007

HB 1045 Prime Sponsor, Representative B. Sullivan: Maintaining the ability of the board of natural resources to determine the deduction of proceeds from transactions on state lands managed by the department of natural resources. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1074 Prime Sponsor, Representative Morrell: Establishing the microenterprise development program. Reported by Committee on Community & Economic Development & Trade

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

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1097 Prime Sponsor, Representative Miloscia: Protecting frail elders and vulnerable adults and persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to frail elders and vulnerable adults and persons with developmental disabilities. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1181 Prime Sponsor, Representative Ericks: Modifying the powers and funding of the forensic investigations council. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Goodman and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern.

Passed to Committee on Finance.

February 1, 2007

HB 1182 Prime Sponsor, Representative Ericks: Modifying missing persons provisions. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1187 Prime Sponsor, Representative Kelley: Creating a new chapter regarding affordable housing. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1215 Prime Sponsor, Representative McDonald: Prohibiting the sale, purchase, or use of alcohol vaporizing devices. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 31, 2007

HB 1401 Prime Sponsor, Representative Pettigrew: Regarding the acquisition of land for affordable housing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune and Ormsby.

Referred to Committee on Capital Budget.

January 31, 2007

HB 1417 Prime Sponsor, Representative Lovick: Providing reimbursement for certain Washington state patrol survivor benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1430 Prime Sponsor, Representative Pettigrew: Clarifying how cities, towns, counties, public corporations, and port districts may participate in the federal new markets tax credit program. Reported by Committee on Community & Economic Development & Trade

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

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 1037, by Representatives Morris, Hudgins, Moeller and B. Sullivan**

**Regarding electrical transmission.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1037 was substituted for House Bill No. 1037 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1037 was read the second time.

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

Representatives McCoy and Crouse spoke in favor of passage of the bill.

## MOTIONS

On motion of Representative Santos, Representatives Eickmeyer, Morris, Roberts and Upthegrove were excused. On motion of Representative Schindler, Representatives Campbell, Curtis and Hinkle were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1037.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1037 and the bill passed the House by the following vote: Yeas - 88, Nays - 3, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Appleton, Conway and McIntire - 3.

Excused: Representatives Campbell, Curtis, Eickmeyer, Hinkle, Morris, Roberts and Upthegrove - 7.

SUBSTITUTE HOUSE BILL NO. 1037, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1054, by Representatives Hudgins, Crouse, Morris and Wallace**

**Modifying membership of the information services board.**

The bill was read the second time.

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

Representatives Hudgins and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1054.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1054 and the bill passed the House by the following vote: Yeas - 85, Nays - 7, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hurst, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Walsh, Warnick, Williams, Wood and Mr. Speaker - 85.

Voting nay: Representatives Anderson, Chandler, Hunter, Jarrett, Kagi, McIntire and Wallace - 7.

Excused: Representatives Curtis, Eickmeyer, Hinkle, Morris, Roberts and Upthegrove - 6.

HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1067, by Representatives Haigh, Priest, Conway, Fromhold, Green, Ericks, Simpson, Kenney and B. Sullivan**

**Authorizing certain members of the teachers' retirement system plan 1 to join the public employees' retirement system plan 1.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1067 was substituted for House Bill No. 1067 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1067 was read the second time.

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

Representatives Haigh and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1067.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1067 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1067, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1073, by Representatives Schual-Berke, O'Brien, Anderson, Hudgins, Appleton, Green, Rodne, Ormsby, Cody, Dickerson, Morrell, Kenney and Pearson; by request of Military Department**

**Concerning limited emergency worker volunteer immunity.**

The bill was read the second time.

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

Representatives Schual-Berke and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1073.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1073 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1073, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1077, by Representatives Blake and Kretz**

**Modifying requirements concerning the public disclosure of sensitive fish and wildlife information.**

The bill was read the second time.

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

Representatives Blake and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1077.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1077 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1077, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1098, by Representatives Cody, Hinkle, Schual-Berke, Campbell, Morrell, Green, Darneille, Ormsby, B. Sullivan, Dickerson, Kenney, Moeller and Wallace**

**Authorizing suspension of restriction on the availability of vaccines during outbreaks.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1098 was substituted for House Bill No. 1098 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1098 was read the second time.

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

Representatives Cody and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1098.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1098 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Goodman - 1.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1098, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1123, by Representatives Strow, Van De Wege, Kagi, B. Sullivan, Eickmeyer, McCoy, Orcutt and Hailey**

**Clarifying the authority of the department of natural resources with respect to certain aquatic lands.**

The bill was read the second time.

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

Representatives Strow and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1123.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1123 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1123, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1124, by Representatives Van De Wege, B. Sullivan, O'Brien, Eickmeyer, Lovick, McCoy, Lantz, Simpson, Williams and Dickerson**

**Adding the department of natural resources to the definition of "employer" under RCW 41.37.010.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1124 was substituted for House Bill No. 1124 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1124 was read the second time.

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

Representatives Van De Wege, Alexander and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1124.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1124 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1124, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Kessler congratulated Representative Van De Wege on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1185, by Representatives Van De Wege, Kristiansen, Kretz, Blake, Orcutt, Kessler and Haigh**

**Extending the expiration date for reporting requirements on timber purchases.**

The bill was read the second time.

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

Representatives Van De Wege and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1185.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1185 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1185, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1196, by Representatives Hunt, Chandler, Appleton, Miloscia, Armstrong, Green, Morrell, Ormsby, Schual-Berke, Wallace, Lantz and Hasegawa**

**Regulating legislators' mail to constituents.**

The bill was read the second time.

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

Representatives Hunt and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1196.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1196 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1196, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1200, by Representatives Conway, Darneille, Haler, Simpson, Hasegawa and Haigh**

**Purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1200 was substituted for House Bill No. 1200 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1200 was read the second time.

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

Representatives Conway and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1200.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1200 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1200, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1217, by Representatives Hinkle, Darneille, Bailey, Cody, Pettigrew, Green, Kenney, Dickerson, Moeller, Schual-Berke, Campbell, Linville, Seaquist and Morrell**

**Establishing standards for clubhouse rehabilitation services.**

The bill was read the second time.

Representative Darneille moved the adoption of amendment (009):

On page 7, line 36, after "development." insert "A clubhouse that has completed all requirements for certification but is awaiting formal review shall be deemed to have met the minimum standards."

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hinkle and Darneille spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1217.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1217 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

ENGROSSED HOUSE BILL NO. 1217, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1255, by Representatives Simpson, Curtis, Sells, Walsh, Buri, B. Sullivan, Ericks, Ormsby and Moeller**

**Prohibiting municipal officers from being beneficially interested in any personal services contract that is made by, through, or under the supervision of that officer.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1255 was substituted for House Bill No. 1255 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1255 was read the second time.

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

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1255.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1255 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1255, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1268, by Representatives Goodman, Eddy, Ross, Curtis, Clibborn, Darneille, Hurst, Lovick, Simpson, Moeller, Kenney, Ericks, Rolfes and Springer**

**Authorizing donation of unclaimed personal property to nonprofit charitable organizations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1268 was substituted for House Bill No. 1268 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1268 was read the second time.

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

Representatives Goodman and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1268.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1268 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville,

Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1268, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Springer congratulated Representative Goodman on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1279, by Representatives Skinner, Kessler, Lantz, Hasegawa, Dickerson, Haler, McIntire, Conway, Newhouse and Kenney**

##### **Establishing the poet laureate program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1279 was substituted for House Bill No. 1279 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1279 was read the second time.

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

Representatives Skinner, Kessler, Ross, Lantz, Flannigan and Hasegawa spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1279.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279 and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege,

Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives DeBolt, Ericksen, Kristiansen, Schindler, and Sump - 5.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1279, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1291, by Representatives Quall, Priest, Wood, Condotta, Moeller, Conway and Simpson; by request of Horse Racing Commission**

**Allowing advance deposit wagering to continue beyond October 1, 2007.**

The bill was read the second time.

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

Representatives Quall, Condotta and Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1291.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1291 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Hurst, McCune, Roach, and Sump - 4.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1291, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1295, by Representatives Eickmeyer and Upthegrove**

**Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1295 was substituted for House Bill No. 1295 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1295 was read the second time.

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

Representatives Eickmeyer and Sump spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1295.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1295 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1295, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1326, by Representatives P. Sullivan, Roach, Hurst, Simpson, McCoy, O'Brien and McDonald**

**Authorizing record checks for employees and applicants for employment at bureau of Indian affairs-funded schools.**

The bill was read the second time.

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

Representatives P. Sullivan and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1326.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1326 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1326, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1327, by Representatives Santos, Skinner, Hunt, Green, Miloscia, McDermott, Anderson, Hudgins, Hasegawa, Darneille, Haigh, Wallace, Hankins, Pettigrew and Kenney**

### Concerning materialpersons.

The bill was read the second time.

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

Representatives Santos and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1327.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1327 and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Ahern, Buri, Crouse, Dunn, Hailey, Kristiansen, Roach, Ross and Schindler - 9.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1327, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 1327.

JIM M<sup>c</sup>CUNE, 2<sup>nd</sup> District

#### SECOND READING

**HOUSE BILL NO. 1328, by Representatives Santos, Anderson, Green, Hunt, Miloscia, McDermott, Hasegawa, Hudgins, Chandler, Darneille, Haigh, Hankins, Wallace, Kristiansen, Kagi, Pettigrew, Kenney and Conway**

**Concerning small works roster contracting procedures.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1328 was substituted for House Bill No. 1328 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1328 was read the second time.

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

Representatives Santos, Anderson and Wallace spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1328.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1328 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Morris and Roberts - 3.

SUBSTITUTE HOUSE BILL NO. 1328, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1345, by Representatives Wood, Condotta, Kristiansen, Lantz, Dickerson, Morrell, McCune and Conway; by request of Gambling Commission**

**Prohibiting minors from participating in gambling activities.**

The bill was read the second time.

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

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1345.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1345 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Curtis, Morris and Roberts - 3.

HOUSE BILL NO. 1345, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1052, by Representatives Upthegrove, Hudgins, Pedersen, P. Sullivan, Wallace and Morris**

**Modifying the legislative youth advisory council.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1052 was substituted for House Bill No. 1052 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1052 was read the second time.

Representative Upthegrove moved the adoption of amendment (003):

On page 3, beginning on line 36, strike all of section 3.

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Upthegrove and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1052.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1052 and the bill passed the House by the following vote: Yeas - 89, Nays - 6, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Dunn, Ericksen, Hinkle, Kristiansen, McCune and Schindler - 6.

Excused: Representatives Curtis, Morris and Roberts - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 6, 2007, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 6, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**INTRODUCTION & FIRST READING**

HB 2031 by Representatives Eddy and Simpson

AN ACT Relating to the timing of accrual of property tax revenues; and amending RCW 35.13.270, 35A.14.801, and 84.09.030.

Referred to Committee on Local Government.

HB 2032 by Representatives Takko and Hinkle

AN ACT Relating to the application process for the fruit and vegetable processing and storage tax deferral; amending 2005 c 513 s 14 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2033 by Representatives Ormsby, Campbell, Fromhold, Haigh, Armstrong, P. Sullivan, Conway, Green, Kagi, Hunt, McIntire, McDermott, McCoy, Buri, Williams, Miloscia, Linville, Moeller, DeBolt, McDonald, Priest, Condotta, Roberts and Simpson

AN ACT Relating to payroll deductions for retiree organization dues; and amending RCW 41.04.230.

Referred to Committee on State Government & Tribal Affairs.

HB 2034 by Representatives Jarrett, Clibborn, Roberts and Hurst

AN ACT Relating to providing a civil cause of action for victims of motor vehicle theft; amending RCW 46.20.291; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2035 by Representatives P. Sullivan, Jarrett, Roach and Anderson

AN ACT Relating to providing an alternative method for withdrawal from public hospital districts for smaller cities; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Local Government.

HB 2036 by Representatives Van De Wege, Hailey, Campbell, Blake, Condotta, Kessler, Warnick, Williams, Kretz, Sump, Takko, Linville, Moeller, Grant, Ormsby, Dunshee, O'Brien, Upthegrove, Pearson, Simpson, Conway and Hurst

AN ACT Relating to protecting sport shooting ranges; adding a new section to chapter 9.41 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2037 by Representative Williams

AN ACT Relating to the regulation of polygraph examiners; amending RCW 18.235.020; adding a new chapter to Title 18 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2038 by Representatives B. Sullivan, Armstrong, Lantz and Appleton; by request of Department of Ecology

AN ACT Relating to water power license fees; and amending RCW 90.16.050 and 90.16.090.

Referred to Committee on Agriculture & Natural Resources.

HB 2039 by Representatives Kelley, Morrell, Green, Jarrett, Linville, Warnick, Bailey, Grant, Roach, McDonald, Walsh, Rodne, Wallace, Buri, Priest, Williams, Dunn, Upthegrove, Darneille, Appleton, Campbell, Ericks, Ormsby, Simpson, Conway and Hurst

AN ACT Relating to property tax deferral eligibility for senior citizens and persons retired because of disability; and amending RCW 84.38.030.

Referred to Committee on Finance.

HB 2040 by Representatives Hinkle, B. Sullivan, Sump, Pettigrew, Ross, Kretz, Warnick, Hailey, Ahern and Upthegrove

AN ACT Relating to tax exemptions for meat processing; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2041 by Representatives Jarrett, Simpson, Curtis, Clibborn, Campbell, Armstrong, Ormsby,

Schindler, Wallace, P. Sullivan, Ericksen and Linville

AN ACT Relating to clarifying goals, objectives, and responsibilities of certain transportation agencies; amending RCW 47.01.011, 47.01.012, 47.01.071, 47.01.075, 47.01.330, 47.05.030, 47.05.035, 47.06.020, 47.06.050, and 47.06.140; creating a new section; and repealing RCW 47.01.370, 47.05.051, and 47.06.030.

Referred to Committee on Transportation.

HB 2042 by Representatives Chandler, Condotta, Hailey and Kretz

AN ACT Relating to public access to negotiations with and records concerning certain public employee representatives; amending RCW 42.30.140; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.80 RCW; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Commerce & Labor.

HB 2043 by Representatives Santos, Upthegrove, Ericks and Hasegawa

AN ACT Relating to establishing the recruiting diverse Washington teachers program; amending RCW 28A.415.200; adding a new section to chapter 28A.415 RCW; and repealing RCW 28A.415.205.

Referred to Committee on Education.

HB 2044 by Representatives Pettigrew, Dunshee, Jarrett, Lantz, McIntire, Dickerson, Moeller, Kagi, Appleton, Darneille, Ericks, Ormsby, Linville and Simpson

AN ACT Relating to creating the Washington voluntary retirement accounts program; and adding new sections to chapter 41.50 RCW.

Referred to Committee on Appropriations.

HB 2045 by Representatives Springer and Simpson

AN ACT Relating to the designation and modification of urban growth areas; and amending RCW 36.70A.110.

Referred to Committee on Local Government.

HB 2046 by Representatives Schindler and Springer

AN ACT Relating to protection of environmentally critical areas; amending RCW 36.70A.172; and creating a new section.

Referred to Committee on Local Government.

HB 2047 by Representative McDermott

AN ACT Relating to reporting requirements for statewide ballot measure committees; amending RCW 42.17.080 and 42.17.020; adding a new section to chapter 42.17 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2048 by Representatives O'Brien, Chandler, Wood, Williams, Moeller, Conway and Condotta

AN ACT Relating to vehicle dealer transfer of title requirements; and amending RCW 46.70.122.

Referred to Committee on Transportation.

HB 2049 by Representatives Rolfes, Strow, Appleton, Hunt, Springer, McDermott, Van De Wege, Seaquist, McCoy, Eickmeyer and Lantz

AN ACT Relating to Puget Sound marine resource committees; adding new sections to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Select Committee on Puget Sound.

HB 2050 by Representative Anderson

AN ACT Relating to excluding from employment services performed by language translators and interpreters for others through agents and brokers; amending RCW 51.12.020; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Commerce & Labor.

HB 2051 by Representatives Anderson and Jarrett

AN ACT Relating to higher education accountability; amending RCW 28B.76.310 and 28B.76.270; adding a new section to chapter 43.41 RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 2052 by Representatives McCoy, Rodne, Appleton and O'Brien

AN ACT Relating to the modification of disposition orders; and amending RCW 13.40.200.

Referred to Committee on Human Services.

HB 2053 by Representatives Goodman, Springer, O'Brien, Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst

AN ACT Relating to improving the availability of motor vehicle fuel in the event of an electric power outage or interruption in electric service; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2054 by Representatives Goodman, O'Brien, Williams, Springer, Dunshee, Simpson, Lovick, Roach, Kelley, Green, Roberts and Hurst

AN ACT Relating to reporting identity theft cases; adding a new section to chapter 43.43 RCW; and adding a new section to chapter 9.35 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2055 by Representatives Flannigan, Ahern, McCoy, Ormsby and Santos

AN ACT Relating to traumatic brain injury; amending RCW 46.20.311 and 46.68.041; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.20 RCW; and adding a new chapter to Title 74 RCW.

Referred to Committee on Human Services.

HB 2056 by Representatives Lantz, Goodman, Sells, McCoy, Hunt and Simpson

AN ACT Relating to recycling at official gatherings; amending RCW 70.93.030; and adding a new section to chapter 70.93 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2057 by Representatives Lovick, O'Brien, Kelley, Green, Simpson, Conway and Hurst

AN ACT Relating to identity theft; creating new sections; and providing an expiration date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2058 by Representatives Kenney, McDermott, McIntire, Ormsby, Lantz and Santos; by request of Secretary of State

AN ACT Relating to the Washington talking book and Braille library; reenacting and amending RCW 43.79A.040; adding new sections to chapter 27.04 RCW; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2059 by Representatives Miloscia, Schindler, Kelley, Eddy, Quall, McCune, Simpson and Hurst

AN ACT Relating to the property valuation of affordable multifamily rental housing; amending RCW 84.40.030; creating a new section; and declaring an emergency.

Referred to Committee on Housing.

HB 2060 by Representatives Hankins, Conway, Armstrong, Lantz, Condotta, Goodman, Hinkle, Chase, Jarrett, Hunt, Williams, Anderson, Haler, Pedersen, Clibborn, Moeller, Flannigan, Rodne, Buri, Appleton, Ormsby and Santos; by request of Secretary of State

AN ACT Relating to creating the Washington state heritage center account and establishing fees to be used for

financing the Washington state heritage center; amending RCW 43.07.370; reenacting and amending RCW 36.18.010 and 43.79A.040; adding new sections to chapter 43.07 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2061 by Representatives P. Sullivan, Appleton, Ormsby, Simpson and Santos

AN ACT Relating to classified school employees; and creating a new section.

Referred to Committee on Education.

HJM 4017 by Representatives Kessler and Van De Wege

Naming portions of Highways 112 and 113 the Korean War Veteran's Blue Star Memorial Highway.

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## SECOND READING

There being no objection, HOUSE BILL NO. 1027 was returned to the Committee on Rules.

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

There being no objection, the Committee on Appropriations was relieved of further consideration of HOUSE BILL NO. 1238, and the bill was referred to the Committee on Rules for second reading.

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

## REPORTS OF STANDING COMMITTEES

February 1, 2007  
HB 1001 Prime Sponsor, Representative Lovick: Combating auto theft. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Human Services.

February 2, 2007  
HB 1055 Prime Sponsor, Representative Hudgins: Defining alternative motor fuels. Reported by

Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 2, 2007

HB 1061 Prime Sponsor, Representative Hudgins: Changing provisions concerning the siting of energy facilities. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Appropriations.

February 1, 2007

HB 1105 Prime Sponsor, Representative Campbell: Limiting when the presence of a dog may affect the availability of homeowner's insurance. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Hurst; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Rodne. Passed to Committee on Rules for second reading.

February 2, 2007

HB 1269 Prime Sponsor, Representative Quall: Modifying provisions relating to superior court judicial positions. Reported by Committee on Judiciary

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

Referred to Committee on Appropriations.

February 2, 2007

HB 1283 Prime Sponsor, Representative Roach: Authorizing high school diplomas to be issued to persons who left high school before graduation to serve in the United States armed forces. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson,

Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Passed to Committee on Rules for second reading.

February 2, 2007

HB 1285 Prime Sponsor, Representative Anderson: Recodifying the basic education program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

January 31, 2007

HB 1307 Prime Sponsor, Representative Upthegrove: Regarding freedom of speech and press for high school and college students. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern and Ross. Passed to Committee on Rules for second reading.

February 2, 2007

HB 1338 Prime Sponsor, Representative P. Sullivan: Authorizing the Washington beer commission to receive gifts, grants, and endowments. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 2, 2007

HB 1366 Prime Sponsor, Representative Kessler: Protecting the news media from being compelled to testify in legal proceedings. Reported by Committee on Judiciary

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

MINORITY recommendation: Do not pass. Signed by Representatives Ahern. Passed to Committee on Rules for second reading.

February 2, 2007

HB 1377 Prime Sponsor, Representative Pettigrew: Changing provisions affecting the placement of children. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle and Pettigrew.

Passed to Committee on Rules for second reading.

February 2, 2007

HB 1420 Prime Sponsor, Representative Kelley: Modifying provisions on primary election ballots. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1464 Prime Sponsor, Representative Simpson: Reducing the environmental impact of cleaning state facilities. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Passed to Committee on Rules for second reading.

February 2, 2007

HB 1472 Prime Sponsor, Representative Pettigrew: Analyzing and remedying racial disproportionality and racial disparity in child welfare. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle and Pettigrew.

Referred to Committee on Appropriations.

February 2, 2007

HB 1475 Prime Sponsor, Representative Hurst: Adding members to the state board for volunteer firefighters and reserve officers. Reported by

Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1484 Prime Sponsor, Representative Green: Restricting correctional facilities on the grounds of a state hospital. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

February 1, 2007

HB 1512 Prime Sponsor, Representative Hasegawa: Increasing the amount the treasurer may use for the linked deposit program. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Referred to Committee on Finance.

February 2, 2007

HB 1517 Prime Sponsor, Representative Schual-Berke: Enhancing public school world language instruction. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 2, 2007

HB 1528 Prime Sponsor, Representative Hunt: Providing for electronic voter registration. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 2, 2007

HB 1529 Prime Sponsor, Representative Appleton:  
Modifying voter registration provisions.  
Reported by Committee on State Government &  
Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 1, 2007

HB 1592 Prime Sponsor, Representative Hurst: Revising provisions relating to the indeterminate sentence review board. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; McCoy and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Transportation was relieved of further consideration of HOUSE BILL NO. 1563, and the bill was referred to the Committee on Local Government.

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

There being no objection, the House adjourned until 10:00 a.m., February 7, 2007, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 7, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding).

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

## INTRODUCTION &amp; FIRST READING

HB 2062 by Representatives Simpson, Orcutt, Dunshee, Fromhold, Strow, Chase, O'Brien, Sells, Ormsby, Curtis, B. Sullivan, Haler, Takko, Hankins, Ericks, McCoy, Pettigrew, Armstrong, Quall, Williams, Chandler and Bailey; by request of Lieutenant Governor

AN ACT Relating to authorizing the creation of a public speedway authority; amending RCW 36.38.010, 35.21.280, 36.70A.110, 47.42.025, 70.107.080, 39.04.010, 84.33.140, 76.09.060, 35.13.005, 35.13.180, 36.94.020, 36.94.030, 35.91.020, 84.34.037, and 36.96.010; reenacting and amending RCW 82.29A.130; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 36 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2063 by Representatives Fromhold, Hinkle, Morrell, Bailey, Simpson, Curtis, Grant and Ormsby

AN ACT Relating to certificate of capital authorization; and amending RCW 74.46.803 and 74.46.807.

Referred to Committee on Appropriations.

HB 2064 by Representatives Ormsby, Priest, Quall, Jarrett, Haler, P. Sullivan, Fromhold, Schual-Berke, Orcutt, Hunter, Linville, Kenney, Conway, Wood, Simpson and Hudgins

AN ACT Relating to developing integrated academic and career and technical field of study programs; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 2065 by Representatives Kristiansen, Sells, Jarrett, Wallace, B. Sullivan, Campbell, Strow, Hailey, Kretz, Anderson, Buri, McCune, Rodne, Linville, Pearson, Hurst, O'Brien, Newhouse, Roach, Bailey, Wood, Rolfes, Kelley and Ormsby

AN ACT Relating to prioritizing tuition waivers for war veterans; and amending RCW 28B.15.910.

Referred to Committee on Higher Education.

HB 2066 by Representatives Hunt, Campbell, Uptegrove and Schual-Berke; by request of Department of Health

AN ACT Relating to clarifying regulatory authority for large on-site sewage systems; amending RCW 70.05.070, 43.20.050, 90.48.162, 90.48.110, and 36.94.010; adding new sections to chapter 70.118 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Select Committee on Environmental Health.

HB 2067 by Representative B. Sullivan

AN ACT Relating to improving the clarity of the Washington clean air act by increasing readability through policy neutral changes; amending RCW 70.94.011, 70.94.015, 70.94.017, 70.94.030, 70.94.035, 70.94.037, 70.94.040, 70.94.041, 70.94.053, 70.94.055, 70.94.069, 70.94.070, 70.94.081, 70.94.085, 70.94.091, 70.94.092, 70.94.093, 70.94.094, 70.94.096, 70.94.097, 70.94.100, 70.94.120, 70.94.130, 70.94.141, 70.94.142, 70.94.151, 70.94.153, 70.94.154, 70.94.155, 70.94.157, 70.94.161, 70.94.162, 70.94.163, 70.94.165, 70.94.170, 70.94.181, 70.94.200, 70.94.205, 70.94.211, 70.94.230, 70.94.240, 70.94.260, 70.94.262, 70.94.331, 70.94.332, 70.94.335, 70.94.350, 70.94.370, 70.94.380, 70.94.385, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 70.94.420, 70.94.422, 70.94.425, 70.94.430, 70.94.431, 70.94.435, 70.94.440, 70.94.450, 70.94.455, 70.94.457, 70.94.460, 70.94.470, 70.94.473, 70.94.475, 70.94.477, 70.94.480, 70.94.483, 70.94.510, 70.94.521, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544, 70.94.547, 70.94.551, 70.94.600, 70.94.610, 70.94.620, 70.94.630, 70.94.640, 70.94.650, 70.94.651, 70.94.654, 70.94.656, 70.94.660, 70.94.665, 70.94.670, 70.94.690, 70.94.700, 70.94.710, 70.94.715, 70.94.720, 70.94.725, 70.94.730, 70.94.743, 70.94.745, 70.94.750, 70.94.755, 70.94.760, 70.94.765, 70.94.775, 70.94.780, 70.94.785, 70.94.800, 70.94.820, 70.94.850, 70.94.875, 70.94.880, 70.94.892, 70.94.901, 70.94.960, 70.94.970, 70.94.996, 1.16.030, 28B.130.010, 43.01.225, 43.01.230, 43.01.240, 43.21B.110, 43.21B.310, 43.21B.300, 43.21C.0381, 43.21K.020, 43.41.140, 43.42.070, 46.08.172, 46.68.020, and 52.12.150; reenacting and amending RCW 70.94.152; adding a new chapter to Title 70 RCW; creating new sections; recodifying RCW 70.94.011, 70.94.030, 70.94.331, 70.94.040, 70.94.181, 70.94.035, 70.94.200, 70.94.205, 70.94.335, 70.94.157, 70.94.370, 70.94.420, 70.94.510, 70.94.033, 70.94.440, 70.94.015, 70.94.017, 70.94.960, 70.94.630, 70.94.544, 70.94.053, 70.94.081, 70.94.055, 70.94.390, 70.94.400, 70.94.069, 70.94.070, 70.94.120, 70.94.100, 70.94.141, 70.94.130, 70.94.142, 70.94.091, 70.94.092, 70.94.093, 70.94.094, 70.94.096, 70.94.385, 70.94.097, 70.94.380,

70.94.230, 70.94.170, 70.94.085, 70.94.240, 70.94.600,  
 70.94.405, 70.94.410, 70.94.262, 70.94.260, 70.94.395,  
 70.94.151, 70.94.152, 70.94.153, 70.94.154, 70.94.155,  
 70.94.161, 70.94.162, 70.94.163, 70.94.850, 70.94.892,  
 70.94.710, 70.94.715, 70.94.720, 70.94.725, 70.94.730,  
 70.94.450, 70.94.455, 70.94.457, 70.94.470, 70.94.460,  
 70.94.473, 70.94.477, 70.94.475, 70.94.041, 70.94.483,  
 70.94.480, 70.94.650, 70.94.656, 70.94.660, 70.94.670,  
 70.94.690, 70.94.700, 70.94.665, 70.94.745, 70.94.755,  
 70.94.743, 70.94.780, 70.94.750, 70.94.765, 70.94.775,  
 70.94.651, 70.94.654, 70.94.800, 70.94.820, 70.94.875,  
 70.94.880, 70.94.521, 70.94.037, 70.94.527, 70.94.528,  
 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.547,  
 70.94.551, 70.94.555, 70.94.996, 70.94.165, 70.94.970,  
 70.94.350, 70.94.425, 70.94.430, 70.94.431, 70.94.435,  
 70.94.785, 70.94.211, 70.94.332, 70.94.422, 70.94.610,  
 70.94.620, 70.94.640, 70.94.645, 70.94.760, and 70.94.901;  
 decodifying RCW 70.94.025, 70.94.445, 70.94.902,  
 70.94.904, 70.94.905, 70.94.906, 70.94.911, and 70.94.950;  
 and repealing RCW 70.94.860, 70.94.057, 70.94.068,  
 70.94.095, 70.94.110, 70.94.143, 70.94.221, 70.94.231,  
 70.94.453, 70.94.463, 70.94.467, 70.94.805, 70.94.524,  
 70.94.980, and 70.94.990.

Referred to Committee on Agriculture & Natural Resources.

HB 2068 by Representatives Rodne, Priest, Dunn, Hinkle, Sump, Roach, McCune, Hailey, Ahern, Kretz, Warnick, Crouse, Armstrong, Newhouse, Condotta, Ross, Schindler, Pearson, Haler, Kristiansen, Bailey, Chandler, Strow and Alexander

AN ACT Relating to limiting the power of eminent domain; amending RCW 8.04.070, 8.08.020, 8.12.030, 8.20.070, 8.25.010, and 8.25.020; and adding a new chapter to Title 8 RCW.

Referred to Committee on Judiciary.

HB 2069 by Representative Dickerson

AN ACT Relating to partial confinement; and amending RCW 9.94A.728.

Referred to Committee on Human Services.

HB 2070 by Representatives O'Brien, Goodman and Pearson

AN ACT Relating to exceptional sentences; and amending RCW 9.94A.537.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2071 by Representatives Eickmeyer, Upthegrove, Blake, Flannigan and Rolfes

AN ACT Relating to the state's management of resources in Hood Canal's aquatic rehabilitation zone one; amending RCW 79.135.220 and 79.135.230; adding a new section to chapter 77.65 RCW; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Select Committee on Puget Sound.

HB 2072 by Representatives Wallace, Haigh, McDermott, Hunter, Sells, Linville, Pedersen, Kenney, Moeller, Morrell, O'Brien, Conway, Eddy, Goodman, Simpson, Hudgins and Ormsby

AN ACT Relating to increasing access to higher education; amending RCW 28B.92.060, 28B.92.080, 28B.15.820, 28B.50.030, and 28B.76.250; adding new sections to chapter 28B.15 RCW; adding a new section to chapter 28B.92 RCW; adding new sections to chapter 28B.50 RCW; adding a new chapter to Title 28B RCW; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2073 by Representatives Conway, Wood, Kenney, Moeller, Simpson and Ormsby; by request of Governor Gregoire

AN ACT Relating to a pilot program for vocational rehabilitation services; amending RCW 51.32.095; adding a new section to chapter 51.32 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2074 by Representatives Hinkle and Walsh

AN ACT Relating to requesting the court to determine if a termination petition is appropriate when a parent fails to contact a child or indicates an unwillingness to care for the child; amending RCW 13.34.180; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2075 by Representatives Hinkle and Walsh

AN ACT Relating to termination of parental rights petitions; and amending RCW 13.34.132.

Referred to Committee on Early Learning & Children's Services.

HB 2076 by Representatives Conway, Williams, Condotta, Newhouse and Ormsby

AN ACT Relating to wine and beer tasting; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2077 by Representatives Bailey, Curtis, Schindler, Kretz, Warnick, Hailey, Strow, Erickson, Roach, Newhouse and Kristiansen

AN ACT Relating to greater accountability for growth management hearings boards; amending RCW 36.70A.260 and 36.70A.320; and repealing RCW 36.70A.340 and 36.70A.345.

Referred to Committee on Local Government.

HB 2078 by Representatives Bailey, Curtis, Schindler, DeBolt, Kretz, Warnick, Hailey, Strow, Chandler, Ericksen, Roach, Newhouse and Kristiansen

AN ACT Relating to encouraging agricultural activities in counties and cities planning under the growth management act; and amending RCW 36.70A.060.

Referred to Committee on Local Government.

HB 2079 by Representatives McDermott, Ormsby, Williams, Simpson and Hunt

AN ACT Relating to use of agency shop fees; amending RCW 42.17.760; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2080 by Representatives Hunter, Fromhold, Jarrett, Sommers, Anderson, Haigh, Rodne, Kenney, Moeller and Ormsby

AN ACT Relating to equalization of certificated instructional staff salary allocations; amending RCW 28A.400.205; adding new sections to chapter 28A.400 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2081 by Representatives Van De Wege, Blake, Moeller, McCoy, Takko and Hudgins

AN ACT Relating to tax credits for cogeneration facilities; and adding a new chapter to Title 82 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2082 by Representatives Chandler, Wallace, Grant, Buri, Miloscia, Kretz and Newhouse

AN ACT Relating to establishing the field of dreams program; amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 2083 by Representatives Ericks, Haler, Hasegawa, Morrell, Walsh, Green, Darneille, Kenney, Pettigrew, Kagi, Bailey, Schual-Berke, McDermott, Linville, Lantz, P. Sullivan, Upthegrove, McCoy, Blake, Moeller, Sells, Hinkle, O'Brien, Simpson and Ormsby

AN ACT Relating to early intervention services for children who are four years old; and amending RCW 28A.155.065.

Referred to Committee on Early Learning & Children's Services.

HB 2084 by Representatives Pearson, Kristiansen, Curtis, Ross, Ahern, Rodne, McCune, Schindler, Warnick, Newhouse, Orcutt, O'Brien, Hailey, Roach and Bailey

AN ACT Relating to improving state supervision of felony offenders in the community; amending RCW 9.94A.737 and 9.94A.631; adding new sections to chapter 72.09 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services.

HB 2085 by Representatives P. Sullivan and Moeller

AN ACT Relating to the confinement of animals; amending RCW 16.52.185; adding a new section to chapter 16.52 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2086 by Representatives Conway, Hankins, Hasegawa, B. Sullivan, O'Brien, Simpson, Blake, Wood, McCoy, Ericks, Linville, Campbell, Wallace, Hudgins, Hunt, Williams, Green, Kenney, Moeller, Sells, Appleton, Morrell, Hurst, Van De Wege, Rolfes and Ormsby

AN ACT Relating to creating a joint legislative task force to review the underground economy in the construction industry; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2087 by Representatives Fromhold, Hinkle, Cody and Moeller

AN ACT Relating to certification and recertification of health care facilities; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Appropriations.

HB 2088 by Representatives Darneille, Pettigrew, Ericks, Kenney, O'Brien, Appleton, Campbell, Pedersen, Linville, Moeller, Green, Schual-Berke, Simpson and Ormsby

AN ACT Relating to supporting the needs of children who have been in foster care; amending RCW 43.31.465; reenacting and amending RCW 74.13.031; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 2089 by Representatives Moeller, Conway, Strow, Green, Haler, Seaquist, Chase, Appleton, McDermott, Ormsby, Fromhold, Kessler, Sells, Simpson, P. Sullivan, Kenney, Van De Wege, Campbell and Hudgins

AN ACT Relating to prohibiting the use of state funds provided for long-term care services from being used to assist,

promote, or deter union organization; amending RCW 74.39A.007, 74.39A.080, 70.128.160, and 74.42.580; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Commerce & Labor.

HB 2090 by Representatives Dickerson, Dunn and Kenney

AN ACT Relating to the Washington family policy council; and amending RCW 70.190.010.

Referred to Committee on Early Learning & Children's Services.

HB 2091 by Representatives Miloscia and Springer

AN ACT Relating to performance measures in countywide planning policies for the purpose of growth management planning; and amending RCW 36.70A.030 and 36.70A.210.

Referred to Committee on Local Government.

HB 2092 by Representatives Miloscia and Springer

AN ACT Relating to modifying the buildable lands requirements of the department of community, trade, and economic development; and amending RCW 36.70A.215.

Referred to Committee on Local Government.

HB 2093 by Representatives Miloscia and O'Brien

AN ACT Relating to accommodating projected urban growth in large counties by wage decile; and amending RCW 36.70A.110 and 43.62.035.

Referred to Committee on Local Government.

HB 2094 by Representatives Conway, Appleton, Green, Kagi, Moeller, Sells, Morrell, Van De Wege and Ormsby

AN ACT Relating to the taxpayer health care fairness act; adding a new section to chapter 49.60 RCW; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2095 by Representatives Jarrett, Priest and Moeller

AN ACT Relating to creating performance-based compensation pilot projects for staff in public schools; amending RCW 28A.400.200, 28A.400.205, and 41.59.935; adding a new section to chapter 28A.400 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2096 by Representatives B. Sullivan, P. Sullivan, Morrell, McCoy, Simpson and Ormsby

AN ACT Relating to providing incentives for the preservation of manufactured/mobile home communities; amending RCW 43.185A.050; adding a new section to chapter

43.185A RCW; adding a new section to chapter 43.180 RCW; adding a new chapter to Title 82 RCW; and creating a new section.

Referred to Committee on Housing.

HJR 4222 by Representatives Rodne, Priest, Dunn, Hinkle, Ahern, Kretz, Warnick, Crouse, Armstrong, Newhouse, Ericksen, Condotta, Hailey, Roach, Ross, Schindler, Pearson, McCune, Haler, Kristiansen, Bailey, Chandler, Strow and Alexander

Limiting the power of eminent domain.

Referred to Committee on Judiciary.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 5, 2007

HB 1120 Prime Sponsor, Representative Cody: Providing a health coverage buy-in program for families with children with disabilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 5, 2007

HB 1172 Prime Sponsor, Representative Kagi: Evaluating the seminary building at Saint Edward state park. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Capital Budget.

February 5, 2007

HB 1179 Prime Sponsor, Representative Hasegawa: Allowing part-time students at postsecondary institutions to qualify for a state need grant. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Sommers.

Referred to Committee on Appropriations.

February 5, 2007  
HB 1201 Prime Sponsor, Representative Roberts:  
 Extending medicaid coverage for foster care  
 youth who reach age eighteen. Reported by  
 Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Cody, Chairman; Morrell, Vice  
 Chairman; Hinkle, Ranking Minority Member;  
 Alexander, Assistant Ranking Minority Member; Barlow;  
 Campbell; Condotta; Green; Moeller; Pedersen; Schual-  
 Berke and Seaquist.

Referred to Committee on Appropriations.

February 5, 2007  
HB 1224 Prime Sponsor, Representative Kelley:  
 Regarding cost savings on course materials for  
 community and technical college students.  
 Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by  
 Representatives Wallace, Chairman; Sells, Vice  
 Chairman; Buri, Assistant Ranking Minority Member;  
 Hasegawa; Jarrett; McIntire and Sommers.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Anderson, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 5, 2007  
HB 1242 Prime Sponsor, Representative Morrell: Creating  
 a voluntary adult family home certification  
 program. Reported by Committee on Health  
 Care & Wellness

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Cody, Chairman; Morrell, Vice  
 Chairman; Hinkle, Ranking Minority Member;  
 Alexander, Assistant Ranking Minority Member; Barlow;  
 Campbell; Condotta; Green; Moeller; Pedersen; Schual-  
 Berke and Seaquist.

Referred to Committee on Appropriations.

February 5, 2007  
HB 1247 Prime Sponsor, Representative Morrell:  
 Concerning eligibility for long-term care  
 services. Reported by Committee on Health Care  
 & Wellness

MAJORITY recommendation: Do pass. Signed by  
 Representatives Cody, Chairman; Morrell, Vice  
 Chairman; Hinkle, Ranking Minority Member;  
 Alexander, Assistant Ranking Minority Member; Barlow;  
 Campbell; Condotta; Green; Moeller; Pedersen; Schual-  
 Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 5, 2007  
HB 1250 Prime Sponsor, Representative Orcutt:  
 Conducting a pilot project to provide the fish

and wildlife commission with independent  
 biological information. Reported by Committee  
 on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives B. Sullivan, Chairman; Blake, Vice  
 Chairman; Kretz, Ranking Minority Member; Warnick,  
 Assistant Ranking Minority Member; Dickerson;  
 Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy;  
 Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

February 5, 2007  
HB 1305 Prime Sponsor, Representative Kretz: Repealing  
 the statutes regulating food lockers. Reported by  
 Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by  
 Representatives B. Sullivan, Chairman; Blake, Vice  
 Chairman; Kretz, Ranking Minority Member; Warnick,  
 Assistant Ranking Minority Member; Dickerson;  
 Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy;  
 Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 5, 2007  
HB 1311 Prime Sponsor, Representative Grant:  
 Continuing the small farm direct marketing  
 assistance program. Reported by Committee on  
 Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by  
 Representatives B. Sullivan, Chairman; Blake, Vice  
 Chairman; Kretz, Ranking Minority Member; Warnick,  
 Assistant Ranking Minority Member; Dickerson;  
 Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy;  
 Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

February 5, 2007  
HB 1408 Prime Sponsor, Representative Orcutt:  
 Concerning conversion of forest land to  
 nonforestry uses. Reported by Committee on  
 Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by  
 Representatives B. Sullivan, Chairman; Blake, Vice  
 Chairman; Kretz, Ranking Minority Member; Warnick,  
 Assistant Ranking Minority Member; Dickerson;  
 Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy;  
 Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

February 5, 2007  
HB 1416 Prime Sponsor, Representative Grant: Extending  
 an asparagus exception to the standards for fruits  
 and vegetables. Reported by Committee on  
 Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by  
 Representatives B. Sullivan, Chairman; Blake, Vice

Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

### RESOLUTION

HOUSE RESOLUTION NO. 2007-4611, by Representatives DeBolt, Alexander, Clibborn and Conway

WHEREAS, There are over 210 local Chambers of Commerce in the state of Washington representing approximately 60,000 small businesses and employing over 2,900,000 citizens; and

WHEREAS, Washington State Chambers of Commerce raise over 30,000,000 dollars annually for local community enrichment projects, involving more than 15,000 volunteers who generously give their time and talent; and

WHEREAS, Washington State Chambers of Commerce manage more than 3,000,000 visitor and relocation inquiries each year, and at the same time serve over 40,000 businesses that seek information about expanding their companies in our state; and

WHEREAS, Chambers of Commerce across Washington state have served their local communities with distinction, dedication, and dignity, enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington officially recognize the invaluable work that local Chambers of Commerce provide to both the economy and citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the United States Chamber of Commerce in Washington, D.C.

Representative DeBolt moved the adoption of the resolution.

Representatives DeBolt and Clibborn spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4611 was adopted.

Mark Frydrychowski, Session Legislative Assistant to Senator Swecker performed a selection of classic guitar music.

### JOINT SESSION

The Speaker (Representative Lovick presiding) called the House to order.

The Sergeant at Arms announced that the Senate had arrived. The Speaker (Representative Lovick presiding) requested that the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President Pro Tempore Rosa Franklin, Majority Caucus Chair Harriet Spanel, Vice President Pro Tempore Paull Shin and Minority Floor Leader

Mark Schoesler to seats on the Rostrum. The Senators were invited to seats within the Chamber.

The Speaker (Representative Lovick presiding) called upon President Pro Tempore Franklin to preside over the Joint Session.

President Pro Tempore Franklin called the Joint Session to order. The Clerk called the roll of the House and Senate and a quorum was present.

President Pro Tempore Franklin introduced the State elected officials: Secretary of State Sam Reed and State Treasurer Mike Murphy.

The Clerk called the roll of the former members who were in attendance: Rick Bender, Bill Brumsickle, Don Carlson, Barbara Cothorn, Richard King, Bill Kiskaddon, R.H. "Bob" Lewis, former Secretary of State Ralph Munro, Gary Nelson, Cathy Pearsall-Stipeck, Paul Sanders, Rollie Schmitt, Gary Strannigan, Art Wang, William E. "Bill" Young and Hal Zimmerman.

The Flags were escorted to the Rostrum by the Olympia Marine Corps League Color Guard. President Pro Tempore Franklin led the Chamber in the Pledge of Allegiance.

President Pro Tempore Franklin announced the purpose of the joint session was to conduct memorial services in memory of departed former members of the Legislature. On behalf of the Senate and the House of Representatives, President Pro Tempore Franklin extend a welcome to all the family members who were present. President Pro Tempore Franklin turned the gavel over to Speaker Pro Tempore Lovick to conduct the service.

Father Benedict Auer, St. Martin's University gave the Invocation: "The other morning, Mount Rainier had a shadow against the clouds in the sky, which is unique and happens only on certain rare mornings. The ability to see this shadow is even rarer because the shadow is often covered by gray cloudiness, and you miss it. But this year, it was visible in a pink and salmon colored sky. Today we invoke the Creator of the beauty of this state and our country as we memorialize those individuals who have served our State so well.

Creator of all that is seen and unseen, we come together to remember, for as Joseph Campbell wrote, "To live in the hearts we leave behind is not to die." We know we carry with us all those who shaped our lives either directly or indirectly. We are all on a quest or search for truth, while some of us recognize this better than others. This morning, we honor those who saw this pilgrimage clearer than any of us, and committed themselves to changing and caring for our state in all its needs.

Our State stands as a monument to those who have represented us and dedicated themselves to our service. Together as community we uplift and care for each other. In some people this service is greater than others. The British poet, Christina Rossetti, reminded us in the nineteenth century: "Remember me when I am gone away.

Gone far away into the silent land;  
When you can no more hold my hand.  
Nor I half turn to go yet turning stay."

This day we remember. We recall. We see with our ears and hear with our hearts. We see through a glass darkly, but we recognize their departure and mourn their leaving, but as the

author of The Little Prince, Antoine de Saint-Exupery wrote, "He or she who has gone, so we cherish their memory. They abide in us, more potent, nay, more present than the living person."

It is with deep gratitude that we remember and honor departed members of this Legislature who have made their transition, passing from this earthly life. We grieve, but as Shakespeare wrote in Macbeth: "Give sorrow words; the grief that does not speak whispers the fraught hearts and bids it break." At this time, we give sorrow words. We are thankful for each of these persons, their dedication speaks to everyone. Their example of leadership and commitment spurs us on to imitate their examples.

A native American explanation captures our purpose today:

"You shall ask  
What good are dead leaves  
And I will tell you  
They nourish the sore earth.  
You shall ask  
What reason is there for winter  
And I will tell you  
To bring about new leaves.

You shall ask  
Why are the leaves so green  
And I will tell you  
Because they are rich with life.  
You shall ask  
Why must summer end  
And I will tell you  
So that the leaves will die."

The cycle of life is a gift from you, O Great Creator of all things.

Hebrew Scriptures tells us:

"For everything there is a season  
A time to be born and a time to die;  
A time to plant and a time to pluck what is planted;  
A time to break down and a time to build up;  
A time to weep and a time to laugh;  
A time to mourn and a time to dance;  
For everything there is a season,  
And a time for every matter under heaven."

Today we remember and thank the Creator of all those sent to us who served and cared for us. We offer gratitude for the uniqueness of all who you created, O Divine Creator, and knowing our lives will never be the same because of these people. As the Medieval Mystic, Meister Eckhart wrote: "The greatest prayer you can say is thank you."

Thank you and Amen."

The Olympia High School Concert Choir under the direction of Dan Schwartz sang "Song of Triumph."

Mr. Speaker (Representative Lovick presiding): "We are assembled today to pay tribute to the lives and services of the distinguished former members of the Washington State Senate and House of Representatives who have passed from among us. The people of our State are grateful for their service. The Sixtieth Legislature of the State of Washington conveys its respects to those deceased legislators.

They once sat in the hallowed chambers of the House and Senate; answered roll calls on sometimes critical perplexing bills, attended committee meetings, and above all else, served to the best of their abilities to make our State a better and more enjoyable place to live. While their journey in this life is

completed, their achievements, records and valued services have been recorded in the journals of the Senate and House, and are now and forevermore a permanent part of the history of the State of Washington.

We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served well beyond their call of duty and responsibilities and truly loved this great State. They have indeed left a legacy of dedicated service that will remain forever etched in our hearts, our memories and our Legislative records."

Speaker Pro Tempore Lovick and President Pro Tempore Franklin called the roll of the deceased former members of the Senate and House of Representatives assisted by Candlelight pages, Brittany Warner and Aiden Borer.

<u>Member</u>	<u>District and Years served</u>
Russell Austin Jr.	33rd District House 1980-81 Memorialized by <b>Representative Shay Schual-Berke</b>
Robert C. Bailey	19 <sup>th</sup> District House 1951-57, Senate 1957-77 Memorialized by <b>Senator Brian Hatfield</b>
H. Stan Bradley	31 <sup>st</sup> District House 1971-73 Memorialized by <b>Representative Larry Seaquist</b>
George W. Clarke	41 <sup>st</sup> District House 1967-71, Senate 1971-85 Memorialized by <b>Representative Fred Jarrett</b>
Hubert F. Donohue	9 <sup>th</sup> , 11 <sup>th</sup> District Senate 1973-81 Memorialized by <b>Representative Phyllis Kenney</b>
Martin J. Durkan	31 <sup>st</sup> , 47 <sup>th</sup> District House 1957-58, Senate 1959-1975 Memorialized by <b>Representative Pat Sullivan</b>
Ruth Fisher	27 <sup>th</sup> District House 1983-2002 Memorialized by <b>Representative Jeannie Darneille</b>
Herb Hadley	18 <sup>th</sup> District House 1963-1965 Memorialized by <b>Representative Ed Orcutt</b>
Dick Hemstad	22 <sup>nd</sup> District Senate 1981-1985 Memorialized by <b>Representative Gary Alexander</b>
Geraldine McCormick	5 <sup>th</sup> District House 1969-82 Memorialized by <b>Senator Chris Marr</b>
Art Moreau	42 <sup>nd</sup> District House 1975-79 Memorialized by <b>Senator Dale Brandland</b>
Curtis Smith	13 <sup>th</sup> District House 1979-90 Memorialized by <b>Representative Maralyn Chase</b>

Thomas Allen Swayze Jr. 26<sup>th</sup> District  
House 1965-73  
Memorialized by **Senator Derek Kilmer**

Jim West 6<sup>th</sup> District  
House 1983-87, Senate 1987-2003  
Memorialized by **Senator Mike Hewitt**

Walter Williams 43<sup>rd</sup> District  
House 1961-62, Senate 1963-70  
Memorialized by **Senator Tracey Eide**

Rabbi Dan Bridge, Rabbi Emeritus, Hillel Foundation for Jewish Life, University of Washington gave the Memorial Prayer: "In speaking of people of greatness, Sir Isaac Newton quoted Bernard of Chartres claiming that we stand on the shoulders of giants. Today we call out the names and we light these candles, the names of Washington State legislators to remind ourselves that we are here only because we are able to stand on their shoulders. Today we are in this hall of great promise to remember first, to remember the emptiness, the sadness left in the spaces they occupied in our lives, and in the life of this great State. And secondly we stand here to remember their legacies. Rabbi Bernard Raskas describes the impact of a person's life. "What is this immortality in which I believe. I believe that a person lives in his or her family. I believe in the immortality of friends and helpfulness. And I believe that there is a form of immortality in the institutions we build and the causes we espouse."

And thirdly, we light these candles as a memory but also so that we can be inspired – we the people who stand on the shoulders of these legislators – those who came before us. They have certainly lifted us up. I pray we will remember to be inspired by their lives. And that we will be moved – moved enough to act as their hands in a world to which they no longer belong – a world that needs so much fixing.

A prayer the Jewish Reform Movement reads "May the nobility in lives and the high ideals they cherish endure in our thoughts and live on in our deeds. "May we make the memories a blessing."

The Olympia High School Chamber Choir, directed by Dan Schwartz sang "Set me as a Seal".

The Olympia Marine Corps League Detachment Color Guard presented Flag. Sergeant Michelle Wheeler, 133rd Army National Guard Band played "Taps".

Pastor Phil Rue, Gloria Dei Lutheran Church, Olympia gave the closing prayer: "Oh mighty and most gracious God, it is in Your heart to love and to seek the wholeness of all of the creation. We give You thanks for those whom You have worked in and through, and who have reflected that grace and whom we honor this day.

We are grateful for their contributions. We are grateful for their legacy. As You have called us to love justice, to love kindness and to walk humbly before You, we thank You for that reflection, and what they have given to us. We ask and we pray that Your spirit would be infused within us. Look over us that we might know Your justice, that we might act with compassion and care, that we might know the wisdom of walking humbly before You and each other. Continue to place within the leaders of this great State the conviction of those things that are dear and precious, and the wisdom to know our fallibilities. And the ability to work together.

Let your blessing be upon those who have loved those we honor this day. Let your blessing be here in this place where decisions are made, where there is service and concern for the people who are represented. Help us always to remember the calling that is ours as we continue to serve in this place. Grant us your grace to love, to serve, to care.

We pray this in your great name. Amen."

"Amazing Grace" was played on the bagpipes by Lieutenant Keith Huntley of the Washington State Patrol.

Speaker Pro Tempore Lovick returned the gavel to President Pro Tempore Franklin who thanked the members of the Memorial Committee and everyone who participated in the day's ceremony.

On motion of Representative Kessler, the Joint Session was dissolved. President Pro Tempore Franklin turned the gavel over to Speaker Pro Tempore Lovick who asked the Sergeant at Arms of the House and Senate to escort President Pro Tempore Franklin, Majority Caucus Chair Harriet Spanel, Vice President Pro Tempore Paull Shin and Minority Floor Leader Mark Schoesler from the Rostrum and the senators from the Chamber.

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

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., February 8, 2007, the 32<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 8, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**INTRODUCTION & FIRST READING**

HB 2097 by Representatives Conway, Sells, P. Sullivan, Williams, Appleton, Campbell, Green, Dickerson, Darneille, McCune, Ericks, Simpson, Kenney, McDermott and Ormsby

AN ACT Relating to changing the distribution to and allocation of the fire service training account; and amending RCW 43.43.944.

Referred to Committee on Appropriations.

HB 2098 by Representatives Cody, Upthegrove, Morrell, Kenney, Conway, Simpson, Hudgins and Ormsby; by request of Governor Gregoire

AN ACT Relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access; amending RCW 41.05.220 and 48.41.110; adding new sections to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2099 by Representatives Cody, Morrell and Kenney

AN ACT Relating to activities to support the certificate of need program; amending RCW 70.38.015, 70.38.025, 70.38.095, 70.38.115, 70.38.125, and 70.38.135; adding new sections to chapter 70.38 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2100 by Representatives Cody, Morrell, Quall, Kenney, Linville and Ormsby

AN ACT Relating to establishing a statewide health resources strategy; amending RCW 70.38.015, 70.38.025, 70.38.115, 70.38.135, and 70.38.105; and adding a new chapter to Title 43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2101 by Representatives Jarrett and Eddy

AN ACT Relating to regional transportation governance; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2102 by Representatives Morris and Hudgins

AN ACT Relating to records retained by communications providers; and adding new sections to chapter 19.250 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2103 by Representatives Morris, Crouse and Wallace

AN ACT Relating to competitive classification of telecommunications services; and amending RCW 80.36.330.

Referred to Committee on Technology, Energy & Communications.

HB 2104 by Representatives Curtis, Simpson, Ross and Eddy; by request of Secretary of State

AN ACT Relating to real property electronic recording; and adding a new chapter to Title 65 RCW.

Referred to Committee on Local Government.

HB 2105 by Representatives Conway, Condotta, Kenney, Simpson and Ormsby

AN ACT Relating to payment of prescription drugs for industrial insurance medical aid claims; and amending RCW 51.36.010.

Referred to Committee on Commerce & Labor.

HB 2106 by Representatives Kenney, Sells, Conway, Clibborn, Hunt, Santos, Simpson and Ormsby

AN ACT Relating to farm labor contractors; amending RCW 19.30.010, 19.30.030, 19.30.040, 19.30.050, 19.30.060, 19.30.070, 19.30.081, 19.30.110, 19.30.120, 19.30.160, 19.30.170, and 19.30.190; adding new sections to chapter 19.30 RCW; creating new sections; repealing RCW 19.30.090; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2107 by Representatives Schual-Berke, B. Sullivan, Blake, Newhouse, Dickerson, Strow, Kagi, Orcutt, McCoy, Cody and Van De Wege

AN ACT Relating to innovative settlement agreements; amending RCW 90.48.037; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2108 by Representatives Anderson, Morris, Haler and Crouse

AN ACT Relating to assessing the cost of burying power lines; amending RCW 36.70A.070; and creating new sections.

Referred to Committee on Technology, Energy & Communications.

HB 2109 by Representatives Anderson and Wallace

AN ACT Relating to providing students with knowledge about their readiness for college-level course work; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2110 by Representatives Simpson, Ericks, Dunshee, P. Sullivan and Ormsby

AN ACT Relating to allowing all fire protection facilities to use impact fees; and amending RCW 82.02.090.

Referred to Committee on Local Government.

HB 2111 by Representatives Williams, Conway, Wood, Green, Moeller, Darneille, Miloscia, Dickerson, P. Sullivan, Morrell, McDermott, Grant, Hudgins, Simpson and Ormsby

AN ACT Relating to making the governor the public employer of adult family home providers; amending RCW 41.04.810, 41.56.113, and 43.01.047; adding a new section to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2112 by Representative Pettigrew

AN ACT Relating to protecting consumers and agency clients by clarifying the definition of social worker; amending RCW 18.225.010 and 70.124.020; adding a new section to chapter 18.225 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2113 by Representatives Williams, Goodman, Green, Hunt and Simpson

AN ACT Relating to objections by cities, towns, and counties to the issuance of liquor licenses; amending RCW 66.24.010; and reenacting and amending RCW 66.24.420.

Referred to Committee on Commerce & Labor.

HB 2114 by Representative Dunn

AN ACT Relating to the definition of collection agency; and amending RCW 19.16.100.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2115 by Representatives Newhouse, Lantz, B. Sullivan, Hailey, Grant, Van De Wege, Warnick, Kelley, Pedersen, Appleton, Quall, Seaquist, Hunt, Simpson, McDermott and Ormsby

AN ACT Relating to establishing the Washington state heritage barn preservation program; amending RCW 27.34.020; adding new sections to chapter 27.34 RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 2116 by Representatives Bailey and Alexander

AN ACT Relating to gain-sharing benefits and increasing contributions towards unfunded pension liabilities; amending RCW 41.31.020, 41.31A.020, 41.32.835, and 41.35.610; adding a new section to chapter 41.45 RCW; decodifying RCW 41.31A.030 and 41.31A.040; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2117 by Representatives Hurst, Roach, Van De Wege, Orcutt, McCoy, Ahern, Takko, McCune, Barlow, Ericksen, Kelley, Warnick, Rolfe, Hailey, Seaquist, Armstrong, Ericks, Kretz, Eddy, Rodne, Hunter, Strow, Quall, Haler, Sump, Chandler, Anderson, McDonald, Alexander, Bailey, Pearson, Newhouse, Kristiansen, Kessler, Morrell, Campbell, Blake, P. Sullivan, Hinkle and Lantz

AN ACT Relating to limiting property tax increases to one percent by reenacting the provisions of Initiative Measure No. 747; reenacting RCW 84.55.005 and 84.55.0101; and declaring an emergency.

Referred to Committee on Finance.

HB 2118 by Representatives Conway, Wood and Ormsby

AN ACT Relating to transferring responsibilities related to mobile and manufactured home installation from the department of community, trade, and economic development to the department of labor and industries; amending RCW 43.63B.010, 43.63A.460, and 46.70.136; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.63B.005, 43.63B.010, 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060, 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120, 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800, 43.63B.900, 43.63B.901, 43.63A.460, and 46.70.136; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2119 by Representatives Lovick, Priest, Lantz, Rodne, Upthegrove, P. Sullivan, Eddy, Ericks, Pearson, Hudgins, Kelley and Ormsby; by request of Attorney General

AN ACT Relating to penalties for acts of violence by strangulation; amending RCW 9A.36.021 and 9A.04.110; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2120 by Representative Williams

AN ACT Relating to permitting the liquor control board to provide retail licensee sales data information to the national alcohol beverage control association; and amending RCW 66.16.090.

Referred to Committee on Commerce & Labor.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 6, 2007

HB 1002 Prime Sponsor, Representative O'Brien: Modifying the sales and use taxation of vessels. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1068 Prime Sponsor, Representative Hunt: Increasing nonconstruction loan limits for projects using financing through the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1099 Prime Sponsor, Representative Cody: Regulating certain dental professions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee,

Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1166 Prime Sponsor, Representative Takko: Modifying county treasurer administrative provisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 5, 2007

HB 1222 Prime Sponsor, Representative Kenney: Regarding state need grant award calculations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Sommers.

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

Referred to Committee on Appropriations.

February 6, 2007

HB 1270 Prime Sponsor, Representative Kirby: Modifying provisions of the consumer loan act with respect to loan restrictions. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1314 Prime Sponsor, Representative Morris: Modifying gas and hazardous liquid pipeline provisions. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune,

Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1391 Prime Sponsor, Representative Eddy: Clarifying that council members are eligible to be appointed to the office of mayor. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1392 Prime Sponsor, Representative Moeller: Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1398 Prime Sponsor, Representative Fromhold: Expanding the University of Washington's and Washington State University's local borrowing authority. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa.

Passed to Committee on Rules for second reading.

February 5, 2007

HB 1409 Prime Sponsor, Representative B. Sullivan: Transferring jurisdiction over conversion-related forest practices to local governments. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice

Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1445 Prime Sponsor, Representative Kessler: Making adjustments to the recodification of the public records act. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1446 Prime Sponsor, Representative Kessler: Regarding the statute of limitations under the public records act. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1478 Prime Sponsor, Representative Morris: Regarding the authorities of the Washington utilities and transportation commission relative to the requirement imposed upon gas and hazardous liquid pipelines under RCW 81.88.080. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1506 Prime Sponsor, Representative Haigh: Changing alternative works provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; McDermott; Miloscia and Ormsby.

Referred to Committee on Capital Budget.

February 6, 2007

HB 1548 Prime Sponsor, Representative Pettigrew: Creating the individual and family services program for people with developmental disabilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

February 6, 2007

HB 1676 Prime Sponsor, Representative Fromhold: Allowing public utility districts to disburse low-income energy assistance contributions. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 5, 2007

HB 1679 Prime Sponsor, Representative Ericks: Determining membership on the law enforcement officers' and firefighters' retirement system plan 2 board. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 5, 2007

HB 1680 Prime Sponsor, Representative Hunter: Addressing transfers of service credit for emergency medical technicians under the law enforcement officers' and firefighters' retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks;

Fromhold; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 5, 2007

HB 1855 Prime Sponsor, Representative Schual-Berke: Regarding sex education in schools. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

February 6, 2007

HJR 4204 Prime Sponsor, Representative Schual-Berke: Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, HOUSE BILL NO. 1113 was returned to the Committee on Rules.

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

There being no objection, the House adjourned until 10:00 a.m., February 9, 2007, the 33rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 9, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tifphanie Wooten and Michael Kennish. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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

## INTRODUCTION &amp; FIRST READING

HB 2121 by Representatives Green, Roberts, Morrell, Lantz, Hasegawa, Flannigan, Appleton, Kenney, Lovick, Moeller, Simpson and Ormsby

AN ACT Relating to oral health parity; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health Care & Wellness.

HB 2122 by Representatives McDermott, Flannigan, Appleton, Santos and Ormsby

AN ACT Relating to providing compensation for persons who have been wrongfully convicted and imprisoned; adding a new section to chapter 41.05 RCW; adding a new section to chapter 72.09 RCW; and adding a new chapter to Title 4 RCW.

Referred to Committee on Judiciary.

HB 2123 by Representatives Green and Curtis

AN ACT Relating to interchange of antiepileptic drugs by pharmacists; and adding a new section to chapter 69.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 2124 by Representatives Appleton and Moeller

AN ACT Relating to investigation information of medical marijuana patients; and amending RCW 69.51A.040.

Referred to Committee on Health Care & Wellness.

HB 2125 by Representatives Miloscia, O'Brien, Sells, Skinner, Pedersen, Hankins, Goodman, Darneille, Rolfes, Ericks, Appleton, Santos and Ormsby

AN ACT Relating to providing rental housing for certificated and classified employees of public schools; amending RCW 28A.400.200 and 28A.400.270; adding a new section to chapter 28A.335 RCW; and creating a new section.

Referred to Committee on Education.

HB 2126 by Representatives Ross, Morrell, Curtis, Simpson and Eddy

AN ACT Relating to rates paid for medical care provided to jail inmates; and amending RCW 70.48.130.

Referred to Committee on Appropriations.

HB 2127 by Representatives Strow, Kirby, Appleton, Moeller, Simpson, Hunter and Newhouse

AN ACT Relating to reducing the penalty for a person conducting unlawful internet gambling in his or her primary residence for recreational purposes to a misdemeanor; amending RCW 9.46.240; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2128 by Representatives Conway, Pettigrew, Simpson, Chase, Moeller and Ormsby

AN ACT Relating to imposing additional taxes on petroleum businesses; adding a new section to chapter 82.04 RCW; and providing a contingent effective date.

Referred to Committee on Finance.

HB 2129 by Representatives Van De Wege, Hudgins, Morris, Eddy, Crouse, Hankins, McCoy, Takko, Hurst, McCune and Chase

AN ACT Relating to geothermal resources; and amending RCW 78.60.070, 78.60.100, 78.60.130, 78.60.200, 78.60.210, and 78.60.230.

Referred to Committee on Technology, Energy & Communications.

HB 2130 by Representatives Goodman, Lantz, Moeller and Rodne

AN ACT Relating to providing a means to determine "prior offenses" to implement chapter 73, Laws of 2006, regarding driving under the influence; amending RCW 46.61.5055 and 10.64.110; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2131 by Representatives Barlow, Ahern, Seaquist, Rolfes, McCoy, Eddy, Roberts, Morrell, Simpson and Ormsby

AN ACT Relating to limitation of actions for sex offenses committed against a child; and amending RCW 9A.04.080.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2132 by Representatives Kenney, McDonald, Rolfes, Haler, Hasegawa, Darneille, Bailey, Haigh, Conway, Dunshee, Ericks, Upthegrove, McCoy, Morrell, Chase, Appleton, Santos and Ormsby

AN ACT Relating to studying the office of minority and women's business enterprises; creating new sections; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

HB 2133 by Representatives Bailey, O'Brien, Haler, Ericks, McDonald, Hinkle, Chandler, Anderson, Kretz, Warnick, Ormsby and Newhouse

AN ACT Relating to threshold property values for the crimes of malicious mischief; amending RCW 9A.48.070, 9A.48.080, and 9A.48.090; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2134 by Representatives Van De Wege, Linville, Grant, Walsh, Kenney, Curtis, Moeller, Conway, Fromhold, Seaquist, P. Sullivan, Hinkle, Ericks, Upthegrove, Schual-Berke, Hurst, Sells, Lovick, Williams, Campbell, Chase, Quall, Simpson, Hasegawa, Santos, Goodman, Haler, Ormsby and Kelley

AN ACT Relating to port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.030; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2135 by Representatives Wood, Condotta and Ormsby

AN ACT Relating to expanding lemon law coverage to out-of-state consumers; and amending RCW 19.118.021 and 19.118.110.

Referred to Committee on Commerce & Labor.

HB 2136 by Representatives Fromhold, Sommers, Kenney, Moeller and Ormsby; by request of Superintendent of Public Instruction

AN ACT Relating to the improving core subject instruction for all students pilot program; adding a new section to chapter 28A.630 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2137 by Representatives Wallace, Skinner, Kagi, Hankins, Roberts, Chase, Kenney, Moeller, Simpson and Santos

AN ACT Relating to allowing certificated and classified school employees' children with disabilities to enroll in the district where the employee is assigned; and amending RCW 28A.225.225 and 28A.225.270.

Referred to Committee on Education.

HB 2138 by Representatives Simpson, B. Sullivan, Sells, Flannigan and Upthegrove

AN ACT Relating to fuel tax rate indexing; reenacting and amending RCW 43.84.092; adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 46.68 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2139 by Representative Simpson

AN ACT Relating to transportation policy goals; amending RCW 47.01.011, 47.01.012, and 47.06.020; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 2140 by Representatives Kristiansen and Haler

AN ACT Relating to parents' responsibility for the costs of mental health treatment for minors; and amending RCW 71.34.405.

Referred to Committee on Early Learning & Children's Services.

HB 2141 by Representative B. Sullivan

AN ACT Relating to governing body membership under the open public meetings act; amending RCW 42.30.020; and adding a new section to chapter 42.30 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2142 by Representatives Linville, Conway, Morrell, Chase, Kenney, Moeller, Santos and Ormsby

AN ACT Relating to providing legal redress for targets of workplace bullying, abuse, and harassment; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2143 by Representatives Campbell, Hunt, Chase, Flannigan, Hudgins, Morrell and Ormsby

AN ACT Relating to requiring the use of alternatives to lead wheel weights that reduce environmental health impacts; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Select Committee on Environmental Health.

HB 2144 by Representatives Cody, Jarrett and Moeller; by request of Joint Legislative Systems Committee

AN ACT Relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee; amending RCW 44.68.010, 44.68.030, 44.68.040, 44.68.050, and 44.68.060; adding new sections to chapter 44.68 RCW; creating a new section; repealing RCW 44.68.070; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2145 by Representatives Darneille, Hasegawa, Moeller and Ormsby

AN ACT Relating to election day voter registration; amending RCW 29A.08.140; and adding a new section to chapter 29A.08 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2146 by Representatives Seaquist, Rolfes, Lantz, Appleton, Simpson and Kelley

AN ACT Relating to sales and use taxes on toll projects; amending RCW 47.46.060; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

HB 2147 by Representatives Kristiansen, Ericks, Chandler, Blake, Curtis, Morrell, Roberts, Hurst, Pearson, McCune, Moeller, B. Sullivan, Simpson, Santos, Ormsby, Newhouse and Kelley

AN ACT Relating to vocational rehabilitation services for volunteer firefighters and reserve officers; and adding a new section to chapter 41.24 RCW.

Referred to Committee on Appropriations.

HB 2148 by Representative Quall

AN ACT Relating to changing school district boundaries; and amending RCW 28A.315.195.

Referred to Committee on Education.

HB 2149 by Representatives Moeller, Kenney, Hinkle, Ericksen, Morrell and Ormsby

AN ACT Relating to chronic kidney disease; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2150 by Representatives Rodne, B. Sullivan, Appleton and Sommers

AN ACT Relating to the appointment of judges; amending RCW 2.04.071, 2.04.100, 2.06.022, 2.06.024, 2.06.075, 2.12.010, 29A.24.010, 29A.24.181, 29A.24.191, 29A.32.031, 29A.32.121, 29A.36.121, 29A.36.171, and 29A.52.231; adding a new section to chapter 2.06 RCW; adding a new chapter to Title 2 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 2151 by Representatives Ormsby, P. Sullivan, B. Sullivan and Dunshee

AN ACT Relating to authorizing qualified electors to divide optional municipal code cities into wards; and amending RCW 35A.12.180.

Referred to Committee on Local Government.

HJR 4223 by Representatives B. Sullivan, Rodne, Appleton, Sommers and Ormsby

Providing for the appointment of justices of the supreme court.

Referred to Committee on Judiciary.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## REPORTS OF STANDING COMMITTEES

February 7, 2007

HB 1076 Prime Sponsor, Representative Blake: Creating a rockfish research program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

February 5, 2007

HB 1096 Prime Sponsor, Representative Kenney: Creating postsecondary opportunity programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Community & Economic Development & Trade. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Sommers.

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

Referred to Committee on Appropriations.

February 6, 2007

HB 1125 Prime Sponsor, Representative B. Sullivan: Modifying forest fire protection assessments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1292 Prime Sponsor, Representative Barlow: Establishing the eastern Washington state veterans' cemetery. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

February 7, 2007

HB 1329 Prime Sponsor, Representative Flannigan: Implementing the deficit reduction act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 19, line 1, after "October 1," strike "2009" and insert "2008"

Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

February 7, 2007

HB 1351 Prime Sponsor, Representative McDermott: Protecting individuals in domestic partnerships by granting certain rights and benefits. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice

Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1368 Prime Sponsor, Representative Simpson: Concerning special purpose district commissioner per diem compensation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 7, 2007

HB 1381 Prime Sponsor, Representative Hasegawa: Making changes of a technical nature to tax laws. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 8, 2007

HB 1447 Prime Sponsor, Representative Morrell: Providing for temporary management in boarding homes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 7, 2007

HB 1476 Prime Sponsor, Representative Blake: Modifying provisions with regard to nonsalmon charter licenses. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Van De Wege.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Strow.

Passed to Committee on Rules for second reading.

February 6, 2007

HB 1507 Prime Sponsor, Representative Seaquist:  
Creating the uniformed service shared leave  
pool. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill  
proposed by the Committee on State Government &  
Tribal Affairs. Signed by Representatives Sommers,  
Chairman; Dunshee, Vice Chairman; Alexander, Ranking  
Minority Member; Bailey, Assistant Ranking Minority  
Member; Anderson; Buri; Chandler; Cody; Conway;  
Darneille; Dunn; Ericks; Fromhold; Grant; Haler; Hinkle;  
Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville;  
McDermott; McDonald; McIntire; Morrell; Pettigrew;  
Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 7, 2007

HB 1522 Prime Sponsor, Representative Williams:  
Removing the mandatory retirement age for  
judges. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed  
by Representatives Lantz, Chairman; Goodman, Vice  
Chairman; Rodne, Ranking Minority Member; Warnick,  
Assistant Ranking Minority Member; Ahern; Flannigan;  
Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 7, 2007

HB 1712 Prime Sponsor, Representative Chase: Planning  
for future impacts at Saint Edward state park.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives B. Sullivan, Chairman; Blake, Vice  
Chairman; Kretz, Ranking Minority Member; Warnick,  
Assistant Ranking Minority Member; Dickerson;  
Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy;  
Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Capital Budget.

February 7, 2007

HB 1813 Prime Sponsor, Representative Kelley: Changing  
the name of the interagency committee for  
outdoor recreation to the recreation and  
conservation funding board. Reported by  
Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives B. Sullivan, Chairman; Blake, Vice  
Chairman; Kretz, Ranking Minority Member; Warnick,  
Assistant Ranking Minority Member; Dickerson;  
Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy;  
Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 7, 2007

HJR 4209 Prime Sponsor, Representative Williams:  
Eliminating the mandatory retirement age for  
judges. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on  
the day's committee reports sheet under the fifth order of  
business were referred to the committees so designated except  
for following bills which were placed on the Second Reading  
calendar:

HOUSE BILL NO. 1292,  
HOUSE BILL NO. 1507,

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

There being no objection, the House adjourned until 10:00  
a.m., February 12, 2007, the 36th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 12, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Thomas Hammett and Mark Schmailing. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Pat Feeney, Olympia Union Gospel Mission.

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

## RESOLUTION

HOUSE RESOLUTION NO. 2007-4616, by Representatives Blake, Rodne, Haigh, Hunt, Kessler, Takko, Van De Wege, Walsh, Lantz, Quall, Newhouse and Anderson

WHEREAS, The coastal community of Tokeland and the entire state of Washington, in July of 2006, lost an extraordinary treasure with the passing of Bob McCausland, an artist and commentator of great and deserved renown; and

WHEREAS, Bob and Ruth McCausland had only recently said farewell to their beloved northwestern Pacific County neighborhoods, moving to Olympia to plant new roots near one of their two sons; and

WHEREAS, Mr. McCausland's endearing and enduring *Seattle Post-Intelligencer* newspaper character, "Hairbreadth Husky," from 1960 to 1982 hued the victories and rued the defeats of the University of Washington football team; and

WHEREAS, A true "Renaissance Couple," the McCauslands later graced coastal Washington with their artistic flair, historical insight, ornithological acumen, and dedicated community service; and

WHEREAS, The McCauslands were honored by their fellow Tokelanders in 1999 with Citizens of the Year recognition, and they were feted by the Aberdeen Museum of History in 2004 with Historians of the Year distinction; and

WHEREAS, The Westport Maritime Museum lecture hall is very appropriately named in their honor; and

WHEREAS, Bob McCausland, who had been an artist at the *Seattle Post-Intelligencer* for more than 30 years, later painted, whittled, cut stained glass, and drew a weekly cartoon for *The Daily World* newspaper; and

WHEREAS, His murals celebrate and ennoble communities up and down the coast, he carved plaques for ships along Westport's harbor, and he carved the figurehead of Lady Washington for the state's centennial ship; and

WHEREAS, Ruth McCausland authored a comprehensive and respected regional history volume called *Washington's Westport*, and she has written a *South Beach Bulletin* newspaper column sharing her considerable knowledge of birds; and

WHEREAS, Her diverse contributions to community life and lore have also included articles for the Pacific County Historical Society's quarterly journal; and

WHEREAS, Bob McCausland and Ruth Bjornstad met in an art class in 1937, and they were married four years later; and

WHEREAS, In 1971, the McCauslands bought property on land overlooking Willapa Bay and launched a seven-year home-building project for their retirement haven; and

WHEREAS, They went on to become charter members of the Westport-South Beach Historical Society; and

WHEREAS, According to a January 16, 2001, article in the *Seattle Post-Intelligencer* newspaper, the McCauslands "show what being partners--and being part of a community--are all about";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the wonderful life of Bob McCausland, and celebrate the team of Bob and Ruth McCausland for their tireless and genuine commitment to making Washington a better place for all Washingtonians; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ruth McCausland, to the *Seattle Post-Intelligencer* newspaper, to *The Daily World* newspaper, to the *South Beach Bulletin* newspaper, the Pacific County Historical Society, and to the Westport-South Beach Historical Society.

Representative Blake moved the adoption of the resolution.

Representative Blake spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4616 was adopted.

## MESSAGE FROM THE SENATE

February 9, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 5191, and the same is herewith transmitted.

Thomas Hoemann, Secretary

## INTRODUCTION &amp; FIRST READING

HB 2152 by Representatives Appleton, Seaquist, Rolfes, Haigh, Eickmeyer, Lantz and Ormsby

AN ACT Relating to election certification dates; and amending RCW 29A.04.133, 29A.52.360, 29A.68.011, 29A.68.020, 29A.68.030, and 29A.68.120.

Referred to Committee on State Government & Tribal Affairs.

HB 2153 by Representatives Eddy, Hunter, Flannigan, Hudgins, Schual-Berke, Hasegawa, Moeller, Ormsby and Morrell

AN ACT Relating to identification documents; adding a new section to chapter 19.192 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 2154 by Representatives Fromhold, Priest, P. Sullivan, Quall, Kenney and Moeller; by request of Superintendent of Public Instruction

AN ACT Relating to election dates for educational service district board members; and amending RCW 28A.310.080.

Referred to Committee on Education.

HB 2155 by Representatives Hudgins, Conway, Cody, Van De Wege, Appleton, Seaquist, Williams, Chase and Simpson

AN ACT Relating to a business and occupation tax credit for qualifying businesses that operate call centers; reenacting and amending RCW 82.32.590 and 82.32.600; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2156 by Representatives Morris, Kenney, Chase and Ormsby

AN ACT Relating to carbon dioxide mitigation; amending RCW 80.70.010 and 80.70.070; and adding new sections to chapter 80.70 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2157 by Representatives Hudgins, Kenney and Hasegawa

AN ACT Relating to residency requirements for the state need grant; and amending RCW 28B.92.010.

Referred to Committee on Higher Education.

HB 2158 by Representatives Hasegawa, Fromhold, O'Brien, Orcutt, Condotta, Ormsby, Roach, Kristiansen, Ericks, Curtis, Kenney and Moeller

AN ACT Relating to the sales of vehicles and associated services to nonresidents of Washington; amending RCW 82.08.0264 and 82.08.0273; and prescribing penalties.

Referred to Committee on Finance.

HB 2160 by Representatives Curtis, Lovick, Upthegrove, O'Brien, Moeller and Sells

AN ACT Relating to the operation of motorcycles between lanes of traffic or vehicles; and amending RCW 46.61.608.

Referred to Committee on Transportation.

HB 2161 by Representatives Simpson, Curtis, Eddy and Ormsby

AN ACT Relating to providing for consistency between code cities and noncode cities in the apportionment of investment funds; and amending RCW 35A.40.050.

Referred to Committee on Local Government.

HB 2162 by Representatives Jarrett, Priest, Kenney, Hasegawa, Chase, P. Sullivan, Simpson, Moeller and Ormsby

AN ACT Relating to creating opportunities for students to earn a meaningful high school diploma through college and career readiness centers; amending RCW 28B.15.520 and 28B.15.067; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2163 by Representatives Cody, Sommers, Kenney and Moeller; by request of Health Care Authority

AN ACT Relating to the public employees' benefits board medical benefits administration account; and amending RCW 41.05.143.

Referred to Committee on Appropriations.

HB 2164 by Representatives Dunshee, Morrell, Moeller and Ormsby

AN ACT Relating to property tax exemptions for multiple-unit housing in urban centers within the boundaries of the campus facilities master plan of any state institution of higher education; amending RCW 84.14.010, 84.14.030, and 84.14.040; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2165 by Representatives Campbell and Hudgins

AN ACT Relating to requiring verification of special endorsements before renewing vehicle licenses for motorcycles; amending RCW 46.16.210; and providing an effective date.

Referred to Committee on Transportation.

HB 2166 by Representatives Chase, Skinner, Hunt, O'Brien, Hudgins, Campbell, Morrell, Kirby, Hasegawa, Simpson, Haler, McCune, Kretz, Dunshee, Pettigrew, Walsh, Dickerson, Williams, Eickmeyer, Conway, Schual-Berke and Moeller

AN ACT Relating to the Washington safe cosmetics act of 2007; amending RCW 69.04.060 and 69.04.070; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Select Committee on Environmental Health.

HB 2167 by Representatives Chase, Campbell, Hunt, Hudgins, Morrell, Goodman, Springer, Hasegawa and Conway

AN ACT Relating to food labeling requirements; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Select Committee on Environmental Health.

HB 2168 by Representatives Chase, O'Brien, Williams, Haler, Warnick, McCune, Orcutt, Kretz, Ahern, Hudgins, Hasegawa, Van De Wege, Eickmeyer, Moeller and Sells

AN ACT Relating to firearms safety education programs; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Judiciary.

HB 2169 by Representatives Eddy, Springer and Clibborn

AN ACT Relating to eliminating impact fees for qualifying school facilities; and amending RCW 82.02.090.

Referred to Committee on Local Government.

HB 2170 by Representatives Ross, O'Brien, Pearson, Newhouse, Curtis, Rodne, McCune, Kelley, Eddy, Goodman, Van De Wege, Hurst, Simpson and Moeller

AN ACT Relating to protecting employees, contract staff, and volunteers of a law enforcement agency; amending RCW 9A.46.110; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2171 by Representatives Eddy, Conway, Campbell, Hankins, Sells, Ormsby, Moeller, Ericks, Roberts, Darneille, Hunt, Blake, Kessler, Rolfes, Flannigan, O'Brien, Hurst, Buri, Williams, Grant, Chandler, Hasegawa, Simpson, Santos, Barlow, Morrell, Fromhold, Priest, Lantz, Strow, B. Sullivan, Cody, Hinkle, Eickmeyer, Haigh, Anderson, Appleton, Kenney, Chase, McCoy, Walsh, Haler, Kelley, Springer, Newhouse, Dunshee, Linville, McIntire, Lovick, Sump, Kirby, Schual-Berke, Kagi, Quall, Ahern, Pettigrew, Van De Wege, Condotta, Green, Sequist, Dickerson, P. Sullivan and Sommers

AN ACT Relating to crane safety; adding new sections to chapter 49.17 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2172 by Representatives Schindler, Warnick and McCune

AN ACT Relating to mathematics education; adding a new section to chapter 28A.655 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 2173 by Representatives Schual-Berke and Moeller

AN ACT Relating to electronic monitoring in long-term care facilities; amending RCW 18.51.009 and 18.20.180; adding a new section to chapter 70.129 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 9.73 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 2174 by Representatives Schual-Berke and Moeller

AN ACT Relating to the use of arbitration in resolving medical staff disputes regarding membership and privileges; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.12 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2175 by Representatives Morris, Crouse, Ericksen, Linville, Chase, Hurst and Goodman

AN ACT Relating to a sales and use tax exemption for low carbon generation facilities; and amending RCW 82.08.02567 and 82.12.02567.

Referred to Committee on Finance.

HB 2176 by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman

AN ACT Relating to interpreter services; amending RCW 2.42.120 and 2.43.040; and adding a new section to chapter 2.43 RCW.

Referred to Committee on Judiciary.

HB 2177 by Representatives Moeller and Williams; by request of Board For Judicial Administration

AN ACT Relating to revising the definition of a weapon; and reenacting and amending RCW 9.41.300.

Referred to Committee on Judiciary.

HB 2178 by Representatives Hasegawa, Hudgins, Schual-Berke, Upthegrove, McDermott and Santos

AN ACT Relating to the sale of public lands; and adding a new chapter to Title 42 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2179 by Representatives Hudgins, Upthegrove, Schual-Berke, Cody, Santos and Hasegawa

AN ACT Relating to authorizing the Washington citizens' commission on salaries for elected officials to fix the salaries of port district commissioners; and amending RCW 53.12.260, 43.03.300, and 43.03.310.

Referred to Committee on State Government & Tribal Affairs.

HB 2180 by Representatives Hudgins, Upthegrove, Schual-Berke and Dickerson

AN ACT Relating to property tax limitations for port districts; amending RCW 84.55.092; adding a new section to chapter 84.55 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2181 by Representatives Hudgins, Hasegawa, Upthegrove, Schual-Berke, Cody, McDermott, Santos and Chase

AN ACT Relating to port district property taxation; amending RCW 84.55.092; and creating a new section.

Referred to Committee on Finance.

HB 2182 by Representatives Hudgins, Schual-Berke, McDermott, Cody, Upthegrove and Santos

AN ACT Relating to creating more uniform districting requirements for large and small port districts; amending RCW 53.12.010 and 53.12.021; and adding a new section to chapter 53.12 RCW.

Referred to Committee on Local Government.

HB 2183 by Representatives Hudgins, Schual-Berke, Upthegrove, Hasegawa, Dickerson, Cody and McDermott

AN ACT Relating to the compensation of port district employees; and amending RCW 53.08.170.

Referred to Committee on Local Government.

HB 2184 by Representatives Schual-Berke, Morrell, Rolfes, P. Sullivan, Van De Wege and Ormsby

AN ACT Relating to social security account numbers; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2185 by Representatives Hudgins, Chase, Morrell, Campbell, Wood, Ormsby and Goodman

AN ACT Relating to reducing the levels of benzene in groundwater; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Select Committee on Environmental Health.

HB 2186 by Representatives Blake, Strow, Eickmeyer, Warnick, B. Sullivan, Hailey, Kretz, McCoy, Kagi, Grant, Kenney, Moeller and Ormsby

AN ACT Relating to the surface mining reclamation act; amending RCW 78.44.190, 78.44.210, and 78.44.250; adding new sections to chapter 78.44 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 2187 by Representatives Green, Conway, Buri, Williams, Wood, Hailey, Morrell, Hinkle, Seaquist, Pedersen, Ormsby, Crouse, P. Sullivan, Kelley, Kenney, Hasegawa, Chase, Sells, Van De Wege, Darneille, Campbell, Dickerson, Simpson and Moeller

AN ACT Relating to improving safety in state hospitals; adding new sections to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2188 by Representatives Clibborn, Kessler and Wood

AN ACT Relating to business and occupation tax rates for certain fuel distributors; reenacting and amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

SSB 5191 by Senate Committee on Judiciary (originally sponsored by Senators Hatfield, Brandland, Sheldon and Delvin)

AN ACT Relating to missing persons; amending RCW 43.103.110, 36.28A.110, 36.28A.120, and 43.43.751; reenacting and amending RCW 68.50.320; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## REPORTS OF STANDING COMMITTEES

February 8, 2007

HB 1106 Prime Sponsor, Representative Campbell: Requiring reporting of hospital-acquired infections in health care facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Barlow; Campbell; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

February 8, 2007

HB 1223 Prime Sponsor, Representative Simpson: Establishing the statewide CBRNE response program. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Appropriations.

February 8, 2007

HB 1233 Prime Sponsor, Representative Ericks: Addressing specified disease, hospital confinement, or other fixed payment insurance. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual- Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 8, 2007

HB 1272 Prime Sponsor, Representative Roach: Changing identity theft provisions. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Appropriations.

February 6, 2007

HB 1296 Prime Sponsor, Representative Hunter: Regarding state purchasing of information technology projects. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual- Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 8, 2007

HB 1319 Prime Sponsor, Representative O'Brien: Protecting employees, contract staff, and

volunteers of a correctional agency from stalking. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 7, 2007

HB 1323 Prime Sponsor, Representative McIntire: Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 8, 2007

HB 1378 Prime Sponsor, Representative Cody: Licensing specialty hospitals. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Curtis; Green; Moeller; Pedersen; Schual- Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 8, 2007

HB 1414 Prime Sponsor, Representative Cody: Licensing ambulatory surgical facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual- Berke and Seaquist.

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

Referred to Committee on Appropriations.

February 7, 2007

HB 1480 Prime Sponsor, Representative Roach: Regarding the administration of tax programs

administered by the department of revenue.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 8, 2007  
HB 1488 Prime Sponsor, Representative B. Sullivan:  
Enhancing the state's oil spill response program.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Dickerson; Eickmeyer; Grant; Lantz; McCoy; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey; Newhouse and Orcutt.

Referred to Committee on Finance.

February 8, 2007  
HB 1537 Prime Sponsor, Representative Lovick: Making  
a false or misleading material statement that  
results in an Amber alert. Reported by  
Committee on Public Safety & Emergency  
Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 8, 2007  
HB 1569 Prime Sponsor, Representative Cody:  
Reforming the health care system in Washington  
state. Reported by Committee on Health Care  
& Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

February 8, 2007

HB 1602 Prime Sponsor, Representative Kagi: Providing  
for the enrollment of foster parents in the  
Washington basic health plan. Reported by  
Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

February 8, 2007  
HB 1646 Prime Sponsor, Representative Blake:  
Authorizing department of fish and wildlife  
employees to sample fish, wildlife, and shellfish.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 8, 2007  
HB 1756 Prime Sponsor, Representative Kretz:  
Authorizing one additional hound hunting  
cougar season. Reported by Committee on  
Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 8, 2007  
HB 1803 Prime Sponsor, Representative Dickerson:  
Addressing specific juvenile reentry programs.  
Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

February 8, 2007  
HB 1825 Prime Sponsor, Representative Schual-Berke:  
Providing dedicated funding for public health

services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Barlow; Campbell; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander, Assistant Ranking Minority Member; Condotta.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 1084, by Representatives Blake, Van De Wege, Kessler, Takko, Morrell, Curtis, Eickmeyer, Moeller, McCoy, Pettigrew, Haigh, Simpson, Lantz, Upthegrove, B. Sullivan, Linville, Hunt, Conway, Kenney, Wallace and Santos**

**Designating the Lady Washington as the official ship of the state of Washington.**

The bill was read the second time.

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

Representative Blake spoke in favor of passage of the bill.

## MOTION

On motion of Representative Santos, Representatives Quall, Roberts and Upthegrove were excused. Representative Campbell was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1084.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1084 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke,

Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Campbell, Quall, Roberts and Upthegrove - 4.

HOUSE BILL NO. 1084, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1126, by Representatives Morrell, McDonald, Green, Takko, Ericks, Eickmeyer, Sells, Blake, Moeller, Flannigan, Conway, Linville, Kenney and Williams**

**Changing late renewal penalty provisions for concealed pistol licenses.**

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1126.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1126 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Quall, Roberts and Upthegrove - 3.

HOUSE BILL NO. 1126, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1127, by Representatives Morrell, Campbell, Green, Van De Wege, Sells, Takko, McDonald, Blake, Moeller, Kenney, Appleton, Flannigan, Hunt, Conway, Lantz, Kagi, Linville, Chase, Wallace, Ormsby, Haigh, Simpson, Hurst, P. Sullivan, Kelley, Rolfes, McCune, Haler and Santos**

**Extending military leaves for public employees.**

The bill was read the second time.

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

Representatives Morrell and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1127.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1127 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Absent: Representative Hurst - 1.

Excused: Representatives Quall and Roberts - 2.

HOUSE BILL NO. 1127, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 1127.

CHRISTOPHER HURST, 31<sup>st</sup> District

### SECOND READING

**HOUSE BILL NO. 1292, by Representatives Barlow, Ahern, Morrell, Hailey, Seaquist, Schindler, Appleton, Skinner, Williams, McDonald, Hurst, Campbell, Haler, Wood, Moeller, Van De Wege, McCune, Conway and Kenney; by request of Department of Veterans Affairs**

**Establishing the eastern Washington state veterans' cemetery.**

The bill was read the second time.

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

Representatives Barlow, Ahern and Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1292.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1292 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Quall and Roberts - 2.

HOUSE BILL NO. 1292, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1507, by Representatives Seaquist, Bailey, Schual-Berke, Green, Kenney, Williams, Conway, Ericks, Lantz, Darneille, Linville, Moeller, Kelley, Morrell and Rolfes; by request of Governor Gregoire**

### Creating the uniformed service shared leave pool.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1507 was substituted for House Bill No. 1507 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1507 was read the second time.

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

Representatives Seaquist and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1507.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1507 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy,

Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Quall and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1507, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1097, by Representatives Miloscia, Priest, Chase, Green, Ormsby, B. Sullivan, O'Brien, Morrell, Kenney, Moeller, Wallace, McCune and Simpson**

**Protecting frail elders and vulnerable adults and persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to frail elders and vulnerable adults and persons with developmental disabilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1097 was substituted for House Bill No. 1097 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1097 was read the second time.

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

Representatives Miloscia and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1097.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1097 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow,

B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Quall and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1097, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1116, by Representatives Miloscia, Pettigrew, Morrell, Ormsby, Green, B. Sullivan, Moeller, Dunn, Santos and Simpson**

**Creating a plan to increase the homeownership rate to seventy-five percent by 2020.**

The bill was read the second time.

With the consent of the House, amendments (010), (011) and (012) were withdrawn.

Representative Armstrong moved the adoption of amendment (007):

On page 1, line 9, after "state." insert "The plan must address, among other issues, how (a) reducing impact fees, (b) allowing single-family residential development outside urban growth areas, and (c) eliminating the state sales tax on construction labor and services in counties where housing is not affordable, may contribute to an increase in the state homeownership rate."

#### POINT OF ORDER

Representative Springer requested a scope and object ruling on the amendment (007) to House Bill No. 1116.

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): House Bill No. 1116 is titled an act relating to creating a plan to increase the homeownership rate to seventy-five percent by 2020.

The bill contains only one section, directing the Housing Finance Commission to work with designated stakeholders to create a strategic plan to increase the homeownership rate to seventy-five percent by 2020. The only specification for the content of the plan is that it address increasing homeownership on a fair basis for all geographic regions of the state. The plan is to be presented to the Legislature by December 31, 2007.

Amendment (007) requires the plan to evaluate whether making changes to impact fees, the growth management act, and the imposition of the sales tax on home construction, would contribute to an increase in the state homeownership act.

The amendment is clearly within the scope of the title as it relates to development of a plan to increase the homeownership rate. The amendment's requirement that specific issues be considered in developing the plan supplements the directives in the underlying bill but does not expand the bill's purpose of requiring development of the plan.

The Speaker therefore finds that the amendment is within the scope and object of the underlying bill, and that the point of order is not well taken."

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

Representative Miloscia spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (008):

On page 1, after line 16, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.02 RCW to read as follows:

(1) As used in this chapter, "first-time buyer housing affordability index" means the index determined by the Washington center for real estate research that measures the ability of a typical renter household to afford the purchase of a typical starter home by assuming: (a) The household will purchase a home priced at eighty-five percent of area median with a ten-percent down payment; (b) the home mortgage loan is for a term of thirty years at the prevailing average fixed rate of interest; (c) the potential first-time home buyer earns seventy percent of the area median household income and twenty-five percent of household income can be used for principal and interest payments.

(2) For purposes of this chapter, a first-time buyer housing affordability index of: (a) One hundred, indicates that a household of the defined income can afford a home of the defined price; (b) less than one hundred, indicates that a household of the defined income cannot afford a home of the defined price without spending more than twenty-five percent of their income on mortgage payments; and (c) greater than one hundred, indicates that a household of the defined income can afford a home of the defined price while spending less than twenty-five percent of their income on mortgage payments.

NEW SECTION. Sec. 3. A new section is added to chapter 82.02 RCW to read as follows:

(1) In any county in which the first-time buyer housing affordability index, as defined in section 1 of this act and as determined by the Washington center for real estate research at Washington State University, is less than one hundred for three quarters in any given year, the county and cities located within the county may not collect impact fees under this chapter for the following two years.

(2) The one-year period measured by the Washington center for real estate research under subsection (1) of this section shall begin and end in the third quarter of the calendar year. The time period for which the ability to collect impact fees under this chapter is suspended under subsection (1) of this section begins January 1st of the year following the determination by the Washington center for real estate research.

Sec. 4. RCW 82.02.100 and 1992 c 219 s 2 are each amended to read as follows:

(1) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay an impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.

(2) A county prohibited from imposing a fee for system improvements under section 2 of this act may not impose a fee under RCW 43.21C.065 for those same system improvements.

(3) A county prohibited from imposing a fee for system improvements under section 2 of this act may not require a dedication of land under RCW 58.17.110 for those same system improvements."

Correct the title.

#### POINT OF ORDER

Representative Springer requested a scope and object ruling on the amendment (008) to House Bill No. 1116.

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "As previously noted, the underlying bill is narrowly drafted to accomplish one specific goal – the development of a strategic plan to increase homeownership rates.

Amendment (008) defines a "first-time buyer housing affordability index" and prohibits the imposition of impact fees upon a determination that benchmarks in the index have not been met. These changes to substantive law exceed the bill's purpose in requiring development of a plan.

The Speaker therefore finds that the amendment is beyond the scope and object of the underlying bill, and that the point of order is well taken."

Representative Dunn adoption of amendment (015):

On page 1, after line 4, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.70A RCW to read as follows:

(1) As used in this section and section 2 of this act, "first-time buyer housing affordability index" means the index determined by the Washington center for real estate research that measures the ability of a typical renter household to afford the purchase of a typical starter home by assuming: (a) The household will purchase a home priced at eighty-five percent of area median household income with a ten-percent down payment; (b) the home mortgage loan is for a term of thirty years at the prevailing average fixed rate of interest; and (c) the potential first-time home buyer earns seventy percent of the area median household income and twenty-five percent of household income can be used for principal and interest payments.

(2) A first-time buyer housing affordability index of: (a) One hundred, indicates that a household of the defined income can afford a home of the defined price; (b) less than one hundred, indicates that a household of the defined income cannot afford a home of the defined price without spending more than twenty-five percent of their income on mortgage payments; and (c) greater than one hundred, indicates that a household of the defined income can afford a home of the defined price while spending less than twenty-five percent of their income on mortgage payments.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) In any county planning under RCW 36.70A.040 in which the first-time buyer housing affordability index, as defined in section 1 of this act, and as determined by the Washington center for real estate research at Washington State University, is less than one hundred for three quarters in any year, the county may permit single-family detached residential development of any density outside the urban growth area designated according to RCW 36.70A.110 for the following two years. Single-family detached residential development authorized under this section is not considered urban growth located outside of an urban growth area. Services provided to a single-family detached residential development authorized under this section is not considered urban services located outside of an urban growth area.

(b) Any county planning under RCW 36.70A.040 and permitting single-family detached residential development under (a) of this subsection may:

(i) Change its comprehensive plan and development regulations after the determination in (a) of this subsection has been made by the Washington center for real estate research to provide new locations for or increased density of single-family detached residential development under (a) of this subsection; or

(ii) Incorporate sections in its comprehensive plan and enact development regulations that provide new locations for or increased density of single-family detached residential development that are contingent upon a determination under (a) of this subsection that the first-time buyer housing affordability index was less than one hundred for three quarters in any year. If the county chooses to enact

sections of its comprehensive plan as well as development regulations, the county may provide that these sections and regulations take effect January 1st of any year following the determination by the Washington center for real estate research under (a) of this subsection.

(2) The one-year period measured by the Washington center for real estate research under subsection (1) of this section begins and ends in the third quarter of the calendar year. The time period for which the ability to permit single-family detached residential development under subsection (1) of this section begins January 1st of the year following the determination by the Washington center for real estate research under (a) of this subsection."

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

#### POINT OF ORDER

Representative Springer requested a scope and object ruling on the amendment (015) to House Bill No. 1116.

#### SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "As previously noted, the underlying bill is narrowly drafted to accomplish one specific goal - the development of a strategic plan to increase homeownership rates.

Amendment (015) defines a "first-time buyer housing affordability index" and prohibits the imposition of impact fees upon a determination that benchmarks in the index have not been met. These changes to substantive law exceed the bill's purpose in requiring development of a plan.

The Speaker therefore finds that the amendment is beyond the scope and object of the underlying bill, and that the point of order is well taken."

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

Representatives Miloscia, Flannigan and Springer spoke in favor of passage of the bill.

Representatives Schindler, Armstrong, Dunn, Orcutt, Hinkle, Anderson and Buri spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1116.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1116 and the bill passed the House by the following vote: Yeas - 65, Nays - 31, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 31.

Excused: Representatives Quall and Roberts - 2.

HOUSE BILL NO. 1116, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1421, by Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick and Moeller; by request of Secretary of State**

**Modifying address confidentiality program provisions.**

The bill was read the second time.

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

Representatives Green and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1421.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1421 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Quall and Roberts - 2.

HOUSE BILL NO. 1421, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1437, by Representatives Eddy, Williams, Lantz, Seaquist, Appleton, Darneille, Rolfes, Lovick, Moeller and Ericks**

**Concerning fees for petitioners of sexual assault protection orders.**

The bill was read the second time.

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

Representatives Eddy and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1437.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1437 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Quall and Roberts - 2.

HOUSE BILL NO. 1437, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Springer congratulated Representative Eddy on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

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

There being no objection, the House adjourned until 9:55 a.m., February 13, 2007, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 13, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**INTRODUCTION & FIRST READING**

HB 2189 by Representatives Williams and Conway

AN ACT Relating to allowing for financial arrangements between the holders of a sports/entertainment facility and manufacturers, importers, and distributors; and reenacting and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HB 2190 by Representatives Ericksen, Rodne and Schindler

AN ACT Relating to tax incentives to encourage construction of freight rail improvements; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

HB 2191 by Representatives Lantz, Warnick, Pedersen, Williams, Moeller, Seaquist, Morrell, Kelley, Simpson and Ormsby

AN ACT Relating to limiting deferred prosecution in domestic violence cases; amending RCW 10.05.010, 10.05.020, and 10.05.030; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2192 by Representatives Kenney, Hankins, Morrell, Skinner, Hasegawa, Pettigrew, P. Sullivan, McIntire, Pedersen, Ormsby, Santos, Upthegrove, Hudgins, McDermott, Sells, Lantz, Appleton, Kessler, Moeller, Kagi, Conway, Wood, Roberts and Simpson

AN ACT Relating to providing funds to restore public school art programs; amending RCW 67.70.240; adding a new section to chapter 43.79 RCW; and adding a new section to chapter 43.46 RCW.

Referred to Committee on Appropriations.

HB 2193 by Representatives Roach, Haler, Newhouse, Hinkle, Bailey, Ahern and Kristiansen

AN ACT Relating to establishing a minimum period under which a holder of property presumed abandoned shall

hold the property between providing notification to the apparent owner of the property and turning over the property to the department of revenue; amending RCW 63.29.170; reenacting and amending RCW 63.29.190; and providing an effective date.

Referred to Committee on Finance.

HB 2194 by Representatives Roach, Haler, Ahern, Hinkle, Bailey, Warnick, Newhouse, Kristiansen, Pearson and Kelley

AN ACT Relating to requiring certain employees of the department of licensing to submit to a criminal background check if they have access to the personally identifying information of Washington residents; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2195 by Representatives Roach, Haler, Hinkle, Bailey, Ahern, Newhouse, Kristiansen, Morrell, Williams, Strow, Lovick, O'Brien, Hurst and Simpson

AN ACT Relating to tax incentives for autism research and development; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2196 by Representatives Goodman, Rodne, Morrell, Ross, O'Brien, Priest, Hurst, Van De Wege, Hudgins, Seaquist, Kelley, Simpson, Miloscia, McCoy, Walsh, Haler, Bailey, Strow, Hailey, Kretz, Appleton, Kessler, Campbell, Kenney, Moeller, Conway, Pearson and Ormsby

AN ACT Relating to state contracts with businesses owned by veterans with disabilities; amending RCW 43.60A.010, 43.19.536, 39.80.040, and 47.28.030; adding new sections to chapter 43.60A RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

HB 2197 by Representatives Kristiansen, Lovick, Pearson and Ericksen

AN ACT Relating to prioritizing existing funding for special safety corridor projects; adding a new section to chapter 46.68 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2198 by Representatives Kristiansen, Pearson, Lovick and Ericksen

AN ACT Relating to prioritizing existing funding for special safety corridor projects; amending RCW 46.68.090; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2199 by Representatives Hinkle, Bailey, Kretz, Ericksen, Chandler, Haler, Ahern, Roach, Warnick, Hailey, Newhouse, Skinner, Kristiansen, Dunn and Condotta

AN ACT Relating to the Washington health opportunity act of 2007; amending RCW 48.21.045, 48.44.023, and 48.46.066; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 82.04 RCW; creating new sections; and repealing 2006 c 100 s 7 (uncodified).

Referred to Committee on Health Care & Wellness.

HB 2200 by Representatives Linville, Bailey, Hunter, Fromhold, McDonald, Orcutt, Schual-Berke and Williams

AN ACT Relating to creating the joint select task force on public infrastructure; creating a new section; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 2201 by Representatives Barlow, Morrell, Williams, Upthegrove, Sells, Darneille, Appleton, Conway, Green, Hurst, Seaquist, Simpson and Ormsby

AN ACT Relating to providing property tax relief for owners of residential property who are senior citizens, persons retired because of disabilities, or veterans with service-connected disabilities; amending RCW 84.36.379, 84.36.381, and 84.36.385; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2202 by Representatives Curtis, Simpson, Seaquist, Moeller and Lantz

AN ACT Relating to establishing the option to use ranked choice voting by cities and local taxing districts; amending RCW 29A.04.311, 29A.36.010, 29A.36.170, 29A.36.171, 29A.52.111, and 29A.52.210; adding a new chapter to Title 29A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2203 by Representatives Blake, Conway, Kenney, Hunt, Green and Moeller

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued

under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

HB 2204 by Representatives Morrell and Cody

AN ACT Relating to modifying the nursing home certificate of bed need ratio; adding a new section to chapter 70.38 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2205 by Representatives Kessler, B. Sullivan, Kenney and Kagi

AN ACT Relating to state park fees; amending RCW 79A.05.215; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2206 by Representatives Curtis, Fromhold, Morris, Hankins, Wallace, Armstrong, Moeller and Orcutt

AN ACT Relating to conducting a study of pipeline utility corridor capacity; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2207 by Representatives Wallace, Lovick and Williams

AN ACT Relating to requesting preconviction HIV testing in sexual assault cases; reenacting and amending RCW 70.24.105; and adding a new section to chapter 70.24 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2208 by Representative Wallace

AN ACT Relating to window tint requirements and penalties; amending RCW 46.37.430; repealing RCW 46.37.435; and prescribing penalties.

Referred to Committee on Transportation.

HB 2209 by Representatives Seaquist, Morrell, Curtis, Green, Moeller and Ormsby

AN ACT Relating to allowing advanced registered nurse practitioners to examine and obtain copies of autopsy reports and records; and amending RCW 68.50.105.

Referred to Committee on Health Care & Wellness.

HB 2210 by Representatives Skinner, Campbell, Haler, Ahern, Warnick, Hailey, Bailey, Dunn and Pearson

AN ACT Relating to state contracts with veteran-owned businesses; amending RCW 43.60A.010, 43.19.536, 39.80.040, and 47.28.030; adding new sections to chapter 43.60A RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

HB 2211 by Representatives Wallace, Kenney and Moeller

AN ACT Relating to statewide procurement of technical assistance; creating a new section; and making an appropriation.

Referred to Committee on Community & Economic Development & Trade.

HB 2212 by Representatives Blake, B. Sullivan and Newhouse

AN ACT Relating to addressing the application of the growth management act to certain agricultural activities occurring on agricultural lands; amending RCW 36.70A.030, 36.70A.060, 36.70A.280, and 36.70A.190; adding a new section to chapter 36.70A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

HB 2213 by Representatives B. Sullivan, Blake and Newhouse

AN ACT Relating to addressing the application of the growth management act to certain agricultural activities occurring on agricultural lands; amending RCW 36.70A.030, 36.70A.060, 36.70A.280, and 36.70A.190; adding a new section to chapter 36.70A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

HB 2214 by Representatives O'Brien, Rodne, Williams, Ahern, Santos, Hinkle, McCoy, Armstrong, Appleton, Alexander, Goodman, Sells, Kenney, Lantz, Jarrett, Moeller, Kagi, Roberts and Ormsby

AN ACT Relating to studying the sentencing reform act; and creating new sections.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2215 by Representatives Newhouse, Ross, McCune, Pearson, Chandler, Condotta, Roach, Ahern, Haler and Hailey

AN ACT Relating to combating gang-related crime; amending RCW 9A.46.120 and 13.40.0357; reenacting and amending RCW 9.94A.515, 9.94A.533, and 9.94A.411; adding new sections to chapter 9A.46 RCW; adding a new section to chapter 9A.48 RCW; adding a new section to

chapter 9.94A RCW; creating new sections; prescribing penalties; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2216 by Representatives Appleton, Sells, Simpson, Takko, Wallace, Ormsby, Conway and Strow

AN ACT Relating to requiring the appointment of nonvoting labor members to public transportation governing bodies; amending RCW 35.58.270, 36.57.030, and 36.57A.050; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

HB 2217 by Representatives Orcutt, Wallace and Curtis

AN ACT Relating to the use by noneligible entities of tax exempt property owned by certain organizations; and amending RCW 84.36.060.

Referred to Committee on Finance.

HB 2218 by Representatives Orcutt, Haler, Hailey, Ahern, Pearson, Roach, Newhouse, Hinkle, Kristiansen, Warnick, Kretz, Ericksen, Condotta and Chandler

AN ACT Relating to the rights of former owners in real property that has been acquired through eminent domain; amending RCW 35.80A.030, 36.68.010, 47.52.050, 53.25.040, 79.36.330, 80.28.230, and 80.40.030; and adding a new section to chapter 8.25 RCW.

Referred to Committee on Judiciary.

HB 2219 by Representatives Orcutt, B. Sullivan, Kessler and Kretz

AN ACT Relating to forest practices regulations applicable to small forest landowners; and amending RCW 76.13.120, 76.13.140, and 76.13.130.

Referred to Committee on Agriculture & Natural Resources.

HB 2220 by Representative Lantz

AN ACT Relating to shellfish; and creating a new section.

Referred to Committee on Select Committee on Puget Sound.

HB 2221 by Representatives Pettigrew, Hudgins, Kenney and Moeller

AN ACT Relating to assistance for disadvantaged contractors; adding new sections to chapter 39.19 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

HB 2222 by Representatives P. Sullivan, Moeller, Roberts and Simpson

AN ACT Relating to placement on the statewide salary schedule of educational staff associates and instructors with career and technical certificates; and amending RCW 28A.150.410.

Referred to Committee on Appropriations.

HB 2223 by Representatives Bailey, Chandler, Hailey, Ross, Kristiansen, Strow and Pearson

AN ACT Relating to identification and review of new programs; amending RCW 43.88.090; and adding new sections to chapter 43.09 RCW.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 8, 2007  
HB 1049 Prime Sponsor, Representative Fromhold: Concerning the Vancouver national historic reserve. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

February 8, 2007  
HB 1088 Prime Sponsor, Representative Dickerson: Improving delivery of children's mental health services. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Appleton; Pettigrew and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Hinkle.

Referred to Committee on Appropriations.

February 7, 2007  
HB 1115 Prime Sponsor, Representative Miloscia: Creating programs to end homelessness. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Kelley; McCune and Ormsby.

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

Referred to Committee on Appropriations.

February 9, 2007  
HB 1135 Prime Sponsor, Representative Appleton: Allowing certain cities to designate aquifer conservation zones. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 8, 2007  
HB 1193 Prime Sponsor, Representative B. Sullivan: Directing the governor to appoint the director of the department of fish and wildlife. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 9, 2007  
HB 1256 Prime Sponsor, Representative Dickerson: Preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

February 8, 2007  
HB 1273 Prime Sponsor, Representative Roach: Authorizing fraud alert networks. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Santos.

Passed to Committee on Rules for second reading.

February 8, 2007  
HB 1274 Prime Sponsor, Representative Roach:  
 Developing an identity theft grant program.  
 Reported by Committee on Insurance, Financial  
 Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by  
 Representatives Kirby, Chairman; Kelley, Vice Chairman;  
 Roach, Ranking Minority Member; Strow, Assistant  
 Ranking Minority Member; Hurst; Rodne; Santos and  
 Simpson.

Referred to Committee on Appropriations.

February 8, 2007  
HB 1278 Prime Sponsor, Representative Conway:  
 Modifying industry average unemployment  
 contribution rates. Reported by Committee on  
 Commerce & Labor

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Conway, Chairman; Wood, Vice  
 Chairman; Condotta, Ranking Minority Member;  
 Chandler, Assistant Ranking Minority Member; Crouse;  
 Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 8, 2007  
HB 1303 Prime Sponsor, Representative Dickerson:  
 Encouraging the use of cleaner energy. Reported  
 by Committee on Agriculture & Natural  
 Resources

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives B. Sullivan, Chairman; Blake, Vice  
 Chairman; Dickerson; Eickmeyer; Grant; Lantz; McCoy;  
 Orcutt; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Kretz, Ranking Minority Member;  
 Warnick, Assistant Ranking Minority Member; Hailey  
 and Newhouse.

Referred to Committee on Appropriations.

February 9, 2007  
HB 1306 Prime Sponsor, Representative Green: Extending  
 prohibition of mandatory overtime to nurses in  
 the public sector. Reported by Committee on  
 Commerce & Labor

MAJORITY recommendation: Do pass. Signed by  
 Representatives Conway, Chairman; Wood, Vice  
 Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 7, 2007  
HB 1359 Prime Sponsor, Representative Miloscia:  
 Creating an affordable housing for all program.  
 Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Miloscia, Chairman; Springer, Vice  
 Chairman; Kelley; McCune and Ormsby.

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

Referred to Committee on Appropriations.

February 9, 2007  
HB 1407 Prime Sponsor, Representative Conway:  
 Funding the administration of Title 50 RCW,  
 unemployment compensation. Reported by  
 Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Conway, Chairman; Wood, Vice  
 Chairman; Condotta, Ranking Minority Member;  
 Chandler, Assistant Ranking Minority Member; Green;  
 Moeller and Williams.

Referred to Committee on Appropriations.

February 8, 2007  
HB 1422 Prime Sponsor, Representative Roberts:  
 Addressing children and families of incarcerated  
 parents. Reported by Committee on Human  
 Services

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Dickerson, Chairman; Roberts, Vice  
 Chairman; Ahern, Ranking Minority Member; Walsh,  
 Assistant Ranking Minority Member; Bailey; Darneille;  
 McCoy and O'Brien.

Referred to Committee on Appropriations.

February 8, 2007  
HB 1461 Prime Sponsor, Representative Morrell:  
 Addressing manufactured/mobile home  
 community registrations and dispute resolution.  
 Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Miloscia, Chairman; Springer, Vice  
 Chairman; Kelley and Ormsby.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Dunn, Ranking Minority Member;  
 McCune and Schindler.

Referred to Committee on Appropriations.

February 9, 2007  
HB 1465 Prime Sponsor, Representative Roberts:  
 Establishing a pilot program to provide  
 consultation services for early learning and child

care programs. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 8, 2007

HB 1501 Prime Sponsor, Representative Wood: Concerning adjustments to industrial insurance total disability compensation reductions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 9, 2007

HB 1508 Prime Sponsor, Representative Orcutt: Providing an exemption from business and occupation tax for the resale of natural or manufactured gas by consumers. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hurst; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins.

Referred to Committee on Finance.

February 9, 2007

HB 1524 Prime Sponsor, Representative Chase: Requiring the use of certain light-emitting diode lights. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen.

Passed to Committee on Rules for second reading.

February 9, 2007

HB 1597 Prime Sponsor, Representative Moeller: Requiring plumbing, electrical, and conveyance workers to have licenses, certificates, or permits

in their possession while working. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Referred to Committee on Appropriations.

February 8, 2007

HB 1598 Prime Sponsor, Representative Kretz: Requiring recipients of money from the salmon recovery funding board to agree to disclose information regarding the funding in compliance with chapter 42.56 RCW. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 8, 2007

HB 1621 Prime Sponsor, Representative B. Sullivan: Preserving manufactured/mobile home communities. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Kelley and Ormsby.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn, Ranking Minority Member; McCune and Schindler.

Referred to Committee on Finance.

February 8, 2007

HB 1682 Prime Sponsor, Representative Dickerson: Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Passed to Committee on Rules for second reading.

February 9, 2007

HB 1811 Prime Sponsor, Representative Pedersen: Regarding automatic sprinkler systems in

nightclubs. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Ross; B. Sullivan and Takko.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 14, 2007, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 14, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Hannah Stejskal and Anna Wilke. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Pat Feeney, Olympia Union Gospel Mission.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4621, by Representatives Lovick, Kessler, Hankins, Strow, O'Brien, Hurst, Ormsby, Goodman, Pearson, Kelley, Crouse, Kenney, Lantz, Sells, Rolfes, Pettigrew, Clibborn, Haler, Buri, Miloscia, Walsh, McCoy, Eddy, Takko, Haigh, Skinner, Linville, Ross, Ericks, Santos, P. Sullivan, Hunt, Springer, Morris, Warnick, Van De Wege, Hudgins, Simpson, Flannigan, Upthegrove, Pedersen, McDermott, Eickmeyer, Wallace, Ahern, Barlow, Wood, Kirby, Seaquist, Kagi, Green, Morrell, Chopp, Dunshee, Moeller, Fromhold, Grant, Conway, Newhouse, Roach, McCune, Hailey, Blake, Quall, Hasegawa, Chase, McIntire, Darneille, Sommers, Rodne, B. Sullivan, Bailey and Schual-Berke

WHEREAS, Bill Trimm has been a planning professional for 35 years and Mill Creek's planning director for 18 years; and

WHEREAS, Trimm was vice president of the Washington Chapter of the American Planning Association from 1993 to 1995; and

WHEREAS, Trimm has been active on the Puget Sound Regional Council as chair of the PSRC Regional Staff Committee for more than 10 years; and

WHEREAS, The PSRC Committee has taken a lead role in revising VISION 2020, the Puget Sound region's growth, transportation, and economic strategy; and

WHEREAS, Trimm has been the guiding force since 1992 behind Town Center, Mill Creek's award-winning mixed use development; and

WHEREAS, Under Trimm's direction, Mill Creek developed a conceptual master plan for Town Center in 1993-94; and

WHEREAS, After marketing Town Center to commercial developers throughout the Northwest, Trimm took the lead in getting the city of Mill Creek to amend its master plan to expand Town Center; and

WHEREAS, Town Center today at 500,000 square feet on 32 acres in the heart of Mill Creek has become the community's focal point; and

WHEREAS, Town Center features shop-lined streets, landscaped public plazas and offices overlooking the North Creek greenway; and

WHEREAS, Town Center combines pedestrian-friendly features, distinctive architecture, and a unique cosmopolitan character; and

WHEREAS, Town Center won the 2000 Sprawl Reduction Award and the Governor's 2004 Economic Development Award; and

WHEREAS, The city of Mill Creek approved Phase 3 of Town Center in January after approving two applications (one in Phase 2) from Wakefield Pacific, Inc., for Town Center development;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Bill Trimm as the "champion" of the Mill Creek Town Center, applaud his outstanding achievements to urban planning, and praise his lasting contributions to the quality of life in Mill Creek.

Representative Lovick moved the adoption of the resolution.

Representative Lovick spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4621 was adopted.

HOUSE RESOLUTION NO. 2007-4619, by Representatives Kessler, Skinner, Lantz and Hankins

WHEREAS, The arts are essential to the human experience, providing a means to express our communal joys and sorrows; and

WHEREAS, The arts contribute to vital and vibrant communities across the state and enhance the quality of life for all Washington's citizens; and

WHEREAS, The arts have tremendous educational, community, and economic value; and

WHEREAS, Arts education improves student achievement as part of a complete education, and contributes to increased attendance, student leadership, and self-esteem; and

WHEREAS, Public art projects enhance public spaces, encouraging community dialogue and participation in the arts; and

WHEREAS, Arts organizations and artists create cultural opportunities and improve community vitality, contributing to the economic vitality of businesses and individuals through the revitalization of communities and downtowns;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the value of the arts, and join Christine O. Gregoire, Governor of the state of Washington, in observing February 15, 2007, as Arts Day in the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Kris Tucker, Executive Director of the Washington State Arts Commission and Gretchen Johnston, Executive Director of the Washington State Arts Alliance.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Skinner spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4619 was adopted.

The Speaker (Representative Moeller presiding) introduced high school students who were participating in "Poetry Out Loud", a national poetry recitation contest: Cheyenne Space, Puyallup High School read "Famous" by Naomi Shihab Nye and Blake Lugar, Avanti High School, Olympia read "Alone" by Maya Angelou.

#### INTRODUCTION & FIRST READING

HB 2224 by Representatives Newhouse, Ross, McCune, Chandler, McDonald, Pearson, Morrell, Roach, Warnick and Alexander; by request of Attorney General

AN ACT Relating to gang-related offenses; amending RCW 13.40.0357; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2225 by Representatives Anderson and Wood

AN ACT Relating to a statewide enhanced 911 emergency radio network to improve public notification during an ongoing emergency; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2226 by Representatives Simpson and Williams

AN ACT Relating to a court's application of equitable principles in land use cases; and adding a new section to chapter 36.70C RCW.

Referred to Committee on Judiciary.

HB 2227 by Representatives McDonald, Schindler and Kristiansen

AN ACT Relating to boundary review board reviews of proposed actions; and amending RCW 36.93.150.

Referred to Committee on Local Government.

HB 2228 by Representative McDonald

AN ACT Relating to requiring motor vehicle liability insurance; amending RCW 46.30.020; adding new sections to chapter 46.16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2229 by Representatives Kretz, Buri, Sump, Hailey, Warnick, Orcutt, Schindler, Ahern, Kristiansen and McCune

AN ACT Relating to the energy independence act; and amending RCW 19.285.030.

Referred to Committee on Technology, Energy & Communications.

HB 2230 by Representatives Ericks, Bailey, Schual-Berke, Williams, Kagi, Moeller, Lantz, Hasegawa, Green, Morrell, Linville, Blake, Upthegrove, Hunt, O'Brien, Roach, Goodman, Simpson, Ormsby and Santos

AN ACT Relating to early intervention services for children who are three years old; and amending RCW 28A.155.065.

Referred to Committee on Early Learning & Children's Services.

HB 2231 by Representatives Appleton, Haler, McCoy, Eddy, Seaquist, Moeller, Takko, Williams, Campbell, Hudgins, Pedersen, Rodne, Hunt, Rolfes, Dickerson, B. Sullivan, Cody, Kirby, Conway, Ormsby and Santos

AN ACT Relating to funding consumers' financial awareness; amending RCW 31.45.110; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 31.45 RCW.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2232 by Representatives P. Sullivan and Hankins

AN ACT Relating to public works projects at institutions of higher education; and amending RCW 28B.10.350.

Referred to Committee on State Government & Tribal Affairs.

HB 2233 by Representatives Condotta, Chandler, Orcutt, Schindler, Kretz, Ahern, Kristiansen and Warnick

AN ACT Relating to the use of industrial insurance funds; amending RCW 51.44.010, 51.44.020, and 51.44.033; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce & Labor.

HB 2234 by Representatives Conway, Condotta, Wood and Simpson

AN ACT Relating to beer and wine warehousing and distribution by a primary grocery distributor at the direction of an independent grocery store customer; adding a new section to chapter 66.28 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Commerce & Labor.

HB 2235 by Representatives Miloscia, Kelley, Green, Ormsby and Wood; by request of Governor Gregoire

AN ACT Relating to the consolidation and elimination of certain boards and commissions; amending RCW 70.168.020, 18.73.030, 18.73.050, 70.168.060, 18.135.030, 43.41.220, and 43.41.230; reenacting and amending RCW 18.71.205; repealing RCW 77.12.690, 28B.04.085, 28B.115.050, 28A.600.130, 28B.12.040, 70.96A.070, and 18.73.040; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2236 by Representatives Goodman and Lantz

AN ACT Relating to the disposition of certain assets; amending RCW 11.02.005, 11.07.010, 11.12.260, 11.24.010, and 11.96A.150; adding a new chapter to Title 11 RCW; and repealing RCW 11.05.010, 11.05.020, 11.05.030, 11.05.040, 11.05.050, 11.05.900, and 11.05.910.

Referred to Committee on Judiciary.

HB 2237 by Representatives Jarrett, Schindler, Armstrong, Priest, Rodne, Hailey, Condotta, Kristiansen, Ericksen, Orcutt, Kretz and Skinner

AN ACT Relating to the creation of the transportation project contingency account; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2238 by Representatives Kagi, Walsh, Dickerson, Fromhold, Darneille, McDermott, Hunt, O'Brien, Kenney, Morrell, Goodman, Simpson, Ormsby, Santos and Green

AN ACT Relating to the completion of comprehensive hearing assessments for infants who fail a newborn hearing screening; adding a new section to chapter 70.83 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2239 by Representatives Takko, Orcutt, Blake, Curtis and Williams

AN ACT Relating to the sales and use taxation of grain elevators; amending RCW 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.12.820, and 82.12.820; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 2240 by Representatives Conway, Condotta and Kenney

AN ACT Relating to allowing certain activities between domestic wineries, domestic breweries, microbreweries, certificate of approval holders, and retail sellers of beer or wine; and reenacting and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HB 2241 by Representatives Hudgins and Wood

AN ACT Relating to developing more effective streamlining of technology and innovation in the state of Washington; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2242 by Representatives Kenney, Condotta, Ericks, Walsh, Grant and McDermott

AN ACT Relating to special occasion licenses for alcoholic beverage control purposes; amending RCW 66.24.375; and reenacting and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HB 2243 by Representatives Quall and Priest

AN ACT Relating to the replacement of motor vehicle keys; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Commerce & Labor.

HB 2244 by Representatives Miloscia, Ormsby and Santos

AN ACT Relating to homeless tent encampments; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Housing.

HB 2245 by Representatives Grant, Newhouse, Chandler, Williams, Kretz and Warnick

AN ACT Relating to clarifying when a water right is relinquished; amending RCW 90.03.380; reenacting and amending RCW 90.14.140; adding a new section to chapter 90.03 RCW; creating a new section; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 2246 by Representatives Kagi, Haler, Fromhold, Wallace, Kenney, Dickerson, Morrell, Simpson, Conway and Ormsby

AN ACT Relating to the delivery of educational services to children who are deaf and hearing impaired; amending RCW 72.40.010, 72.40.019, 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031, 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.022, 72.40.070, 72.40.090, 72.40.210, 72.40.220, 72.40.230, 72.40.240, 72.40.250, 72.40.260, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter 72.42 RCW; creating new sections; repealing RCW 72.40.023; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & Children's Services.

HB 2247 by Representatives Conway, Blake, Takko, Hurst and Simpson

AN ACT Relating to forestry resources and rural development, establishing a compensation system for haulers of logs; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

HB 2248 by Representatives McDermott, Cody, Upthegrove and Williams

AN ACT Relating to protecting Puget Sound water quality by creating an aquatic reserve near Maury Island; amending RCW 79.105.210; adding a new section to chapter 79.105 RCW; and declaring an emergency.

Referred to Committee on Select Committee on Puget Sound.

HB 2249 by Representatives McDermott, Cody, Upthegrove and Appleton

AN ACT Relating to shoreline master program provisions on islands in Puget Sound; and amending RCW 90.58.100.

Referred to Committee on Select Committee on Puget Sound.

HB 2250 by Representatives Cody, McDermott and Upthegrove

AN ACT Relating to hydraulic project permits for activities in aquatic reserves; adding a new section to chapter 77.55 RCW; and declaring an emergency.

Referred to Committee on Select Committee on Puget Sound.

HB 2251 by Representatives Buri, Curtis and Hunt

AN ACT Relating to establishing a cemetery district in a county; and amending RCW 68.52.100 and 68.52.170.

Referred to Committee on Local Government.

HB 2253 by Representatives Roach, Pettigrew, Williams, Hurst, Haler, Walsh, O'Brien, Orcutt, Morrell, Rolfes and Ormsby

AN ACT Relating to "Autism Awareness" special license plates; amending RCW 46.16.745 and 46.16.316; reenacting and amending RCW 46.16.313 and 46.16.725; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 2254 by Representatives Goodman, Lantz, O'Brien, Williams, Hurst, Lovick, Roach, Rodne, Miloscia, Kelley, Sells, Haler, Morrell and Rolfes

AN ACT Relating to changing the penalties for gross misdemeanor driving under the influence convictions; amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2255 by Representatives Chandler and Kretz

AN ACT Relating to encouraging initiatives and referendums by extending privacy protections to signatories and assuring accurate verification; amending RCW 29A.72.110, 29A.72.120, 29A.72.130, 29A.72.170, and 29A.72.230; adding a new section to chapter 29A.72 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2256 by Representatives Darneille, Haler, Morrell, Walsh, Pettigrew, Dickerson, Kenney, Schual-Berke, Kagi, P. Sullivan, Lantz, Hinkle, Upthegrove, Appleton, Williams, Seaquist, O'Brien, Hasegawa, Green, Linville, Simpson, Ormsby and Santos

AN ACT Relating to establishing the family prosperity act; amending RCW 19.182.020 and 19.182.010; adding new sections to chapter 43.63A RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 43.63A.765 and 43.63A.767; providing an effective date; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1417, by Representatives Lovick, Roach, Simpson, Hurst, O'Brien, Eddy, Ericks, Eickmeyer, Kelley, Van De Wege, Pedersen, Sells, Hankins, B. Sullivan, Dickerson, Rodne, Springer, Appleton, Rolfes, Hudgins, Pettigrew, Williams, Kessler, Green, Ormsby, P. Sullivan and Santos**

**Providing reimbursement for certain Washington state patrol survivor benefits.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1417 was substituted for House Bill No. 1417 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1417 was read the second time.

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

Representatives Lovick, Roach and Hankins spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1417.

#### MOTIONS

On motion of Representative Schindler, Representative DeBolt was excused. On motion of Representative Santos, Representatives Flannigan and Morris were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1417 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives DeBolt, Flannigan and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1417, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1215, by Representative McDonald**

##### **Prohibiting the sale, purchase, or use of alcohol vaporizing devices.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1215 was substituted for House Bill No. 1215 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1215 was read the second time.

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

Representatives McDonald, Hurst, Wood and Morrell spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1215.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1215 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 1, Excused - 3.

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

Voting nay: Representative Upthegrove - 1.

Absent: Representative Dunshee - 1.

Excused: Representatives DeBolt, Flannigan and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1215, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1236, by Representatives Roach, Kirby, Simpson and Moeller; by request of Insurance Commissioner**

##### **Establishing certain capital and surplus requirements necessary to transact insurance.**

The bill was read the second time.

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

Representatives Roach and Kirby spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1236.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1236 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De

Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives DeBolt, Flannigan and Morris - 3.

HOUSE BILL NO. 1236, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Lovick to preside.

**HOUSE BILL NO. 1238, by Representatives Takko, Curtis, Simpson and Moeller**

**Revising provisions relating to water-sewer districts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1238 was substituted for House Bill No. 1238 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1238 was read the second time.

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

Representatives Takko and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1238.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1238 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives DeBolt, Flannigan and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1238, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1247, by Representatives Morrell, Hinkle, Cody, Wallace and Moeller; by request of Department of Social and Health Services**

**Concerning eligibility for long-term care services.**

The bill was read the second time.

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

Representatives Morrell and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1247.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1247 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives DeBolt, Flannigan and Morris - 3.

HOUSE BILL NO. 1247, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1261, by Representatives Crouse, Fromhold, Conway, Kenney, Ericks, Simpson, McDonald, Moeller, Campbell and Pearson; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board**

**Purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1261 was substituted for House Bill No. 1261 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1261 was read the second time.

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

Representative Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1261.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1261 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives DeBolt, Flannigan and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1261, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1262, by Representatives Bailey, Conway, Fromhold, Ericks, Simpson and Moeller; by request of Select Committee on Pension Policy**

**Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1262 was substituted for House Bill No. 1262 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1262 was read the second time.

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

Representative Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1262.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1262 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Simpson and Van De Wege - 2.

Excused: Representatives DeBolt, Flannigan and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1262, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1305, by Representatives Kretz, Warnick, Hailey, McCoy, Newhouse and Haler; by request of Department of Agriculture**

**Repealing the statutes regulating food lockers.**

The bill was read the second time.

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

Representatives Kretz and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1305.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1305 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Strow - 1.  
Excused: Representatives DeBolt, Flannigan and Morris -

3.

HOUSE BILL NO. 1305, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1556, by Representatives Walsh, Grant, Haler, Sells, Springer, O'Brien, Seaquist, Ahern, Takko, Williams, Ericks, Roberts, Strow, Linville, Ormsby and McDermott**

**Designating the Walla Walla sweet onion as the official Washington state vegetable.**

The bill was read the second time.

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

Representatives Walsh, Grant, Springer, Warnick, Sells, Eickmeyer and Goodman spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1556.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1556 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives DeBolt, Flannigan and Morris - 3.

HOUSE BILL NO. 1556, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 15, 2007, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 15, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**MESSAGE FROM THE SENATE**

February 14, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE SENATE BILL NO. 5093, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4624, by Representatives Hunt, Moeller, McDermott, B. Sullivan, McCoy, Morris, Hudgins, Conway, Dunn, Curtis, Chase, Eddy, Lovick, Schindler, McDonald, Buri, Ormsby, Kretz, Miloscia, Kenney, Pedersen, Darneille, Williams, Kelley, Morrell, Eickmeyer, Appleton, Hunter, Santos, Barlow, Seaquist, Hankins, Rolfes, Linville, Dickerson, Sommers, Schual-Berke, Dunshee, Skinner, O'Brien, Upthegrove, Simpson, Strow, Hailey, Flannigan, Newhouse, Orcutt, Wood, Kirby, Condotta, Anderson, Sump, Priest and Armstrong

WHEREAS, Washington History Day is a year long education program that empowers teachers to improve history education, so that every student has the historical understanding and skills to be an active and engaged citizen; and

WHEREAS, Washington History Day, the state affiliate of National History Day, helps young Washington state students develop an appreciation of their heritage and essential skills that help them succeed in school, college, and the workplace; and

WHEREAS, National History Day began in 1974 and was hailed as a revolutionary way to teach history and quickly expanded into the nation's largest and most respected history education program with hundreds of thousands of students participating annually; and

WHEREAS, Washington History Day began in 1977 and has been an important component of history education statewide; and

WHEREAS, More than 3,500 students, encouraged and guided by more than 125 teachers, participate in the Washington History Day program; and

WHEREAS, National History Day has developed one of the nation's premier models to promote inquiry-based learning and to teach educators how to improve and reform the way history is taught in America's schools; and

WHEREAS, National History Day research and products can be used to fulfill required classroom-based assessments in social studies in the state of Washington; and

WHEREAS, The Presidential Committee on Arts and Humanities report, Creative America, highlighted National History Day and named it an "exemplary program"; and

WHEREAS, National History Day was selected by President George W. Bush and the archivist of the United States to be a key partner in the national "Our Documents" initiative on history and civics; and

WHEREAS, National History Day received the Charles Frankel Prize for public programming in the humanities from the National Endowment of the Humanities; and

WHEREAS, The Washington History Day and National History Day programs will continue to highlight student achievement at a state student contest every May in Washington state and a national student contest every June at the University of Maryland; and

WHEREAS, 2007 marks the 25th anniversary of Washington History Day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge the achievements of Washington History Day in advancing historical literacy and American citizenship, and support the goals and programs of Washington History Day and National History Day; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Lauren Danner, State Coordinator of Washington History Day.

HOUSE RESOLUTION NO. 4624 was adopted.

**INTRODUCTION & FIRST READING**

HB 2257 by Representatives Curtis, Moeller, Takko, Ross, Anderson, Skinner, Armstrong, Orcutt, Eddy, Williams, Dunn and Ormsby

AN ACT Relating to public legislative hearings for fiscal audits of the department of social and health services; and adding a new chapter to Title 44 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2258 by Representatives Appleton, Kirby, Roach, Hurst, Santos, Kelley and Simpson

AN ACT Relating to studying a database for small loans; and creating a new section.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2259 by Representatives Goodman, O'Brien, Roberts, Pearson, Hurst, Ormsby and Ahern

AN ACT Relating to immunity for department of corrections officers when assistance is requested from a law enforcement officer; and amending RCW 9.94A.720.

Referred to Committee on Judiciary.

HB 2260 by Representatives Orcutt, Ericks, Buri, Fromhold, Schindler, Kessler, Hinkle and Warnick

AN ACT Relating to authorizing state administration and collection of local business and occupation taxes and public utility taxes; amending RCW 35.102.010, 35.102.020, 82.32.010, 82.32.300, 35.102.030, 35.102.040, 35.102.060, 35.102.070, 35.102.080, 35.102.090, 35.102.120, 35.102.130, 35.102.140, 35.102.160, and 35.102.1301; adding new sections to chapter 35.102 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2261 by Representatives Campbell, Hudgins, Morrell, Hunt and Ormsby

AN ACT Relating to an evaluation of the state wood smoke reduction program; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Select Committee on Environmental Health.

HB 2262 by Representatives Barlow, McCoy, Hunter, Seaquist, Eddy, Fromhold, Ormsby, Sells and Morrell

AN ACT Relating to salary bonuses for individuals certified by the national board for professional teaching standards; adding a new section to chapter 28A.405 RCW; and creating a new section.

Referred to Committee on Education.

HB 2263 by Representatives Blake, Moeller, Orcutt and Newhouse

AN ACT Relating to the phosphorus content in dishwashing detergent; and amending RCW 70.95L.020.

Referred to Committee on Agriculture & Natural Resources.

HB 2264 by Representatives Pettigrew and Jarrett

AN ACT Relating to public facilities; amending RCW 36.100.010, 36.100.030, 82.14.0485, 82.14.0494, 82.14.360, 67.28.180, and 82.14.049; reenacting and amending RCW 82.29A.130; adding a new section to chapter 82.14 RCW; adding new sections to chapter 35.57 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2265 by Representatives Goodman, Rodne, Dunshee, Kenney, Kagi, Miloscia, Roberts, Lovick, Lantz, Hunter, Upthegrove, Hurst, Strow, O'Brien and Williams

AN ACT Relating to county supervised community options; and amending RCW 9.94A.505 and 9.94A.680.

Referred to Committee on Human Services.

HB 2266 by Representative Chase

AN ACT Relating to complementary and alternative health care practitioners; amending RCW 18.71.030; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2267 by Representatives Roach, Pearson, Dunn and McCune

AN ACT Relating to luring of a child or person with a developmental disability; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2268 by Representatives Lantz, Lovick, Strow, Kagi, Eddy, Ericks, Green, B. Sullivan, McCoy, Moeller, Schual-Berke, Kenney, Hunt, Kelley and Ormsby

AN ACT Relating to the possession of dangerous weapons on school facilities; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2269 by Representatives Kirby, Warnick, Williams and Ormsby

AN ACT Relating to allowing attorneys to recover actual costs for service of process; amending RCW 4.84.010; and adding a new section to chapter 18.180 RCW.

Referred to Committee on Judiciary.

HB 2270 by Representatives Newhouse, Orcutt, Hailey, Dunn, Armstrong, Buri, Kristiansen, Schindler, Skinner, Strow, Chandler, Roach, Warnick and McCune

AN ACT Relating to eliminating tax, interest, and penalty provisions for land valued under the open space program; and amending RCW 84.34.070, 84.34.080, 84.34.090, 84.34.100, and 84.34.108.

Referred to Committee on Finance.

HB 2271 by Representatives Orcutt, Newhouse, Armstrong, Dunn, Kristiansen, Schindler and Skinner

AN ACT Relating to encouraging investments in Washington's natural resource-based economy by permitting new timber mills that process only wood grown in Washington to be built with materials and labor that are not subject to state taxes, to allow these mills to have guaranteed permit timelines, to allow these mills to be sited outside of the growth management act, and exempt trucks serving the mill from transportation taxes and fees; amending RCW 43.157.010, 43.157.020, 43.157.030, and 46.16.111; adding a new section

to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 2272 by Representatives Roach, Orcutt, Armstrong, Buri, Kristiansen, Schindler, Skinner, Chandler, Newhouse, McDonald, Pearson and McCune

AN ACT Relating to limiting property taxes by reducing the state levy, limiting property tax increases to one percent by reenacting the provisions of Initiative Measure No. 747, and allowing valuation increases to be spread over time; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, and 84.70.010; reenacting RCW 84.55.005 and 84.55.0101; adding a new section to chapter 84.69 RCW; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; creating new sections; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Finance.

HJM 4018 by Representatives Roach, Dunn, McCune and Hurst

Requesting the withdrawal of the United States from participation in the Security and Prosperity Partnership of North America.

Referred to Committee on Community & Economic Development & Trade.

2SSB 5093 by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Keiser, Franklin, Shin, Fairley, Hobbs, Weinstein, Kauffman, Pridemore, Oemig, Eide, Brown, Tom, Kohl-Welles, Regala, McAuliffe, Spanel, Rockefeller and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to health care services for children; amending RCW 74.09.402; adding new sections to chapter 74.09 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 48.43 RCW; creating a new section; and repealing RCW 74.09.405, 74.09.415, 74.09.425, 74.09.435, and 74.09.450.

Referred to Committee on Appropriations.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## REPORTS OF STANDING COMMITTEES

February 12, 2007

HB 1000 Prime Sponsor, Representative Kessler: Adding porphyria to the list of disabilities for special

parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 13, 2007

HB 1008 Prime Sponsor, Representative Moeller: Protecting vulnerable adults. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 12, 2007

HB 1091 Prime Sponsor, Representative Van De Wege: Promoting innovation partnership zones. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

February 13, 2007

HB 1114 Prime Sponsor, Representative Rodne: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 12, 2007

HB 1178 Prime Sponsor, Representative Rolfes: Revising provisions for contracts with associate development organizations for economic development services. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

February 12, 2007

HB 1230 Prime Sponsor, Representative Hurst: Designating state route number 164 as a highway of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong and Hankins.

Passed to Committee on Rules for second reading.

February 13, 2007

HB 1252 Prime Sponsor, Representative Hunter: Establishing restrictions on prerecorded telephone calls. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; Eddy; Ericksen; Hankins; Hurst and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Assistant Ranking Minority Member; Hudgins and Van De Wege.

Passed to Committee on Rules for second reading.

February 12, 2007

HB 1276 Prime Sponsor, Representative Linville: Creating a public-private tourism partnership. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

February 12, 2007

HB 1277 Prime Sponsor, Representative Kelley: Expanding competitive local infrastructure financing tools projects. Reported by Committee

on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Darneille; Haler; Rolfes and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Chase.

Referred to Committee on Finance.

February 13, 2007

HB 1322 Prime Sponsor, Representative McCoy: Defining disability in the Washington law against discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Referred to Committee on Appropriations.

February 13, 2007

HB 1382 Prime Sponsor, Representative Ericks: Regarding excise taxation of sales of tangible personal property originating from or destined to foreign countries. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 12, 2007

HB 1403 Prime Sponsor, Representative O'Brien: Modifying snowmobile registration requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

HB 1458 February 13, 2007  
Prime Sponsor, Representative Van De Wege:  
Requiring notice to property owners before  
condemnation decisions. Reported by  
Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

HB 1459 February 13, 2007  
Prime Sponsor, Representative Kretz:  
Authorizing oil and gas regulatory cost-  
reimbursements. Reported by Committee on  
Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Appropriations.

HB 1471 February 13, 2007  
Prime Sponsor, Representative Kristiansen:  
Prohibiting the use of voluntary intoxication as  
a defense against a criminal charge. Reported by  
Committee on Judiciary

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

MINORITY recommendation: Do not pass. Signed by Representatives Flannigan; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

HB 1474 February 13, 2007  
Prime Sponsor, Representative Darneille:  
Revising the interest rate on legal financial  
obligations. Reported by Committee on  
Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Referred to Committee on Appropriations.

February 12, 2007

HB 1493 Prime Sponsor, Representative Hudgins:  
Clarifying the definition of development activity  
in respect to construction by a regional transit  
authority. Reported by Committee on  
Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

HB 1498 February 13, 2007  
Prime Sponsor, Representative Grant: Excluding  
self-service laundry from the definition of retail  
sale for excise tax purposes. Reported by  
Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire.

Passed to Committee on Rules for second reading.

HB 1505 February 12, 2007  
Prime Sponsor, Representative Clibborn:  
Regarding physician assistants determining  
disability for special parking privileges.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

HB 1526 February 13, 2007  
Prime Sponsor, Representative Hunt: Modifying  
the form of the presidential primary ballot.  
Reported by Committee on State Government &  
Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

HB 1674 February 13, 2007  
 Prime Sponsor, Representative Hunter:  
 Authorizing the governor to enter into a cigarette  
 tax contract with the Spokane Tribe. Reported  
 by Committee on State Government & Tribal  
 Affairs

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, Chairman; Appleton, Vice  
 Chairman; Chandler, Ranking Minority Member;  
 Armstrong, Assistant Ranking Minority Member; Green;  
 Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

HB 1705 February 13, 2007  
 Prime Sponsor, Representative Barlow: Creating  
 health sciences and services authorities.  
 Reported by Committee on Technology, Energy  
 & Communications

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Morris, Chairman; McCoy, Vice  
 Chairman; Crouse, Ranking Minority Member; McCune,  
 Assistant Ranking Minority Member; Eddy; Ericksen;  
 Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Finance.

HB 1706 February 13, 2007  
 Prime Sponsor, Representative Conway:  
 Concerning jurisdiction under the Indian gaming  
 regulatory act. Reported by Committee on State  
 Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, Chairman; Appleton, Vice  
 Chairman; Green; McDermott; Miloscia and Ormsby.

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

Referred to Committee on Commerce & Labor.

HB 1747 February 12, 2007  
 Prime Sponsor, Representative Simpson:  
 Removing the deadline for regional transit  
 authorities to acquire insurance by bid or by  
 negotiation on certain projects. Reported by  
 Committee on Transportation

MAJORITY recommendation: Do pass. Signed by  
 Representatives Clibborn, Chairman; Flannigan, Vice  
 Chairman; Jarrett, Ranking Minority Member; Schindler,  
 Assistant Ranking Minority Member; Appleton;  
 Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen;  
 Hailey; Hankins; Kristiansen; Lovick; Rodne; Rolfes;  
 Sells; Simpson; Springer; B. Sullivan; Takko;  
 Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 12, 2007

HB 1824 Prime Sponsor, Representative Chase: Allowing  
 the survivors of certain firefighters to remarry  
 without a loss of benefits. Reported by  
 Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by  
 Representatives Sommers, Chairman; Dunshee, Vice  
 Chairman; Alexander, Ranking Minority Member; Bailey,  
 Assistant Ranking Minority Member; Anderson; Buri;  
 Cody; Conway; Darneille; Dunn; Ericks; Fromhold;  
 Grant; Haigh; Haler; Hunt; Kagi; Kenney; Kessler; Kretz;  
 Linville; McDermott; McDonald; McIntire; Morrell;  
 Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and  
 Walsh.

Passed to Committee on Rules for second reading.

HB 1937 February 13, 2007  
 Prime Sponsor, Representative Lantz: Revising  
 provisions concerning actions under the  
 consumer protection act. Reported by  
 Committee on Judiciary

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Lantz, Chairman; Goodman, Vice  
 Chairman; Rodne, Ranking Minority Member; Warnick,  
 Assistant Ranking Minority Member; Ahern; Flannigan;  
 Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

HB 1994 February 13, 2007  
 Prime Sponsor, Representative Curtis:  
 Addressing overpayments received by courts.  
 Reported by Committee on Judiciary

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

Referred to Committee on Finance.

HB 2007 February 13, 2007  
 Prime Sponsor, Representative Eddy: Defining  
 allowable fuel blends. Reported by Committee  
 on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives McCoy, Vice Chairman; Crouse,  
 Ranking Minority Member; McCune, Assistant Ranking  
 Minority Member; Eddy; Ericksen; Hankins; Hudgins;  
 Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

HJM 4001 February 12, 2007  
 Prime Sponsor, Representative Pearson: Naming  
 the 172nd Street overpass of Interstate 5 the  
 "Oliver "Punks" Smith Interchange." Reported  
 by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 16, 2007, the 40th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

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**FORTIETH DAY**


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House Chamber, Olympia, Friday, February 16, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kate Rabb and Lindsey Watson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Pat Feeney, Olympia Union Gospel Mission.

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

**INTRODUCTION & FIRST READING**

HB 2273 by Representatives Rolfes, Seaquist, Eickmeyer, Appleton, Lantz and Haigh

AN ACT Relating to passenger-only ferry service funding; amending RCW 36.57A.220, 47.01.350, 47.60.622, and 82.08.0255; amending 2006 c 332 s 2 (uncodified); adding a new section to chapter 47.60 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2274 by Representatives McIntire, B. Sullivan and Lovick

AN ACT Relating to increasing competitive bid limits for the purchase of materials, equipment, or supplies; and reenacting and amending RCW 36.32.245.

Referred to Committee on Local Government.

HB 2275 by Representatives Kessler, B. Sullivan, Kenney, Chase and Hunt

AN ACT Relating to raising funds for state parks; amending RCW 79A.05.215; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2276 by Representatives Kirby and Chandler

AN ACT Relating to upholding state standards in determining disqualification for leaving work voluntarily; and amending RCW 50.20.050 and 50.29.021.

Referred to Committee on Commerce & Labor.

HB 2277 by Representatives Chandler, Armstrong and Kretz

AN ACT Relating to encouraging initiatives and referenda by extending privacy protections to signatories and assuring accurate verification; amending RCW 29A.72.110, 29A.72.120, 29A.72.130, 29A.72.170, and 29A.72.230; adding a new section to chapter 29A.72 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2278 by Representative Chase

AN ACT Relating to guardianship proceedings; and amending RCW 11.88.030.

Referred to Committee on Judiciary.

HB 2279 by Representatives Darneille, Springer, Pettigrew, O'Brien, Hasegawa and Santos

AN ACT Relating to prohibiting discrimination against affordable housing developments; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Housing.

HB 2280 by Representatives Ericks, Armstrong, Lovick, Ormsby and Kelley; by request of State Treasurer

AN ACT Relating to statewide nonpartisan offices; amending RCW 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111, and 29A.52.231; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2281 by Representatives Appleton and Hunt

AN ACT Relating to shared leave; and amending RCW 41.04.665.

Referred to Committee on State Government & Tribal Affairs.

HB 2282 by Representatives Clibborn, Jarrett and Upthegrove

AN ACT Relating to regional transportation governance; and amending RCW 36.73.020, 36.120.030, 36.120.070, and 81.112.030.

Referred to Committee on Transportation.

HB 2283 by Representatives Hunter, Alexander, Schual-Berke, Cody, Kenney and Kelley

AN ACT Relating to the joint legislative audit and review committee performance reviews of the home care quality authority; and amending RCW 74.39A.290.

Referred to Committee on Health Care & Wellness.

HB 2284 by Representatives Green, Ericksen, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt

AN ACT Relating to the training of and collective bargaining over the training of care providers; amending RCW 74.39A.050, 74.39A.270, 74.39A.300, 74.39A.310, 41.56.465, and 18.88A.085; adding a new section to chapter 74.39A RCW; creating new sections; and repealing RCW 74.39A.190.

Referred to Committee on Commerce & Labor.

HB 2285 by Representatives Schindler and Takko

AN ACT Relating to categorical exemptions from the state environmental policy act for certain activities; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

HB 2286 by Representatives Simpson, Kirby, Williams, Kelley and Hunt

AN ACT Relating to interstate branching; and amending RCW 30.38.005, 30.38.010, 30.38.015, 32.04.020, and 32.04.030.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2287 by Representative Williams

AN ACT Relating to the effect of settlement agreements; amending RCW 4.22.060 and 4.22.070; and creating a new section.

Referred to Committee on Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

HB 1122 Prime Sponsor, Representative Kretz; Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments. Reported by Committee on Appropriations  
February 12, 2007

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

HB 1148 Prime Sponsor, Representative Simpson; Prohibiting restrictions on the location of mobile homes or manufactured homes based exclusively on age and dimensions. Reported by Committee on Housing  
February 14, 2007

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Passed to Committee on Rules for second reading.

HB 1192 Prime Sponsor, Representative Kessler; Authorizing the governor to appoint the director of parks and recreation. Reported by Committee on Agriculture & Natural Resources  
February 13, 2007

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Dickerson; Eickmeyer; Grant; Kagi; McCoy and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Hailey; Lantz; Newhouse; Orcutt and Strow.

Passed to Committee on Rules for second reading.

HB 1220 Prime Sponsor, Representative Hurst; Modifying provisions affecting the appointment of indeterminate sentence review board members. Reported by Committee on Appropriations  
February 14, 2007

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

HB 1347 Prime Sponsor, Representative Schual-Berke; Requiring emergency response plans for long-term care facilities. Reported by Committee on Health Care & Wellness  
February 14, 2007

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice

Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 13, 2007

HB 1372 Prime Sponsor, Representative Rolfes: Authorizing the acquisition and operation of tourism-related facilities by port districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Ross; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1379 Prime Sponsor, Representative Hinkle: Revising the qualifications of an applicant for licensure as a hearing instrument fitter/dispenser. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1383 Prime Sponsor, Representative Appleton: Regulating body piercing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1450 Prime Sponsor, Representative Sells: Modifying provisions that exempt housing for very low-income households from taxation. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Referred to Committee on Finance.

February 14, 2007

HB 1456 Prime Sponsor, Representative Green: Providing backup for mental health professionals doing home visits. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 14, 2007

HB 1460 Prime Sponsor, Representative Schual-Berke: Extending existing mental health parity requirements to individual and small group plans. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1490 Prime Sponsor, Representative Hinkle: Requiring the department of social and health services to submit a consumer-directed medicaid coverage plan. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 14, 2007

HB 1561 Prime Sponsor, Representative Jarrett: Granting authority of a watershed management partnership to exercise powers of its forming governments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1590 Prime Sponsor, Representative Goodman: Changing provisions affecting courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1642 Prime Sponsor, Representative Pedersen: Concerning criminal violations of no-contact orders, protection orders, and restraining orders. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1645 Prime Sponsor, Representative Pedersen: Authorizing the administrator of the health care authority to administer grants on behalf of the authority. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1648 Prime Sponsor, Representative B. Sullivan: Increasing protections for agricultural operations, activities, and practices. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1652 Prime Sponsor, Representative Grant: Establishing the wildfire prevention and

protection work group. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

February 13, 2007

HB 1743 Prime Sponsor, Representative Kretz: Requiring the appointment of county noxious weed control boards. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

February 14, 2007

HB 1777 Prime Sponsor, Representative Rodne: Regulating charitable organizations that solicit contributions from the public. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

February 14, 2007

HB 1793 Prime Sponsor, Representative Lantz: Removing the limit on the number of cities eligible for indigent defense grants through the office of public defense. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1802 Prime Sponsor, Representative Darneille: Providing information about the human papillomavirus disease and vaccine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

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

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

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1852 Prime Sponsor, Representative Green: Modifying treatment records provisions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1888 Prime Sponsor, Representative Linville: Regarding Brassica seed production. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1921 Prime Sponsor, Representative Springer: Providing assistance to homeless individuals and families. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on State Government & Tribal Affairs was relieved of further consideration of HOUSE BILL NO. 2058, and the bill was referred to the Committee on Capital Budget.

## POINT OF PERSONAL PRIVILEGE

Representative DeBolt took a moment of personal privilege to announce that Representative Ahern had received a National Highway Traffic Safety Administration Award for Public Services. Representative DeBolt asked the chamber to acknowledge his accomplishment.

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

## SECOND READING

**HOUSE BILL NO. 1366, by Representatives Kessler, DeBolt, Grant, Ericksen, Lantz, Rodne, Williams, Priest, Morrell, Hunt, Appleton, Blake, Chase, Anderson, Darneille, Dickerson, Linville, Springer, Hurst and Wood**

**Protecting the news media from being compelled to testify in legal proceedings.**

The bill was read the second time.

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

Representatives Kessler and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1366.

## MOTION

On motion of Representative Kristiansen, Representative Skinner was excused. Representative Flannigan was excused.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1366 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Flannigan and Skinner - 2.

HOUSE BILL NO. 1366, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1045, by Representatives B. Sullivan, McCoy, Eickmeyer and Kretz**

**Maintaining the ability of the board of natural resources to determine the deduction of proceeds from transactions on state lands managed by the department of natural resources.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1045 was substituted for House Bill No. 1045 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1045 was read the second time.

Representative Orcutt moved the adoption of amendment (013):

On page 2, line 7, after "30," strike "2017" and insert "2013"

On page 2, line 10, after "1," strike "2017" and insert "2013"

On page 2, line 23, after "until December 1," strike "2017" and insert "2013"

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

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives B. Sullivan, Alexander and Kretz spoke in favor of passage of the bill.

Representatives Orcutt, Sump and Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1045.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1045 and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer,

Strow, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Blake, Crouse, Curtis, Dunn, Haler, Morris, Orcutt, Schindler, Sump and Takko - 10.

Excused: Representatives Flannigan and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1045, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1283, by Representatives Roach, McDonald, Morrell, Rolfes, Kelley, Skinner, Orcutt, Priest, Takko, Conway, Appleton, Newhouse, Haler, Moeller, Van De Wege, McCune, Roberts and Springer**

**Authorizing high school diplomas to be issued to persons who left high school before graduation to serve in the United States armed forces.**

The bill was read the second time.

Representative Roach moved the adoption of amendment (016):

On page 2, line 5, after "to serve in" strike the remainder of line 5 and all of line 6, and insert "World War II, ((~~or~~)) the Korean conflict, or the Vietnam era as defined in RCW 41.04.005."

Representatives Roach and Quall spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Roach and Quall spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1283.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1283 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Flannigan and Skinner - 2.

ENGROSSED HOUSE BILL NO. 1283, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1024, by Representatives Hunter, Priest, Kessler, B. Sullivan, Dickerson, Jarrett, Hasegawa, Campbell, Rodne, Rolfes, McDermott, McIntire, Chase, Green, Hudgins, Upthegrove, Quall, Conway, Clibborn, Sommers, Morrell, Sells, Kenney, Haigh, Cody, Hunt, Lantz, McCoy, Appleton, Pettigrew, Schual-Berke, Roberts, Fromhold, Takko, Simpson, P. Sullivan, Lovick, Flannigan, Moeller, Miloscia, Williams, Blake, O'Brien, Linville, Wood, Goodman, Seaquist, Springer, Ericks, Kagi, Darneille, Dunshee, Strow, Pedersen, Eickmeyer, McCune and Ormsby; by request of Department of Ecology**

**Phasing out the use of polybrominated diphenyl ethers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1024 was substituted for House Bill No. 1024 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1024 was read the second time.

With the consent of the House, amendments (014) and (017) were withdrawn.

Representative Hunter moved the adoption of amendment (018):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Polybrominated diphenyl ethers (PBDEs) have been used extensively as flame retardants in a large number of common household products for the past thirty years. Studies on animals show that PBDEs can impact the developing brain, affecting behavior and learning after birth and into adulthood, making exposure to fetuses and children a particular concern. Levels of PBDEs are increasing in people, and in the environment, particularly in North America. Because people can be exposed to these chemicals through house dust and indoor air as well as through food, it is important to phase out their use in common household products, provided that effective flame retardants that are safer and technically feasible are available at a reasonable cost.

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

(1) "Comestible" means edible.

(2) "Commercial decabromo diphenyl ether" or "commercial deca-bde" means the chemical mixture of decabromo diphenyl ether, including associated polybrominated diphenyl ether impurities not intentionally added.

(3) "Department" means the department of ecology.

(4) "Electronic enclosure" means the plastic housing that encloses the components of electronic products, including but not limited to televisions and computers.

(5) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product containing polybrominated diphenyl ethers or an importer or domestic distributor of a noncomestible product containing polybrominated diphenyl ethers. A manufacturer does not include a retailer who:

(a) Adds a private label brand or cobrands a product for sale; or

(b) Assembles components to create a single noncomestible product based on an individual consumer preference.

(6) "Mattress" has the same meaning as defined by the United States consumer product safety commission in 16 C.F.R. Part 1633 (2007) as it existed on the effective date of this section, and includes mattress sets, box springs, futons, crib mattresses, and youth mattresses. "Mattress" includes mattress pads.

(7) "Medical device" means an instrument, machine, implant, or diagnostic test used to help diagnose a disease or other condition or to cure, treat, or prevent disease.

(8) "Polybrominated diphenyl ethers" or "PBDEs" means chemical forms that consist of diphenyl ethers bound with bromine atoms. Polybrominated diphenyl ethers include, but are not limited to, the three primary forms of the commercial mixtures known as pentabromo diphenyl ether (penta-bde), octabromo diphenyl ether (octa-bde), and decabromo diphenyl ether (deca-bde).

(9) "Residential upholstered furniture" means residential seating products intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials, if the resilient cushioning materials are sold with the item of upholstered furniture and the upholstered furniture is constructed with a contiguous upholstered seat and back that may include arms.

(10) "Retailer" means a person who offers a product for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer. A retailer does not include a person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that both manufactures and sells a product at retail.

(11) "Technically feasible" means an alternative that is available at a cost and in sufficient quantity to permit the manufacturer to produce an economically viable product.

(12) "Transportation vehicle" means a mechanized vehicle that is used to transport goods or people including, but not limited to, airplanes, automobiles, motorcycles, trucks, buses, trains, boats, ships, streetcars, or monorail cars.

**NEW SECTION. Sec. 3.** After January 1, 2008, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state noncomestible products containing PBDEs. Exemptions from the prohibition in this section are limited to the following:

(1) Products containing deca-bde, except as provided in section 4 of this act;

(2) The sale or distribution of any used transportation vehicle manufactured before January 1, 2008, with component parts containing PBDEs;

(3) The sale or distribution of any used transportation vehicle parts or new transportation vehicle parts manufactured before January 1, 2008, that contain PBDEs;

(4) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of equipment containing PBDEs and used primarily for military or federally funded space program applications. The exemption in this subsection (4) does not cover consumer-based goods with broad applicability;

(5) Federal aviation administration fire worthiness requirements and recommendations;

(6) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of any new raw material or component part used in a transportation vehicle with component parts, including original spare parts, containing deca-bde;

(7) The use of commercial deca-bde in the maintenance, refurbishment, or modification of transportation equipment;

(8) The sale or distribution of any product containing PBDEs that has been previously owned, purchased, or sold in commerce, provided it was manufactured before the effective date of the prohibition;

(9) The manufacture, sale, or distribution of any new product or product component consisting of recycled or used materials containing deca-bde;

(10) The sale or purchase of any previously owned product containing PBDEs made in casual or isolated sales as defined in RCW 82.04.040 and to sales by nonprofit organizations;

(11) The manufacture, sale, or distribution of new carpet cushion made from recycled foam containing less than one-tenth of one percent penta-bde; and

(12) Medical devices.

**NEW SECTION. Sec. 4.** (1) Except as provided in section 10 of this act, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state mattresses containing commercial deca-bde after January 1, 2008.

(2) Except as provided in section 10 of this act, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state residential upholstered furniture that contains commercial deca-bde, or any television or computer that has an electronic enclosure that contains commercial deca-bde after the effective date established in subsection (3) of this section. This prohibition may not take effect until the department and the department of health identify that a safer and technically feasible alternative is available, and the fire safety committee, created in section 5 of this act, determines that the identified alternative meets applicable fire safety standards. The effective date of the prohibition must be established according to the following process:

(a) The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in residential upholstered furniture, televisions, and computers.

(b) If the department and the department of health jointly find that safer and technically feasible alternatives are available for any of these uses, the department shall convene the fire safety committee created in section 5 of this act to determine whether the identified alternatives meet applicable fire safety standards.

(c) By majority vote, the fire safety committee created in section 5 of this act shall make a finding whether an alternative identified under (b) of this subsection meets applicable fire safety standards. The fire safety committee shall report their finding to the state fire marshal. After reviewing the finding of the fire safety committee, the state fire marshal shall determine whether an alternative identified under (b) of this subsection meets applicable fire safety standards. The determination of the fire marshal must be based upon the finding of the fire safety committee. The state fire marshal shall report the determination to the department.

(d) The department shall seek public input on their findings, the findings of the fire safety committee, and the determination by the state fire marshal. The department shall publish these findings in the Washington State Register, and submit them in a report to the appropriate committees of the legislature. The department shall initially report these findings by December 31, 2008.

(3) The effective date of the prohibition is as follows:

(a) If the December 31, 2008, report required in subsection (2)(d) of this section finds that a safer and technically feasible alternative that meets applicable fire safety standards is available, the prohibition takes effect January 1, 2011;

(b) If the December 31, 2008, report required in subsection (2)(d) of this section does not find that a safer and technically feasible alternative that meets applicable fire safety standards is available, the prohibition does not take effect January 1, 2011. Beginning in 2009, by December 31st of each year, the department shall review and report on alternatives as described in subsection (2) of this section. The prohibition in subsection (2) of this section takes effect two years after a report submitted to the legislature required under subsection (2)(d) of this section finds that a safer and technically feasible alternative that meets applicable fire safety standards is available.

**NEW SECTION. Sec. 5.** (1) The fire safety committee is created for the exclusive purpose of finding whether an alternative identified under section 4(2)(b) of this act meets applicable fire safety standards.

(2) A majority vote of the members of the fire safety committee constitutes a finding that an alternative meets applicable fire safety standards.

(3) The fire safety committee consists of the following members:

(a) A representative from the department, who shall chair the fire safety committee, and serve as an ex officio nonvoting member.

(b) Five voting members, appointed by the governor, as follows:

(i) A representative of the office of the state fire marshal;

(ii) A representative of a statewide association representing the interests of fire chiefs;

(iii) A representative of a statewide association representing the interests of fire commissioners;

(iv) A representative of a recognized statewide council, affiliated with an international association representing the interests of firefighters; and

(v) A representative of a statewide association representing the interests of volunteer firefighters.

**NEW SECTION. Sec. 6.** The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in products not directly addressed in this chapter. If a flame retardant that is safer and technically feasible becomes available, the department shall convene the fire safety committee created in section 5 of this act. The fire safety committee and the state fire marshal shall proceed as required in section 4(2)(c) of this act to determine if the identified alternative meets applicable fire safety standards. The department and the department of health shall also review risk assessments, scientific studies, and other findings regarding the potential effect of PBDEs in the waste stream. By December 31st of the year in which the finding is made, the department must publish the information required by this subsection in the Washington State Register and present it in a report to the appropriate committees of the legislature.

**NEW SECTION. Sec. 7.** Nothing in this chapter restricts the ability of a manufacturer, importer, or distributor from transporting products containing PBDEs through the state or storing the products in the state for later distribution outside the state.

**NEW SECTION. Sec. 8.** A manufacturer of products containing PBDEs that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

**NEW SECTION. Sec. 9.** The department shall assist state agencies to give priority and preference to the purchase of equipment, supplies, and other products that do not contain PBDEs.

**NEW SECTION. Sec. 10.** (1) Retailers who unknowingly sell products prohibited under section 3 or 4 of this act are not liable under this chapter.

(2) In-state retailers in possession of products on the date that restrictions on the sale of the products become effective under section 3 or 4 of this act may exhaust their existing stock through sales to the public.

(3) The department must assist in-state retailers in identifying potential products containing PBDEs.

(4) If a retailer unknowingly possesses products that are prohibited for sale under section 3 or 4 of this act and the manufacturer does not recall the products as required under section 11(2) of this act, the retailer may exhaust its existing stock through sales to the public. However, no additional prohibited stock may be sold or offered for sale.

**NEW SECTION. Sec. 11.** (1) Enforcement of this chapter must rely on notification and information exchange between the department and manufacturers. The department shall achieve compliance with this chapter using the following enforcement sequence:

(a) Before the effective date of the product prohibition in section 3 or 4 of this act, the department shall prepare and distribute information to in-state manufacturers and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying

products prohibited for manufacture, sale, or distribution under this chapter.

(b) The department may request a certificate of compliance from a manufacturer. A certificate of compliance attests that a manufacturer's product or products meets the requirements of this chapter.

(c) The department may issue a warning letter to a manufacturer that produces, sells, or distributes prohibited products in violation of this chapter. The department shall offer information or other appropriate assistance to the manufacturer in complying with this chapter. If, after one year, compliance is not achieved, penalties may be assessed under subsection (3) of this section.

(2) A manufacturer that knowingly produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product and any applicable shipping and handling for returning the products.

(3) A manufacturer of products containing PBDEs in violation of this chapter is subject to a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

**NEW SECTION. Sec. 12.** The department may adopt rules to fully implement this chapter.

**NEW SECTION. Sec. 13.** Sections 1 through 12 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "ethers;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and prescribing penalties."

Representative Grant moved the adoption of amendment (019) to amendment (018):

Beginning on page 1, after line 2 of the amendment, strike all material through "70 RCW." on page 8, line 22, and insert the following:

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

(1) "Commercial decabromo diphenyl ether" or "commercial deca-bde" means the chemical mixture of decabromo diphenyl ether, including associated polybrominated diphenyl ether impurities not intentionally added.

(2) "Department" means the department of ecology.

(3) "Electronic enclosure" means the plastic housing that encloses the components of electronic products, including but not limited to televisions and computers.

(4) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product containing polybrominated diphenyl ethers. A manufacturer does not include a retailer who:

(a) Adds a private label brand or cobrands a product for sale; or

(b) Assembles components to create a single noncomestible product based on an individual consumer preference.

(5) "Mattress" has the same meaning as defined by the United States consumer product safety commission in 16 C.F.R. Part 1633 (2007) as it existed on the effective date of this act, and includes mattress pads, mattress sets, box springs, futons, crib mattresses, and youth mattresses.

(6) "Medical device" means an instrument, machine, implant, or diagnostic test used to help diagnose a disease or other condition or to cure, treat, or prevent disease.

(7) "Polybrominated diphenyl ethers" or "PBDEs" means chemical forms that consist of diphenyl ethers bound with bromine atoms. "Polybrominated diphenyl ethers" include, but are not limited to, the three primary forms of the commercial mixtures known as pentabromo diphenyl ether (penta-bde), octabromo diphenyl ether (octa-bde), and decabromo diphenyl ether (deca-bde).

(8) "Residential upholstered furniture" means residential seating products intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials, if the resilient cushioning materials are sold with the item of upholstered furniture and the upholstered furniture is constructed with a contiguous upholstered seat and back that may include arms.

(9) "Safer and technically feasible alternative" means an alternative that:

(a) Is available at a cost and in sufficient quantity to permit the manufacturer or user to maintain an economically viable product;

(b) Provides a level of ignition resistance equivalent to or greater than that provided by the product it is intended to replace;

(c) Has been found to have a lower toxicity profile and less environmental impact than the product it is intended to replace.

**NEW SECTION. Sec. 2.** The department is authorized to adopt rules prohibiting the use of polybrominated diphenyl ethers subject to the conditions of this chapter.

**NEW SECTION. Sec. 3.** (1) The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in mattresses, residential upholstered furniture, televisions, and computers.

(2) If the department and the department of health jointly find that safer and technically feasible alternatives are available for any of the uses under subsection (1) of this section, the department shall convene the fire safety committee created in subsection (3) of this section to determine if the identified alternatives meet applicable fire safety standards.

(3) The fire safety committee is created for the exclusive purpose of determining whether an alternative identified under subsection (2) of this section meets applicable fire safety standards.

(a) A representative from the department shall chair the fire safety committee and serve as an ex officio nonvoting member.

(b) A majority vote of the fire safety committee members constitutes a finding that an alternative meets applicable fire safety standards.

(c) The fire safety committee shall also include five voting members, appointed by the governor, as follows:

(i) A representative of the office of the state director of fire protection;

(ii) A representative of a statewide association representing the interests of fire chiefs;

(iii) A representative of a statewide association representing the interests of fire commissioners;

(iv) A representative of a statewide association representing the interests of firefighters as defined in chapter 41.26 RCW; and

(v) A representative of a statewide association representing the interests of volunteer firefighters.

(4) If a majority of the voting members of the fire safety committee determines that an alternative identified under subsection (2) of this section meets applicable fire safety standards, the department shall seek public input on their findings, the findings of the fire safety committee, and any evidence of the potential harm posed by deca-bde. By December 15th of the year in which the finding is made, the department must publish the information required by this subsection in the Washington State Register and present it in a report to the appropriate committees of the legislature.

(5) If the department adopts a rule to prohibit the use of polybrominated diphenyl ethers pursuant to section 2 of this act, the effective date of the prohibition shall be two years after the final adoption of the rule.

(6) Before the effective date of the product prohibition, the department shall prepare and distribute information to in-state manufacturers and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this chapter.

**NEW SECTION. Sec. 4.** The department and the department of health shall review risk assessments, scientific studies, and other

relevant findings regarding alternatives to the use of commercial deca-bde in products not directly addressed in this chapter. If a flame retardant that is safer and technically feasible becomes available, the department shall convene the fire safety committee created in section 3 of this act. The fire safety committee shall proceed as required in section 3(2) of this act to determine if the identified alternative meets applicable fire safety standards. The department and the department of health shall also review risk assessments, scientific studies, and other findings regarding the potential effect of PBDEs in the waste stream. By December 31st of the year in which the finding is made, the department must publish the information required by this section in the Washington State Register and present it in a report to the appropriate committees of the legislature.

**NEW SECTION. Sec. 5.** (1) The department may issue a warning letter to a manufacturer that produces, sells, or distributes prohibited products in violation of this chapter. The department shall offer information or other appropriate assistance to the manufacturer in complying with this chapter. If, after one year, compliance is not achieved, penalties may be assessed under subsection (2) of this section.

(2) A manufacturer of products containing PBDEs in violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

**NEW SECTION. Sec. 6.** The department shall adopt rules prohibiting the use of pentabromo diphenyl ether and octabromo diphenyl ether with appropriate exemptions to ensure continued public safety on or before July 1, 2008.

**NEW SECTION. Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW."

Representatives Grant, Newhouse, Armstrong and Hailey spoke in favor of the adoption of amendment (019) to amendment (018).

Representatives Hunter and Campbell spoke against the adoption of the amendment to amendment (018).

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 30 - YEAS; 65 -NAYS.

The amendment (019) was not adopted.

Representative Sump moved the adoption of amendment (021) to amendment (018):

On page 4, line 34 of the amendment, after "standards" insert "and provides a level of ignition resistance equivalent to or greater than that provided by deca-bde"

Representative Sump spoke in favor of the adoption of amendment (021) to amendment (018).

Representative Hunter spoke against the adoption of amendment (021) to amendment (018).

The amendment (021) was not adopted.

Representative Newhouse moved the adoption of amendment (022) to amendment (018):

**"NEW SECTION. Sec. 13.** The department shall develop a voluntary program to phase out, from residential homes, products

containing polybrominated diphenyl ethers, limited to the two primary forms of the commercial mixtures known as pentabromo diphenyl ether (penta-bde) and octabromo diphenyl ether (octa-bde)."

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

On page 8, line 21 of the amendment, after "through" strike "12" and insert "13"

Representative Newhouse spoke in favor of the adoption of amendment (022) to amendment (018).

Representative Hunter spoke against the adoption of amendment (022) to amendment (018).

The amendment (022) was not adopted.

Representative Hailey moved the adoption of amendment (023) to amendment (018):

On page 8, after line 20 of the amendment, insert the following:

**"Sec. 13.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The chief of the Washington state patrol shall appoint an officer who shall be known as the director of fire protection. The board, after consulting with the chief of the Washington state patrol, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of fire protection, in accordance with the policies, objectives, and priorities of the fire protection policy board, shall prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the Washington state patrol's budget request.

(5) The director of fire protection, shall implement and administer, within constraints established by budgeted resources, the policies, objectives, and priorities of the board and all duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW ((43.63A.320)) 43.43.934. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

(6) The chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

(7) By December 31, 2007, the director of fire protection must adopt by rule:

(a) A fire safety standard for upholstered furniture that is substantially the same as the provisions of the 2002 draft revised technical bulletin, CAL 117+, for "Requirements, Test Procedure and Apparatus for Testing the Flame and Smolder Resistance of Upholstered Furniture," published by the state of California,

department of consumer affairs, bureau of home furnishings and thermal insulation;

(b) A fire safety standard for electronic equipment within the field of audio/video information technology and communication technology that is substantially the same as the provisions of the international electrotechnical commission's document entitled "IEC 62368-f3 Ed 1.0: Audio/Video, Information and Communication Technology Equipment - Safety Requirements" (circulation date December 15, 2006), which incorporates external ignition protection as specified in the technical specification (IEC TS62441), published December 2006."

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

Representative Hailey spoke in favor of the adoption of amendment (023) to amendment (018).

Representative Hunter spoke against the adoption of amendment (023) to amendment (018).

The amendment (023) was not adopted.

There being no objection, amendment (018) to Substitute House Bill No. 1024 was adopted. The bill was ordered engrossed.

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

Representatives Hunter, Kagi, Upthegrove, Simpson, Morrell and Hunt spoke in favor of passage of the bill.

Representatives Newhouse, Hinkle, Armstrong, Anderson, Haler, Chandler and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1024.

#### MOTION

On the motion of Representative Kristiansen, Representative Hankins was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1024 and the bill passed the House by the following vote: Yeas - 71, Nays - 24, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt,

Dunn, Grant, Hailey, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Schindler, Sump and Warnick - 24.

Excused: Representatives Flannigan, Hankins and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., February 19, 2007, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

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**FORTY THIRD DAY**


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House Chamber, Olympia, Monday, February 19, 2007

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

The flags were escorted to the rostrum by the Seattle Nisei Veterans Committee Color Guard. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Matsu Bayashi, Seattle Buddhist Church.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4622, by Representatives Santos, Hasegawa, Hunter, Rolfes, Skinner, Hankins and Conway

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese-Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment, caused Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated unit of its size in American history with seven Presidential Unit Citations, 21 Congressional Medals of Honor, 52 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, such as Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Through the fact-finding work of the Commission on Wartime Relocation and Internment of Civilians, the United States Congress later found that "there was no military or security reason for the internment" of

individuals of Japanese ancestry and that the internment "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Japanese-American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for more than forty years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause to acknowledge the sixty-fifth anniversary of the signing of Executive Order 9066, to recognize the Japanese-American internees and WWII veterans from the state of Washington, to honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, the Japanese-American Citizens League, and the Japanese-American Cultural & Community Center.

Representative Santos moved the adoption of the resolution.

Representatives Santos, Strow, Hasegawa and Buri spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4622 was adopted.

The Speaker (Representative Lovick presiding) recognized members of the Japanese American Citizens League. The House of Representatives also welcomed Senator Chris Marr, Mike Gregoire and Director of Veterans Affairs John Lee.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2007-4620, by Representatives Seaquist, McDonald, Hunt and Hankins

WHEREAS, Washington is the only state named for an American president, George Washington, the father of our country, and as such, we Washingtonians hold the presidency and presidents in especially high regard; and

WHEREAS, For many years our state and nation have set aside the third Monday in February to celebrate Presidents' Day, which honors former presidents of the United States of America; and

WHEREAS, Both February 12th, the actual birthday of President Abraham Lincoln, and February 22nd, the actual birthday of President George Washington, were kept and observed, until 1971, as the anniversaries of the births of these two great American presidents; and

WHEREAS, Presidents' Day, for many citizens, remains a time for specifically honoring the accomplishments of

Washington, the first American president, and Lincoln, the 16th American president; and

WHEREAS, It was in 1968 when federal legislation, the "Monday Holidays Act," was passed to install the Presidents' Day celebration that we have come to know and respect; and

WHEREAS, Although traditionalists cling to the notion that Presidents' Day remains a time for celebrating the specific legacies of Presidents Washington and Lincoln, nontraditionalists are very welcome to embrace the fact that former Presidents John Adams, Thomas Jefferson, John Quincy Adams, Martin Van Buren, Andrew Johnson, Ulysses Grant, James Garfield, and Teddy Roosevelt, as well as the presidents of later decades, are honored in numerous commemorations across the country; and

WHEREAS, In 1985, the Washington state legislature singled out the third Monday in February as a day for commemorating the births of Presidents Washington and Lincoln; and

WHEREAS, It is recognized that this diverse, wonderful land of ours has been fashioned into an uplifting, multicultural quilt thanks to the tireless efforts of our forefathers, especially George Washington and Abraham Lincoln; and

WHEREAS, The first eight American presidents, comprising almost a fifth of our 43 presidents to date, did not begin their lives as Americans because there was no America when they were born, thus in a special way our reputation as a land of opportunity was established; and

WHEREAS, No Presidents' Day celebration would be complete without appropriate recognition for the invaluable service of the first ladies in our American presidential history; and

WHEREAS, The first ladies of our nation have not only provided citizens with role models who exemplify what it means to be an American but icons such as Dolly Madison, Eleanor Roosevelt, and Jacqueline Kennedy have served as symbols of strength in times of adversity throughout our history;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington salute and celebrate Presidents' Day 2007, a time for recognizing and paying tribute to the tireless dedication of our former presidents and first ladies; and

BE IT FURTHER RESOLVED, In recognition of the fact that any young person can grow up to be President of the United States of America, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Office of the Superintendent of Public Instruction for effective distribution among the schools of Washington state to help our young people strengthen their knowledge of our presidents and first ladies.

Representative Seaquist moved the adoption of the resolution.

Representatives Seaquist, McCune and McDonald spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4620 was adopted.

HOUSE RESOLUTION NO. 2007-4615, by Representatives Kessler, Sump, Rolfes, Skinner, Hankins and Conway

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has assisted the young

people of Washington in developing essential "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering citizenship, science, math and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, Over 80,000 young people and nearly 10,000 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2006; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capital as part of an annual statewide education program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government program focused this year on the media's influence and relationship with the political process and bettering the understanding of the issues related to pivotal political happenings; and

WHEREAS, 4-H will continue its dedication to empowering young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Pat Boyes, the State 4-H Director for the Washington State University Extension 4-H Youth Development Program.

HOUSE RESOLUTION NO. 4615 was adopted.

#### MESSAGES FROM THE SENATE

February 16, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5040,

ENGROSSED SENATE BILL NO. 5063,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5267,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 19, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5193,

SENATE BILL NO. 5247,

SENATE BILL NO. 5407,

SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

#### INTRODUCTION & FIRST READING

HB 2288 by Representatives Hasegawa, Santos, Buri, Cody, Condotta and Schual-Berke

AN ACT Relating to improving the administration of taxes by implementing weight-based taxation for moist snuff; amending RCW 82.26.010, 82.26.020, and 82.26.030; adding a new section to chapter 82.26 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2289 by Representatives Ericks, Morris, O'Brien and Ormsby

AN ACT Relating to utilizing information technology; adding a new section to chapter 43.105 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2290 by Representatives Roach, Morrell, Williams, O'Brien, Ericks, Priest, Hurst, Ormsby and Simpson

AN ACT Relating to providing educational options for students with autism; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

HB 2291 by Representatives Kenney, Dickerson, Flannigan, Schual-Berke, Hasegawa, O'Brien, Ormsby and Simpson

AN ACT Relating to penalties for engaging in the commercial sexual abuse of minors; amending RCW 9.68A.001, 9.68A.100, 19.138.340, 9A.88.140, 9.68A.105, 9A.88.120, and 9A.88.070; reenacting and amending RCW 9.94A.533 and 9.94A.515; adding new sections to chapter 9.68A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2292 by Representatives Simpson and Ormsby

AN ACT Relating to private residential fire sprinklers; and creating a new section.

Referred to Committee on Local Government.

HB 2293 by Representatives Kelley and Green

AN ACT Relating to a minimum term of no more than thirty days for a small loan; and amending RCW 31.45.073.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2294 by Representatives Santos, Williams and Ericks

AN ACT Relating to small loan training and investigations; amending RCW 31.45.110; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 31.45 RCW.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2295 by Representatives Seaquist, Rolfes, Lantz, Appleton, Haigh, Eickmeyer, Kessler and Van De Wege

AN ACT Relating to assessing the higher education needs of the Olympic and Kitsap peninsulas; and creating a new section.

Referred to Committee on Higher Education.

HB 2296 by Representatives Hasegawa, Ormsby, Sells and Hunt

AN ACT Relating to information included in the voters' pamphlet; and adding a new section to chapter 29A.32 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2297 by Representatives Roach, McDonald, Ross, Rodne, McCune, Dunn and Clibborn

AN ACT Relating to a regulatory surcharge under the insurance code; and amending RCW 48.18.170, 48.18.180, 48.02.190, and 48.14.040.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2298 by Representatives Ericks, Springer, Morrell, Seaquist, Williams, Van De Wege, Hasegawa, Buri, Haler, McDonald, Pettigrew, Walsh, Bailey, Hunter, Linville, Roach, Santos, Rolfes, Green, Sells, Kenney, McCoy, O'Brien, Hinkle, Goodman, Ormsby, Kelley and Simpson

AN ACT Relating to tuition and fee assistance for teachers seeking additional education; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2299 by Representative Williams

AN ACT Relating to retailer licenses for the sale of alcoholic beverages; amending RCW 66.44.310, 66.24.400, 66.08.180, 66.08.220, 66.20.010, 66.20.310, 66.24.410, and 66.24.440; reenacting and amending RCW 66.04.010 and 66.24.420; adding a new section to chapter 66.24 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2300 by Representatives Hasegawa, Jarrett, Wallace, B. Sullivan, Kenney, Hunter, Goodman, Dunshee, Chase, Ormsby, Kelley and Simpson

AN ACT Relating to college textbooks; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 2301 by Representatives Chase and McDermott

AN ACT Relating to disturbances of spawning beds; adding a new section to chapter 77.95 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 2302 by Representative Santos

AN ACT Relating to interpretive or policy statements by the insurance commissioner; amending RCW 34.05.230 and 34.05.630; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2303 by Representatives Hudgins, Hasegawa, Kenney, O'Brien, Eickmeyer, Priest, Fromhold, Haigh, Kessler, Upthegrove, Quall and Dickerson

AN ACT Relating to the creation of a future bilingual teacher mentoring and training program; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 14, 2007  
HB 1102 Prime Sponsor, Representative Campbell: Modifying property tax exemption provisions for veterans of the armed forces. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; Roach and Santos.

Passed to Committee on Rules for second reading.

February 14, 2007  
HB 1269 Prime Sponsor, Representative Quall: Modifying provisions relating to superior court judicial positions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 16, 2007  
HB 1304 Prime Sponsor, Representative Kagi: Modifying commercial motor vehicle carrier provisions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Ericksen and Kristiansen.

Passed to Committee on Rules for second reading.

February 15, 2007  
HB 1333 Prime Sponsor, Representative Hinkle: Concerning child welfare protections. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 15, 2007  
HB 1334 Prime Sponsor, Representative Hinkle: Requiring the petitioner in a child welfare case to provide the court with relevant documentation. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 15, 2007  
HB 1361 Prime Sponsor, Representative Miloscia: Dedicating existing revenue to infrastructure funding. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Referred to Committee on Appropriations.

February 14, 2007  
HB 1396 Prime Sponsor, Representative Flannigan: Providing a single ballot proposition for regional transportation investment districts and regional

transit authorities at the 2007 general election.  
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Simpson.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1397 Prime Sponsor, Representative Campbell: Revising the definition of massage therapy to include manipulation or pressure inside the mouth or oral cavity. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1482 Prime Sponsor, Representative Takko: Retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1601 Prime Sponsor, Representative Rolfes: Creating the children's environmental health and protection advisory council. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Referred to Committee on Appropriations.

February 15, 2007

HB 1607 Prime Sponsor, Representative O'Brien: Revising corrections personnel training provisions. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1751 Prime Sponsor, Representative Eddy: Revising the penalty provisions for the crime of indecent exposure. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1761 Prime Sponsor, Representative Linville: Accelerating the cleanup of Puget Sound and hazardous waste and waste sites in the state. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Referred to Committee on Capital Budget.

February 15, 2007

HB 1789 Prime Sponsor, Representative Kagi: Minimizing threats to the environment caused by leaking home heating oil tanks. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1817 Prime Sponsor, Representative Kirby: Adding an additional payment plan option for small loans.

Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1880 Prime Sponsor, Representative Wallace: Creating the skills-based economic growth program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 19, after "(viii)" insert "Apprenticeship programs;  
(ix)"

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

On page 2, line 6, after "authorizes a" strike "pilot"

On page 2, line 6, after "which" strike "three"

On page 2, line 9, after "council" strike "selected for the pilot program"

On page 3, beginning on line 19, after "(1)" strike all material through "criteria." on line 26, and insert "Workforce development councils may submit an application to participate in the skills-based economic growth program under this section. The board shall review the applications to ensure they meet the criteria for the program."

Renumber the subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 27, after "council" strike "selected to participate in the pilot" and insert "participating in the"

On page 3, line 33, after "council" strike "selected as a pilot" and insert "participating in the"

On page 4, line 5, after "the" strike "pilot"

On page 4, line 14, after "the" strike "pilot"

Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

February 15, 2007

HB 1922 Prime Sponsor, Representative Pedersen: Creating an independent youth housing program. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloschia, Chairman; Springer, Vice

Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Referred to Committee on Appropriations.

February 14, 2007

HB 1960 Prime Sponsor, Representative Williams: Changing travel reimbursement provisions affecting judges of the court of appeals. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1966 Prime Sponsor, Representative Curtis: Clarifying the authority of physician assistants to sign and attest to documents. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 2015 Prime Sponsor, Representative Schual-Berke: Licensing genetic counselors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

February 15, 2007

HB 2054 Prime Sponsor, Representative Goodman: Reporting identity theft cases. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 20, 2007, the 44<sup>th</sup> Day of the Regular Session.

HB 2099 February 15, 2007  
 Prime Sponsor, Representative Cody:  
 Establishing activities to support the certificate  
 of need program. Reported by Committee on  
 Health Care & Wellness

FRANK CHOPP, Speaker  
 RICHARD NAFZIGER, Chief Clerk

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

HB 2100 February 15, 2007  
 Prime Sponsor, Representative Cody:  
 Establishing a statewide health resources  
 strategy. Reported by Committee on Health Care  
 & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

HB 2147 February 14, 2007  
 Prime Sponsor, Representative Kristiansen:  
 Providing vocational rehabilitation services for  
 volunteer firefighters and reserve officers.  
 Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 20, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

## INTRODUCTION &amp; FIRST READING

HB 2304 by Representatives Morrell, Quall, McDonald, Bailey, Grant, Walsh, Haler, McCune, Seaquist, McDermott, Kenney, Cody, Darneille, Dunn, Schual-Berke, Kessler, Conway, Springer, Hudgins, Green, Blake, Rodne, Goodman, Campbell, Van De Wege, Williams, Hunter, Takko and Moeller

AN ACT Relating to criteria for the issuance of a certificate of need for certain cardiac care services; and adding a new section to chapter 70.38 RCW.

Referred to Committee on Health Care & Wellness.

HB 2305 by Representatives Schual-Berke, Alexander, Green, Cody, Appleton, Morrell and Moeller

AN ACT Relating to retired local government employees; amending RCW 41.05.011, 41.04.208, 41.05.022, and 41.05.080; reenacting and amending RCW 41.05.120; adding a new section to chapter 41.04 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2306 by Representatives Pettigrew, Appleton, Hasegawa, Roberts and Santos

AN ACT Relating to providing an equal opportunity to learn by holding school systems accountable for students missing school; amending RCW 28A.175.010 and 28A.225.151; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2307 by Representatives Jarrett, Clibborn, Eddy, Springer, Hunter, Santos and Kenney

AN ACT Relating to noise abatement in transportation projects; amending RCW 70.107.030; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HB 2308 by Representatives Ross, Skinner, Ahern, Kretz, Newhouse, McCune, Hailey and Kenney

AN ACT Relating to making residential burglary a crime against persons; and reenacting and amending RCW 9.94A.411.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2309 by Representatives Simpson, Chase, Kirby, Moeller, Upthegrove, Takko, Hasegawa, Pettigrew, B. Sullivan, Ormsby and Linville

AN ACT Relating to property tax levy limits; reenacting RCW 84.55.005 and 84.55.0101; adding a new section to chapter 84.55 RCW; creating new sections; repealing RCW 84.55.005 and 84.55.0101; and declaring an emergency.

Referred to Committee on Finance.

HB 2310 by Representatives McCoy and Moeller

AN ACT Relating to the care of individuals with traumatic brain injury; adding a new section to chapter 74.39 RCW; adding a new section to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2311 by Representative Hunter

AN ACT Relating to performance audits; and repealing RCW 43.09.450.

Referred to Committee on State Government & Tribal Affairs.

HB 2312 by Representatives Walsh, Kagi, Morrell and Kenney

AN ACT Relating to legislative oversight of WorkFirst and temporary assistance to needy families; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Early Learning & Children's Services.

HB 2313 by Representatives Kagi, Rodne, Dickerson, Lantz, Morrell and Goodman

AN ACT Relating to preventing alcohol and drug use by persons involved in fatal or near fatal motor vehicle accidents; reenacting and amending RCW 46.20.308 and 46.20.3101; and adding new sections to chapter 46.61 RCW.

Referred to Committee on Judiciary.

HB 2314 by Representatives Schual-Berke, Hasegawa, Cody, McDermott, Green, Pettigrew, Linville,

McIntire, Kagi, Morrell, Dunshee, Chase, Roberts, Eddy, Hunt, Goodman, Conway, Quall, Moeller, Seaquist, Appleton, Ormsby, Campbell, Dickerson, Hurst, McCoy, Lantz, Miloscia, Morris, B. Sullivan, Rolfes, Darneille and Hudgins

AN ACT Relating to short-term loans by credit unions; reenacting and amending RCW 43.79A.040; adding a new section to chapter 82.04 RCW; and adding new sections to chapter 31.12 RCW.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2315 by Representatives Rodne and Anderson

AN ACT Relating to adjusting the child support economic table in response to inflation that has occurred since the table's enactment; and amending RCW 26.19.020.

Referred to Committee on Judiciary.

HB 2316 by Representatives Upthegrove, Santos, Hasegawa, Sells, McCoy, Appleton, Williams, Ormsby and Kenney

AN ACT Relating to providing temporary graduation provisions for students who do not meet standards on the high school assessments; amending RCW 28A.655.061 and 28A.155.045; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Education.

HB 2317 by Representatives Wallace, Anderson, Sells and Kenney

AN ACT Relating to defining high demand; and creating a new section.

Referred to Committee on Higher Education.

HB 2318 by Representatives Hasegawa, Hudgins, Santos, Ormsby and Moeller

AN ACT Relating to addressing inequities in the location of facilities that impact human health in low-income or minority neighborhoods; and adding a new chapter to Title 70 RCW.

Referred to Committee on Select Committee on Environmental Health.

HB 2319 by Representatives Kagi, P. Sullivan, Wallace, Seaquist, Appleton, Morrell, Goodman, Santos, Wood, Ormsby and Kenney

AN ACT Relating to supporting early learning and parenting education opportunities at community colleges; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 2320 by Representatives Strow, Appleton, Newhouse and Williams

AN ACT Relating to reducing the penalty for a person conducting unlawful internet gambling in his or her primary residence for recreational purposes; amending RCW 9.46.240; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2321 by Representatives McDermott, Barlow, Clibborn, Jarrett, Santos and Williams

AN ACT Relating to student privacy and directory information; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 2322 by Representatives Haler and Appleton

AN ACT Relating to increasing access to full-day kindergarten programs; adding a new section to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2323 by Representative Ericksen

AN ACT Relating to food service rules; and amending RCW 43.20.145.

Referred to Committee on Health Care & Wellness.

HJR 4224 by Representatives Ross, Skinner, Newhouse, Ahern, McCune, Kretz and Warnick

Resolving to amend the state Constitution to make public safety a paramount duty of the state.

Referred to Committee on State Government & Tribal Affairs.

ESSB 5040 by Senate Committee on Higher Education (originally sponsored by Senators Eide, Franklin, Fairley, Shin, Rockefeller, Weinstein, Marr, Oemig, Hobbs, Haugen, Kilmer, Murray, Keiser, Rasmussen, Jacobsen, Kauffman and Kohl-Welles)

AN ACT Relating to the creation of a survivors' endowed scholarship program; amending RCW 28B.76.540; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

ESB 5063 by Senators Kohl-Welles, Fairley, Rockefeller, Kline, Schoesler, Keiser, Parlette, Kauffman, Fraser and Shin

AN ACT Relating to removing gender references; amending RCW 41.08.020, 41.08.030, 41.08.075, 41.08.080, 41.08.090, 41.08.100, 41.08.150, 41.08.220, 41.12.020, 41.12.030, 41.12.075, 41.12.080, 41.12.090, 41.12.100,

41.12.150, 41.12.220, 41.16.010, 41.16.020, 41.16.030, 41.16.040, 41.16.050, 41.16.070, 41.16.080, 41.16.100, 41.16.110, 41.16.120, 41.16.130, 41.16.140, 41.16.145, 41.16.150, 41.16.160, 41.16.170, 41.16.180, 41.16.190, 41.16.200, 41.16.210, 41.16.220, 41.16.230, 41.16.250, 41.18.010, 41.18.015, 41.18.020, 41.18.030, 41.18.040, 41.18.045, 41.18.050, 41.18.060, 41.18.080, 41.18.090, 41.18.100, 41.18.102, 41.18.130, 41.18.140, 41.18.150, 41.18.160, 41.18.165, 41.18.170, 41.18.180, 41.18.190, 41.18.210, 9.40.130, 9A.48.020, 19.09.100, 35.17.100, 35A.11.020, 35.27.240, 35.66.040, 35.75.050, 35.88.020, 41.44.060, 41.48.030, 46.37.185, 81.28.080, 35.23.121, 35.27.220, 59.12.110, 82.38.230, 87.03.020, 87.84.020, 19.29.010, 22.09.860, 81.40.095, 19.28.261, 19.28.321, and 50.04.240; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

SSB 5193 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Hewitt, Parlette, Morton, Schoesler, Swecker, Clements, Stevens, McCaslin, Carrell, Keiser, Berkey and Kohl-Welles)

AN ACT Relating to donation of unclaimed personal property to nonprofit charitable organizations; amending RCW 63.32.050 and 63.40.060; and adding a new section to chapter 63.35 RCW.

Referred to Committee on Local Government.

ESSB 5267 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Eide, Brandland, Fairley and Kohl-Welles)

AN ACT Relating to the use of the school district capital projects funds for technology; amending RCW 28A.320.330 and 84.52.053; and creating a new section.

Referred to Committee on Education.

SB 5407 by Senators Regala, Carrell, Hargrove and Brandland; by request of Secretary of State

AN ACT Relating to certificates of discharge; amending RCW 9.94A.637 and 9.96.050; and repealing RCW 29A.08.660.

Referred to Committee on Judiciary.

SJM 8008 by Senators Prentice, Rockefeller, Berkey, Weinstein, Kauffman, Marr, Oemig, Kline, Hobbs, Murray, Poulsen, Rasmussen, Kastama, Shin, Franklin, Hatfield, Sheldon, Kohl-Welles, Jacobsen, Fraser, Pridemore and Kilmer

Asking that the federal government provide veterans' benefits owed to Filipino veterans.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 16, 2007

HB 1032 Prime Sponsor, Representative Morris: Creating a sustainable energy trust. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1046 Prime Sponsor, Representative Takko: Meeting financial responsibility requirements for automobiles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Curtis; Ericksen; Hailey and Kristiansen.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1140 Prime Sponsor, Representative McCoy: Allowing for the net meter aggregation of electricity. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Eddy; Hudgins; Hurst; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Ericksen and Hankins.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1160 Prime Sponsor, Representative B. Sullivan: Addressing activities to promote green highways in the energy freedom program. Reported by

Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Capital Budget.

February 16, 2007

HB 1197 Prime Sponsor, Representative Miloscia: Regarding the Washington state quality award. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Appropriations.

February 16, 2007

HB 1244 Prime Sponsor, Representative Conway: Defining wages for industrial insurance purposes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1282 Prime Sponsor, Representative Lovick: Prohibiting unauthorized proximity to ferry terminals. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Ericksen.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1324 Prime Sponsor, Representative Hunter: Providing sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1363 Prime Sponsor, Representative Miloscia: Making voter registration available at state agencies. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Referred to Committee on Appropriations.

February 14, 2007

HB 1373 Prime Sponsor, Representative Lantz: Modifying photo enforcement of traffic infraction provisions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Curtis; Ericksen; Hailey and Kristiansen.

Passed to Committee on Rules for second reading.

February 13, 2007

HB 1374 Prime Sponsor, Representative Upthegrove: Creating the Puget Sound partnership. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Referred to Committee on Appropriations.

February 16, 2007  
HB 1429 Prime Sponsor, Representative Hunter:  
 Requiring a plan to place automatic external  
 defibrillators in public high schools. Reported by  
 Committee on Education

MAJORITY recommendation: Do pass. Signed by  
 Representatives Quall, Chairman; Priest, Ranking  
 Minority Member; Anderson, Assistant Ranking Minority  
 Member; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 15, 2007  
HB 1436 Prime Sponsor, Representative McIntire:  
 Providing the Washington higher education  
 facilities authority the ability to originate and  
 purchase educational loans and to issue student  
 loan revenue bonds. Reported by Committee on  
 Higher Education

MAJORITY recommendation: Do pass. Signed by  
 Representatives Wallace, Chairman; Sells, Vice  
 Chairman; Anderson, Ranking Minority Member; Buri,  
 Assistant Ranking Minority Member; Hasegawa; Jarrett;  
 McIntire; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 16, 2007  
HB 1457 Prime Sponsor, Representative Lovick:  
 Concerning the employment of youth soccer  
 referees. Reported by Committee on Commerce  
 & Labor

MAJORITY recommendation: Do pass. Signed by  
 Representatives Conway, Chairman; Wood, Vice  
 Chairman; Condotta, Ranking Minority Member;  
 Chandler, Assistant Ranking Minority Member; Green;  
 Moeller and Williams.

Passed to Committee on Rules for second reading.

February 14, 2007  
HB 1472 Prime Sponsor, Representative Pettigrew:  
 Analyzing and remedying racial  
 disproportionality and racial disparity in child  
 welfare. Reported by Committee on  
 Appropriations

MAJORITY recommendation: Do pass substitute bill  
 proposed by the Committee on Early Learning &  
 Children's Services. Signed by Representatives Sommers,  
 Chairman; Dunshee, Vice Chairman; Alexander, Ranking  
 Minority Member; Bailey, Assistant Ranking Minority  
 Member; Buri; Chandler; Cody; Conway; Darneille;  
 Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle;  
 Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville;  
 McDermott; McDonald; McIntire; Morrell; Pettigrew;  
 Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation.  
 Signed by Representatives Anderson.

Passed to Committee on Rules for second reading.

February 16, 2007  
HB 1500 Prime Sponsor, Representative Conway:  
 Modifying provisions on permanent partial  
 disability claims. Reported by Committee on  
 Commerce & Labor

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Conway, Chairman; Wood, Vice  
 Chairman; Condotta, Ranking Minority Member;  
 Chandler, Assistant Ranking Minority Member; Green;  
 Moeller and Williams.

Passed to Committee on Rules for second reading.

February 16, 2007  
HB 1574 Prime Sponsor, Representative Wood:  
 Modifying provisions concerning the uniform  
 regulation of business and professions. Reported  
 by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Conway, Chairman; Wood, Vice  
 Chairman; Condotta, Ranking Minority Member;  
 Chandler, Assistant Ranking Minority Member; Green;  
 Moeller and Williams.

Passed to Committee on Rules for second reading.

February 16, 2007  
HB 1623 Prime Sponsor, Representative Morris:  
 Concerning fees for easements on state-owned  
 aquatic lands. Reported by Committee on  
 Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Morris, Chairman; McCoy, Vice  
 Chairman; Crouse, Ranking Minority Member; McCune,  
 Assistant Ranking Minority Member; Eddy; Ericksen;  
 Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 15, 2007  
HB 1624 Prime Sponsor, Representative Kagi: Reinstating  
 parental rights for adolescents who are in state  
 care and have not been adopted and providing  
 immunity for department of social and health  
 services representatives. Reported by Committee  
 on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Kagi, Chairman; Haler, Ranking  
 Minority Member; Walsh, Assistant Ranking Minority  
 Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

February 16, 2007  
HB 1666 Prime Sponsor, Representative Green: Repealing  
 the expiration provision in the act authorizing

nurse practitioners to treat those covered by industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1670 Prime Sponsor, Representative Quall: Articulating the purpose and role of school counselors. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach; Santos and P. Sullivan.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1693 Prime Sponsor, Representative Appleton: Modifying time periods for collective bargaining by state ferry employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 19, 2007

HB 1716 Prime Sponsor, Representative Roberts: Supporting educational achievement for children in foster care. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 16, 2007

HB 1722 Prime Sponsor, Representative Conway: Clarifying the authority of physician assistants to execute certain certificates and other forms for labor and industries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1734 Prime Sponsor, Representative Haigh: Recodifying campaign funding and disclosure laws. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1779 Prime Sponsor, Representative Wallace: Creating the GET ready for math and science scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

February 15, 2007

HB 1806 Prime Sponsor, Representative Pedersen: Limiting the use of high hazard pesticides on school facilities. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Chase; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Hailey.

Referred to Committee on Appropriations.

February 16, 2007

HB 1831 Prime Sponsor, Representative Hunt: Modifying the dates of an election cycle. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Green; Kretz; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1874 Prime Sponsor, Representative Roberts: Addressing the transition and reentry of offenders into the community. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Darneille; McCoy and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Ranking Minority Member; Bailey.

Referred to Committee on Appropriations.

February 16, 2007

HB 1905 Prime Sponsor, Representative Kagi: Creating early learning and child care program grants. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 16, 2007

HB 1929 Prime Sponsor, Representative Hurst: Authorizing utilities to engage in environmental mitigation efforts. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1949 Prime Sponsor, Representative Williams: Providing industrial insurance coverage for workers involved in harvesting geoduck clams. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 19, 2007

HB 1959 Prime Sponsor, Representative Kagi: Correcting provisions for the department of early learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1961 Prime Sponsor, Representative Conway: Concerning professional athletics regulated by the department of licensing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 16, 2007

HB 1977 Prime Sponsor, Representative Quall: Regarding skill centers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 16, 2007

HB 1980 Prime Sponsor, Representative Kelley: Regarding the financial literacy public-private partnership. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 21, 2007, the 45th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

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**FORTY FIFTH DAY**


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House Chamber, Olympia, Wednesday, February 21, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jack Hunter and Avery Maxwell. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anna Joy Grace, Unity Church of Olympia.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4608, by Representatives Bailey, Strow, Sells, Alexander, O'Brien, Linville, Kristiansen, Pettigrew, Chase and Hankins

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Oak Harbor High School Wildcats Football Team displayed extraordinary excellence in winning the 2006 Class 4A State Football Playoffs; and

WHEREAS, The Oak Harbor High School Wildcats Football Team Coach, Dave Ward, coached his first Western Conference squad to win a state title since Cascade in 1991; and

WHEREAS, The Oak Harbor High School Wildcats Football Team bounced back from some unfortunate mistakes, playing tough defense throughout the game and pulling out an historic victory, besting the Bothell Cougars by a score of 21-14;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Oak Harbor High School Wildcats Football Team: Johnny Encinas, Brendan Kays, Mike Johnston, Josh Grinstead, Jack O'Neil, Christopher Rankin, Marshall Lobbestael, Lyndon Burleson, Rodrick Rumble, David Wasickanin, Clarence Lamont, Jarrod Wirth, Rashad Smith, Sean Welch, Devante Young, Chris Valencia, William Lamson, Ricardo Hernandez, Andy Parker, James Edens, Thomas Estes, Jim Koepke, Stephen Lewis, Briceton Ellena, Crockett Parker, Jake Rouser, Mike Bressler, Greg Goebel, Lyndon Mazon, Bennet Richter, Jarrod Tyson, Bobby Green, Tony Thulin, Robert Hubner, Joey Holcomb, Steve Schultz, Ben Llewelyn, Sean Popp, Matt Johnson, Joe Raymond, Josh Lamb, Ben Page, Daniel Varn, Mark Repose, Nathan Steele, Kyle Magana, Fritz Ratcliffe, Andrew Renniger, Jeremy Pallerine, Colbey Frank, Cody Church, William Hunter, Chris Nuemiller, Edmundo Corrales, Tyler Elliot, John Tuttle, Miles Hartt, Anthony Patterson, Matt Davison, Brooks Waller, Robbie Melton, Jake Ford, James Vanpelt, Jeff Lamont, Michael Repose, Michael Bell, Doug Hughes, Steve Sern, Josh Schroder, Sam Bovington, and Cory Blyther and Coach, Dave Ward, for their outstanding accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Oak Harbor High School Wildcats Football Coach, Dave Ward, the members of the Oak Harbor High School Wildcats Football Team, and the principal of Oak Harbor High School, Dwight Lundstrom.

Representative Bailey moved the adoption of the resolution.

Representatives Bailey and Strow spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4608 was adopted.

**INTRODUCTION & FIRST READING**

HB 2324 by Representatives Hunt and Wood

AN ACT Relating to soil scientists; amending RCW 18.235.020; adding a new section to chapter 18.220 RCW; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2325 by Representatives Kenney, Pettigrew, Flannigan, Haler, Hankins, Skinner, Kirby, Blake, Ericks, Wood, Upthegrove, Ormsby, P. Sullivan, Barlow, Chase, Quall, Hasegawa, Conway, McIntire, Grant, Morris, McDermott, Sells, Kessler and Santos

AN ACT Relating to creating the community development fund; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 2326 by Representatives Williams, Conway, Hunt, Kirby, Green, Sells, Hasegawa, Campbell, Appleton, Wood, Goodman and Ormsby

AN ACT Relating to protecting the integrity of collective bargaining for public sector employees; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Commerce & Labor.

HB 2327 by Representatives P. Sullivan, Priest, Haler, Quall, Jarrett, Wallace, Kenney, McDermott, Sells, Santos, Wood and Ormsby

AN ACT Relating to a system of standards, instruction, and assessments for mathematics and science; amending RCW 28A.655.061, 28A.155.045, 28A.655.070, and 28A.655.200; adding new sections to chapter 28A.655 RCW; adding a new

section to chapter 28A.305 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2328 by Representative Kretz

AN ACT Relating to active grazing leases on public lands; amending RCW 77.12.204; and adding a new section to chapter 79.17 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2329 by Representatives Kretz, Blake, Orcutt, Hailey, Warnick, Newhouse, McCune and Ahern

AN ACT Relating to increasing hunting opportunities during legal holidays; amending RCW 77.12.150; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2330 by Representatives Grant, Hankins, Haler and Wood

AN ACT Relating to the tax on cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development; amending RCW 82.04.263; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2331 by Representatives Simpson and Wood

AN ACT Relating to funding qualifying projects through the urban corridor program of the transportation improvement board; amending RCW 47.26.282; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

HB 2332 by Representative Hunter

AN ACT Relating to the levies by school districts; amending RCW 84.52.053; and creating a new section.

Referred to Committee on Finance.

HB 2333 by Representative Hunter

AN ACT Relating to professional certification of teachers; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Education.

HB 2334 by Representatives Ericks, McIntire, Jarrett, Hankins and B. Sullivan

AN ACT Relating to authorizing regular property tax increases in excess of one percent growth for limited purposes including the funding of infrastructure and the reduction of impact fees; amending RCW 84.55.005 and 84.55.0101;

adding a new section to chapter 82.02 RCW; adding new sections to chapter 43.31 RCW; and providing an expiration date.

Referred to Committee on Finance.

HB 2335 by Representatives Priest and Miloscia

AN ACT Relating to exempting certain amateur radio repeaters from leasehold excise taxes; and adding a new section to chapter 82.29A RCW.

Referred to Committee on Finance.

HB 2336 by Representative Armstrong

AN ACT Relating to size, weight, and load restrictions for public utility vehicles; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

HB 2337 by Representative Armstrong

AN ACT Relating to services provided by television reception improvement districts; and amending RCW 36.95.010 and 36.95.140.

Referred to Committee on Technology, Energy & Communications.

HB 2338 by Representatives Fromhold and Kenney

AN ACT Relating to termination of the job development fund program; amending RCW 43.155.050; repealing RCW 43.160.230, 43.160.240, and 44.28.801; and repealing 2005 c 425 s 4.

Referred to Committee on Capital Budget.

HB 2339 by Representatives Haigh, Quall, Ormsby, Fromhold, Kessler, Kenney, Santos, Wood and Conway

AN ACT Relating to establishing a system to support a comprehensive mathematics and science improvement initiative; amending RCW 28A.310.350; adding new sections to chapter 28A.415 RCW; and repealing RCW 28A.300.350.

Referred to Committee on Education.

HB 2340 by Representatives Wallace, Upthegrove, Kenney and Santos

AN ACT Relating to monitoring compliance with sexual equality laws; amending RCW 28A.640.030; and creating a new section.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

HB 1006 February 19, 2007  
 Prime Sponsor, Representative Moeller:  
 Studying electronic filing of disclosure reports.  
 Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

HB 1254 February 19, 2007  
 Prime Sponsor, Representative Bailey:  
 Concerning the use of lodging tax revenues for  
 tourism promotion. Reported by Committee on  
 Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler and P. Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Rolfes.

Passed to Committee on Rules for second reading.

HB 1287 February 16, 2007  
 Prime Sponsor, Representative Kagi: Modifying  
 foster children placement provisions. Reported  
 by Committee on Early Learning & Children's  
 Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

HB 1332 February 19, 2007  
 Prime Sponsor, Representative Pettigrew:  
 Addressing affordable housing development.  
 Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley and Ormsby.

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

Referred to Committee on Appropriations.

HB 1855 February 19, 2007  
 Prime Sponsor, Representative Schual-Berke:  
 Regarding sex education in schools. Reported by  
 Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Anderson; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Dunn; Haler; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

HB 1956 February 19, 2007  
 Prime Sponsor, Representative Pettigrew:  
 Prohibiting discrimination based on lawful  
 source of income. Reported by Committee on  
 Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Kelley and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn, Ranking Minority Member; McCune and Schindler.

Passed to Committee on Rules for second reading.

HB 2023 February 19, 2007  
 Prime Sponsor, Representative Schual-Berke:  
 Establishing newborn screening fees. Reported  
 by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

HB 2098 February 19, 2007  
 Prime Sponsor, Representative Cody: Providing  
 high quality, affordable health care to  
 Washingtonians based on the recommendations  
 of the blue ribbon commission on health care  
 costs and access. Reported by Committee on  
 Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice

Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING SUSPENSION

**HOUSE BILL NO. 1069, by Representatives Williams, Hunt and B. Sullivan**

**Designating the Pacific chorus frog as the state amphibian.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Williams and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1069.

## MOTIONS

On motion of Representative Santos, Representatives Miloscia, Roberts and B. Sullivan were excused. On motion of Representative Schindler, Representatives Kretz and Warnick were excused.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1069, and the bill passed the House by the following vote: Yeas - 90, Nays - 3, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Anderson, DeBolt and Flannigan - 3.

Excused: Representatives Kretz, Miloscia, Roberts, B. Sullivan and Warnick - 5.

HOUSE BILL NO. 1069, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1141, by Representatives Roberts, Haler, O'Brien, Green, Goodman, Kagi, Appleton, Walsh, Williams, Dickerson, Darneille, Flannigan, McCoy, Hinkle, Pettigrew and Hasegawa**

**Modifying diversion records provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1141 was read the second time.

The bill was placed on final passage.

Representatives Dickerson and Hailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1141.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1141, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Kretz, Miloscia, Roberts, B. Sullivan and Warnick - 5.

SUBSTITUTE HOUSE BILL NO. 1141, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1099, by Representatives Cody, Hinkle, Green, Bailey, Schual-Berke, Campbell, McCoy, Morrell, Ormsby, Kenney and Moeller**

**Regulating certain dental professions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1099 was read the second time.

The bill was placed on final passage.

Representatives Cody and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1099.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1099, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Miloscia and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1099, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1166, by Representatives Takko, Alexander, Curtis, Williams and Moeller**

**Modifying county treasurer administrative provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Takko and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1166

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1166, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley,

Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Miloscia and Roberts - 2.

HOUSE BILL NO. 1166, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1182, by Representatives Ericks, O'Brien, Lovick, Armstrong, Ormsby, McDonald, Haler, Simpson and Wallace**

**Modifying missing persons provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1182 was read the second time.

The bill was placed on final passage.

Representatives Ericks and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1182.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1182, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Miloscia and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1182, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1187, by Representatives Kelley, Wood, Morrell, Green, Pettigrew, Ormsby, McDermott, Miloscia, Appleton, Simpson and Haigh**

**Creating a new chapter regarding affordable housing.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kelley and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1187.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1187, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Miloscia and Roberts - 2.

HOUSE BILL NO. 1187, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1237, by Representatives Kirby and Roach; by request of Insurance Commissioner**

##### **Modifying medical malpractice closed claim reporting requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1237 was read the second time.

The bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1237.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1237, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Miloscia and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1237, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1296, by Representatives Hunter and Anderson**

##### **Regarding state purchasing of information technology projects.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunter and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1296.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1296, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Miloscia and Roberts - 2.

HOUSE BILL NO. 1296, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1256, by Representatives Dickerson, Kagi, Hunter, O'Brien and Ericks**

**Preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1256 was read the second time.

The bill was placed on final passage.

Representatives Dickerson and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1256

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1256, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Miloscia and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1256, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1300, by Representatives Morrell, Campbell, Cody, Curtis, Schual-Berke, Green and Moeller; by request of Department of Health**

**Modifying the powers and duties of health care disciplining authorities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1300 was read the second time.

The bill was placed on final passage.

Representatives Morrell and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1300.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1300, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Miloscia and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1300, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1319, by Representatives O'Brien, Pearson, Dickerson, Blake, Kenney and Ormsby; by request of Department of Corrections**

**Protecting employees, contract staff, and volunteers of a correctional agency from stalking.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1319 was read the second time.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1319

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1319, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa,

Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Miloscia and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1319, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1323, by Representatives McIntire, Pettigrew, Pedersen and Dunn**

**Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1323 was read the second time.

The bill was placed on final passage.

Representatives McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1323.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1323, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Miloscia and Roberts - 2.

SUBSTITUTE HOUSE BILL NO. 1323, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Moeller to preside.

**HOUSE BILL NO. 1537, by Representatives Lovick, Ericks, O'Brien and Strow**

**Making a false or misleading material statement that results in an Amber alert.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lovick and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1537.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1537, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Roberts - 1.

HOUSE BILL NO. 1537, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Lovick to preside.

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

There being no objection, the House adjourned until 9:55 a.m., February 22, 2007, the 46th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

SIXTIETH LEGISLATURE - REGULAR SESSION

**FORTY SIXTH DAY**

House Chamber, Olympia, Thursday, February 22, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

**MESSAGE FROM THE SENATE**

February 21, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5311,  
ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 2341 by Representatives Flannigan, B. Sullivan, Ormsby, Lantz and Wallace

AN ACT Relating to the sale of intermediate base light bulbs for residential use; amending RCW 19.260.020, 19.260.030, 19.260.040, 19.260.050, and 19.260.070; adding new sections to chapter 19.260 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 2342 by Representative Miloscia

AN ACT Relating to making state budget information available to the public; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2343 by Representatives Quall, Santos and Haler

AN ACT Relating to revising the high school assessment system and graduation requirements; amending RCW 28A.655.061, 28A.230.090, 28A.155.045, 28A.195.010, 28A.200.010, and 28A.600.310; and repealing RCW 28A.655.063 and 28A.655.065.

Referred to Committee on Education.

HB 2344 by Representatives Wallace, Rodne, Hunter and Kenney

AN ACT Relating to preserving rail corridors; amending RCW 36.70A.070 and 64.06.020; and adding new sections to chapter 47.76 RCW.

Referred to Committee on Transportation.

HB 2345 by Representatives Wallace, Dunn, Moeller, Curtis, Fromhold, McCune, Seaquist and Williams

AN ACT Relating to shared parental responsibility; amending RCW 26.09.002, 26.09.004, and 26.09.187; adding a new section to chapter 26.09 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2346 by Representatives Darneille, Orcutt, McIntire, Conway, Ericks, Hunt and Kenney

AN ACT Relating to extending the tax incentives provided for qualified research and development to persons performing both phase I and II clinical trials; amending RCW 82.63.010; and creating a new section.

Referred to Committee on Finance.

HB 2347 by Representatives Warnick, Hinkle, McCune, Ahern and Dunn

AN ACT Relating to preempting common law causes of action to determine parentage; adding a new section to chapter 26.26 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2348 by Representatives Sells, Chase, Jarrett, Campbell, Miloscia, Lovick, Ormsby, Green, Morrell, Hankins, Darneille and Simpson

AN ACT Relating to the disclosure of labor relations materials; and amending RCW 41.58.020.

Referred to Committee on Commerce & Labor.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

February 20, 2007

HB 1035 Prime Sponsor, Representative Morris: Addressing the purchase of anaerobic digestion power. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Appropriations.

February 20, 2007

HB 1036 Prime Sponsor, Representative Morris: Regarding the purchase of renewable energy by public entities. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1066 Prime Sponsor, Representative Kirby: Prohibiting interested third parties from processing insurance claims. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Hurst; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Rodne.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1137 Prime Sponsor, Representative Fromhold: Creating the water quality capital account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Goodman; Hankins; Hasegawa; Kelley; McCune; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1226 Prime Sponsor, Representative Sells: Establishing the first peoples' language, culture, and history teacher certification program. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Held on 5<sup>th</sup> Order.

February 20, 2007

HB 1235 Prime Sponsor, Representative Kirby: Providing confidentiality to certain insurance commissioner examinations. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1340 Prime Sponsor, Representative Pearson: Establishing standardized chemical dependency assessment protocols. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

February 20, 2007

HB 1413 Prime Sponsor, Representative Eddy: Changing the definition of floodway in the shoreline management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1432 Prime Sponsor, Representative P. Sullivan: Granting service credit to educational staff associates for nonschool employment. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 20, 2007

HB 1469 Prime Sponsor, Representative Quall:  
Concerning record checks for school employees.  
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 20, 2007

HB 1525 Prime Sponsor, Representative Chase: Reducing the impact of regulatory provisions on small businesses. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1533 Prime Sponsor, Representative Kirby:  
Concerning persons selling, soliciting, or negotiating insurance. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Santos.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1551 Prime Sponsor, Representative McDermott:  
Allowing public funding of local office campaigns. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1622 Prime Sponsor, Representative Moeller:  
Concerning the authority of boundary review

boards. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1636 Prime Sponsor, Representative Simpson:  
Creating a regional transfer of development rights program. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Ross.

Referred to Committee on Appropriations.

February 20, 2007

HB 1650 Prime Sponsor, Representative Fromhold:  
Providing for an inspected inventory of on-site sewage disposal systems. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Sump, Assistant Ranking Minority Member; Chase; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Ranking Minority Member; Hailey.

Referred to Committee on Appropriations.

February 20, 2007

HB 1671 Prime Sponsor, Representative Green:  
Modifying provisions relating to reclassifications, class studies, and salary adjustments. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 20, 2007  
HB 1672 Prime Sponsor, Representative Green: Clarifying the authority of the director of the Washington state department of personnel and the Washington personnel resources board. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Armstrong, Assistant Ranking Minority Member; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 20, 2007  
HB 1755 Prime Sponsor, Representative Hurst: Modifying consumer credit report provisions. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Hurst; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Rodne.

Passed to Committee on Rules for second reading.

February 20, 2007  
HB 1759 Prime Sponsor, Representative McIntire: Authorizing shared leave for declared emergencies. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 20, 2007  
HB 1775 Prime Sponsor, Representative Hinkle: Regarding crimes against livestock belonging to another person. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 20, 2007  
HB 1778 Prime Sponsor, Representative Wallace: Modernizing Washington state history and government high school graduation requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Roach.

Referred to Committee on Appropriations.

February 20, 2007  
HB 1791 Prime Sponsor, Representative Schual-Berke: Concerning members of the Washington council for the prevention of child abuse and neglect. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle and Pettigrew.

Passed to Committee on Rules for second reading.

February 21, 2007  
HB 1830 Prime Sponsor, Representative O'Brien: Creating the emergency transportation grant program. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Appropriations.

February 20, 2007  
HB 1847 Prime Sponsor, Representative O'Brien: Providing for lead poisoning prevention education and screening. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Referred to Committee on Appropriations.

February 20, 2007  
HB 1859 Prime Sponsor, Representative Goodman: Revising the statute law committee's publication authority. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1939 Prime Sponsor, Representative Goodman: Modifying privileged communications provisions. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 20, 2007

HB 1953 Prime Sponsor, Representative Wood: Requiring premium reductions for older insureds completing an accident prevention course. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 2013 Prime Sponsor, Representative Williams: Authorizing tribal and Indian nation law enforcement officers to act as Washington state peace officers. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 20, 2007

HB 2049 Prime Sponsor, Representative Rolfes: Authorizing the creation of marine resource committees. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member;

Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 2096 Prime Sponsor, Representative B. Sullivan: Creating incentives to encourage the preservation of manufactured/mobile home communities. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Referred to Committee on Finance.

February 20, 2007

HB 2103 Prime Sponsor, Representative Morris: Modifying the competitive classification of telecommunications services. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 20, 2007

HB 2156 Prime Sponsor, Representative Morris: Regarding carbon dioxide mitigation. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 20, 2007

HJM 4012 Prime Sponsor, Representative Quall: Petitioning Congress to raise funding levels of the No Child Left Behind Act. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 20, 2007

HJM 4015 Prime Sponsor, Representative Ormsby:  
Petitioning congress to change the definition of  
highly qualified teachers to include career and  
technical teachers hired directly from industry.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 23, 2007, the 47th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

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**FORTY SEVENTH DAY**


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House Chamber, Olympia, Friday, February 23, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daniel Zapotocky and Mia Nafziger. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anna Joy Grace, Unity Church of Olympia.

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

**INTRODUCTION & FIRST READING**

HB 2349 by Representatives B. Sullivan, Blake, Sells, Conway, Wood and Ormsby

AN ACT Relating to the transportation of sand and gravel; amending RCW 36.70A.200; and creating a new section.

Referred to Committee on Local Government.

HB 2350 by Representatives Williams, Curtis, Ericks and Simpson

AN ACT Relating to requirements for ignition interlock devices; and amending RCW 46.20.391.

Referred to Committee on Judiciary.

HB 2351 by Representatives Sells, Campbell, Conway, Green, Hudgins, Hasegawa, Appleton, Ormsby, Hurst, Chase, Dickerson, Van De Wege and Simpson

AN ACT Relating to establishing a state tax policy that prohibits employers claiming certain tax incentives from requiring employees to participate in certain communications about political, religious, or labor organizing matters; amending RCW 82.32.545, 82.04.250, 82.04.4461, 82.04.4463, 82.04.4487, 82.08.975, 82.08.980, 82.08.981, 82.12.975, 82.12.981, 84.36.655, and 82.29A.137; adding new sections to chapter 82.32 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 2352 by Representatives Grant, Linville, Simpson and Bailey

AN ACT Relating to the excise taxation of persons engaged in farming and farming services; amending RCW 82.04.330; adding a new section to chapter 82.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2353 by Representatives McDermott, Cody and Appleton

AN ACT Relating to passenger-only ferry service; amending RCW 36.54.110; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2354 by Representatives Williams, Conway, Hasegawa and Appleton

AN ACT Relating to making the governor the public employer of adult family home caregivers; amending RCW 74.39A.240 and 74.39A.270; adding a new section to chapter 74.39A RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2355 by Representative Moeller

AN ACT Relating to the establishment of collaborative life science learning centers; adding new sections to chapter 28A.300 RCW; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Education.

ESSB 5311 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Zarelli, Prentice, Marr, Tom, McAuliffe and Kilmer; by request of Governor Gregoire)

AN ACT Relating to a budget stabilization account; amending RCW 43.135.035; reenacting and amending RCW 43.84.092 and 43.135.045; adding new sections to chapter 43.79 RCW; adding a new section to chapter 82.33 RCW; creating a new section; repealing RCW 43.33A.220 and 43.135.051; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Appropriations.

ESSJR 8206 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Zarelli, Eide, Hewitt, Haugen, Franklin, Kilmer, Kauffman, Marr, Rasmussen, Berkey, Sheldon, Keiser, Tom, McAuliffe, Parlette and Rockefeller; by request of Governor Gregoire)

Creating the budget stabilization account in the state Constitution.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### REPORTS OF STANDING COMMITTEES

February 21, 2007  
HB 1040 Prime Sponsor, Representative B. Sullivan:  
 Concerning specialized forest products.  
 Reported by Committee on Agriculture &  
 Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey; Newhouse; Orcutt and Strow.

Passed to Committee on Rules for second reading.

February 21, 2007  
HB 1152 Prime Sponsor, Representative Takko:  
 Modifying sales and use tax provisions for  
 public facilities districts. Reported by  
 Committee on Community & Economic  
 Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Finance.

February 20, 2007  
HB 1226 Prime Sponsor, Representative Sells:  
 Establishing the first peoples' language, culture,  
 and history teacher certification program.  
 Reported by Committee on State Government &  
 Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 21, 2007  
HB 1435 Prime Sponsor, Representative P. Sullivan:  
 Modifying provisions relating to public facilities  
 districts. Reported by Committee on Community  
 & Economic Development & Trade

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

Referred to Committee on Finance.

February 21, 2007  
HB 1497 Prime Sponsor, Representative Wallace:  
 Increasing the operating fee waiver authority for  
 Central Washington University. Reported by  
 Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; McIntire and Sommers.

Referred to Committee on Appropriations.

February 21, 2007  
HB 1543 Prime Sponsor, Representative Buri:  
 Authorizing the use of local retail taxes to  
 finance economic development officers.  
 Reported by Committee on Community &  
 Economic Development & Trade

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

Passed to Committee on Rules for second reading.

February 20, 2007  
HB 1552 Prime Sponsor, Representative McDermott:  
 Conforming legal notice broadcast requirements  
 to current practice. Reported by Committee on  
 State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 21, 2007  
HB 1644 Prime Sponsor, Representative Kenney:  
 Modifying health care eligibility provisions for  
 part-time academic employees of community  
 and technical colleges. Reported by Committee  
 on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; McIntire and Sommers.

Passed to Committee on Rules for second reading.

HB 1656 February 20, 2007  
 Prime Sponsor, Representative Rolfes:  
 Establishing the Puget Sound scientific research  
 account. Reported by Committee on Select  
 Committee on Puget Sound

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Referred to Committee on Appropriations.

HB 1741 February 20, 2007  
 Prime Sponsor, Representative Hunt:  
 Transferring the oral history program from the  
 secretary of state to the legislature. Reported by  
 Committee on State Government & Tribal  
 Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

HB 1748 February 21, 2007  
 Prime Sponsor, Representative B. Sullivan:  
 Regarding hydraulic project permit approval for  
 projects intended to reduce or eliminate damage  
 from floods. Reported by Committee on  
 Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

HB 1790 February 21, 2007  
 Prime Sponsor, Representative Ericks: Providing  
 for the distribution of funds used for jobs,  
 economic development, and local capital  
 projects. Reported by Committee on Community  
 & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler and Rolfes.

Referred to Committee on Appropriations.

February 21, 2007

HB 1805 Prime Sponsor, Representative Morrell:  
 Increasing the homestead exemption amount.  
 Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Rodne, Ranking Minority Member; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Ahern.

Passed to Committee on Rules for second reading.

HB 1836 February 21, 2007  
 Prime Sponsor, Representative Ericks: Requiring  
 registered sex and kidnapping offenders to  
 register after serving a term of confinement for  
 a subsequent offense that is not a sex or  
 kidnapping offense. Reported by Committee on  
 Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

HB 1840 February 21, 2007  
 Prime Sponsor, Representative Anderson:  
 Establishing a pilot project to design and test a  
 command and control data system. Reported by  
 Committee on Technology, Energy &  
 Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Appropriations.

HB 1865 February 21, 2007  
 Prime Sponsor, Representative Williams:  
 Limiting the obligations of landlords under writs  
 of restitution. Reported by Committee on  
 Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

HB 1870 February 21, 2007  
 Prime Sponsor, Representative Pedersen:  
 Recognizing Juneteenth as a day of

remembrance. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 1879 Prime Sponsor, Representative Blake: Authorizing the department of natural resources to give nominally valuable materials to nonprofit organizations. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 1889 Prime Sponsor, Representative Barlow: Regarding the wild horse coordinated resource management plan. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

February 21, 2007

HB 1967 Prime Sponsor, Representative Moeller: Providing for the reporting of physician convictions for driving while under the influence to an approved substance abuse program. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 20, 2007

HB 2019 Prime Sponsor, Representative McDermott: Requiring signature gatherers of ballot measure petitions to sign petition declarations under oath. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2033 Prime Sponsor, Representative Ormsby: Authorizing payroll deductions for retiree organization dues. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Armstrong, Assistant Ranking Minority Member; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2070 Prime Sponsor, Representative O'Brien: Concerning exceptional sentences. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2079 Prime Sponsor, Representative McDermott: Concerning use of agency shop fees. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2115 Prime Sponsor, Representative Newhouse: Creating the heritage barn preservation program. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Capital Budget.

February 21, 2007

HB 2129 Prime Sponsor, Representative Van De Wege: Regarding geothermal core holes. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2132 Prime Sponsor, Representative Kenney: Studying the office of minority and women owned business enterprises. Reported by Committee on Community & Economic Development & Trade

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

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member.

Referred to Committee on Appropriations.

February 21, 2007

HB 2152 Prime Sponsor, Representative Appleton: Regarding election certification. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2170 Prime Sponsor, Representative Ross: Protecting employees, contract staff, and volunteers of a law enforcement agency. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2176 Prime Sponsor, Representative Lantz: Revising provisions involving court interpreters. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

February 21, 2007

HB 2177 Prime Sponsor, Representative Moeller: Revising the definition of a weapon. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2244 Prime Sponsor, Representative Miloscia: Authorizing faith communities to host temporary homeless encampments subject to restrictions. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Kelley and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn, Ranking Minority Member; Schindler.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2289 Prime Sponsor, Representative Ericks: Creating a task force to study streamlining state information services. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Appropriations.

February 21, 2007

HJM 4017 Prime Sponsor, Representative Kessler: Naming portions of Highways 112 and 113 the Korean

War Veteran's Blue Star Memorial Highway.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

#### SECOND READING SUSPENSION

**HOUSE BILL NO. 1338, by Representatives P. Sullivan, Newhouse, B. Sullivan and Santos**

**Authorizing the Washington beer commission to receive gifts, grants, and endowments.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1338 was read the second time.

The bill was placed on final passage.

Representatives P. Sullivan and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1338.

#### MOTIONS

On motion of Representative Santos, Representatives Flannigan, Kenney, Lantz, Schual-Berke, Simpson, Upthegrove and Wood were excused. On motion of Representative Schindler, Representatives Ahern and Chandler were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1338 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Skinner,

Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams and Mr. Speaker - 89.

Excused: Representatives Ahern, Chandler, Flannigan, Kenney, Lantz, Schual-Berke, Simpson, Upthegrove and Wood - 9.

SUBSTITUTE HOUSE BILL NO. 1338, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1341, by Representatives Simpson, Curtis, Ericks and Alexander**

**Limiting the regulation of the practice of massage by political subdivisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Eddy, Curtis and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1341.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1341 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams and Mr. Speaker - 90.

Excused: Representatives Ahern, Chandler, Flannigan, Kenney, Lantz, Schual-Berke, Upthegrove and Wood - 8.

HOUSE BILL NO. 1341, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1370, by Representatives Green, Conway, Hasegawa, Chase, Simpson, Morrell and Wood**

**Regarding public workers excluded from prevailing wages on public works provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Green and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1370.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1370 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Chandler, Flannigan, Kenney, Schual-Berke and Upthegrove - 5.

HOUSE BILL NO. 1370, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1391, by Representatives Eddy, Ross, Curtis, Jarrett, Morrell and B. Sullivan**

**Clarifying that councilmembers are eligible to be appointed to the office of mayor.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Eddy and Ross spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1391.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1391 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle,

Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Chandler, Flannigan, Kenney, Schual-Berke and Upthegrove - 5.

HOUSE BILL NO. 1391, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1392, by Representatives Moeller, Curtis, B. Sullivan, Appleton, Chase and Schual-Berke**

**Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1392 was read the second time.

The bill was placed on final passage.

Representatives Moeller and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1392.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1392 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Chandler, Flannigan, Kenney, Schual-Berke and Upthegrove - 5.

SUBSTITUTE HOUSE BILL NO. 1392, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1412, by Representatives Eddy, Curtis, Simpson and Upthegrove; by request of Department of Ecology**

**Providing for a one-year extension for shoreline master program updates in RCW 90.58.080.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Eddy and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1412.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1412 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Chandler, Flannigan, Kenney, Schual-Berke and Upthegrove - 5.

HOUSE BILL NO. 1412, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1416, by Representatives Grant, Chandler, Linville, Newhouse, Warnick and Van De Wege**

**Extending an asparagus exception to the standards for fruits and vegetables.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Grant and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1416.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1416 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Chandler, Flannigan, Kenney, Schual-Berke and Upthegrove - 5.

HOUSE BILL NO. 1416, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1431, by Representatives Goodman, Lantz, O'Brien, Rodne, Moeller and Hasegawa; by request of Secretary of State**

**Changing certificate of discharge requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1431.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1431 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Chandler, Flannigan, Kenney, Schual-Berke and Upthegrove - 5.

HOUSE BILL NO. 1431, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1445, by Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia; by request of Attorney General**

**Making adjustments to the recodification of the public records act.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1445 was read the second time.

The bill was placed on final passage.

Representatives Kessler and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1445.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1445 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

SUBSTITUTE HOUSE BILL NO. 1445, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1446, by Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia; by request of Attorney General**

**Regarding the statute of limitations under the public records act.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kessler and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1446.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1446 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

HOUSE BILL NO. 1446, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1565, by Representatives Kagi, Dickerson and Kenney**

**Revising provisions relating to public access to child in need of services and at-risk youth hearings.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1565 was read the second time.

The bill was placed on final passage.

Representatives Kagi and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1565.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1565 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle,

Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

SUBSTITUTE HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1676, by Representatives Fromhold, Curtis, Moeller, Orcutt, Wallace, Dunn, Santos and Simpson**

**Allowing public utility districts to disburse low-income energy assistance contributions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1676.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1676 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

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

Voting nay: Representative Ross - 1.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

HOUSE BILL NO. 1676, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1813, by Representatives Kelley, Priest, Hunt, Dunshee, Hinkle, Condotta, Fromhold and Linville; by request of Interagency Committee for Outdoor Recreation**

**Changing the name of the interagency committee for outdoor recreation to the recreation and conservation funding board.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kelley and Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1813.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1813 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Anderson, DeBolt and Dunn - 3.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

HOUSE BILL NO. 1813, having received the necessary constitutional majority, was declared passed.

#### SECOND READING

**HOUSE BILL NO. 1377, by Representatives Pettigrew, Hinkle, Walsh, Haler, Kagi, Appleton, Warnick and Roberts; by request of Department of Social and Health Services**

**Changing provisions affecting the placement of children.**

The bill was read the second time.

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

Representatives Pettigrew and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1377.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1377 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

HOUSE BILL NO. 1377, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1475, by Representatives Hurst, Haigh, Eickmeyer, Curtis, Alexander, Morrell, Crouse, Simpson, Roach and Van De Wege**

**Adding members to the state board for volunteer firefighters and reserve officers.**

The bill was read the second time.

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

Representatives Hurst and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1475.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1475 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler,

Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

HOUSE BILL NO. 1475, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1135, by Representatives Appleton, Rolfes, Lantz, Seaquist and Clibborn**

**Allowing certain cities to designate aquifer conservation zones.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1135 was substituted for House Bill No. 1135 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1135 was read the second time.

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

Representatives Appleton, Curtis and Rolfes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1135.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1135 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

SUBSTITUTE HOUSE BILL NO. 1135, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1218, by Representatives Conway, Wood, Condotta, Kenney and Moeller; by request of Gambling Commission**

**Modifying gambling commission powers and duties to temporarily issue, suspend, and renew licenses.**

The bill was read the second time.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1218.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1218 and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Hurst, Lantz, McCune, and Strow - 4.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

HOUSE BILL NO. 1218, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1264, by Representatives Fromhold, Conway, B. Sullivan, Kenney, Ericks, Haigh, Ormsby, Simpson and Moeller; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board**

**Addressing the portability of public retirement benefits.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1264 was substituted for House Bill No. 1264 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1264 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1264.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1264 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

SUBSTITUTE HOUSE BILL NO. 1264, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1378, by Representatives Cody, Priest, Campbell, Green, Morrell, Jarrett, Williams and Ormsby**

**Licensing specialty hospitals.**

The bill was read the second time.

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

Representative Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1378.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1378 and the bill passed the House by the following vote: Yeas - 78, Nays - 16, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Schindler, Sump, and Warnick - 16.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

HOUSE BILL NO. 1378, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on HOUSE BILL NO. 1378.  
GARY ALEXANDER, 20<sup>th</sup> District

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on HOUSE BILL NO. 1378.  
BARBARA BAILEY, 10<sup>th</sup> District

**SECOND READING**

**HOUSE BILL NO. 1381, by Representatives Hasegawa, Orcutt, McIntire and Condotta; by request of Department of Revenue**

**Making changes of a technical nature to tax laws.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1381 was substituted for House Bill No. 1381 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1381 was read the second time.

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

Representatives Hasegawa and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1381.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1381 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

SUBSTITUTE HOUSE BILL NO. 1381, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1398, by Representatives Fromhold, Wallace, Anderson, McDonald, Pedersen and Chase; by request of University of Washington**

**Expanding the University of Washington's and Washington State University's local borrowing authority.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1398 was substituted for House Bill No. 1398 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1398 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1398.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1398 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P.

Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Hasegawa - 1.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

SUBSTITUTE HOUSE BILL NO. 1398, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1409, by Representatives B. Sullivan, Orcutt, Kretz and Takko**

**Transferring jurisdiction over conversion-related forest practices to local governments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1409 was substituted for House Bill No. 1409 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1409 was read the second time.

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

Representatives B. Sullivan and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1409.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1409 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

SUBSTITUTE HOUSE BILL NO. 1409, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1480, by Representatives Roach, Hunter, McIntire, Condotta and Ericks; by request of Department of Revenue**

**Regarding the administration of tax programs administered by the department of revenue.**

The bill was read the second time.

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

Representatives Roach and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1480.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1480 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Chandler, Flannigan, Kenney and Upthegrove - 4.

HOUSE BILL NO. 1480, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of further consideration of HOUSE BILL NO. 1036, and the bill was referred to the Committee on Appropriations.

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

There being no objection, the House adjourned until 10:00 a.m., February 26, 2007, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTIETH DAY

House Chamber, Olympia, Monday, February 26, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christopher Hawthorne and Jesse Ridenour. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Carol McKinley, Olympia Unitarian Universalist Congregation.

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

## RESOLUTION

HOUSE RESOLUTION NO. 2007-4623, by Representatives Moeller, Kirby, Hunt, Curtis, Fromhold, Kelley, Roberts, Clibborn, Kenney, Morrell, Goodman, Appleton, Cody, Van De Wege, Schual-Berke, Simpson, Blake, Pettigrew, Takko, McCoy, Morris, Chopp, Lovick, Ormsby, Barlow, Grant, Lantz, Campbell, Dunshee, Sommers, Ericks, Eddy, B. Sullivan, Miloscia, Williams, Darneille, McIntire, Hudgins, Rolfes, Hasegawa, Chase, McDermott, P. Sullivan, Wallace, Seaquist, Pedersen, Kagi, O'Brien, Pearson, Chandler, Condotta, Newhouse, Anderson, Bailey, Orcutt, Dunn, Kretz, Haler, Ahern, Walsh, Rodne, Strow, McCune and Ross

WHEREAS, January 23, 2007, marks the sesquicentennial of the City of Vancouver, Washington; and

WHEREAS, Vancouver has played a prominent role in the history of the State with notable events including the founding of Fort Vancouver in 1825, which served as the capital of the Hudson's Bay Company's Northwest fur trading empire; the first military post in the Pacific Northwest, Vancouver Barracks, which served as the headquarters of the United States military for the region, being home to Officers Row; the first "neighborhood" in the Pacific Northwest; serving as the landing site, at Pearson Airfield, of the first transpolar flight; and the location of the Kaiser Shipyards, begun in 1942, to support the World War II efforts; and

WHEREAS, Through Vancouver Barracks, the City has been home to some of the most notable figures in military history including General George C. Marshall, General Ulysses S. Grant, and General Oliver Otis Howard; and

WHEREAS, America's Vancouver has been, in the past, and continues to be, a forward thinking, innovative community that was home to the first street lights and telephones in the Northwest, the first county library system in the State, the location of the first Hilton hotel in the world with a Leadership in Energy and Environmental Design certification, and whose award-winning trails system has helped earn it a designation as one of the most walkable cities in the United States; and

WHEREAS, Vancouver is currently the 4th largest city in the State and serves as a social and economic hub for Southwest Washington; and

WHEREAS, The City of Vancouver plans a yearlong series of events to celebrate its 150th anniversary kicked off by the Mayor's State of the City address on January 23rd and including a community picnic, a citywide bike ride with the Mayor, and a special 150th exhibit at the Clark County Historic Museum;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington congratulate America's Vancouver on reaching its 150th Anniversary; and

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

Representative Moeller moved the adoption of the resolution.

Representatives Moeller and Dunn spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4623 was adopted.

## MESSAGE FROM THE SENATE

February 23, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5166,  
SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5391,  
SENATE BILL NO. 5408,  
SUBSTITUTE SENATE BILL NO. 5435,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5456,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

## INTRODUCTION &amp; FIRST READING

HB 2356 by Representatives Curtis, Haler, Schindler and Ericksen

AN ACT Relating to replacing school impact fees and providing additional revenue to high growth school districts; amending RCW 82.45.060 and 82.02.090; adding a new section to chapter 43.08 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2357 by Representatives McIntire and Fromhold

AN ACT Relating to school districts' use of state forest revenues; and amending RCW 79.64.110 and 28A.320.330.

Referred to Committee on Capital Budget.

HB 2358 by Representatives Rolfes, Strow, Appleton, Seaquist, Van De Wege, Lantz, Flannigan, Roberts, Cody, Green and Eickmeyer

AN ACT Relating to state ferries; amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; repealing RCW 47.60.150 and 47.60.326; and providing an expiration date.

Referred to Committee on Transportation.

HB 2359 by Representatives Ericks and O'Brien

AN ACT Relating to the disposal of certain property owned by the University of Washington; and creating a new section.

Referred to Committee on Capital Budget.

HB 2360 by Representative Alexander

AN ACT Relating to funds subject to the state expenditure limit; amending RCW 43.135.025; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2361 by Representative Conway

AN ACT Relating to collective bargaining for certain employees of institutions of higher education and related boards; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

HB 2362 by Representatives Roach, Ericks and Strow

AN ACT Relating to prohibiting the possession of body armor by felons; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HJM 4019 by Representatives Chase, Hurst, Kenney, Conway, McCoy, B. Sullivan, Hunt, Williams and Eickmeyer

Requesting an alternative to Fast Track Trade Authority.

Referred to Committee on Community & Economic Development & Trade.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 22, 2007  
HB 1001 Prime Sponsor, Representative Lovick: Combating auto theft. Reported by Committee on Human Services

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass

and do not pass the substitute bill by Committee on Public Safety & Emergency Preparedness. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCoy and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey and Darneille.

Referred to Committee on Appropriations.

February 23, 2007  
HB 1031 Prime Sponsor, Representative Morris: Changing provisions concerning electronic devices. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hudgins; Hurst; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen and Hankins.

Passed to Committee on Rules for second reading.

February 21, 2007  
HB 1103 Prime Sponsor, Representative Campbell: Concerning health professions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

February 22, 2007  
HB 1201 Prime Sponsor, Representative Roberts: Extending medicaid coverage for foster care youth who reach age eighteen. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody;

Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Dunn.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 1242 Prime Sponsor, Representative Morrell: Creating a voluntary adult family home certification program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Dunn; Hinkle and Kretz.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1259 Prime Sponsor, Representative B. Sullivan: Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1294 Prime Sponsor, Representative B. Sullivan: Providing an exemption from special fuel taxes for regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Ericksen; Hailey and Kristiansen.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1313 Prime Sponsor, Representative Eddy: Transferring the authority to intervene on behalf of railroad shippers to the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Ericksen; Hailey and Kristiansen.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1337 Prime Sponsor, Representative Kenney: Requiring insurance coverage for colorectal cancer screening. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1343 Prime Sponsor, Representative Takko: Adding a physical examination requirement for certificate of ownership applications. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; Takko; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1371 Prime Sponsor, Representative Appleton: Addressing traffic infractions involving rental vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1375 Prime Sponsor, Representative B. Sullivan: Creating a joint legislative task force on aerospace manufacturing. Reported by Committee on Community & Economic Development & Trade

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

Passed to Committee on Rules for second reading.

February 21, 2007

HB 1424 Prime Sponsor, Representative McCoy: Authorizing the department of ecology to adopt rules regulating certain rainwater collection facilities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey; Newhouse; Orcutt and Strow.

Referred to Committee on Appropriations.

February 21, 2007

HB 1453 Prime Sponsor, Representative Grant: Directing the department of ecology to approve changes in the point of diversion under a water right. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Hailey; Lantz; Newhouse; Orcutt; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson and McCoy.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1553 Prime Sponsor, Representative Hinkle: Establishing a controlled substances prescription monitoring program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representative Schual-Berke.

Referred to Committee on Appropriations.

February 20, 2007

HB 1595 Prime Sponsor, Representative Appleton: Expanding the protection of shellfish in Puget Sound. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; O'Brien; Rolfes and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Pearson.

Referred to Committee on Appropriations.

February 22, 2007

HB 1651 Prime Sponsor, Representative Fromhold: Creating the boating activities program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Newhouse; Orcutt and Strow.

Referred to Committee on Appropriations.

February 22, 2007

HB 1715 Prime Sponsor, Representative Chase: Assisting manufacturers. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

February 22, 2007  
HB 1784 Prime Sponsor, Representative Kenney:  
 Eliminating limitations on the investment of  
 certain state moneys. Reported by Committee on  
 Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Goodman; Hankins; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner and Strow.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa.

Passed to Committee on Rules for second reading.

February 22, 2007  
HB 1797 Prime Sponsor, Representative O'Brien:  
 Automating the reporting requirements for  
 ephedrine, pseudoephedrine, and  
 phenylpropanolamine sales by establishing a  
 state repository. Reported by Committee on  
 Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 22, 2007  
HB 1820 Prime Sponsor, Representative Dickerson:  
 Reducing air pollution through the licensing and  
 use of medium-speed electric vehicles. Reported  
 by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Uptegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 22, 2007  
HB 1848 Prime Sponsor, Representative Curtis: Requiring  
 identification from health services applicants.  
 Reported by Committee on Health Care &  
 Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 22, 2007  
HB 1849 Prime Sponsor, Representative Flannigan:  
 Preserving the use of design-build construction  
 on certain transportation projects. Reported by  
 Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; Takko; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 22, 2007  
HB 1850 Prime Sponsor, Representative Pedersen:  
 Limiting the sale or use of prescription  
 information. Reported by Committee on Health  
 Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta.

Passed to Committee on Rules for second reading.

February 22, 2007  
HB 1853 Prime Sponsor, Representative Cody:  
 Concerning case management services for  
 dangerous mentally ill offenders. Reported by  
 Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 23, 2007  
HB 1857 Prime Sponsor, Representative McCoy:  
 Regulating utility pole attachments. Reported by  
 Committee on Technology, Energy &  
 Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; Eddy; Ericksen; Hudgins and Hurst.

MINORITY recommendation: Without recommendation. Signed by Representatives McCune, Assistant Ranking Minority Member; Hankins; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1993 Prime Sponsor, Representative Barlow: Modifying credentialing standards for counselors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 23, 2007

HB 2034 Prime Sponsor, Representative Jarrett: Providing a civil cause of action for victims of motor vehicle theft. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 22, 2007

HB 2055 Prime Sponsor, Representative Flannigan: Concerning traumatic brain injuries. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

February 22, 2007

HB 2056 Prime Sponsor, Representative Lantz: Requiring recycling receptacles at official gatherings and sports facilities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 2057 Prime Sponsor, Representative Lovick: Addressing identity theft. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Appropriations.

February 21, 2007

HB 2082 Prime Sponsor, Representative Chandler: Establishing the field of dreams program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Hasegawa; McIntire and Sommers.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 22, 2007

HB 2086 Prime Sponsor, Representative Conway: Creating a joint legislative task force to review the underground economy in the construction industry. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Referred to Committee on Appropriations.

February 21, 2007

HB 2087 Prime Sponsor, Representative Fromhold: Regarding the certification and recertification of health care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Buri and Dunn.

Passed to Committee on Rules for second reading.

February 22, 2007  
HB 2221 Prime Sponsor, Representative Pettigrew:  
 Providing assistance for disadvantaged  
 contractors. Reported by Committee on  
 Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

February 22, 2007  
HB 2275 Prime Sponsor, Representative Kessler:  
 Regarding funding of state parks. Reported by  
 Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

February 22, 2007  
HJM 4003 Prime Sponsor, Representative Chase:  
 Requesting the abolition of the Federal Lands  
 Recreation Enhancement Act. Reported by  
 Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Lantz; McCoy; Newhouse; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Hailey and Orcutt.

Passed to Committee on Rules for second reading.

February 22, 2007  
HJM 4005 Prime Sponsor, Representative Moeller:  
 Requesting that Congress enact a universal  
 health care system. Reported by Committee on  
 Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 22, 2007  
HJM 4006 Prime Sponsor, Representative Blake:  
 Requesting the federal government consider  
 ways to increase the amount of timber and fiber  
 removed from federal land in Washington.  
 Reported by Committee on Agriculture &  
 Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 22, 2007  
HJM 4011 Prime Sponsor, Representative Kessler:  
 Requesting federal legislation to preserve the use  
 and access of pack and saddle stock animals on  
 public lands. Reported by Committee on  
 Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Hailey; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 22, 2007  
HJM 4014 Prime Sponsor, Representative Morrell:  
 Requesting that Congress amend the Tax  
 Reform Act of 1954, Medicaid, and Medicare  
 and grant authority on allocation of health care  
 dollars. Reported by Committee on Health Care  
 & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 22, 2007  
HJM 4016 Prime Sponsor, Representative Seaquist:  
 Requesting that Congress reauthorize the State  
 Children's Health Insurance Program. Reported  
 by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 22, 2007

HJR 4215 Prime Sponsor, Representative Kenney: Eliminating prohibitions on the investment of certain state moneys. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Goodman; Hankins; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner and Strow.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa.

Passed to Committee on Rules for second reading.

February 21, 2007

HCR 4404 Prime Sponsor, Representative Kenney: Approving the 2006 update to the state comprehensive plan for workforce training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; McIntire and Sommers.

Passed to Committee on Rules for second reading.

February 23, 2007

SSB 5089 Prime Sponsor, Representative Committee On Ways & Means: Conforming Washington's tax structure to the streamlined sales and use tax agreement. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 22, 2007

SSB 5191 Prime Sponsor, Representative Committee On Judiciary: Modifying missing persons provisions. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 1598, by Representatives Kretz, Ericks, Blake, Pettigrew, Armstrong, Warnick, Sump, Upthegrove, Newhouse, Kristiansen and Condotta**

**Requiring recipients of money from the salmon recovery funding board to agree to disclose information regarding the funding in compliance with chapter 42.56 RCW.**

The bill was read the second time.

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

Representatives Kretz and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1598.

## MOTIONS

On motion of Representative Santos, Representative Flannigan was excused. On motion of Representative Schindler, Representatives Crouse, DeBolt and Hankins were excused. Representative Campbell was excused.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1598 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Campbell, Crouse, DeBolt, Flannigan and Hankins - 5.

HOUSE BILL NO. 1598, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1680, by Representatives Hunter, Haler, P. Sullivan, Priest, Hurst, Conway, Schual-Berke, Haigh and Simpson; by request of LEOFF Plan 2 Retirement Board**

**Addressing transfers of service credit for emergency medical technicians under the law enforcement officers' and firefighters' retirement system plan 2.**

The bill was read the second time.

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

Representatives Hunter and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1680.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1680 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Campbell, Crouse, DeBolt, Flannigan and Hankins - 5.

HOUSE BILL NO. 1680, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1682, by Representatives Dickerson, O'Brien, Roberts, Ormsby and Green; by request of Department of Social and Health Services**

**Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1682 was substituted for House Bill No. 1682 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1682 was read the second time.

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

Representatives Dickerson and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1682.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1682 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

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

Voting nay: Representative Darneille - 1.

Excused: Representatives Crouse, DeBolt, Flannigan and Hankins - 4.

SUBSTITUTE HOUSE BILL NO. 1682, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1682.

JEANNIE DARNEILLE, 27<sup>th</sup> District

**SECOND READING**

**HOUSE BILL NO. 1679, by Representatives Ericks, Hinkle, Conway, Buri, McDonald, Hurst, Haigh and Simpson; by request of LEOFF Plan 2 Retirement Board**

**Determining membership on the law enforcement officers' and firefighters' retirement system plan 2 board.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1679 was substituted for House Bill No. 1679 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1679 was read the second time.

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

Representatives Ericks and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1679.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1679 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Straw, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Crouse, DeBolt, Flannigan and Hankins - 4.

SUBSTITUTE HOUSE BILL NO. 1679, having received the necessary constitutional majority, was declared passed.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4627, by Representatives Hudgins, Pedersen, Dickerson, McDermott, Miloscia, O'Brien, Priest and Sommers

WHEREAS, The Northwest Boychoir is comprised of approximately 150 boys ages 6 to 13 from 17 cities, 3 counties, and 80 public and private schools in the Puget Sound region; and

WHEREAS, The Northwest Boychoir has been designated as Washington State's official Singing Ambassadors by Governors Gregoire, Locke, Lowry, Spellman, and Gardner; and

WHEREAS, The Northwest Boychoir is the official boychoir for the Seattle Symphony and Seattle Opera, and performs with Orchestra Seattle, the Seattle Philharmonic, the Seattle Chamber Players, and Seattle Choral Company; and

WHEREAS, The Northwest Boychoir has performed for the Mariners, the Sonics, the Sounders, the Boeing Museum of Flight, and scores of schools, retirement homes, and community events across Washington State; and

WHEREAS, The Northwest Boychoir has traveled the world, putting a song in the hearts of people from Westminster Abbey to National Cathedral in Washington, D.C.; and

WHEREAS, The Northwest Boychoir was invited to sing with New York Metropolitan Opera tenor Carl Tanner on his nationally released Christmas CD in 2006; and

WHEREAS, The Northwest Boychoir collaborated with Music of Remembrance on the production of the United States premier of the children's opera Brundibar which was performed by children in the Terazin concentration camp during World War II, followed by a studio recording of the work, which was released nationally in 2006; and

WHEREAS, Mr. Joseph Crnko, now in his 23rd year as Music Director, and the staff of professional musicians and educators of the Northwest Boychoir are engaged in teaching a rigorous curriculum of music theory, voice production, sight singing, and performance skills, as well as the development of high standards and artistic excellence; and

WHEREAS, The Northwest Boychoir is regarded as one of the nation's premier boychoirs, due to their musical sophistication, rich tonal quality, dedication to exacting perfection, and extensive performance schedule; and

WHEREAS, The Northwest Boychoir has, for 35 years, trained thousands of young singers, and positively shaped lives of the region's youth by teaching important lessons in personal commitment, the value of teamwork, and diligence;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby recognize the talented young men of the Northwest Boychoir, who faithfully rehearse many hours each week for the love of singing and the pursuit of musical excellence, and musically express the vitality and quality of life unique to the Pacific Northwest; and

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

Representative Hudgins moved the adoption of the resolution.

Representative Hudgins spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4627 was adopted.

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

There being no objection, the House adjourned until 9:55 a.m., February 27, 2007, the 51st Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, February 27, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4628, by Representatives Walsh, Ahern, Ross, Roach, Skinner, Crouse, Kirby, Pedersen, Green, Ormsby, Kretz, Haler, Alexander, Hailey, Newhouse, Flannigan, Seaquist, McIntire, Pearson, Bailey, Dunn, Anderson, McDonald, Hankins, Kristiansen, Jarrett, Strow, Armstrong, P. Sullivan, McDermott, Santos, Schindler, Grant, Chandler, Hinkle, Orcutt and Buri

WHEREAS, The Walla Walla Symphony is the oldest continuously operating symphony society west of the Mississippi; and

WHEREAS, The Walla Walla Symphony and "symphony night" have gained the enthusiastic support of the people and businesses of Walla Walla for 100 years, making them Walla Walla institutions and giving the community the incredible opportunity of gathering together and experiencing the joy and transcending power of beautiful, uplifting, live orchestral music; and

WHEREAS, The Walla Walla Symphony is fully dedicated to serving all the people of the Walla Walla valley and outlying communities, and consider the people as their "real" owners in the truest sense of the word; and

WHEREAS, The Walla Walla Symphony started in June 1907 as a "symphony" club and has now become a full scale symphony society governed by a dedicated group of board members and fielding a complete semiprofessional symphony with a season of six concerts; and

WHEREAS, The Walla Walla Symphony also performs two children's concerts for over 3,000 children each year, giving kids an opportunity to get "up close and personal" with the instruments and helps pass on the legacy and appreciation of the symphonic music tradition to a new generation; and

WHEREAS, The Walla Walla Symphony also rounds out its musical offerings by performing a family concert, recital series, and concert series, with the purpose of appealing to audiences that typically might not be as interested in symphonic music; and

WHEREAS, The Walla Walla Symphony has performed with internationally acclaimed soloists over the years which have included Jean-Pierre Rampal, Janos Starker, Eugene Fodor, David Abel, and Leopold Godowsky; and

WHEREAS, The Walla Walla Symphony also supports children throughout the Walla Walla valley and outlying communities by providing donated tickets, instruments, and scholarships to young musicians; and

WHEREAS, The Walla Walla Symphony has been called one of "Walla Walla's cultural jewels" by Tom Cronin, President Emeritus of Whitman College, and Sharon Thompson, who has been involved with the symphony for

almost 50 years, attributes the success and longevity of the symphony to hard work and the "magical" touch by everyone involved;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the outstanding contributions the Walla Walla Symphony has made to the people of the Walla Walla valley, its outlying communities, and all the people of the state of Washington, and congratulate it on its phenomenal success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the director, the board members, and the artists of the Walla Walla Symphony.

HOUSE RESOLUTION NO. 4628 was adopted.

HOUSE RESOLUTION NO. 2007-4629, by Representative Wallace

WHEREAS, The students selected for special recognition as Washington Scholars and Washington Scholars-Alternates in 2007 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor four outstanding seniors from each of the state's forty-nine legislative districts (3 Scholars and 1 Alternate) for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Washington Scholars and Washington Scholars-Alternates for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each of the Washington Scholars and Washington Scholars-Alternates selected in 2007.

HOUSE RESOLUTION NO. 4629 was adopted.

HOUSE RESOLUTION NO. 2007-4630, by Representatives Moeller, Ross, Pedersen, Takko, Barlow, Seaquist, Hudgins, Hunt, Ericks, Appleton, Fromhold, Ormsby, Goodman, Morrell, Crouse, Eddy, Kristiansen, Rodne, McCoy, Wallace and Flannigan

WHEREAS, History was made on the morning of June 20, 1937, with the landing of Russian aviator Valery Chkalov, and his crew, Georgy Baidukov and Alexander Belyakov, in their single-engine aircraft ANT-25 at Pearson Army Airfield in Vancouver, Washington; and

WHEREAS, Chkalov completed the first nonstop flight across the North Pole setting a world aviation record by flying for 63 hours and 16 minutes over the North Pole from Schelkovo Air Field near Moscow, Russia to Vancouver, Washington; and

WHEREAS, In an international feat of great aviation significance, Chkalov set down at the Pearson Army Airfield in Vancouver, Washington; the oldest continuously operating general aviation airfield in the United States, where he and his crew were greeted by General George C. Marshall, commander of the Vancouver Barracks; and

WHEREAS, Citizens throughout the world were following this first transpolar flight, on radio and in the newspaper, as Valery Chkalov spoke on NBC Radio from the balcony of the stately Victorian-era Army military residence of General Marshall; and

WHEREAS, Chkalov proclaimed that like the Volga and Columbia Rivers, which flow on the same planet and ultimately merge into one and the same World Ocean, without interfering with one another, "Our peoples . . . should live in the same world in peace. Our joint efforts should beautify the ocean of human life"; and

WHEREAS, In the intervening years, the polar bridge established by the Chkalov flight has been the basis for numerous visits and exchanges between local residents and citizens and with Valery Chkalov's family and village, and has been kept alive by the long established Vancouver Chkalov Transpolar Flight Committee and, since 1999, the Chkalov Cultural Exchange Committee; and

WHEREAS, In 1975, Vancouver citizens dedicated a monument honoring the bravery of Valery Chkalov and his crew, thus making this flight the only one in the world with commemoratives marking both departure and arrival points; and

WHEREAS, The Russian Federation and many individual Russians have responded with friendship to this expression of international goodwill by visiting the City of Vancouver to lay flowers at the monument, and by hosting groups from Vancouver in Russia; and

WHEREAS, June 20, 2007, is the 70th Anniversary of the Transpolar Flight, and events honoring this historic event are being held in Russia this year as part of an official "State Event"; and

WHEREAS, The Chkalov Cultural Exchange Committee, a nonprofit organization in the state of Washington, along with the City of Vancouver, Clark County, and other governmental entities and officials are planning events and activities in the

Vancouver-Portland area for an invited delegation from Russia;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby acknowledge this historic flight and call upon the citizens of the State of Washington to join the citizens of Russia in celebrating the 70th Anniversary, and we extend a warm welcome to all Russian visitors who travel to Vancouver to participate in these events and encourage all Washington citizens to participate; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the City of Vancouver, Clark County, the Chkalov Cultural Exchange Committee, Russian Federation Minister of Foreign Affairs Sergey Lavrov, and the Russian Federation Minister of Defense Sergey Borisovich Ivanov.

HOUSE RESOLUTION NO. 4630 was adopted.

### INTRODUCTION & FIRST READING

HB 2363 by Representative B. Sullivan, Ahern, Kelley, Linville and Sells

AN ACT Relating to tax incentives for businesses that process electronic waste; reenacting and amending RCW 82.04.440; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2364 by Representative B. Sullivan

AN ACT Relating to the transportation of sand and gravel in counties with a population of less than thirty-five thousand; amending RCW 36.70A.200; and creating a new section.

Referred to Committee on Local Government.

HB 2365 by Representatives Appleton, Warnick, Dunn and Kelley

AN ACT Relating to requiring notification to property owners of emergency responses to property titled in their name; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 43.43 RCW; and adding a new section to chapter 52.30 RCW.

Referred to Committee on Local Government.

HB 2366 by Representatives Dunshee, Jarrett, Ormsby, Hunter and Kenney

AN ACT Relating to accountability, efficiency, and oversight of state facility planning and management; amending RCW 43.82.150 and 43.82.010; adding new sections to chapter 43.82 RCW; adding a new section to chapter 39.35B RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 2367 by Representatives Roach, Hurst, Curtis, Ericks, Rodne, Lovick, O'Brien, Schindler, Haler, Warnick, Ahern, Condotta, Jarrett, Kelley,

McCune, McDonald, Newhouse, Orcutt and Takko

AN ACT Relating to enhancing the security of driver licenses; amending RCW 46.20.035, 46.20.091, and 46.20.161; and declaring an emergency.

Referred to Committee on Transportation.

HB 2368 by Representative Santos

AN ACT Relating to the model gross receipts business and occupation tax code; amending RCW 35.102.030, 35.102.040, 35.102.070, 35.102.130, 35.102.140, and 42.56.230; amending 2003 c 79 s 19 (uncodified); adding a new section to chapter 35.102 RCW; and providing an effective date.

Referred to Committee on Finance.

HJM 4020 by Representatives Seaquist, Morrell, Bailey, Ericks, Kelley, Roach, Kessler, Green, Campbell, Williams, McDonald, Van De Wege, Hudgins, Chase, Hunt, Dunn, McCune, Buri, Haler, Priest, Kretz, Goodman, Cody, P. Sullivan, Sommers, Hasegawa, Rolfes, Pedersen, Miloscia, Clibborn, Conway, Darneille, Hunter, Hurst, Kenney, Linville, Lovick, McCoy, Ormsby, Roberts, Santos, Sells, Simpson and Springer

Requesting the Washington Air and Army National Guard not be federalized.

Referred to Committee on State Government & Tribal Affairs.

HJM 4021 by Representatives Hudgins, Kenney, Schual-Berke, Chase, Kelley and Santos

Requesting that the Philippines Consulate be established in Seattle, Washington.

Referred to Committee on Community & Economic Development & Trade.

ESB 5166 by Senators Shin, Kastama, Marr, Murray, Kauffman, Kilmer, Zarelli, Eide, Berkey, Franklin, Jacobsen, Rockefeller, McAuliffe, Regala, Pridemore, Clements, Keiser, Rasmussen, Sheldon, Delvin and Roach

AN ACT Relating to the designation of the thirteenth day of January of each year as Korean-American day; amending RCW 1.16.050 and 43.117.070; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

SB 5273 by Senators Swecker, Murray and Keiser; by request of Department of Licensing, Washington Traffic Safety Commission and Washington State Patrol

AN ACT Relating to motorcycle driver's license endorsement and education; and amending RCW 46.20.505, 46.81A.020, 46.82.420, and 28A.220.080.

Referred to Committee on Transportation.

SSB 5391 by Senate Committee on Transportation (originally sponsored by Senators Kilmer, Swecker, Haugen and Rockefeller; by request of Board For Judicial Administration)

AN ACT Relating to photo enforcement of traffic infractions; and amending RCW 46.63.030 and 46.63.160.

Referred to Committee on Transportation.

SB 5408 by Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline and Hatfield; by request of Secretary of State

AN ACT Relating to primary election ballots; and amending RCW 29A.04.008, 29A.36.104, 29A.36.106, and 29A.52.151.

Referred to Committee on State Government & Tribal Affairs.

SSB 5435 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kauffman, Pflug, Swecker and Keiser; by request of Attorney General)

AN ACT Relating to the public records exemptions accountability committee; adding a new section to chapter 42.56 RCW; and adding new sections to chapter 43.131 RCW.

Referred to Committee on State Government & Tribal Affairs.

ESSB 5456 by Senate Committee on Judiciary (originally sponsored by Senator Morton)

AN ACT Relating to nonresidents' participation in hunting and organized shooting events; and amending RCW 9.41.170.

Referred to Committee on Judiciary.

There being no objection, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

February 21, 2007

HB 1009 Prime Sponsor, Representative Moeller: Establishing work groups to periodically review and update the child support schedule. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell;

Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 1049 Prime Sponsor, Representative Fromhold: Concerning the Vancouver national historic reserve. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1118 Prime Sponsor, Representative Miloschia: Providing living wages on public contracts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 23, 2007

HB 1232 Prime Sponsor, Representative Hunt: Clarifying that certain local government real estate excise tax proceeds may be used for the acquisition of equipment and software related to business applications. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1298 Prime Sponsor, Representative Green: Regarding dental hygienist employment by health care facilities and sealant programs in schools. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice

Chairman; Barlow; Campbell; Curtis; Green and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta; Moeller; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1310 Prime Sponsor, Representative B. Sullivan: Enforcing animal health laws. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Orcutt and Strow.

Referred to Committee on Appropriations.

February 21, 2007

HB 1311 Prime Sponsor, Representative Grant: Continuing the small farm direct marketing assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1312 Prime Sponsor, Representative Hudgins: Modifying provisions concerning transportation providers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Kristiansen.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 1329 Prime Sponsor, Representative Flannigan: Changing the child support statutes to implement provisions of the deficit reduction act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Appropriations. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1331 Prime Sponsor, Representative Haigh: Changing veterinary technician credentialing to licensure. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1344 Prime Sponsor, Representative Lovick: Providing a window tint exemption for law enforcement vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Lovick; Rodne; Sells; Simpson; Springer; Takko; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1414 Prime Sponsor, Representative Cody: Licensing ambulatory surgical facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Dunn; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Darneille; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1449 Prime Sponsor, Representative Condotta: Regarding nondisclosure of certain information of gambling commission licensees. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 1517 Prime Sponsor, Representative Schual-Berke: Enhancing public school world language instruction. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Anderson; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1550 Prime Sponsor, Representative McDermott: Creating the Washington community learning center program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member; Roach.

Referred to Committee on Appropriations.

February 23, 2007

HB 1558 Prime Sponsor, Representative Jarrett: Establishing a growth management needs and

priorities task force. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Ross.

Referred to Committee on Appropriations.

February 26, 2007

HB 1583 Prime Sponsor, Representative Moeller: Requiring disclosure to customers of the percentage of automatic service charges paid to servers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1588 Prime Sponsor, Representative Upthegrove: Providing mobility education to students in driver training programs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hudgins; Lovick; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Erickson; Hailey; Hankins; Kristiansen and Rodne.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 1597 Prime Sponsor, Representative Moeller: Requiring plumbing, electrical, and conveyance workers to have licenses, certificates, or permits in their possession while working. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter;

Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1599 Prime Sponsor, Representative Hunt: Allowing raffles by state employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1658 Prime Sponsor, Representative Dickerson: Establishing family and medical leave insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 22, 2007

HB 1663 Prime Sponsor, Representative Kagi: Regarding early child development and learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle and Pettigrew.

Referred to Committee on Appropriations.

February 23, 2007

HB 1669 Prime Sponsor, Representative Strow: Concerning the district and municipal court's probation and supervision services. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1677 Prime Sponsor, Representative Quall: Creating the outdoor education and recreation grant program for schools and others. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 23, 2007

HB 1698 Prime Sponsor, Representative Simpson: Requiring changes to certain urban growth area capital facilities plans. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Referred to Committee on Appropriations.

February 23, 2007

HB 1726 Prime Sponsor, Representative Springer: Planning for a supply of housing that accommodates growth. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Referred to Committee on Appropriations.

February 23, 2007

HB 1727 Prime Sponsor, Representative Springer: Planning to ensure sufficient land and densities available to accommodate growth. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Referred to Committee on Appropriations.

February 23, 2007

HB 1762 Prime Sponsor, Representative Williams: Concerning local government contracts for correctional industries services. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Ross.

Referred to Committee on Appropriations.

February 23, 2007

HB 1772 Prime Sponsor, Representative Quall: Regarding voluntary participation in the WASL by students enrolled in private schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 22, 2007

HB 1777 Prime Sponsor, Representative Rodne: Regulating charitable organizations that solicit contributions from the public. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Judiciary. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 1809 Prime Sponsor, Representative Morrell: Creating the Washington state patient safety act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Appropriations.

HB 1832 February 23, 2007  
Prime Sponsor, Representative Hunt: Shortening the statute of limitations on claims under chapter 42.17 RCW. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

HB 1896 February 23, 2007  
Prime Sponsor, Representative Hunt: Creating the legislative gift center committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Appropriations.

HB 1912 February 22, 2007  
Prime Sponsor, Representative Kagi: Improving court hearings in dependency proceedings. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle and Pettigrew.

Referred to Committee on Appropriations.

HB 1925 February 23, 2007  
Prime Sponsor, Representative Curtis: Removing a termination date affecting industrial land banks. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

HB 1930 February 23, 2007  
Prime Sponsor, Representative Williams: Increasing the term of nonvoter approved rural library district general obligation bonds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice

Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

HB 1940 February 23, 2007  
Prime Sponsor, Representative Schindler: Requiring state agencies to notify local governments of proposed land dispositions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

HB 1979 February 23, 2007  
Prime Sponsor, Representative Quall: Changing requirements for safe school plans. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

HB 1987 February 23, 2007  
Prime Sponsor, Representative Warnick: Exempting property owners from injury caused to another person as a result of metal theft. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

HB 2003 February 23, 2007  
Prime Sponsor, Representative Alexander: Implementing a pilot program for the business enterprises program. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2026 Prime Sponsor, Representative Santos:  
Regarding recruiter access to student records.  
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2031 Prime Sponsor, Representative Eddy:  
Addressing the timing of accrual of property tax revenues. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Ross.

Referred to Committee on Finance.

February 23, 2007

HB 2043 Prime Sponsor, Representative Santos:  
Establishing the recruiting diverse Washington teachers program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 23, 2007

HB 2047 Prime Sponsor, Representative McDermott:  
Regarding reporting requirements for statewide ballot measure committees. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 22, 2007

HB 2052 Prime Sponsor, Representative McCoy:  
Modifying disposition orders. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Darneille; McCoy and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Ranking Minority Member; Bailey.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2090 Prime Sponsor, Representative Dickerson:  
Adding the director of the department of early learning to the family policy council. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2092 Prime Sponsor, Representative Miloscia:  
Modifying the buildable lands requirements of the department of community, trade, and economic development. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

February 22, 2007

HB 2094 Prime Sponsor, Representative Conway:  
Creating the taxpayer health care fairness act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 23, 2007

HB 2095 Prime Sponsor, Representative Jarrett: Creating performance-based compensation pilot projects for staff in public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 23, 2007

HB 2104 Prime Sponsor, Representative Curtis: Creating the uniform real property electronic recording act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2106 Prime Sponsor, Representative Kenney: Revising provisions for farm labor contractors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 23, 2007

HB 2154 Prime Sponsor, Representative Fromhold: Regarding election dates for educational service district board members. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Passed to Committee on Rules for second reading.

February 21, 2007

HB 2163 Prime Sponsor, Representative Cody: Creating the public employees' benefits board medical benefits administration account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler;

Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2252 Prime Sponsor, Representative Pettigrew: Establishing a permanency and postadoption services pilot program. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 23, 2007

HB 2281 Prime Sponsor, Representative Appleton: Revising provisions for shared leave. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2312 Prime Sponsor, Representative Walsh: Providing legislative oversight of WorkFirst and temporary assistance to needy families. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2319 Prime Sponsor, Representative Kagi: Supporting early learning and parenting education opportunities at community colleges. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Appropriations was relieved of further consideration of HOUSE BILL NO. 1260, and the bill was referred to the Committee on Transportation.

There being no objection, the Committee on Rules was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1235,  
HOUSE BILL NO. 1246,  
HOUSE BILL NO. 1293,  
HOUSE BILL NO. 1304,  
HOUSE BILL NO. 1347,  
HOUSE BILL NO. 1396,  
HOUSE BILL NO. 1458,  
HOUSE BILL NO. 1476,  
HOUSE BILL NO. 1648,  
HOUSE BILL NO. 1755,  
HOUSE BILL NO. 1817,  
HOUSE BILL NO. 1824,  
HOUSE BILL NO. 1859,  
HOUSE BILL NO. 1888,  
HOUSE BILL NO. 1939,  
HOUSE BILL NO. 1953,  
HOUSE BILL NO. 1966,

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

There being no objection, the House adjourned until 10:00 a.m., February 28, 2007, the 52nd Day of the Regular Session.

FRANK CHOPP, Speaker  
RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTY TWO DAY

House Chamber, Olympia, Wednesday, February 28, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amy Faulkner and Mark Pearson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Carol McKinley, Olympia Unitarian Universalist Congregation.

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

## RESOLUTION

HOUSE RESOLUTION NO. 2007-4632, by Representatives Cody, McDermott, Hudgins, Hasegawa, Rolfes and Hankins

WHEREAS, The House of Representatives has an interest in identifying and honoring extraordinary citizens in Washington state; and

WHEREAS, Steve Cox dedicated his life to serving and protecting the public, and he was no ordinary man but, as Governor Christine Gregoire said, "the embodiment of the best in public service"; and

WHEREAS, Cox earned his law degree and chose to use his education to protect the public as a deputy prosecutor; and

WHEREAS, Cox came to believe that he could make a bigger difference as a police officer, and he chose to become a sheriff's deputy in White Center, a high-crime area near where he grew up; and

WHEREAS, Every day he woke up and put on a bulletproof vest -- armor that he knew didn't make him invincible -- and put himself in the most dangerous possible situations; not to protect his family or his property, but to protect his neighbors and citizens whom he had never met before; and

WHEREAS, Cox did make a difference in that neighborhood, forming a special bond with the citizens and children there, with people in the White Center neighborhood yelling his name as he drove by and gathering around his patrol car whenever he stepped out; and

WHEREAS, Jack Brehan, who coached Cox in Little League baseball, said of Cox, "He was just a good kid, and he turned out to be a good man"; and

WHEREAS, Cox died in the line of duty when he was shot by a suspect that he was interviewing about an assault case; and

WHEREAS, Almost 2,000 mourners came to the funeral for Steve Cox, including law enforcement officers from around the Northwest, lawmakers, and Governor Gregoire; and

WHEREAS, Steve Cox left behind a wife, Maria, a young son, Bronson, and a stepdaughter, Nicole; and

WHEREAS, The best thing we can do to honor the memory of Steve Cox is to reach out to others in the same

spirit of public service, to sacrifice ourselves to help our neighbors, to ask ourselves, "What would this good man do?" and then to do it, to fill the void, to finish the job he did every day with compassion, courage, and honor;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the life and service of Steve Cox and express our appreciation and admiration for his service and sacrifice on behalf of the people of the state of Washington.

Representative Cody moved the adoption of the resolution.

Representatives Cody and Pearson spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4632 was adopted.

## INTRODUCTION &amp; FIRST READING

HB 2369 by Representatives Ahern, McCune, Dunn, Sump, Pearson, Hinkle, Warnick, Curtis and O'Brien

AN ACT Relating to mandating termination of a parent's rights to a biological or adopted child if the child is fifteen years of age or younger and is the victim of rape by the parent; amending RCW 13.34.200; reenacting and amending RCW 13.04.030; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Judiciary.

HB 2370 by Representatives Schual-Berke and O'Brien

AN ACT Relating to establishing the emergency management, preparedness, and assistance account; amending RCW 48.18.170 and 48.18.180; adding new sections to chapter 38.52 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2371 by Representatives Orcutt, Alexander, Warnick, Ahern and Dunn

AN ACT Relating to fee growth; and amending RCW 43.135.055.

Referred to Committee on Appropriations.

HB 2372 by Representative Linville

AN ACT Relating to speech-language pathologists assistants; amending RCW 18.35.010, 18.35.040, 18.35.095, 18.35.150, 18.35.205, and 18.35.260; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2373 by Representatives McCune, Ahern, Kretz, Pearson, Roach and Kenney

AN ACT Relating to enhancing school bus driver safety; amending RCW 46.52.130; and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

February 22, 2007

HB 1047 Prime Sponsor, Representative Williams: Modifying provisions affecting alcohol content in food products and confections. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1050 Prime Sponsor, Representative Uptegrove: Allowing certain students with disabilities to participate in graduation ceremonies. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1091 Prime Sponsor, Representative Van De Wege: Promoting innovation partnership zones. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Community & Economic Development & Trade. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1106 Prime Sponsor, Representative Campbell: Requiring reporting of hospital-acquired infections in health care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Bailey, Assistant Ranking Minority Member; Anderson; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Buri; Chandler and Kretz.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1169 Prime Sponsor, Representative Kenney: Establishing additional requirements for private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

February 26, 2007

HB 1178 Prime Sponsor, Representative Rolfes: Revising provisions for contracts with associate development organizations for economic development services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1188 Prime Sponsor, Representative McCoy: Requiring physical activity opportunities every school day. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1276 Prime Sponsor, Representative Linville: Creating a public-private tourism partnership. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Community & Economic Development & Trade. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1404 Prime Sponsor, Representative Wallace: Providing a sales tax exemption for certain trail grooming services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire and Roach.

MINORITY recommendation: Without recommendation. Signed by Representatives Santos.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1447 Prime Sponsor, Representative Morrell: Providing for temporary management in boarding homes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1503 Prime Sponsor, Representative Conway: Regarding injured worker medical rights. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 22, 2007

HB 1562 Prime Sponsor, Representative Conway: Establishing industrial insurance medical and chiropractic advisory committees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1605 Prime Sponsor, Representative Eickmeyer: Regarding the extension of sewer services in aquatic rehabilitation zone one. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1627 Prime Sponsor, Representative Linville: Creating the office of farmland preservation. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey; Newhouse and Orcutt.

Referred to Committee on Appropriations.

February 26, 2007

HB 1675 Prime Sponsor, Representative Santos: Providing certain public notices in a language other than English. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Appropriations.

February 23, 2007

HB 1706 Prime Sponsor, Representative Conway: Concerning jurisdiction under the Indian gaming regulatory act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1733 Prime Sponsor, Representative Conway: Modifying provisions relating to state community justice facilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Darneille; McCoy and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Ranking Minority Member; Bailey.

Referred to Committee on Appropriations.

February 26, 2007

HB 1738 Prime Sponsor, Representative B. Sullivan: Regarding ballast water management. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey; Newhouse and Orcutt.

Referred to Committee on Appropriations.

February 26, 2007

HB 1826 Prime Sponsor, Representative Seaquist: Modifying provisions affecting medical benefits. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1837 Prime Sponsor, Representative Newhouse: Directing the department of health to develop guidelines for the transport of nonambulatory persons in a vehicle not licensed under chapter 18.73 RCW. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1846 Prime Sponsor, Representative Cody: Requiring participants seeking financing from the health care facilities authority to agree to return anticipated savings to patients in the form of lower rates or avoidance of rate increases. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Green; Pedersen; Schual-Berke and Seaquist.

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

Referred to Committee on Capital Budget.

February 23, 2007

HB 1854 Prime Sponsor, Representative Dickerson: Revising background check requirements for the department of social and health services and the department of early learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Pettigrew and Roberts.

MINORITY recommendation: Without recommendation. Signed by Representatives Hinkle.

Referred to Committee on Appropriations.

February 26, 2007

HB 1885 Prime Sponsor, Representative Goodman: Expanding the applied baccalaureate degree pilot program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Roberts.

Referred to Committee on Appropriations.

February 26, 2007

HB 1910 Prime Sponsor, Representative Ormsby: Modifying property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloschia, Chairman; Springer, Vice Chairman; Kelley and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn, Ranking Minority Member; McCune and Schindler.

Referred to Committee on Finance.

February 23, 2007

HB 1926 Prime Sponsor, Representative Dickerson: Revising provisions affecting the duties of the department of social and health services. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 26, 2007

HB 1965 Prime Sponsor, Representative Eddy: Authorizing major industrial development within industrial land banks. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1972 Prime Sponsor, Representative Ross: Regarding proceeds from irrigation district foreclosure sales. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2053 Prime Sponsor, Representative Goodman: Providing for improved availability of motor vehicle fuel during power outages or interruptions in electrical service. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Goodman and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern.

Referred to Committee on Finance.

February 27, 2007

HB 2066 Prime Sponsor, Representative Hunt: Clarifying the regulatory authority for on-site sewage systems. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Referred to Committee on Appropriations.

February 27, 2007

HB 2107 Prime Sponsor, Representative Schual-Berke: Authorizing the use of innovative settlement agreements in lieu of appeal for violations of chapters 90.48 and 90.56 RCW. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice

Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2110 Prime Sponsor, Representative Simpson: Allowing all fire protection facilities to use impact fees. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2119 Prime Sponsor, Representative Lovick: Increasing penalties for acts of domestic violence involving strangulation. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2125 Prime Sponsor, Representative Miloscia: Providing rental housing for certain certificated and classified public school employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2137 Prime Sponsor, Representative Wallace: Allowing school employees' children with disabilities to enroll in special services programs in the district where the employee is assigned. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2161 Prime Sponsor, Representative Simpson: Providing for consistency between code cities and noncode cities in the apportionment of investment funds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 2171 Prime Sponsor, Representative Eddy: Regarding crane safety. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 26, 2007

HB 2204 Prime Sponsor, Representative Morrell: Modifying the nursing home certificate of bed need ratio. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Sequist.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2206 Prime Sponsor, Representative Curtis: Reviewing pipeline capacity and distribution in southwest Washington. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Appropriations.

February 26, 2007

HB 2209 Prime Sponsor, Representative Sequist: Allowing advanced registered nurse practitioners

to examine and obtain copies of autopsy reports. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2211 Prime Sponsor, Representative Wallace: Supporting small business through the statewide procurement of technical assistance. Reported by Committee on Community & Economic Development & Trade

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

Referred to Committee on Appropriations.

February 26, 2007

HB 2219 Prime Sponsor, Representative Orcutt: Regarding forest practices regulations that apply to small forest landowners. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Capital Budget.

February 27, 2007

HB 2225 Prime Sponsor, Representative Anderson: Regarding a statewide enhanced 911 emergency radio network to improve public notification during an ongoing emergency. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2256 Prime Sponsor, Representative Darneille: Establishing the family prosperity act. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Chase; Darneille; Rolfes and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Haler.

Referred to Committee on Finance.

February 26, 2007

HB 2263 Prime Sponsor, Representative Blake: Regarding the phosphorus content in dishwashing detergent. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2265 Prime Sponsor, Representative Goodman: Regarding county supervised community options. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Darneille; McCoy and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Ranking Minority Member; Bailey.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2274 Prime Sponsor, Representative McIntire: Increasing competitive bid limits for the purchase of materials, equipment, or supplies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2283 Prime Sponsor, Representative Hunter: Concerning the joint legislative audit and review

committee performance reviews of the home care quality authority. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2304 Prime Sponsor, Representative Morrell: Providing for the issuance of a certificate of need for certain cardiac care services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 23, 2007

HJM 4008 Prime Sponsor, Representative Conway: Requesting that Congress enact the Employee Free Choice Act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HJR 4211 Prime Sponsor, Representative Sommers: Authorizing consolidation or merging of statutory and constitutional county functions and structures. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports sheet under

the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Appropriations was relieved of further consideration of HOUSE BILL NO. 1322, and the bill was passed to Committee on Rules for second reading.

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

**SECOND READING**

**HOUSE BILL NO. 1224, by Representatives Kelley, Sells, Pedersen, Fromhold, Ormsby, Hasegawa, Upthegrove, Skinner, Appleton, Wallace, Roberts, Kagi, Kenney, P. Sullivan, Darneille, Simpson, McDonald, Moeller, Schual-Berke, Morrell, Green, Barlow and Lantz**

**Regarding cost savings on course materials for community and technical college students.**

The bill was read the second time.

With the consent of the House, amendments (027) and (028) were withdrawn.

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

Representatives Kelley and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1224.

**MOTION**

On motion of Representative Santos, Representatives Hunt, McIntire and Quall were excused. Representative Campbell was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1224 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan,

Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Condotta, Dunn, and Jarrett - 3.

Excused: Representatives Campbell, Hunt, McIntire, and Quall - 4.

HOUSE BILL NO. 1224, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1368, by Representatives Simpson, Hinkle, Armstrong and Linville**

**Concerning special purpose district commissioner per diem compensation.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1368 was substituted for House Bill No. 1368 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1368 was read the second time.

Representative Simpson moved the adoption of amendment (024):

On page 2, line 11, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 3, line 21, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 4, line 34, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 6, line 25, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 7, line 36, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 9, line 27, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 11, line 3, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 12, line 15, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 13, line 22, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 14, line 36, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 16, line 8, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 17, line 11, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 18, line 12, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 20, line 5, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

On page 21, line 8, after "labor." insert "If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section."

Representatives Simpson and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1368.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1368 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Campbell, Hunt and McIntire - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1464, by Representatives Simpson, Hudgins, Wood, Campbell, Morrell and Hasegawa

#### Reducing the environmental impact of cleaning state facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1464 was substituted for House Bill No. 1464 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1464 was read the second time.

Representative Simpson moved the adoption of amendment (029):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that cleaning products are necessary for creating and maintaining sanitary conditions in state facilities and workplaces. However, chemicals contained in cleaning products can be released to the environment during normal use by evaporation of volatile components or by leaving residue on cleaned surfaces. Choosing less hazardous cleaning products for use in our workplaces and our facilities and taking steps to reduce exposure can minimize harmful impacts to office and custodial workers, improve indoor air quality, and reduce water and ambient air pollution. Purchasing and appropriate use of

products that perform well and that have positive environmental attributes such as biodegradability, low toxicity, low volatile organic compound content, reduced packaging, and low life cycle energy use can reduce the environmental impact of routine cleaning activities while also ensuring cleaning effectiveness. Therefore, the legislature finds that the adoption of practices to select, procure, and use environmentally preferred products will benefit the environment and the health and safety of workers and visitors to state facilities.

NEW SECTION. Sec. 2. (1) All state agencies that purchase cleaning products or services must ensure that cleaning products have properties that minimize potential impacts to human health and the environment consistent with maintenance of the effectiveness of these products for the protection of public health and safety. For purposes of this chapter, "state agency" means any office, department, division, bureau, board, commission, or other agency of the state of Washington or of any subdivision thereof.

(2) The department of general administration, in consultation with the department of health and the department of ecology, shall consider nationally recognized accrediting information and provide consultation and guidance to state agencies to:

(a) Select and procure products and use practices that reduce or minimize the risks of harmful effects to employees, custodial workers, visitors, and other building occupants and to the environment;

(b) Promote adoption of practices endorsed by this chapter;

(c) Recognize state agencies that adopt and implement environmentally beneficial facility and workplace management policies and practices;

(d) Encourage contractors supplying goods and services to state agencies to select and procure such products; and

(e) Encourage lessors and building managers who provide leased space to state agencies to select and procure such products.

(3) The department of general administration, upon renewal of a lease and for all new leases, must require lessors and building managers who provide leased space to state agencies to use environmentally preferred products and practices.

NEW SECTION. Sec. 3. (1) When procuring cleaning products, state agencies shall purchase environmentally preferred products or document the reasons for selecting nonpreferred products. The products must conform to guidance for environmentally preferred purchasing of cleaning products that may be provided under section 2 of this act, or must be products that have been identified by the department of general administration as compliant with this chapter.

(2) When there is a need to control the spread of germs, infection, and disease in areas where high levels of bacteria are present or in areas where mandated by law, the use of germicidal, disinfectants, and microbiological products to disinfect surfaces must be reported as required in subsection (3) of this section. The use of these products must be in accordance with responsible cleaning procedure requirements, including:

(a) Controlled and efficient use;

(b) Proper dilution, mixing, and handling;

(c) Following label instructions;

(d) Monitoring of chemical quantities used; and

(e) Compliance with chemical hazard communication and personal protective equipment use requirements under chapter 296-800 WAC.

(3) All state agencies that procure or use cleaning products shall prepare and submit a report electronically to the department of general administration biennially listing the amount and type of cleaning product used. When the use of nonpreferred products is reported, information must include the total number, type, and amount of nonpreferred products used and the reasons for their selection. Agency reports must be published on the department of general administration's web site and made available to employees and the general public.

NEW SECTION. Sec. 4. Local governments and school districts are encouraged to review their purchasing and use of cleaning products and select those having properties that minimize

potential impacts to human health and the environment consistent with section 2 of this act. The department of general administration shall encourage local governments and school districts that are members of the department of general administration's state purchasing cooperative to achieve the goals of this chapter.

**NEW SECTION. Sec. 5.** State agencies shall transition to cleaning products having properties that minimize potential impacts to human health and the environment within six months of the effective date of this section in a manner that avoids waste of existing inventories, accommodates establishment of supply chains for new products, enables the training of personnel in appropriate work practices, and allows the phase out of products and practices inconsistent with this chapter.

**NEW SECTION. Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Simpson and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1464.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1464 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Campbell and Hunt - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1756, by Representatives Kretz, Upthegrove, B. Sullivan, Blake, Takko and Van De Wege**

#### **Authorizing one additional hound hunting cougar season.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1756 was substituted for House Bill No. 1756 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1756 was read the second time.

Representative Upthegrove moved the adoption of amendment (025):

On page 2, line 30, after "depredations;" strike "and"

On page 2, line 31, after "(3)" insert "Developing and agreeing to the implementation of an education program designed to disseminate to landowners and other citizens information about predator exclusion techniques and devices and other nonlethal methods of cougar management; and  
(4)"

Representatives Upthegrove and Kretz spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kretz, Upthegrove and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1756.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1756 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Campbell and Hunt - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1102, by Representatives Campbell, Green, McCune, Conway, Kirby, Appleton, McCoy, Ormsby, B. Sullivan, Hurst, Linville, O'Brien, P. Sullivan, Sells, Springer, Rolfes, Moeller, Wallace and Morrell**

**Modifying property tax exemption provisions for veterans of the armed forces.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1102 was substituted for House Bill No. 1102 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1102 was read the second time.

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

Representatives Green, Orcutt and Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1102.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1102 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Campbell and Hunt - 2.

SUBSTITUTE HOUSE BILL NO. 1102, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1122, by Representatives Kretz, Van De Wege, B. Sullivan, Kagi, McCoy, Orcutt, Eickmeyer, Lantz, Warnick, Wallace, Hailey and Dickerson**

**Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1122 was substituted for House Bill No. 1122 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1122 was read the second time.

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

Representatives Kretz, B. Sullivan and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1122.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1122 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Campbell and Hunt - 2.

SUBSTITUTE HOUSE BILL NO. 1122, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1140, by Representatives McCoy, Crouse, Grant and Blake**

**Allowing for the net meter aggregation of electricity.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1140 was substituted for House Bill No. 1140 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1140 was read the second time.

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

Representatives McCoy and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1140.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1140 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Armstrong, Chandler, Dunn, Newhouse and Ross - 5.

Excused: Representatives Campbell and Hunt - 2.

SUBSTITUTE HOUSE BILL NO. 1140, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1220, by Representatives Hurst, Kelley, Sells, Dunshee, Kenney, Lovick, McCoy, O'Brien and Simpson; by request of Indeterminate Sentence Review Board**

**Modifying provisions affecting the appointment of indeterminate sentence review board members.**

The bill was read the second time.

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

Representatives Hurst and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1220.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1220 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Campbell and Hunt - 2.

HOUSE BILL NO. 1220, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1233, by Representatives Ericks, Kirby, Roach, Williams, Jarrett and Simpson**

**Addressing specified disease, hospital confinement, or other fixed payment insurance.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1233 was substituted for House Bill No. 1233 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1233 was read the second time.

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

Representative Ericks spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1233.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1233 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

- Voting nay: Representatives Appleton and Van De Wege - 2.  
Excused: Representatives Campbell and Hunt - 2.

SUBSTITUTE HOUSE BILL NO. 1233, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1270, by Representatives Kirby, Roach and Moeller**

**Modifying provisions of the consumer loan act with respect to loan restrictions.**

The bill was read the second time.

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

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1270.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1270 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Campbell and Hunt - 2.

HOUSE BILL NO. 1270, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Springer took a moment of personal privilege to remind the body of the earthquake which occurred on this date in 2001.

**SECOND READING**

**HOUSE BILL NO. 1520, by Representatives Williams, Rodne, Simpson, Moeller, O'Brien, Kirby and Kenney**

**Concerning polygraph examinations of sexual assault victims.**

The bill was read the second time.

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

Representatives Williams and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1520.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1520 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1520, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1555, by Representatives Williams, Rodne, Lantz, Chase and Ericks**

**Addressing sexual assault protection orders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1555 was substituted for House Bill No. 1555 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1555 was read the second time.

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

Representatives Williams and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1555.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1555 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1555, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1642, by Representatives Pedersen, Lantz, Williams, Moeller, Wood, Kirby, O'Brien, Chase, Ormsby and Green**

**Concerning criminal violations of no-contact orders, protection orders, and restraining orders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1642 was substituted for House Bill No. 1642 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1642 was read the second time.

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

Representatives Pedersen and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1642.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1642 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien,

Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1642, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Pedersen on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1472, by Representatives Pettigrew, Haler, Kagi, P. Sullivan, Walsh, Lovick, Barlow, Kenney, McCoy, Darneille, Hasegawa, Roberts, Hinkle, Santos, Appleton, Upthegrove, Williams, Moeller, Ormsby, Van De Wege, Schual-Berke and Dickerson**

**Analyzing and remedying racial disproportionality and racial disparity in child welfare.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1472 was substituted for House Bill No. 1472 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1472 was read the second time.

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

Representatives Pettigrew, Haler and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1472.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1472 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer,

Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Dunn - 2.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1472, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1498, by Representatives Grant, Walsh, Lovick, Santos, Armstrong, Linville, Hinkle, Kessler, Green, Kenney, Williams, Ericks and Dunn**

**Excluding self-service laundry from the definition of retail sale for excise tax purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1498 was substituted for House Bill No. 1498 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1498 was read the second time.

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

Representatives Hasegawa, Walsh and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1498.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1498 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1498, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1929, by Representatives Hurst, Morris and Kenney**

**Authorizing utilities to engage in environmental mitigation efforts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1929 was substituted for House Bill No. 1929 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1929 was read the second time.

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

Representatives Hurst and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1929.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1929 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1929, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2049, by Representatives Rolfes, Strow, Appleton, Hunt, Springer, McDermott, Van De Wege, Seaquist, McCoy, Eickmeyer and Lantz**

**Authorizing the creation of marine resource committees.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2049 was substituted for House Bill No. 2049 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2049 was read the second time.

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

Representatives Rolfes, Strow and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2049.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2049 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 2049, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2147, by Representatives Kristiansen, Ericks, Chandler, Blake, Curtis, Morrell, Roberts, Hurst, Pearson, McCune, Moeller, B. Sullivan, Simpson, Santos, Ormsby, Newhouse and Kelley**

**Providing vocational rehabilitation services for volunteer firefighters and reserve officers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2147 was substituted for House Bill No. 2147 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2147 was read the second time.

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

Representatives Kristiansen and Ericks spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2147.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2147 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 2147, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1068, by Representatives Hunt, Newhouse, Fromhold, Armstrong, Dunshee, McDonald and Morrell; by request of Department of Community, Trade, and Economic Development and Public Works Board**

**Increasing nonconstruction loan limits for projects using financing through the public works board.**

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1068.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1068 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko,

Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1068, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1041, by Representatives Pedersen, Rodne, Haler, Moeller and Lantz**

**Modifying plurality voting for directors.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1041 was substituted for House Bill No. 1041 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1041 was read the second time.

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

Representatives Pedersen and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1041.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1041 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1041, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1235, by Representatives Kirby and Roach; by request of Insurance Commissioner**

**Providing confidentiality to certain insurance commissioner examinations.**

The bill was read the second time.

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

Representative Kirby spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1235.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1235 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1235, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1246, by Representatives McCoy, Darneille, Dickerson, Ahern, Kenney and Moeller; by request of Department of Social and Health Services**

**Concerning residential services and support enforcement standards.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1246 was substituted for House Bill No. 1246 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1246 was read the second time.

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

Representatives McCoy, Ahern and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1246.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1246 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1246, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1293, by Representatives Cody and Sommers; by request of Insurance Commissioner**

**Modifying insurance commissioner regulatory assessment fee provisions.**

The bill was read the second time.

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

Representatives Cody and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1293.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1293 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1293, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1379, by Representatives Hinkle, Green, Campbell, Cody and Morrell**

**Revising the qualifications of an applicant for licensure as a hearing instrument fitter/dispenser.**

The bill was read the second time.

Representative Hinkle moved the adoption of amendment (030):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.35.040 and 2002 c 310 s 4 are each amended to read as follows:

(1) An applicant for licensure as a hearing instrument fitter/dispenser must have the following minimum qualifications and shall pay a fee determined by the secretary as provided in RCW 43.70.250. An applicant shall be issued a license under the provisions of this chapter if the applicant has not committed unprofessional conduct as specified by chapter 18.130 RCW, and:

(a)(i) Satisfactorily completes the hearing instrument fitter/dispenser examination required by this chapter; ~~((or)) and~~

(ii) Satisfactorily completes a minimum of a two-year degree program in hearing instrument fitter/dispenser instruction. The program must be approved by the board; or

~~(b) Holds a current, unsuspended, unrevoked license from another jurisdiction if the standards for licensing in such other jurisdiction are substantially equivalent to those prevailing in this state(;~~

~~(b) Satisfactorily completes a minimum of a two-year degree program in hearing instrument fitter/dispenser instruction. The program must be approved by the board; and~~

~~(c) Has not committed unprofessional conduct as specified by the uniform disciplinary act)) as provided in (a) of this subsection; or~~

(c)(i) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid fitter/dispenser in another jurisdiction for at least forty-eight of the last sixty months, and submits proof of completion of advance certification from either the international hearing society or the national board for certification in hearing instrument sciences; and

(ii) Satisfactorily completes the hearing instrument fitter/dispenser examination required by this chapter or a substantially equivalent examination approved by the board.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(2) An applicant for licensure as a speech-language pathologist or audiologist must have the following minimum qualifications:

(a) Has not committed unprofessional conduct as specified by the uniform disciplinary act;

(b) Has a master's degree or the equivalent, or a doctorate degree or the equivalent, from a program at a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board; and

(c) Has completed postgraduate professional work experience approved by the board.

All qualified applicants must satisfactorily complete the speech-language pathology or audiology examinations required by this chapter.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board."

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hinkle and Green spoke in favor of passage of the bill.

Representative Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1379.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1379 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Campbell - 1.

ENGROSSED HOUSE BILL NO. 1379, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1460, by Representatives Schual-Berke, Hankins, Cody, Campbell, Morrell, Green, Dickerson, Darneille, McDermott, Jarrett, Hudgins, Moeller, Kagi, Rodne, Williams, Ormsby, Haigh, Linville, Wood, Conway, O'Brien, Hasegawa, Santos and Lantz**

**Extending existing mental health parity requirements to individual and small group plans.**

The bill was read the second time.

Representative Schual-Berke moved the adoption of amendment (031):

On page 11, beginning on line 7, after "by" strike all material through "(" on line 11 and insert "a state-certified chemical dependency program approved under chapter 70.96A RCW, or by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners(~~in the case of mental or nervous~~

~~conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW"~~

Representatives Schual-Berke and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Schual-Berke, Hinkle, Green, Moeller, Kagi, Morrell and Rodne spoke in favor of passage of the bill.

Representatives Alexander, Orcutt, Bailey, Ericksen, Warnick, Ahern and Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1460.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1460 and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Armstrong, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Ericksen, Hailey, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Schindler, Skinner, Sump and Warnick - 22.

Excused: Representative Campbell - 1.

ENGROSSED HOUSE BILL NO. 1460, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1775, by Representatives Hinkle, Pettigrew, Kretz, Grant, Armstrong, Pearson, Strow, Sump, Warnick and Blake**

**Regarding crimes against livestock belonging to another person.**

The bill was read the second time.

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

Representatives Hinkle, Lantz, Kretz and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1775.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1775 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Appleton and Hunter - 2.  
Excused: Representative Campbell - 1.

HOUSE BILL NO. 1775, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1304, by Representatives Kagi, Clibborn, Jarrett, Flannigan, McCoy, Darneille, Lovick, Campbell, Schual-Berke, Kenney, Morrell and Roberts**

**Modifying commercial motor vehicle carrier provisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1304 was substituted for House Bill No. 1304 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1304 was read the second time.

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

Representatives Kagi and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1304.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1304 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien,

Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Ahern, Crouse, Ericksen, Kretz, Kristiansen, Pearson, Roach, Schindler and Sump - 9.  
Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1304, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

February 28, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5032,  
SENATE BILL NO. 5079,  
SUBSTITUTE SENATE BILL NO. 5183,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

### SECOND READING SUSPENSION

**HOUSE BILL NO. 1000, by Representatives Kessler, Kagi, Wallace, Moeller, B. Sullivan, Wood, Warnick and Ormsby**

**Adding porphyria to the list of disabilities for special parking privileges.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kessler and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1000.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1000 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien,

Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1000, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1269, by Representatives Quall, Strow, Bailey, Morris and Kenney; by request of Board For Judicial Administration**

**Modifying provisions relating to superior court judicial positions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Quall and Stern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1269.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1269 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Roach - 1.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1269, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1403, by Representatives O'Brien, Hinkle, Condotta, Fromhold, Ahern, McCune and Warnick**

**Modifying snowmobile registration requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1403.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1403 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1403, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1482, by Representatives Takko, Flannigan, Springer and Hailey; by request of Transportation Improvement Board**

**Retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1482 was read the second time.

The bill was placed on final passage.

Representatives Takko and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1482.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1482 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1482, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1500, by Representatives Conway, Williams, Chase, Kenney, Wood and Moeller**

**Modifying provisions on permanent partial disability claims.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1500 was read the second time.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1500.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1500 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1500, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1505, by Representatives Clibborn, Curtis, Seaquist, Hinkle, Morrell, Linville, Armstrong, Rodne, B. Sullivan, Ericksen, Ericks, Roberts, Darneille, Moeller and McCune**

**Regarding physician assistants determining disability for special parking privileges.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Clibborn and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1505.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1505 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1505, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1574, by Representatives Wood, Conway, Hudgins, Condotta, Moeller and Kenney; by request of Department of Licensing**

**Modifying provisions concerning the uniform regulation of business and professions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1574 was read the second time.

The bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1574.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1574 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1574, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1607, by Representatives O'Brien, Lovick, Pearson and Strow; by request of Criminal Justice Training Commission**

**Revising corrections personnel training provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1607 was read the second time.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1607.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1607 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville,

Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1607, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1645, by Representatives Pedersen, Curtis, Schual-Berke, Ormsby and Moeller; by request of Health Care Authority**

**Authorizing the administrator of the health care authority to administer grants on behalf of the authority.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1645.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1645 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1645, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1666, by Representatives Green, Conway, Morrell, Cody, Ormsby, Schual-Berke, Moeller and Simpson**

**Repealing the expiration provision in the act authorizing nurse practitioners to treat those covered by industrial insurance.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Green and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1666.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1666 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1666, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1693, by Representatives Appleton, Flannigan and Rodne; by request of Department of Transportation**

**Modifying time periods for collective bargaining by state ferry employees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1693 was read the second time.

The bill was placed on final passage.

Representatives Appleton and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1693.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1693 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1693, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1759, by Representatives McIntire, Hunt, Kessler, Upthegrove, Darneille, Moeller, Kenney, Hasegawa, Simpson, Ormsby and Morrell**

**Authorizing shared leave for declared emergencies.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1759.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1759 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko,

Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1759, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1791, by Representatives Schual-Berke, Walsh, Kagi, Haler, Roberts, Hunter, Appleton, Pettigrew, Kenney, Santos, Ericks, Dickerson and Moeller**

**Concerning members of the Washington council for the prevention of child abuse and neglect.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schual-Berke and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1791.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1791 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1791, having received the necessary constitutional majority, was declared passed.

#### SECOND READING

**HOUSE BILL NO. 1396, by Representatives Flannigan, Jarrett, B. Sullivan, Upthegrove, Rodne, Eddy, Kagi, Chase and Schual-Berke**

**Providing a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1396 was substituted for House Bill No. 1396 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1396 was read the second time.

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

Representatives Flannigan and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1396.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1396 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Simpson - 1.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1396, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1476, by Representatives Blake and Kretz**

**Modifying provisions with regard to nonsalmon charter licenses.**

The bill was read the second time.

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

Representatives Blake and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1476.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1476 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1476, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1646, by Representative Blake**

**Authorizing department of fish and wildlife employees to sample fish, wildlife, and shellfish.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1646 was substituted for House Bill No. 1646 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1646 was read the second time.

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

Representatives Blake and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1646.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1646 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-

Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1646, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1648, by Representatives B. Sullivan, Kretz, Grant, Linville and Strow**

**Increasing protections for agricultural operations, activities, and practices.**

The bill was read the second time.

Representative Dickerson moved the adoption of amendment (033):

On page 2, line 29, strike "movement, storage, and"

On page 2, line 30, strike "plant pollination."

On page 2, line 30, after "products;" insert "keeping of bees for pollination of agricultural products and gardens."

Representatives Dickerson and Kretz spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1648.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1648 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

ENGROSSED HOUSE BILL NO. 1648, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1824, by Representatives Chase, O'Brien, Simpson, Williams and Ormsby**

**Allowing the survivors of certain firefighters to remarry without a loss of benefits.**

The bill was read the second time.

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

Representatives Chase and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1824.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1824 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1824, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Morris to preside.

**SECOND READING SUSPENSION**

**HOUSE BILL NO. 1528, by Representatives Hunt, Chandler, Green, Kretz, Ormsby, Armstrong, Miloscia, Appleton, Kenney, Goodman and Moeller; by request of Secretary of State**

**Providing for electronic voter registration.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1528.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1528 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Dunn, Haler, Hinkle, Orcutt, Schindler and Strow - 6.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1528, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1526, by Representatives Hunt, Chandler, Armstrong, Ormsby, Kenney, Linville and Moeller; by request of Secretary of State**

**Modifying the form of the presidential primary ballot.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1526.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1526 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman,

Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1526, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1734, by Representatives Haigh, Chandler, McDermott, Hunt, Armstrong, Kretz and Ormsby**

**Recodifying campaign funding and disclosure laws.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1734 was read the second time.

The bill was placed on final passage.

Representatives Haigh and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1734.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1734 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1734, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1831, by Representatives Hunt, Armstrong, Appleton, Miloscia, Priest, Green, Ormsby, Williams, Hudgins, Condotta, Moeller and Chase**

**Modifying the dates of an election cycle.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1831.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1831 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1831, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1457, by Representatives Lovick, Dunshee, Ericks, Williams, Conway, Wood, Moeller, Crouse, Green and Hunter**

**Concerning the employment of youth soccer referees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1457.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1457 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1457, having received the necessary constitutional majority, was declared passed.

## SECOND READING

**HOUSE BILL NO. 1859, by Representatives Goodman and Priest; by request of Statute Law Committee**

**Revising the statute law committee's publication authority.**

The bill was read the second time.

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

Representatives Goodman and Priest spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1859.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.  
Excused: Representative Campbell - 1.

HOUSE BILL NO. 1859, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1888, by Representatives Linville, Newhouse, Grant, Hailey and B. Sullivan**

**Regarding Brassica seed production.**

The bill was read the second time.

There being no objection, the House deferred action on HOUSE BILL NO. 1888.

**HOUSE BILL NO. 1939, by Representatives Goodman, Warnick, Rodne, Williams, Priest, Moeller, B. Sullivan, Cody, Chase, Pedersen, Lantz and Hinkle**

**Modifying privileged communications provisions.**

The bill was read the second time.

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

Representatives Goodman and Warnick spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1939.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1939 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1939, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1953, by Representatives Wood, Buri, Wallace, Rodne, Schindler, Ahern, Morrell and Ormsby**

**Requiring premium reductions for older insureds completing an accident prevention course.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1953 was substituted for House Bill No. 1953 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1953 was read the second time.

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

Representatives Wood and Buri spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1953.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1953 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 1953, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1966, by Representatives Curtis, Cody, Skinner, Morrell, Green, Barlow, Darneille, Ormsby and Schual-Berke**

**Clarifying the authority of physician assistants to sign and attest to documents.**

The bill was read the second time.

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

Representatives Curtis and Cody spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1966.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1966 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1966, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1888, by Representatives Linville, Newhouse, Grant, Hailey and B. Sullivan**

**Regarding Brassica seed production.**

The House resumed consideration of the bill.

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

Representatives Linville and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1888.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1888 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers,

Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1888, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1420, by Representatives Kelley, Hailey, Chandler, Warnick, Hunt, Armstrong, Green, Miloscia, Appleton, Ormsby and Moeller; by request of Secretary of State**

**Modifying provisions on primary election ballots.**

The bill was read the second time.

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

Representatives Kelley and Hailey spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1420.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1420 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1420, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Linville to preside.

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

**REPORTS OF STANDING COMMITTEES**

February 27, 2007

HB 1018 Prime Sponsor, Representative Orcutt: Modifying the time limit for state officials to solicit or accept contributions. Reported by

Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green and McDermott.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1062 Prime Sponsor, Representative Hudgins: Streamlining the implementation and coordination of state energy policies and programs. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen.

Referred to Committee on Appropriations.

February 26, 2007

HB 1096 Prime Sponsor, Representative Kenney: Creating postsecondary opportunity programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1130 Prime Sponsor, Representative Lantz: Creating an office of public guardianship as an independent agency of the judiciary. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter;

Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1131 Prime Sponsor, Representative Dunshee: Creating the passport to college promise program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Haler, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Chandler and Kretz.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1151 Prime Sponsor, Representative Pearson: Prohibiting the state from establishing or participating in an animal identification system. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1153 Prime Sponsor, Representative Morrell: Providing restrictions for the use of wireless communication devices by holders of instruction permits and intermediate licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Armstrong; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1154 Prime Sponsor, Representative Morrell: Regulating employment decisions based on the consumption of lawful tobacco products. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1165 Prime Sponsor, Representative Fromhold: Regarding student transportation funding. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; Priest and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1172 Prime Sponsor, Representative Kagi: Evaluating the seminary building at Saint Edward state park. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1179 Prime Sponsor, Representative Hasegawa: Allowing part-time students at postsecondary institutions to qualify for a state need grant. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1186 Prime Sponsor, Representative Schual-Berke: Modifying provisions on judicial campaigns. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Referred to Committee on Appropriations.

February 27, 2007

HB 1206 Prime Sponsor, Representative Chase: Assisting low-income persons to obtain affordable automobile liability insurance. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Strow, Assistant Ranking Minority Member; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Hurst and Rodne.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1214 Prime Sponsor, Representative McDonald: Regarding the use of electronic wireless communications devices for text messaging while operating a moving motor vehicle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Campbell; Dickerson; Eddy; Hankins; Lovick; Rolfes; Sells; Springer; B. Sullivan; Takko; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Curtis; Hailey; Hudgins; Kristiansen; Rodne; Simpson and Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1251 Prime Sponsor, Representative Morrell: Addressing the issue of stolen metal property. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1267 Prime Sponsor, Representative Wallace: Modifying commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Curtis and Kristiansen.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1280 Prime Sponsor, Representative Ericks: Providing for the use of the school district capital projects funds for technology. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member.

Referred to Committee on Capital Budget.

February 27, 2007

HB 1334 Prime Sponsor, Representative Hinkle: Requiring the petitioner in a child welfare case to provide the court with relevant documentation. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1349 Prime Sponsor, Representative Condotta: Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1384 Prime Sponsor, Representative Kenney: Providing for academic employee salary increments for community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 26, 2007

HB 1394 Prime Sponsor, Representative Williams: Requiring a plan to encourage medical students to work with patients with developmental disabilities. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1406 Prime Sponsor, Representative Conway: Regarding reporting, penalty, and corporate officer provisions of the unemployment insurance system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 28, 2007

HB 1407 Prime Sponsor, Representative Conway: Funding the administration of Title 50 RCW, unemployment compensation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1418 Prime Sponsor, Representative Lovick: Protecting consumers from the keeping of dangerous wild animals. Reported by Committee on Judiciary

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

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1491 Prime Sponsor, Representative Kirby: Creating the insurance fair conduct act. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Hurst; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Rodne.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1492 Prime Sponsor, Representative Simpson: Using arbitration to resolve disputes regarding certain insurance policies. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Hurst; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Rodne.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1506 Prime Sponsor, Representative Haigh: Changing alternative works provisions. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1518 Prime Sponsor, Representative Williams: Creating a death penalty task force. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Referred to Committee on Appropriations.

February 26, 2007

HB 1530 Prime Sponsor, Representative Green: Mandating primary election voters' pamphlets. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Appropriations.

February 27, 2007

HB 1532 Prime Sponsor, Representative Kirby: Establishing a program of market conduct oversight within the office of the insurance commissioner. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1538 Prime Sponsor, Representative Bailey: Requiring an independent study of health benefit requirements. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1570 Prime Sponsor, Representative Hudgins: Authorizing a biomonitoring program. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Referred to Committee on Appropriations.

February 27, 2007

HB 1573 Prime Sponsor, Representative Quall: Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice

Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 26, 2007

HB 1600 Prime Sponsor, Representative Hunt: Protecting ancestral trees. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1601 Prime Sponsor, Representative Rolfes: Creating the children's environmental health and protection advisory council. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Select Committee on Environmental Health. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Haigh; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Grant; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1604 Prime Sponsor, Representative Eickmeyer: Introducing oxygen into Hood Canal. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Referred to Committee on Appropriations.

February 27, 2007

HB 1637 Prime Sponsor, Representative Hinkle: Creating the revised uniform anatomical gift act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1654 Prime Sponsor, Representative Appleton: Modifying canvassing provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1667 Prime Sponsor, Representative Green: Regarding fairness and equity in health professions licensing fees. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1688 Prime Sponsor, Representative Newhouse: Concerning the marketing of fruits and vegetables. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1694 Prime Sponsor, Representative Flannigan: Requiring the agency council on coordinated transportation to coordinate special needs

transportation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1701 Prime Sponsor, Representative Fromhold: Modifying provisions regarding the leasehold excise taxation of historical property owned by the United States government. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 23, 2007

HB 1703 Prime Sponsor, Representative Schual-Berke: Creating a domestic violence pilot program to colocate a domestic violence advocate in department of social and health services offices. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 27, 2007

HB 1721 Prime Sponsor, Representative P. Sullivan: Creating certified capital companies to promote economic development through investment in start-up and emerging businesses. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler and P. Sullivan.

Passed to Committee on Finance.

February 27, 2007

HB 1730 Prime Sponsor, Representative B. Sullivan: Regarding the use of the life sciences discovery

fund for human stem cell research. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1765 Prime Sponsor, Representative Lantz: Changing provisions concerning limitation of claims under a construction contract. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Ahern; Moeller; Ross and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Kirby and Pedersen.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1773 Prime Sponsor, Representative Clibborn: Regarding the imposition of tolls. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Sells; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Ericksen; Kristiansen and Simpson.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1792 Prime Sponsor, Representative Conway: Requiring a study of the incidence of total permanent disability pensions in the state's workers' compensation system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Referred to Committee on Appropriations.

February 27, 2007

HB 1794 Prime Sponsor, Representative Conway: Removing essential government services as a condition to exempt from taxation property belonging to federally recognized Indian tribes. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Referred to Committee on Finance.

February 27, 2007

HB 1796 Prime Sponsor, Representative Conway: Providing a property tax exemption for nonprofit small business incubators. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Chase; Haler and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Darneille.

Referred to Committee on Finance.

February 27, 2007

HB 1800 Prime Sponsor, Representative Lovick: Revising provisions affecting tenants of real property. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1810 Prime Sponsor, Representative Hudgins: Creating a project to monitor pesticide drift and its impact. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Chase; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Hailey.

Referred to Committee on Appropriations.

February 26, 2007

HB 1833 Prime Sponsor, Representative Conway: Expanding the presumption of occupational disease for firefighters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1842 Prime Sponsor, Representative Kenney: Strengthening requirements governing cosmetology professions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 23, 2007

HB 1843 Prime Sponsor, Representative Conway: Modifying provisions regulating contractors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1856 Prime Sponsor, Representative Roberts: Regarding child care grants for students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

February 26, 2007

HB 1871 Prime Sponsor, Representative Santos: Regarding education system benchmarks and monitoring. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 27, 2007

HB 1872 Prime Sponsor, Representative Santos: Enhancing student learning opportunities and achievement. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Referred to Committee on Appropriations.

February 27, 2007

HB 1873 Prime Sponsor, Representative Ormsby: Changing the requirements for, and recoveries under, a wrongful injury or death cause of action. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan and Ross.

Referred to Committee on Appropriations.

February 27, 2007

HB 1876 Prime Sponsor, Representative Conway: Providing for the certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta, Ranking Minority

Member; Chandler, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1882 Prime Sponsor, Representative Wallace: Implementing Washington learns higher education recommendations. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Hasegawa; McIntire; Roberts and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Jarrett.

Referred to Committee on Appropriations.

February 26, 2007

HB 1883 Prime Sponsor, Representative Wallace: Modifying the higher education coordinating board. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Roberts.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1897 Prime Sponsor, Representative Williams: Expressing the legislature's intent that public disclosure requirements do not allow attorney invoices to be exempt in their entirety. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1898 Prime Sponsor, Representative Quall: Providing apprenticeship utilization requirements for school district public works projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1906 Prime Sponsor, Representative Hunter: Improving mathematics and science education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 26, 2007

HB 1907 Prime Sponsor, Representative P. Sullivan: Regarding educator preparation, professional development, and compensation. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 27, 2007

HB 1908 Prime Sponsor, Representative Wood: Defining locality for purposes of paying prevailing wages on public works, including the off-site prefabrication of nonstandard, project-specific items. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1909 Prime Sponsor, Representative Orcutt: Protecting from the theft of specialized forest products. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1913 Prime Sponsor, Representative Conway: Certifying an employee organization for the purposes of state collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HB 1916 Prime Sponsor, Representative Conway: Applying interest arbitration to certain care providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1919 Prime Sponsor, Representative Conway: Providing apprenticeship utilization requirements for port district public works projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 1920 Prime Sponsor, Representative Conway: Addressing overtime compensation for truckers transporting agricultural commodities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

HB 1927 February 27, 2007  
Prime Sponsor, Representative Walsh:  
Concerning foster care benefits. Reported by  
Committee on Early Learning & Children's  
Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

HB 1935 February 27, 2007  
Prime Sponsor, Representative Williams:  
Concerning real property. Reported by  
Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Passed to Committee on Rules for second reading.

HB 1968 February 26, 2007  
Prime Sponsor, Representative Simpson:  
Requiring certification for sprinkler fitters.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

HB 1975 February 26, 2007  
Prime Sponsor, Representative Springer:  
Addressing spirits, beer, and wine restaurant  
licenses. Reported by Committee on Commerce  
& Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 26, 2007  
HB 1988 Prime Sponsor, Representative Morrell:  
Changing provisions affecting security guards.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007  
HB 1992 Prime Sponsor, Representative Santos: Creating  
community preservation and development  
authorities. Reported by Committee on  
Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Chase; Darneille and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Haler.

Referred to Committee on Finance.

February 27, 2007  
HB 1998 Prime Sponsor, Representative McCoy:  
Providing for rural villages as a new strategy for  
growth in rural areas. Reported by Committee on  
Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler, Assistant Ranking Minority Member; Ross.

Referred to Committee on Appropriations.

February 27, 2007  
HB 2008 Prime Sponsor, Representative Van De Wege:  
Creating a cooperative agreement relating to the  
timber harvest excise taxation of timber harvests  
within the Quinault Indian Reservation.  
Reported by Committee on State Government &  
Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

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

Referred to Committee on Finance.

February 27, 2007

HB 2009 Prime Sponsor, Representative Haigh: Modifying trench excavations on public works projects provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2010 Prime Sponsor, Representative Haigh: Providing responsible bidder criteria and related requirements for public works contracts. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Assistant Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2014 Prime Sponsor, Representative Chase: Addressing the regulation of conversion condominiums. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2016 Prime Sponsor, Representative Springer: Changing provisions pertaining to eminent domain. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2024 Prime Sponsor, Representative Darneille: Regarding the University of Washington law

school loan repayment assistance program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member.

Referred to Committee on Appropriations.

February 27, 2007

HB 2027 Prime Sponsor, Representative Santos: Using postdated checks or drafts as security for small loans. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2059 Prime Sponsor, Representative Miloscia: Providing for the property valuation of affordable multifamily rental housing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2064 Prime Sponsor, Representative Ormsby: Developing integrated academic and career and technical field of study programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 26, 2007

HB 2065 Prime Sponsor, Representative Kristiansen: Prioritizing tuition waivers for war veterans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri,

Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Roberts.

Referred to Committee on Appropriations.

February 23, 2007  
HB 2073 Prime Sponsor, Representative Conway: Establishing a pilot program for vocational rehabilitation services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 27, 2007  
HB 2075 Prime Sponsor, Representative Hinkle: Concerning termination of parental rights petitions. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

February 27, 2007  
HB 2076 Prime Sponsor, Representative Conway: Creating a wine and beer tasting pilot project in grocery stores. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Wood, Vice Chairman; Crouse and Green.

Passed to Committee on Rules for second reading.

February 27, 2007  
HB 2081 Prime Sponsor, Representative Van De Wege: Promoting the growth of cogeneration facilities in Washington. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Finance.

February 26, 2007  
HB 2105 Prime Sponsor, Representative Conway: Requiring payment of prescription drugs for industrial insurance medical aid claims for initial visits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007  
HB 2111 Prime Sponsor, Representative Williams: Making the governor the public employer of adult family home providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 27, 2007  
HB 2113 Prime Sponsor, Representative Williams: Regarding objections by cities, towns, and counties to the issuance of liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2007  
HB 2118 Prime Sponsor, Representative Conway: Transferring responsibilities related to mobile and manufactured home installation from the department of community, trade, and economic development to the department of labor and industries. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Armstrong, Assistant Ranking Minority Member; Green; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2130 Prime Sponsor, Representative Goodman: Providing a means to determine "prior offenses" to implement chapter 73, Laws of 2006, regarding driving under the influence. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2135 Prime Sponsor, Representative Wood: Expanding lemon law coverage to out-of-state consumers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2136 Prime Sponsor, Representative Fromhold: Creating the improving core subject instruction for all students pilot program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 27, 2007

HB 2143 Prime Sponsor, Representative Campbell: Requiring the use of alternatives to lead wheel weights. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2148 Prime Sponsor, Representative Quall: Regarding provisions for changing school district boundaries. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member; Haigh and Roach.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2150 Prime Sponsor, Representative Rodne: Providing for the appointment of judges. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Kirby; Ross and Williams.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2151 Prime Sponsor, Representative Ormsby: Authorizing qualified electors to divide optional municipal code cities into wards. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2167 Prime Sponsor, Representative Chase: Mandating additional food labeling requirements. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2173 Prime Sponsor, Representative Schual-Berke: Regarding electronic monitoring in long-term care facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Barlow; Campbell; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2191 Prime Sponsor, Representative Lantz: Limiting deferred prosecution in domestic violence cases. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Rodne, Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen and Ross.

Referred to Committee on Appropriations.

February 26, 2007

HB 2203 Prime Sponsor, Representative Blake: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2212 Prime Sponsor, Representative Blake: Addressing the application of the growth management act to certain agricultural activities occurring on agricultural lands. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2216 Prime Sponsor, Representative Appleton: Requiring the appointment of nonvoting labor members to public transportation governing bodies. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2220 Prime Sponsor, Representative Lantz: Regarding shellfish. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Referred to Committee on Appropriations.

February 27, 2007

HB 2226 Prime Sponsor, Representative Simpson: Regarding judicial application of equitable principles in land use cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2230 Prime Sponsor, Representative Ericks: Regarding early intervention services for children three years old. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2231 Prime Sponsor, Representative Appleton:  
Funding consumers' financial awareness.  
Reported by Committee on Insurance, Financial  
Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member.

Referred to Committee on Appropriations.

February 26, 2007

HB 2236 Prime Sponsor, Representative Goodman:  
Disposing of certain assets. Reported by  
Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2240 Prime Sponsor, Representative Conway:  
Allowing certain activities between domestic  
wineries, domestic breweries, microbreweries,  
certificate of approval holders, and retail sellers  
of beer or wine. Reported by Committee on  
Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2241 Prime Sponsor, Representative Hudgins:  
Developing more effective streamlining of  
technology and innovation in the state of  
Washington. Reported by Committee on  
Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Hankins; Hudgins; Hurst; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen.

Referred to Committee on Appropriations.

February 27, 2007

HB 2246 Prime Sponsor, Representative Kagi: Providing  
for the delivery of educational services to

children who are deaf and hearing impaired.  
Reported by Committee on Early Learning &  
Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2247 Prime Sponsor, Representative Conway:  
Regulating rates of compensation for forest  
products harvesters or haulers. Reported by  
Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 27, 2007

HB 2258 Prime Sponsor, Representative Appleton:  
Requiring a study of implementing a database  
for small loans. Reported by Committee on  
Insurance, Financial Services & Consumer  
Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2261 Prime Sponsor, Representative Campbell:  
Providing for the evaluation of additional  
measures to reduce wood smoke emissions.  
Reported by Committee on Select Committee on  
Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Chase; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Assistant Ranking Minority Member; Hailey.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2262 Prime Sponsor, Representative Barlow:  
Providing salary bonuses for individuals

certified by the national board for professional teaching standards. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Santos.

Referred to Committee on Appropriations.

February 27, 2007

HB 2268 Prime Sponsor, Representative Lantz: Revising provisions relating to possession of dangerous weapons on school facilities. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2279 Prime Sponsor, Representative Darneille: Prohibiting discrimination against affordable housing developments. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Kelley; McCune; Ormsby and Schindler.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2284 Prime Sponsor, Representative Green: Addressing the training of and collective bargaining over the training of care providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 27, 2007

HB 2286 Prime Sponsor, Representative Simpson: Regulating interstate branching. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Strow, Assistant Ranking Minority Member; Hurst; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne.

Passed to Committee on Rules for second reading.

February 26, 2007

HB 2292 Prime Sponsor, Representative Simpson: Addressing private residential fire sprinklers. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2295 Prime Sponsor, Representative Seaquist: Assessing the higher education needs of the Olympic and Kitsap peninsulas. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Hasegawa; McIntire and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Jarrett and Roberts.

Referred to Committee on Appropriations.

February 27, 2007

HB 2300 Prime Sponsor, Representative Hasegawa: Concerning college textbooks. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; McIntire; Roberts and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2302 Prime Sponsor, Representative Santos: Establishing procedures for the issuance of interpretive or policy statements by the insurance commissioner. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2311 Prime Sponsor, Representative Hunter: Removing the performance audits provision. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2317 Prime Sponsor, Representative Wallace: Requiring development of a definition of "high demand." Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2320 Prime Sponsor, Representative Strow: Reducing the penalty for a person conducting unlawful internet gambling in his or her primary residence for recreational purposes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Crouse; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2324 Prime Sponsor, Representative Hunt: Regarding soil scientists. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 27, 2007

HB 2326 Prime Sponsor, Representative Williams: Protecting the integrity of collective bargaining for public sector employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2327 Prime Sponsor, Representative P. Sullivan: Regarding a system of standards, instruction, and assessments for mathematics and science. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

February 27, 2007

HB 2343 Prime Sponsor, Representative Quall: Revising the high school assessment system and graduation requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2348 Prime Sponsor, Representative Sells: Exempting labor relations materials from public disclosure. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 27, 2007

HB 2354 Prime Sponsor, Representative Williams: Making the governor the public employer of adult family home caregivers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Referred to Committee on Appropriations.

February 26, 2007

HB 2361 Prime Sponsor, Representative Conway: Regarding collective bargaining for certain employees of institutions of higher education and related boards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HJM 4000 Prime Sponsor, Representative Morrell: Requesting action to reach agreement on a mandatory country-of-origin labeling system for certain foods and commodities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy; Newhouse; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Hailey and Orcutt.

Passed to Committee on Rules for second reading.

February 27, 2007

HJM 4020 Prime Sponsor, Representative Seaquist: Requesting the Washington Air and Army National Guard not be federalized. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; Kretz; McDermott; Miloscia and Ormsby.

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

Passed to Committee on Rules for second reading.

February 26, 2007

HJR 4223 Prime Sponsor, Representative B. Sullivan: Providing for the appointment of justices of the supreme court. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Ahern; Moeller and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Kirby; Ross and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolution listed on the day's supplemental committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 1:30 p.m., March 1, 2007, the 53rd Day of the Regular Session.

FRANK CHOPP, Speaker  
 RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 1, 2007

The House was called to order at 1:30 p.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heather Will and Domonic Johnson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Carol McKinley, Olympia Unitarian Universalist Congregation.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4633, by Representatives Green, Morrell, Dickerson, Cody, Walsh, Roberts, Clibborn, Haigh, Darneille, Warnick, Takko, McDonald, Skinner, Hankins, Bailey, McCune, Ross and Hailey

WHEREAS, The Red Hat Society was founded in 1998 by Sue Ellen Cooper of Fullerton, California, as a social organization for women over 50 years old; and

WHEREAS, The Red Hat Society was inspired by Warning, a poem by Jenny Joseph, that starts, "When I am an old woman I shall wear purple/With a red hat that doesn't go and doesn't suit me"; and

WHEREAS, The 50 and over women of The Red Hat Society wear elaborately decorated red hats with purple dresses and clothing, while the junior postulants wear pink hats and lavender clothing until 50, when a "Reduation" takes place, where the pink hat is discarded and a red hat bestowed; and

WHEREAS, There are about 1 million registered members of The Red Hat Society, in 40,000 chapters in the United States and 25 countries; and

WHEREAS, The Red Hat Society, whose motto is "Red Hatters Matter," calls itself a "disorganization" and is proud of its lack of rules and bylaws, but takes seriously its responsibility to have fun; and

WHEREAS, Women of The Red Hat Society come from all walks of life, including working women, grandmothers, retirees, golfers, legislators, and teachers, as well as women who are widowed, married, and single; and

WHEREAS, The mission of The Red Hat Society is to gain higher visibility for aging women and to reshape the way they are viewed by today's culture, while "uniting under the umbrella of a red hat to have fun and bond in sisterhood"; and

WHEREAS, Red Hat Society chapters, which include leaders known as "Queen Mum" and members called "Red Hatters," hold social events, tea parties being the most popular pastime;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate this day by saying goodbye to burdensome responsibilities, at least for a while, and have

fun!; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to members of The Red Hat Society.

Representative Green moved the adoption of the resolution.

Representatives Green and Warnick spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4633 was adopted.

**MESSAGE FROM THE SENATE**

February 28, 2007

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5088,  
SUBSTITUTE SENATE BILL NO. 5263,  
SUBSTITUTE SENATE BILL NO. 5336,  
ENGROSSED SENATE BILL NO. 5508,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5497,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 2374 by Representatives Kagi and Kenney

AN ACT Relating to removing funding restrictions for the temporary assistance for needy families program; and amending RCW 74.08A.340.

Referred to Committee on Appropriations.

HB 2375 by Representatives Jarrett, Wallace and Priest

AN ACT Relating to performance agreements; amending RCW 28B.50.090 and 28B.76.290; adding a new chapter to Title 28B RCW; creating a new section; and repealing RCW 28B.76.270.

Referred to Committee on Higher Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 1:30 p.m., March 2, 2007, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

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**FIFTY FOURTH DAY**


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House Chamber, Olympia, Friday, March 2, 2007

RICHARD NAFZIGER, Chief Clerk

The House was called to order at 1:30 p.m. by the Speaker (Representative Lovick presiding).

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

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

**REPORTS OF STANDING COMMITTEES**

March 2, 2007

2SSB 5093 Prime Sponsor, Senate Committee On Ways & Means: Concerning access to health care services for children. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

There being no objection, SECOND SUBSTITUTE SENATE BILL NO. 5093 was placed on the Second Reading calendar.

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

There being no objection, the Committee on Appropriations was relieved of further consideration of the following bills, and the bills were passed to the Committee on Rules for second reading:

HOUSE BILL NO. 1285,  
HOUSE BILL NO. 1727,  
HOUSE BILL NO. 2073,  
HOUSE BILL NO. 2171,

There being no objection, the Committee on Finance was relieved of further consideration of HOUSE BILL NO. 2031, and the bill was referred to the Committee on Rules for second reading.

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

There being no objection, the House adjourned until 1:30 p.m., March 5, 2007, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 5, 2007

The House was called to order at 1:30 p.m. by the Speaker (Representative Lovick presiding).

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

**MESSAGE FROM THE SENATE**

March 5, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5288,  
SENATE BILL NO. 5382,  
SENATE BILL NO. 5402,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5450,  
SUBSTITUTE SENATE BILL NO. 5481,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

HOUSE RESOLUTION NO.2007-4631, by Representatives Green and Kelley

WHEREAS, Sarah E. Slack and her husband Sanford conceived a child in May 2000; and

WHEREAS, Jesse Curtis Slack was stillborn November 14, 2000; and

WHEREAS, The Slack's church, friends, and coworkers paid for almost all of their funeral expenses; and

WHEREAS, Sarah Slack was inspired to help others who have lost a baby with funeral expenses; and

WHEREAS, Sarah began The TEARS Foundation in 2002 in Tacoma; and

WHEREAS, The Foundation's mission "seeks to compassionately lift a financial burden from families who have lost a baby"; and

WHEREAS, The Foundation helps families who have lost a baby under one year of age, provided that they live in Western Washington; and

WHEREAS, The Foundation helps cover costs related to the cremation or burial of an infant as funds are available; and

WHEREAS, The Foundation has financially assisted 69 families since 2002;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Sarah E. Slack for her compassionate work with grieving families.

HOUSE RESOLUTION NO. 4631 was adopted.

**INTRODUCTION & FIRST READING**

HB 2376 by Representatives Strow, Ericks, Haler, Sells, Ahern, Warnick, Hailey, Ross, Simpson, Orcutt, Kelley and Bailey

AN ACT Relating to a business and occupation tax credit for the provision of certain mental health services; adding a

new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2377 by Representatives Pearson, McCune, Roach, Kristiansen, Ahern, Warnick, Hailey, Orcutt, Hinkle, Ross, Haler, Curtis, Campbell, Newhouse and Bailey

AN ACT Relating to improving state supervision of felony offenders in the community; amending RCW 9.94A.737 and 9.94A.631; adding new sections to chapter 72.09 RCW; creating a new section; and prescribing penalties.

Held on First Reading.

SSB 5032 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Pridemore and Zarelli)

AN ACT Relating to the Vancouver national historic reserve; adding new sections to chapter 27.34 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SB 5079 by Senators Marr, Kline and McCaslin; by request of Court Of Appeals

AN ACT Relating to including supreme court and court of appeals commissioners to solemnize marriages; and amending RCW 26.04.050.

Referred to Committee on Judiciary.

SB 5088 by Senators Haugen, Swecker and Shin

AN ACT Relating to vehicles boarding ferries; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SSB 5183 by Senate Committee on Higher Education (originally sponsored by Senators Hatfield, Roach, Pridemore, Poulsen, Holmquist, Sheldon, Fairley, Keiser, Kline, Kilmer, Hobbs, Kauffman, Rasmussen and Kohl-Welles)

AN ACT Relating to cost savings on course materials for students at community and technical colleges; and amending RCW 28B.10.590.

Referred to Committee on Higher Education.

SSB 5263 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Franklin, Hobbs, Berkey and Hatfield; by request of Insurance Commissioner)

AN ACT Relating to medical malpractice closed claim reporting; and amending RCW 48.140.020.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5288 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kohl-Welles, Murray, McAuliffe, Weinstein, Shin and Rasmussen)

AN ACT Relating to including cyberbullying in school district harassment prevention policies; and amending RCW 28A.300.285.

Referred to Committee on Education.

SSB 5336 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Murray, Kohl-Welles, Fairley, Prentice, Regala, Oemig, Tom, Kline, Hobbs, Pridemore, Keiser, Berkey, Franklin, Brown, Weinstein, Rockefeller, Poulsen, Fraser, Jacobsen, Spanel and McAuliffe)

AN ACT Relating to protecting individuals in domestic partnerships by granting certain rights and benefits; amending RCW 41.05.065, 7.70.065, 70.02.050, 11.07.010, 11.94.080, 68.32.020, 68.32.030, 68.32.040, 68.32.060, 68.32.110, 68.32.130, 68.50.100, 68.50.101, 68.50.105, 68.50.160, 68.50.200, 68.50.550, 11.04.015, 11.28.120, 4.20.020, 4.20.060, and 11.94.010; adding a new section to chapter 43.07 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 70.58 RCW; and adding a new chapter to Title 26 RCW.

Referred to Committee on Judiciary.

SB 5382 by Senators Kauffman, Prentice, McAuliffe, Marr, Hobbs, Rasmussen, Regala, Franklin, Keiser, Shin and Kohl-Welles

AN ACT Relating to record checks for employees and applicants for employment at bureau of Indian affairs-funded schools; and amending RCW 28A.400.303 and 28A.400.305.

Referred to Committee on State Government & Tribal Affairs.

SB 5402 by Senators Kilmer, Delvin, Shin and Rockefeller; by request of Workforce Training and Education Coordinating Board

AN ACT Relating to private vocational school programs; amending RCW 28C.10.020, 28C.10.050, and 28C.10.120; and making appropriations.

Referred to Committee on Higher Education.

ESSB 5450 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Rasmussen, McAuliffe, Tom and Keiser)

AN ACT Relating to students with disabilities; adding a new section to chapter 28A.155 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Education.

SSB 5481 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Oemig, Delvin, Rockefeller, Fraser and Regala)

AN ACT Relating to conservation measures in performance-based contracting; and amending RCW 39.35A.010, 39.35A.020, 39.35A.030, and 39.35C.010.

Referred to Committee on Technology, Energy & Communications.

ESSB 5497 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Holmquist, Rasmussen, Oemig, Pridemore, Zarelli, Weinstein, Eide, Hobbs, Keiser, Fraser, Hewitt, Tom, Kauffman, Clements, Hargrove, Kilmer, Franklin, Kohl-Welles and Shin; by request of Superintendent of Public Instruction)

AN ACT Relating to dropout prevention, intervention, and retrieval; adding new sections to chapter 28A.175 RCW; and creating a new section.

Referred to Committee on Education.

ESB 5508 by Senators Kilmer, Zarelli, Hatfield, Schoesler, Holmquist, Kastama, Tom, Sheldon, Shin and Rasmussen

AN ACT Relating to economic development project permitting; amending RCW 43.155.070, 43.160.060, 39.102.040, 43.160.230, 43.42.010, 43.131.401, and 43.131.402; creating a new section; making an appropriation; and providing expiration dates.

Referred to Committee on State Government & Tribal Affairs.

E2SSB 5627 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Clements, Tom, Weinstein, Rockefeller, Oemig, Kastama, Hobbs, Pridemore, Eide, Franklin, Shin, Regala, Marr, Murray, Spanel, Hargrove, Kline, Kilmer, Haugen, Kohl-Welles and Rasmussen)

AN ACT Relating to basic education funding; creating new sections; and declaring an emergency.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were

referred to the committees so designated except for HOUSE BILL NO. 2377 which was held on First Reading.

### REPORTS OF STANDING COMMITTEES

March 3, 2007

HB 1001 Prime Sponsor, Representative Lovick:  
Combating auto theft. Reported by Committee  
on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille and Kagi.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1030 Prime Sponsor, Representative Takko:  
Enhancing the penalty for eluding a police  
vehicle. Reported by Committee on  
Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Public Safety & Emergency Preparedness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1035 Prime Sponsor, Representative Morris:  
Addressing the purchase of anaerobic digestion  
power. Reported by Committee on  
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Anderson.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1036 Prime Sponsor, Representative Morris:  
Regarding the purchase of renewable energy by  
public entities. Reported by Committee on  
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1088 Prime Sponsor, Representative Dickerson:  
Improving delivery of children's mental health  
services. Reported by Committee on  
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Haler and Kretz.

March 2, 2007

HB 1129 Prime Sponsor, Representative Dickerson:  
Providing excise tax relief for zoos. Reported by  
Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1139 Prime Sponsor, Representative McDermott: Modifying the provisions of the local sales and use tax that is credited against the state sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1161 Prime Sponsor, Representative B. Sullivan: Modifying local excise tax provisions on the sale of real property. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 16, after "city" strike all material through "82.14.030(2)" on line 17

On page 2, line 21, after "price." insert "The tax rate imposed by a city under this subsection must be reduced by the rate of tax imposed by the county under the authority of RCW 82.14.030(2)."

Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1181 Prime Sponsor, Representative Ericks: Modifying the powers and funding of the forensic investigations council. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1186 Prime Sponsor, Representative Schual-Berke: Modifying provisions on judicial campaigns. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on State Government & Tribal Affairs. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Haigh; Hunt; Hunter; Kagi;

Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Grant; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1211 Prime Sponsor, Representative Chase: Providing sales and use tax exemptions for solar hot water components. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1260 Prime Sponsor, Representative Conway: Establishing contribution rates in the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Erickson; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Uptegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1272 Prime Sponsor, Representative Roach: Changing identity theft provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Public Safety & Emergency Preparedness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1277 Prime Sponsor, Representative Kelley: Expanding competitive local infrastructure financing tools projects. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1280 Prime Sponsor, Representative Ericks: Providing for the use of the school district capital projects funds for technology. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; Orcutt; Pedersen; Schual-Berke; Sells; Strow and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Hankins; McCune; Orcutt; Pearson and Skinner.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1287 Prime Sponsor, Representative Kagi: Modifying foster children placement provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Early Learning & Children's Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

March 1, 2007

HB 1289 Prime Sponsor, Representative Clibborn: Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1303 Prime Sponsor, Representative Dickerson: Encouraging the use of cleaner energy. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Anderson; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Haler; Hinkle and Kretz.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1333 Prime Sponsor, Representative Hinkle: Concerning child welfare protections. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Early Learning & Children's Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

March 5, 2007

HB 1359 Prime Sponsor, Representative Miloscia: Creating an affordable housing for all program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz;

Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1369 Prime Sponsor, Representative Linville: Modifying requirements for voter-approved regular property tax levies. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1374 Prime Sponsor, Representative Upthegrove: Creating the Puget Sound partnership. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Select Committee on Puget Sound. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1376 Prime Sponsor, Representative Ericks: Providing a sales and use tax exemption for the nonhighway use of propane by farmers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; McIntire.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1401 Prime Sponsor, Representative Pettigrew: Regarding the acquisition of land for affordable housing. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass

and do not pass the substitute bill by Committee on Housing. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1422 Prime Sponsor, Representative Roberts: Addressing children and families of incarcerated parents. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler and Kretz.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1426 Prime Sponsor, Representative Clibborn: Modifying the administration of fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ericksen; Hailey; Kristiansen and Rodne.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1435 Prime Sponsor, Representative P. Sullivan: Modifying provisions relating to public facilities districts. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member;

Condotta, Assistant Ranking Minority Member; McIntire and Roach.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1443 Prime Sponsor, Representative Grant: Creating a public utility tax deduction for the transportation of agricultural commodities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1450 Prime Sponsor, Representative Sells: Modifying provisions that exempt housing for very low-income households from taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1451 Prime Sponsor, Representative Ericks: Modifying the taxation of temporary staffing services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Ericks; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; Conway and McIntire.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1456 Prime Sponsor, Representative Green: Providing backup for mental health professionals doing home visits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri;

Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1461 Prime Sponsor, Representative Morrell: Addressing manufactured/mobile home community registrations and dispute resolution. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Chandler; Dunn; Haler and Kretz.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1474 Prime Sponsor, Representative Darneille: Revising the interest rate on legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Linville; McDermott; McIntire; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Ericks; Fromhold; Haler; Hinkle; Kessler; Kretz; McDonald; Morrell; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1497 Prime Sponsor, Representative Wallace: Increasing the operating fee waiver authority for Central Washington University. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott;

McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1503 Prime Sponsor, Representative Conway: Regarding injured worker medical rights. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1508 Prime Sponsor, Representative Orcutt: Providing an exemption from business and occupation tax for the resale of natural or manufactured gas by consumers. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1512 Prime Sponsor, Representative Hasegawa: Increasing the amount the treasurer may use for the linked deposit program. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1513 Prime Sponsor, Representative Kessler: Modifying provisions relating to the excise taxation of forest products businesses. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1515 Prime Sponsor, Representative P. Sullivan: Allowing owners of property enrolled in a current use property tax program to transfer the property between one another or to withdraw the property on the death of the owner, without penalty. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Conway; Ericks; McIntire and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1548 Prime Sponsor, Representative Pettigrew: Creating the individual and family services program for people with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1549 Prime Sponsor, Representative Linville: Exempting wholesale sales of bulk unprocessed milk from the business and occupation tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1554 Prime Sponsor, Representative B. Sullivan: Providing excise tax relief for aerospace product development businesses. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1557 Prime Sponsor, Representative Rodne: Providing a business and occupation tax credit for the purchase of alternative power generation devices to operate gasoline service station pumps. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1566 Prime Sponsor, Representative Van De Wege: Modifying the rural county tax credit. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman;

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1569 Prime Sponsor, Representative Cody: Reforming the health care system in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member;

Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler and Kretz.

March 3, 2007

HB 1580 Prime Sponsor, Representative Takko: Consolidating designated forest lands and open space timber lands for ease of administration. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1592 Prime Sponsor, Representative Hurst: Revising provisions relating to the indeterminate sentence review board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Chandler.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1595 Prime Sponsor, Representative Appleton: Expanding the protection of shellfish in Puget Sound. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Select Committee on Puget Sound. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Haler; Hinkle; Kretz and McDonald.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1625 Prime Sponsor, Representative DeBolt: Regulating motorcycles at traffic control signals. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Armstrong; Campbell; Eddy; Ericksen; Hailey; Hankins; Lovick; Rodne; Rolfes; Sells; Springer; B. Sullivan; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton; Hudgins; Kristiansen and Simpson.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1627 Prime Sponsor, Representative Linville: Creating the office of farmland preservation. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Bailey, Assistant Ranking Minority Member; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Hinkle and Kretz.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1636 Prime Sponsor, Representative Simpson: Creating a regional transfer of development rights program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1649 Prime Sponsor, Representative Fromhold: Authorizing the purchase of an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the

teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Chandler and Kretz.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1651 Prime Sponsor, Representative Fromhold: Creating the boating activities program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson and Dunn.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1656 Prime Sponsor, Representative Rolfes: Establishing the Puget Sound scientific research account. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Select Committee on Puget Sound. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1675 Prime Sponsor, Representative Santos: Providing certain public notices in a language other than English. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1677 Prime Sponsor, Representative Quall: Creating the outdoor education and recreation grant program for schools and others. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1695 Prime Sponsor, Representative Eddy: Restoring the business and occupation tax credit for high technology research and development spending. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; Condotta, Assistant Ranking Minority Member; Conway and McIntire.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1705 Prime Sponsor, Representative Barlow: Creating health sciences and services authorities. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chairman; Conway; Ericks; McIntire and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; Orcutt,

Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1716 Prime Sponsor, Representative Roberts: Supporting educational achievement for children in foster care. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson.

March 5, 2007

HB 1733 Prime Sponsor, Representative Conway: Modifying provisions relating to state community justice facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1746 Prime Sponsor, Representative Orcutt: Exempting certain historic property leased to counties from property taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1761 Prime Sponsor, Representative Linville: Accelerating the cleanup of Puget Sound and

hazardous waste and waste sites in the state.  
Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1768 Prime Sponsor, Representative Ericks: Authorizing a local real estate excise tax to be used for the maintenance and operation of parks. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1779 Prime Sponsor, Representative Wallace: Creating the GET ready for math and science scholarship program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1796 Prime Sponsor, Representative Conway: Providing a property tax exemption for nonprofit small business incubators. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1806 Prime Sponsor, Representative Pedersen: Limiting the use of high hazard pesticides on school facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Select Committee on Environmental Health. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1809 Prime Sponsor, Representative Morrell: Creating the Washington state patient safety act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest; Schual-Berke and Walsh.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1811 Prime Sponsor, Representative Pedersen: Regarding automatic sprinkler systems in nightclubs. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1825 Prime Sponsor, Representative Schual-Berke: Providing dedicated funding for public health services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Bailey, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson; Chandler; Dunn and Kretz.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1827 Prime Sponsor, Representative Santos: Requiring a tax expenditure report as part of the biennial budget documents. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1854 Prime Sponsor, Representative Dickerson: Revising background check requirements for the department of social and health services and the department of early learning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Early Learning & Children's Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander, Ranking Minority Member; Chandler.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1858 Prime Sponsor, Representative Fromhold: Regarding the imposition of fees by transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Dickerson; Hankins; Hudgins; Lovick; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Campbell; Eddy; Ericksen; Hailey; Kristiansen; Rodne and Wallace.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1873 Prime Sponsor, Representative Ormsby: Changing the requirements for, and recoveries under, a wrongful injury or death cause of action. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Judiciary. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz and Priest.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1880 Prime Sponsor, Representative Wallace: Creating the skills-based economic growth program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Appropriations. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1887 Prime Sponsor, Representative Linville: Allowing identicard renewal by mail or electronic commerce for individuals over the age of seventy. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1901 Prime Sponsor, Representative Grant: Concerning the sales and use taxation of repairs to farm machinery and equipment. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman;

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1891 Prime Sponsor, Representative Linville: Providing a business and occupation tax deduction for the sale of certain prescription drugs. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1902 Prime Sponsor, Representative Grant: Concerning the sales and use taxation of repairs to farm machinery and equipment. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Ericks; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; Conway and McIntire.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1892 Prime Sponsor, Representative Goodman: Addressing the impoundment of vehicles parked on public streets by police officers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Campbell; Curtis; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Ericksen; Hailey and Kristiansen.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1910 Prime Sponsor, Representative Ormsby: Modifying property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1896 Prime Sponsor, Representative Hunt: Creating the legislative gift center committee. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 1912 Prime Sponsor, Representative Kagi: Improving court hearings in dependency proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Early Learning & Children's Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway;

Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1922 Prime Sponsor, Pedersen: Creating an independent youth housing program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Priest.

March 1, 2007

HB 1923 Prime Sponsor, Representative Hunt: Modifying requirements for motor vehicle transporter license applications. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1955 Prime Sponsor, Representative Wood: Establishing licensing requirements for certain vehicle dealers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1957 Prime Sponsor, Representative Eddy: Regarding bond amounts for certain department of transportation highway construction contracts. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins and Kristiansen.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1977 Prime Sponsor, Representative Quall: Regarding skill centers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1980 Prime Sponsor, Representative Kelley: Regarding the financial literacy public-private partnership. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives McIntire and Schual-Berke.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 1981 Prime Sponsor, Representative Hunter: Concerning the excise taxation of electronically delivered financial information. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman;

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1992 Prime Sponsor, Representative Santos: Creating community preservation and development authorities. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 5, 2007

HB 1993 Prime Sponsor, Representative Barlow: Modifying credentialing standards for counselors. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 1994 Prime Sponsor, Representative Curtis: Addressing overpayments received by courts. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2004 Prime Sponsor, Representative Rolfes: Providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Uptegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2008 Prime Sponsor, Representative Van De Wege: Creating a cooperative agreement relating to the timber harvest excise taxation of timber harvests within the Quinault Indian Reservation. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on State Government & Tribal Affairs. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2015 Prime Sponsor, Representative Schual-Berke: Licensing genetic counselors. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Bailey, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2017 Prime Sponsor, Representative Ericks: Designating state route number 527 as a highway of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2032 Prime Sponsor, Representative Takko: Concerning the tax deferral application process for fruit and vegetable processing and storage. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2041 Prime Sponsor, Representative Jarrett: Clarifying goals, objectives, and responsibilities of certain transportation agencies. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Curtis; Ericksen; Hailey and Kristiansen.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2048 Prime Sponsor, Representative O'Brien: Modifying the requirements for executing assignment and warranty of title when the purchaser or transferee is a dealer. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2053 Prime Sponsor, Representative Goodman: Providing for improved availability of motor vehicle fuel during power outages or interruptions in electrical service. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Public Safety & Emergency Preparedness. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 3, 2007

HB 2055 Prime Sponsor, Representative Flannigan: Concerning traumatic brain injuries. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2098 Prime Sponsor, Representative Cody: Providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

HB 2100 March 5, 2007  
 Prime Sponsor, Representative Cody:  
 Establishing a statewide health resources  
 strategy. Reported by Committee on  
 Appropriations

MAJORITY recommendation: The second substitute bill  
 be substituted therefor and the second substitute do pass  
 and do not pass the substitute bill by Committee on  
 Health Care & Wellness. Signed by Representatives  
 Sommers, Chairman; Dunshee, Vice Chairman; Cody;  
 Conway; Darneille; Ericks; Fromhold; Grant; Haigh;  
 Hunt; Hunter; Kagi; Kenney; Kessler; Linville;  
 McDermott; McIntire; Morrell; Pettigrew; Schual-Berke;  
 Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Alexander, Ranking Minority Member;  
 Bailey, Assistant Ranking Minority Member; Anderson;  
 Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald;  
 Priest and Walsh.

Passed to Committee on Rules for second reading.

HB 2101 March 1, 2007  
 Prime Sponsor, Representative Jarrett:  
 Addressing regional transportation commission  
 findings and recommendations. Reported by  
 Committee on Transportation

MAJORITY recommendation: Do pass. Signed by  
 Representatives Clibborn, Chairman; Flannigan, Vice  
 Chairman; Jarrett, Ranking Minority Member; Schindler,  
 Assistant Ranking Minority Member; Appleton;  
 Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen;  
 Hailey; Hankins; Kristiansen; Lovick; Rodne; Sells;  
 Springer; B. Sullivan; Takko; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Hudgins; Rolfes; Simpson and  
 Upthegrove.

Passed to Committee on Rules for second reading.

HB 2106 March 5, 2007  
 Prime Sponsor, Representative Kenney:  
 Revising provisions for farm labor contractors.  
 Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by  
 Representatives Sommers, Chairman; Dunshee, Vice  
 Chairman; Cody; Conway; Darneille; Ericks; Fromhold;  
 Hunt; Hunter; Kagi; Kenney; Kessler; McDermott;  
 McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and  
 P. Sullivan.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Alexander, Ranking Minority Member;  
 Bailey, Assistant Ranking Minority Member; Anderson;  
 Buri; Chandler; Dunn; Grant; Haigh; Haler; Hinkle;  
 Kretz; Linville; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 2111 Prime Sponsor, Representative Williams:  
 Making the governor the public employer of  
 adult family home providers. Reported by  
 Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill  
 proposed by the Committee on Commerce & Labor.  
 Signed by Representatives Sommers, Chairman; Dunshee,  
 Vice Chairman; Haler, Assistant Ranking Minority  
 Member; Buri; Cody; Conway; Darneille; Dunn; Ericks;  
 Fromhold; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney;  
 Kessler; Linville; McDermott; McDonald; McIntire;  
 Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P.  
 Sullivan.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Alexander, Ranking Minority Member;  
 Bailey, Assistant Ranking Minority Member; Anderson;  
 Chandler; Grant; Kretz and Walsh.

Passed to Committee on Rules for second reading.

HB 2115 March 5, 2007  
 Prime Sponsor, Representative Newhouse:  
 Creating the heritage barn preservation program.  
 Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass. Signed  
 by Representatives Fromhold, Chairman; Ormsby, Vice  
 Chairman; McDonald, Ranking Minority Member;  
 Newhouse, Assistant Ranking Minority Member; Blake;  
 Chase; Dunshee; Eickmeyer; Flannigan; Goodman;  
 Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson;  
 Pedersen; Schual-Berke; Sells; Skinner; Strow and  
 Upthegrove.

Passed to Committee on Rules for second reading.

HB 2134 March 3, 2007  
 Prime Sponsor, Representative Van De Wege:  
 Authorizing port district fire fighter membership  
 in the law enforcement officers' and fire fighters'  
 retirement system plan 2. Reported by  
 Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by  
 Representatives Sommers, Chairman; Dunshee, Vice  
 Chairman; Haler, Assistant Ranking Minority Member;  
 Cody; Conway; Darneille; Dunn; Ericks; Fromhold;  
 Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler;  
 Linville; McDermott; McDonald; McIntire; Morrell;  
 Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and  
 Walsh.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Alexander, Ranking Minority Member;  
 Bailey, Assistant Ranking Minority Member; Anderson;  
 Buri; Chandler; Hinkle and Kretz.

Passed to Committee on Rules for second reading.

HB 2136 March 3, 2007  
 Prime Sponsor, Representative Fromhold:  
 Creating the improving core subject instruction

for all students pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2146 Prime Sponsor, Representative Seaquist: Providing for the transfer of sales and use taxes on toll projects to reduce the amount of the project. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2158 Prime Sponsor, Representative Hasegawa: Concerning the sales of vehicles and associated services to nonresidents of Washington. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2164 Prime Sponsor, Representative Dunshee: Requiring approval from state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Conway; Ericks; McIntire and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 2176 Prime Sponsor, Representative Lantz: Revising provisions involving court interpreters. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Haler, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson; Chandler and Kretz.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2208 Prime Sponsor, Representative Wallace: Modifying window tint requirements and penalties. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Appleton and Armstrong.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2217 Prime Sponsor, Representative Orcutt: Modifying provisions concerning the use of tax exempt property by noneligible entities for certain organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2219 Prime Sponsor, Representative Orcutt: Regarding forest practices regulations that apply to small forest landowners. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Agriculture & Natural Resources. Signed by Representatives Fromhold,

Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Uptegrove.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 2220 Prime Sponsor, Representative Lantz: Regarding shellfish. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Select Committee on Puget Sound. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Bailey, Assistant Ranking Minority Member; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Hinkle and Kretz.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2256 Prime Sponsor, Representative Darneille: Establishing the family prosperity act. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 3, 2007

HB 2275 Prime Sponsor, Representative Kessler: Regarding funding of state parks. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2284 Prime Sponsor, Representative Green: Addressing the training of and collective bargaining over the training of care providers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Haler, Assistant Ranking Minority Member; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Hinkle; Kretz and McDonald.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2289 Prime Sponsor, Representative Ericks: Creating a task force to study streamlining state information services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass without the amendments by the Committee on Technology, Energy & Communications. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2007

HB 2304 Prime Sponsor, Representative Morrell: Providing for the issuance of a certificate of need for certain cardiac care services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2325 Prime Sponsor, Representative Kenney: Creating the community development fund. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Orcutt and Pearson.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2330 Prime Sponsor, Representative Grant: Concerning the tax on cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; McIntire.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2331 Prime Sponsor, Representative Simpson: Funding qualifying projects through the urban corridor program of the transportation improvement board. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Curtis; Erickson; Hailey and Kristiansen.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2332 Prime Sponsor, Representative Hunter: Concerning the levies by school districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2335 Prime Sponsor, Representative Priest: Exempting certain amateur radio repeaters from leasehold excise taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2338 Prime Sponsor, Representative Fromhold: Terminating the job development fund program. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2344 Prime Sponsor, Representative Wallace: Preserving rail corridors. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Erickson; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2351 Prime Sponsor, Representative Sells: Establishing a state tax policy that prohibits employers claiming certain tax incentives from

requiring employees to participate in certain communications about political, religious, or labor organizing matters. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 1, 2007

HB 2353 Prime Sponsor, Representative McDermott: Regarding passenger-only ferry service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Kristiansen.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2357 Prime Sponsor, Representative McIntire: Allowing a school district to transfer certain revenue into the district's capital projects account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2358 Prime Sponsor, Representative Rolfes: Regarding state ferries. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hailey; Hudgins; Lovick; Rodne; Rolfes; Sells; Springer; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Ericksen; Hankins; Kristiansen; Simpson and Wallace.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2366 Prime Sponsor, Representative Dunshee: Requiring oversight of state agency housing decisions. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2367 Prime Sponsor, Representative Roach: Enhancing the security of drivers' licenses. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Campbell; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 5, 2007

HB 2368 Prime Sponsor, Representative Santos: Concerning the municipal business and occupation tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Ericks; McIntire; Roach and Santos.

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

Passed to Committee on Rules for second reading.

March 2, 2007

HB 2373 Prime Sponsor, Representative McCune: Enhancing school bus driver safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Armstrong; Campbell; Eddy; Ericksen; Hailey; Hankins; Kristiansen;

Lovick; Rodne; Rolfes; Springer; B. Sullivan; Upthegrove and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton; Hudgins; Sells; Simpson and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated except for the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1088,  
HOUSE BILL NO. 1287,  
HOUSE BILL NO. 1333,  
HOUSE BILL NO. 1569,  
HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1922,  
HOUSE BILL NO. 2098,

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

There being no objection, the Committee on Appropriations was relieved of further consideration of the following bills, and the bills were referred to the Committee on Rules for second reading:

HOUSE BILL NO. 1146,  
HOUSE BILL NO. 1147,  
HOUSE BILL NO. 2191,

There being no objection, the Committee on Finance was relieved of further consideration of HOUSE BILL NO. 1899 and the bill was referred to the Committee on Rules for second reading.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1334,

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

There being no objection, the House adjourned until 10:00 a.m., March 6, 2007, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 6, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Michael Weisner and Cassandra Lewis. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Robert White, Superintendent of South Sound Christian School.

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

**MESSAGES FROM THE SENATE**

March 5, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1025, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 5, 2007

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5042,  
SUBSTITUTE SENATE BILL NO. 5050,  
SUBSTITUTE SENATE BILL NO. 5074,  
SUBSTITUTE SENATE BILL NO. 5087,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,  
SENATE BILL NO. 5149,  
ENGROSSED SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5754,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

**SECOND READING SUSPENSION**

**HOUSE BILL NO. 1311, by Representatives Grant, Hailey, McCoy, McDonald, Newhouse, Chase, Dickerson, Haler, Kenney, Springer and Morrell; by request of Department of Agriculture**

**Continuing the small farm direct marketing assistance program.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Grant and Hailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1311.

**MOTIONS**

On motion of Representative Santos, Representatives Conway, Green, Hunter, Kenney, Morris, Schual-Berke, Sommers and Upthegrove were excused. On motion of Representative Schindler, Representative Hankins was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1311 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 89.

Excused: Representatives Conway, Green, Hankins, Hunter, Kenney, Morris, Schual-Berke, Sommers and Upthegrove - 9.

HOUSE BILL NO. 1311, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on HOUSE BILL NO. 1311.

TAMARA GREEN, 28<sup>th</sup> District**SECOND READING****HOUSE BILL NO. 1447, by Representative Morrell**

**Providing for temporary management in boarding homes.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Morrell and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1447.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1447 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Green, Kenney, Morris and Upthegrove - 4.

HOUSE BILL NO. 1447, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on HOUSE BILL NO. 1447.

TAMARA GREEN, 28<sup>th</sup> District

#### SECOND READING

**HOUSE BILL NO. 1599, by Representatives Hunt, Williams, Conway, Ormsby, McDermott and Wood**

**Allowing raffles by state employees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1599.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Green, Kenney, Morris and Upthegrove - 4.

HOUSE BILL NO. 1599, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on HOUSE BILL NO. 1599.

TAMARA GREEN, 28<sup>th</sup> District

#### SECOND READING

**HOUSE BILL NO. 1940, by Representatives Schindler, Simpson, Crouse, McCune, Dunn, Moeller and Ormsby**

**Requiring state agencies to notify local governments of proposed land dispositions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schindler and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1940.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1940 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler,

Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Green, Kenney, Morris, and Upthegrove - 4.

HOUSE BILL NO. 1940, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on HOUSE BILL NO. 1940.

TAMARA GREEN, 28<sup>th</sup> District

#### SECOND READING

**HOUSE BILL NO. 1972, by Representatives Ross and Newhouse**

**Regarding proceeds from irrigation district foreclosure sales.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Ross, Blake, Buri and Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1972.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1972 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Kenney, Morris, and Upthegrove - 3.

HOUSE BILL NO. 1972, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Buri congratulated Representative Ross on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 2090, by Representatives Dickerson, Dunn and Kenney**

**Adding the director of the department of early learning to the family policy council.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dickerson and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2090.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2090 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Kenney, Morris and Upthegrove - 3.

HOUSE BILL NO. 2090, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2154, by Representatives Fromhold, Priest, P. Sullivan, Quall, Kenney and Moeller; by request of Superintendent of Public Instruction**

**Regarding election dates for educational service district board members.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2154.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2154 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Kenney, Morris and Upthegrove - 3.

HOUSE BILL NO. 2154, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2225, by Representatives Anderson and Wood

**Regarding a statewide enhanced 911 emergency radio network to improve public notification during an ongoing emergency.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2225 was read the second time.

The bill was placed on final passage.

Representative Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2225.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2225 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Kenney and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2225, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2281, by Representatives Appleton and Hunt

**Revising provisions for shared leave.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Appleton spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2281.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2281 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Kenney and Morris - 2.

HOUSE BILL NO. 2281, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2283, by Representatives Hunter, Alexander, Schual-Berke, Cody, Kenney and Kelley**

**Concerning the joint legislative audit and review committee performance reviews of the home care quality authority.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunter and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2283.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2283 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Kenney and Morris - 2.

HOUSE BILL NO. 2283, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2312, by Representatives Walsh, Kagi, Morrell and Kenney**

**Providing legislative oversight of WorkFirst and temporary assistance to needy families.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2312 was read the second time.

The bill was placed on final passage.

Representatives Walsh and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2312.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2312 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Kenney and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2312, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Moeller to preside.

**HOUSE BILL NO. 2319, by Representatives Kagi, P. Sullivan, Wallace, Seaquist, Appleton, Morrell, Goodman, Santos, Wood, Ormsby and Kenney**

**Supporting early learning and parenting education opportunities at community colleges.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Kagi spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2319.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2319 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick,

McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Kenney and Morris - 2.

HOUSE BILL NO. 2319, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1344, by Representatives Lovick, Rodne, Hudgins, Upthegrove and Campbell; by request of Washington State Patrol**

**Providing a window tint exemption for law enforcement vehicles.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1344.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1344 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Kenney and Morris - 2.

HOUSE BILL NO. 1344, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2119, by Representatives Lovick, Priest, Lantz, Rodne, Upthegrove, P. Sullivan, Eddy, Ericks, Pearson, Hudgins, Kelley and Ormsby; by request of Attorney General**

**Increasing penalties for acts of domestic violence involving strangulation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lovick, Pearson and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2119.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2119 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood, and Mr. Speaker - 96.

Excused: Representatives Kenney and Morris - 2.

HOUSE BILL NO. 2119, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Lovick to preside.

#### MESSAGE FROM THE SENATE

March 6, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5101,  
SUBSTITUTE SENATE BILL NO. 5104,  
SUBSTITUTE SENATE BILL NO. 5137,  
SUBSTITUTE SENATE BILL NO. 5202,  
SUBSTITUTE SENATE BILL NO. 5225,  
SUBSTITUTE SENATE BILL NO. 5236,  
SENATE BILL NO. 5258,  
SENATE BILL NO. 5304,  
SUBSTITUTE SENATE BILL NO. 5366,  
SENATE BILL NO. 5399,  
SENATE BILL NO. 5451,  
SENATE BILL NO. 5620,  
SUBSTITUTE SENATE BILL NO. 5639,  
SENATE BILL NO. 5775,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SECOND READING

**HOUSE BILL NO. 1333, by Representatives Hinkle, Kagi and Walsh**

**Concerning child welfare protections.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1333 was substituted for House Bill No. 1333 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1333 was read the second time.

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

Representatives Hinkle and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1333.

**MOTION**

On motion of Representative Santos, Representative O'Brien was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1333 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Morris and O'Brien - 2.

SUBSTITUTE HOUSE BILL NO. 1333, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on SUBSTITUTE HOUSE BILL NO. 1333.

AL O'BRIEN, 1<sup>st</sup> District

**SECOND READING**

**HOUSE BILL NO. 1334, by Representatives Hinkle and Walsh**

**Requiring the petitioner in a child welfare case to provide the court with relevant documentation.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1334 was substituted for House Bill No. 1334 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1334 was read the second time.

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

Representatives Hinkle and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1334.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1334 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Morris and O'Brien - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1334, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on SECOND SUBSTITUTE HOUSE BILL NO. 1334.

AL O'BRIEN, 1<sup>st</sup> District

**SECOND READING**

**HOUSE BILL NO. 1287, by Representatives Kagi, Hinkle, Walsh, Haler, Appleton, Simpson, Moeller and**

**Kenney; by request of Department of Social and Health Services**

**Modifying foster children placement provisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1287 was substituted for House Bill No. 1287 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1287 was read the second time.

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

Representatives Kagi and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1287.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1287 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Morris and O'Brien - 2.

SUBSTITUTE HOUSE BILL NO. 1287, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on SUBSTITUTE HOUSE BILL NO. 1287.

AL O'BRIEN, 1<sup>st</sup> District

**SECOND READING**

**HOUSE BILL NO. 1716, by Representatives Roberts, Kagi, Hinkle, Haler, Walsh, Appleton, Pettigrew, Dickerson, Darneille, Anderson, Moeller, O'Brien, McDonald, Santos, Wood, Kenney, Simpson and Lantz**

**Supporting educational achievement for children in foster care.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1716 was substituted for House Bill No. 1716 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1716 was read the second time.

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

Representatives Roberts and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1716.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1716 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Morris and O'Brien - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1716, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on SECOND SUBSTITUTE HOUSE BILL NO. 1716.

AL O'BRIEN, 1<sup>st</sup> District

**SECOND READING**

**HOUSE BILL NO. 1922, by Representatives Pedersen, Pettigrew, Miloscia, McIntire, Walsh, Kagi, Appleton, Kenney, Hasegawa and Ormsby**

**Creating an independent youth housing program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1922 was substituted for House Bill No. 1922 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1922 was read the second time.

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

Representatives Pedersen, Pettigrew and Eickmeyer spoke in favor of passage of the bill.

Representative McDonald spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1922.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1922 and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 32.

Excused: Representatives Morris and O'Brien - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1922, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on SECOND SUBSTITUTE HOUSE BILL NO. 1922.

AL O'BRIEN, 1<sup>st</sup> District

### SECOND READING

**HOUSE BILL NO. 1201, by Representatives Roberts, Kagi, Haler, P. Sullivan, Walsh, Pettigrew, Darneille, Santos, McCoy, Ormsby, Wood, Dickerson, Clibborn, Schual-Berke, Simpson, Lantz, Hasegawa, Kenney, Pedersen and Seaquist**

### **Extending medicaid coverage for foster care youth who reach age eighteen.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1201 was substituted for House Bill No. 1201 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1201 was read the second time.

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

Representatives Roberts and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1201.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1201 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Morris and O'Brien - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1201, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on SECOND SUBSTITUTE HOUSE BILL NO. 1201.

AL O'BRIEN, 1<sup>st</sup> District

### SECOND READING

**HOUSE BILL NO. 1244, by Representatives Conway, Hankins, Clibborn, Wood, Hunt, Haler, Morrell, Kirby, Hasegawa, Moeller, Sells, Strow, McCoy, O'Brien, Ericks, Simpson, Green, Campbell, Williams, Kenney and Ormsby**

**Defining wages for industrial insurance purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1244 was substituted for House Bill No. 1244 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1244 was read the second time.

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

Representatives Conway, Wood and Green spoke in favor of passage of the bill.

Representatives Condotta, Chandler and Buri spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1244.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1244 and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Sump, Walsh and Warnick - 32.

Excused: Representatives Morris and O'Brien - 2.

SUBSTITUTE HOUSE BILL NO. 1244, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1244.

LARRY HALER, 8<sup>th</sup> District

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on SUBSTITUTE HOUSE BILL NO. 1244.

AL O'BRIEN, 1<sup>st</sup> District

**SECOND READING**

**SECOND SUBSTITUTE SENATE BILL NO. 5093, by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Keiser, Franklin, Shin, Fairley, Hobbs, Weinstein, Kauffman, Pridemore, Oemig, Eide, Brown, Tom, Kohl-Welles, Regala, McAuliffe, Spanel, Rockefeller and Rasmussen; by request of Governor Gregoire)**

**Concerning access to health care services for children.**

The bill was read the second time.

With the consent of the House, amendment (061) was withdrawn.

Representative Bailey moved the adoption of amendment (057):

On page 3, line 24, after "level." insert "However, the department shall not provide coverage to children whose family income exceeds two hundred fifty percent of the federal poverty level until the department has enrolled eighty-five percent of the uninsured children whose family income is below two hundred percent of the federal poverty level."

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

Representative Cody spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (057) to Second Substitute Senate Bill No. 5093.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (057) to Second Substitute Senate Bill No. 5093 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 60, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 36.

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

Excused: Representatives Morris and O'Brien - 2.

Representative Chandler moved the adoption of amendment (061):

On page 5, line 5, after "level." strike all material through "representatives." on line 8 and insert "To the extent possible, the schedule of premiums shall be comparable to the employee share of premiums charged by private sector employers with more than five hundred employees."

Representatives Chandler, Hinkle, Anderson, Alexander and Ericksen spoke in favor of the adoption of the amendment.

Representative Kessler spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Clibborn, Green, Kessler, Conway, Kenney and Morrell spoke in favor of passage of the bill.

Representatives Hinkle, Ahern, Anderson, Armstrong, Curtis, Schindler and Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5093.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5093 and the bill passed the House by the following vote: Yeas - 68, Nays - 28, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Strow, Sump and Warnick - 28.

Excused: Representatives Morris and O'Brien - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5093, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on SECOND SUBSTITUTE SENATE BILL NO. 5093.

AL O'BRIEN, 1<sup>st</sup> District

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SECOND SUBSTITUTE SENATE BILL NO. 5093.

JIM MCCUNE, 2<sup>nd</sup> District

#### SECOND READING

**HOUSE BILL NO. 1088, by Representatives Dickerson, Kagi, Haler, Cody, Appleton, Darneille, Simpson, Takko, Kenney, Williams, Green, McDermott, Roberts, Lantz, McCoy, Ormsby, Schual-Berke, B. Sullivan, Hurst, Pettigrew, O'Brien, Lovick, P. Sullivan, Hasegawa, Hunt, Hudgins, Clibborn, Upthegrove, Morrell, Conway, Sells, Haigh, Quall, Moeller, Goodman, Wallace, Wood and Santos**

**Improving delivery of children's mental health services.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1088 was substituted for House Bill No. 1088 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1088 was read the second time.

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

Representatives Dickerson, Hinkle and Seaquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1088.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1088 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Chandler, Dunn and Roach - 4.

Excused: Representatives Morris and O'Brien - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1088, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on SECOND SUBSTITUTE HOUSE BILL NO. 1088.

AL O'BRIEN, 1<sup>st</sup> District

#### SECOND READING

**HOUSE JOINT MEMORIAL NO. 4016, by Representatives Seaquist, Hinkle, Pettigrew, Ormsby, Priest, Anderson, Wood, Hankins, Quall, Cody, Appleton, Morrell, Green, Kelley, Schual-Berke, Hasegawa, Rolfes, Campbell, Ericks, Kenney, Van De Wege, Conway, Goodman, Simpson and Linville**

**Requesting that Congress reauthorize the State Children's Health Insurance Program.**

The joint memorial was read the second time.

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

Representatives Seaquist and Hinkle spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4016.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4016 and the joint memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Morris and O'Brien - 2.

HOUSE JOINT MEMORIAL NO. 4016, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on HOUSE JOINT MEMORIAL NO. 4016.

AL O'BRIEN, 1<sup>st</sup> District

#### SECOND READING

**HOUSE BILL NO. 1131, by Representatives Dunshee, Haler, Kenney, Fromhold, Priest, Roberts, Jarrett, Kagi, Hunt, McDermott, Haigh, Ormsby, Chase, Wallace, Hudgins, Schual-Berke, Simpson, Conway, Morrell, Moeller and Santos**

**Creating the passport to college promise program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1131 was substituted for House Bill No. 1131 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1131 was read the second time.

Representative Dunshee moved the adoption of amendment (059):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1)(a) The legislature finds that in Washington, there are more than seven thousand three hundred children in foster family or group care. These children face unique obstacles and burdens as they transition to adulthood, including lacking continuity in their elementary and high school educations. As compared to the general population of students, twice as many foster care youth change schools at least once during their elementary and secondary school careers, and three times as many change schools at least three times. Only thirty-four percent of foster care youth graduate from high school within four years, compared to seventy percent for the general population. Of the former foster care youth who earn a high school diploma, more than twenty-eight percent earn a GED instead of a traditional high school diploma. This is almost six times the rate of the general population. Research indicates that GED holders tend not to be as economically successful as the holders of traditional high school diplomas. Only twenty percent of former foster care youth who earn a high school degree enroll in college, compared to over sixty percent of the population generally. Of the former foster care youth who do enroll in college, very few go on to earn a degree. Less than two percent of former foster care youth hold bachelor's degrees, compared to twenty-eight percent of Washington's population generally.

(b) Former foster care youth face two critical hurdles to enrolling in college. The first is a lack of information regarding preparation for higher education and their options for enrolling in higher education. The second is finding the financial resources to fund their education. As a result of the unique hurdles and challenges that face former foster care youth, a disproportionate number of them are part of society's large group of marginalized youth and are at increased risk of continuing the cycle of poverty and violence that frequently plagues their families.

(c) Former foster care youth suffer from mental health problems at a rate greater than that of the general population. For example, one in four former foster care youth report having suffered from posttraumatic stress disorder within the previous twelve months, compared to only four percent of the general population. Similarly, the incidence of major depression among former foster care youth is twice that of the general population, twenty percent versus ten percent.

(d) There are other barriers for former foster care youth to achieving successful adulthood. One-third of former foster care youth live in households that are at or below the poverty level. This is three times the rate for the general population. The percentage of former foster care youth who report being homeless within one year of leaving foster care varies from over ten percent to almost twenty-five percent. By comparison, only one percent of the general population reports having been homeless at sometime during the past year. One in three former foster care youth lack health insurance, compared to less than one in five people in the general population. One in six former foster care youth receive cash public assistance. This is five times the rate of the general population.

(e) Approximately twenty-five percent of former foster care youth are incarcerated at sometime after leaving foster care. This is four times the rate of incarceration for the general population. Of the former foster care youth who "age out" of foster care, twenty-seven percent of the males and ten percent of the females are incarcerated within twelve to eighteen months of leaving foster care.

(f) Female former foster care youth become sexually active more than seven months earlier than their nonfoster care counterparts, have more sexual partners, and have a mean age of first pregnancy of almost two years earlier than their peers who were not in foster care.

(2) The legislature further finds that a court may order a noncustodial parent to pay for some or all of their children's reasonable higher education costs. With respect to youth who have been in the foster care system during their adolescent years, and particularly with respect to youth who age out of the foster care system, the state has a duty to these youth that is not less than that of a noncustodial parent.

(3) The legislature intends to create the passport to college promise program that will have two primary components, as follows:

(a) Significantly increasing outreach to foster care youth between the ages of fourteen and eighteen regarding the higher education opportunities available to them, how to apply to college, and how to apply for and obtain financial aid; and

(b) Providing financial aid to former foster care youth to assist with the costs of their public undergraduate college education.

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

(1) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the higher education coordinating board, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance. The amount provided for reasonable additional expenses shall not exceed one thousand dollars for every forty-five quarter or thirty semester credits, or the equivalent.

(2) "Eligible student" means a student who:

(a) Is between the ages of sixteen and twenty-six;

(b) Has been in foster care in the state of Washington for a minimum of one year since his or her fourteenth birthday. The higher education coordinating board and the state board for community and technical colleges may expand the definition of "eligible student" to include a student who has been in foster care in the state of Washington for a minimum of six months since his or her fourteenth birthday if the boards jointly find that the amount appropriated for the purposes of this chapter exceeds the amount necessary to carry out the purposes of this chapter based on the number of eligible students enrolled at the state's institutions of higher education;

(c) Is a resident student, as defined in RCW 28B.15.012(2);

(d) Has enrolled with or will enroll on at least a half-time basis with an institution of higher education in Washington state by the age of twenty-one;

(e) Is making satisfactory progress toward the completion of a degree or certificate program;

(f) Has not earned a bachelor's or professional degree; and

(g) Is not pursuing a degree in theology.

(3) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

(4) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) "Institution of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any independent college or university in Washington; or

(c) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the higher education coordinating board for the purposes of this section: PROVIDED, That any institution, branch, extension, or facility operating within the state of Washington that is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students.

(6) "Program" means the passport to college promise program created in this chapter.

**NEW SECTION. Sec. 3.** The passport to college promise program is created. The purpose of the program is:

(1) To encourage current and former foster care youth to prepare for, attend, and successfully complete higher education; and

(2) To provide current and former foster care youth with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed in higher education.

**NEW SECTION. Sec. 4.** (1) Institutions of higher education are encouraged to recruit and actively assist current and former foster care youth to attend institutions of higher education. Any institution of higher education that receives funds under this chapter must provide enrolled eligible students with comprehensive guidance regarding the financial aid process.

(2) For fiscal year 2008, the office of financial management shall allocate the appropriation made for the purposes of this section between the higher education coordinating board and the state board for community and technical colleges. The allocation shall be based on and in proportion to the historical enrollment of former foster care youth ages sixteen to twenty-six from 2001 to 2006 at the community and technical colleges in Washington state and at the four-year institutions of higher education in Washington state. Thereafter, the office of financial management shall allocate the funds appropriated for the purposes of this section based on the prior academic year's enrollments of former foster care youth ages sixteen to twenty-six at the community and technical colleges and at the four-year institutions of higher education.

(3) Up to the amount allocated to the state board for community and technical colleges for the purposes of this section, for every eligible student enrolled in a community or technical college in this state who earns forty-five quarter or thirty semester credits, or the equivalent, from a particular community or technical college, the state board for community and technical colleges shall award the college three thousand five hundred dollars. Thereafter, the state board for community and technical colleges shall award the college an additional two thousand five hundred dollars for every additional forty-five quarter or thirty semester credits, or the equivalent, the eligible student earns from the college, until the student has earned ninety quarter or sixty semester college credits, or met other certification or training requirements established by the state board for community and technical colleges.

(4) Up to the amount allocated to the higher education coordinating board for the purposes of this section, for every eligible student enrolled at a four-year institution of higher education who earns forty-five quarter or thirty semester credits, or the equivalent, from a particular four-year institution, the higher education coordinating board shall award the institution three thousand five hundred dollars. Thereafter, the higher education coordinating board shall award the institution an additional two thousand five hundred dollars for every additional forty-five quarter or thirty semester credits, or the equivalent, the eligible student earns from the institution, until the student has earned one hundred eighty quarter or one hundred twenty semester college credits.

**NEW SECTION. Sec. 5.** (1) Subject to the availability of funds appropriated for this purpose to the higher education coordinating board, the purpose of this section is to provide supplemental scholarships to cover the full, effective, and true cost of attendance for eligible students' undergraduate higher education. However, in no instance shall the annual amount of an eligible student's scholarship under this section exceed the lower of (a) the cost of attendance at the institution of higher education attended by the student, plus the cost of

reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance, or (b) the resident undergraduate cost of attendance at the University of Washington per academic year for a full-time student, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance. The amount provided for reasonable additional expenses under this section shall not exceed one thousand dollars for every forty-five quarter or thirty semester credits, or the equivalent.

(2) The institution of higher education at which an eligible student is enrolled shall award the student all available need-based and merit-based financial aid that the student qualifies for, not including loans. An eligible student may choose to include work-study funds in the financial aid package provided by the institution of higher education.

(3) Subject to the limitation set forth in subsection (1) of this section, the institution of higher education at which an eligible student is enrolled shall provide each eligible student with a supplemental scholarship equal to the difference between the student's financial need and the amount of financial aid awarded to the student under subsection (2) of this section.

(4) Each institution of higher education providing supplemental scholarships under this section shall submit, at least annually, a request for reimbursement to the higher education coordinating board for the amount of the supplemental scholarships provided to eligible students. The higher education coordinating board shall timely reimburse the individual institutions of higher education for the amount of the supplemental scholarships from funds appropriated to the board for this purpose.

(5) A student receiving a scholarship under this section shall meet the satisfactory academic progress requirements of the student's school of attendance as monitored by the school's financial aid office.

(6) An eligible student is eligible to receive a scholarship under this section for a maximum of five years after the student first enrolls with an institution of higher education or until the student turns age twenty-six, whichever occurs first. If a student turns age twenty-six during an academic year, and would otherwise be eligible for a scholarship under this section, the student shall continue to be eligible for a scholarship for the remainder of the academic year.

(7) The higher education coordinating board shall perform an annual analysis to ensure that those institutions of higher education at which students have received a scholarship under this section during the previous academic year are in compliance with this section, including the requirement that other available sources of financial aid be used before the use of scholarship funds under this section.

(8) To allow institutions of higher education to readily identify students who may be eligible for a scholarship under this section, all institutions of higher education shall include on their applications for undergraduate or relevant admission or on their registration materials a question asking whether the applicant has been in foster care in Washington state since his or her fourteenth birthday. An institution shall not consider whether an applicant may be eligible for a scholarship under this section when deciding whether the applicant will be granted admission to the institution.

(9) The higher education coordinating board may adopt rules to implement this chapter.

**NEW SECTION. Sec. 6.** (1) The state board for community and technical colleges, with input from the higher education coordinating board and institutions of higher education, shall develop and maintain an internet web site and outreach program to serve as a comprehensive portal for foster care youth in Washington state to obtain information regarding higher education including, but not necessarily limited to:

(a) Academic, social, family, financial, and logistical information important to successful postsecondary educational success;

(b) How and when to obtain and complete college applications;

(c) What college placement tests, if any, are generally required for admission to college and when and how to register for such tests;

(d) How and when to obtain and complete a federal free application for federal student aid (FAFSA); and

(e) Detailed sources of financial aid likely available to eligible former foster care youth, including the financial aid provided by this chapter.

(2) The state board for community and technical colleges shall determine whether to design, build, and operate such program and web site directly or to use, support, and modify existing web sites created by government or nongovernmental entities for a similar purpose.

**NEW SECTION. Sec. 7.** (1) The department of social and health services, with input from the state board for community and technical colleges, the higher education coordinating board, and institutions of higher education, shall contract with at least one nongovernmental entity through a request for proposals process to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care in Washington state.

(2) The nongovernmental entity or entities chosen by the department shall have demonstrated success in working with foster care youth and assisting foster care youth in successfully making the transition from foster care to independent adulthood.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care youth in Washington state beginning at age fourteen and then at least every six months thereafter. The supplemental transition planning shall include:

(a) Comprehensive information regarding postsecondary educational opportunities including, but not limited to, sources of financial aid, institutional characteristics and record of support for former foster care youth, transportation, housing, and other logistical considerations;

(b) How and when to apply to postsecondary educational programs;

(c) What precollege tests, if any, the particular foster care youth should take based on his or her postsecondary plans and when to take the tests;

(d) What courses to take to prepare the particular foster care youth to succeed at his or her postsecondary plans;

(e) Social, community, educational, logistical, and other issues that frequently impact college students and their success rates; and

(f) Which web sites, nongovernmental entities, public agencies, and other foster care youth support providers specialize in which services.

(4) The selected nongovernmental entity or entities shall work directly with the school counselors at the foster care youths' high schools to ensure that a consistent and complete transition plan has been prepared for each foster care youth

who emancipates out of the foster care system in Washington state.

**NEW SECTION. Sec. 8.** (1) The state board for community and technical colleges shall monitor and analyze the academic progress of community and technical college students who receive scholarships under this chapter and the higher education coordinating board shall monitor and analyze the academic progress of students enrolled at four-year institutions of higher education who receive scholarships under this chapter.

(2) The higher education coordinating board and the state board for community and technical colleges shall consult with each other and shall submit a report regarding the number of students who have received scholarships under this chapter and the academic progress of those students to the higher education committees of the senate and the house of representatives by January 15, 2010.

**NEW SECTION. Sec. 9.** Nothing in this chapter may be construed to:

(1) Guarantee acceptance by, or entrance into, any institution of higher education; or

(2) Limit the participation of youth, in or formerly in, foster care in Washington state in any other program of financial assistance for postsecondary education.

**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 28B RCW.

**NEW SECTION. Sec. 11.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Representatives Dunshee and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Dunshee, Anderson, Clibborn and Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1131.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1131 and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Alexander, Chandler, Crouse, DeBolt, Dunn, Ericksen, Kretz, Kristiansen, Newhouse, Orcutt, Roach, Ross, Schindler, Sump and Warnick - 16.

Excused: Representative Morris - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Hankins shared with the Chamber that the Legislative Building was celebrating its 80<sup>th</sup> anniversary this year.

**HOUSE BILL NO. 1192, by Representatives Kessler, B. Sullivan, Miloscia, Kagi and Wood**

**Authorizing the governor to appoint the director of parks and recreation.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1192 was substituted for House Bill No. 1192 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1192 was read the second time.

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

Representative Kessler spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1192.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1192 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer,

B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Hunt, Kretz, Kristiansen, Lantz, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 33.

Excused: Representative Morris - 1.

SUBSTITUTE HOUSE BILL NO. 1192, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1047, by Representatives Williams and Blake**

**Modifying provisions affecting alcohol content in food products and confections.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1047 was substituted for House Bill No. 1047 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1047 was read the second time.

Representative Williams moved the adoption of amendment (049):

On page 4, line 30, after "contain" strike "~~((one))~~ ten" and insert "one"

Representatives Williams and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Williams and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1047.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1047 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Morris - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1230, by Representatives Hurst, Roach, P. Sullivan and Simpson**

**Designating state route number 164 as a highway of statewide significance.**

The bill was read the second time.

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

Representatives Hurst and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1230.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1230 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Morris - 1.

HOUSE BILL NO. 1230, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1242, by Representatives Morrell, Hinkle, Cody, Takko, Curtis, Blake, Campbell, Green, Alexander, Moeller, Wallace, Roberts, Conway, Kenney, Ormsby, Darneille, Simpson, McDonald and Schual-Berke**

**Creating a voluntary adult family home certification program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1242 was substituted for House Bill No. 1242 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1242 was read the second time.

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

Representatives Morrell and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1242.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1242 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Chandler - 1.

Excused: Representative Morris - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1242, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1114, by Representatives Rodne, Lantz, Moeller and B. Sullivan; by request of Attorney General**

**Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1114 was substituted for House Bill No. 1114 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1114 was read the second time.

Representative Rodne moved the adoption of amendment (052):

On page 1, line 6, strike "or" and insert ", "

On page 1, line 7, after "law" insert ", or who are not a financial institution"

On page 1, line 14, after "law" insert "or who are not a financial institution"

On page 2, line 24, after "(3)" insert "'Financial institution' means a bank holding company registered under federal law, or a bank, trust company, mutual savings bank, savings bank, savings and loan association or credit union organized under state or federal law, or any affiliate, subsidiary, officer or employee of a financial institution.

(4)" On page 3, after line 3, insert "(4) This chapter does not apply to any financial institution."

Representatives Rodne and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Rodne and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1114.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1114 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Morris - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1259, by Representatives B. Sullivan, Kretz, Blake and Moeller; by request of Parks and Recreation Commission

**Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1259 was substituted for House Bill No. 1259 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1259 was read the second time.

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

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1259.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1259 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Morris - 1.

SUBSTITUTE HOUSE BILL NO. 1259, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1312, by Representatives Hudgins and Hankins; by request of Utilities & Transportation Commission

**Modifying provisions concerning transportation providers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1312 was substituted for House Bill No. 1312 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1312 was read the second time.

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

Representative Hudgins spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1312.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1312 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Morris - 1.

SUBSTITUTE HOUSE BILL NO. 1312, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1331, by Representatives Haigh, Kretz, Wallace, Walsh, Cody, Strow, Hinkle, Pettigrew, Priest and Dunn**

**Changing veterinary technician credentialing to licensure.**

The bill was read the second time.

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

Representatives Haigh and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1331.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1331 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Morris - 1.

HOUSE BILL NO. 1331, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1343, by Representatives Takko and Armstrong; by request of Washington State Patrol**

**Adding a physical examination requirement for certificate of ownership applications.**

The bill was read the second time.

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

Representatives Takko and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1343.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1343 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Morris - 1.

HOUSE BILL NO. 1343, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1347, by Representatives Schual-Berke, Kagi, Morrell, Haigh, Green, Kessler, Cody, Appleton, Ormsby, Hunter, Kenney, O'Brien, Springer, Santos and Campbell**

**Requiring emergency response plans for long-term care facilities.**

The bill was read the second time.

With the consent of the House, amendment (038) is withdrawn.

Representative Schual-Berke moved the adoption of amendment (044):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.20 RCW to read as follows:

(1) The department shall require emergency response plans for all boarding homes licensed under this chapter. The emergency response plans shall include detailed written plans and procedures to address potential emergencies and disasters such as fires, earthquakes, floods, and wind storms. The plans must provide for an alternative power source that provides the facility with a minimum of seventy-two hours of emergency power, unless additional hours are required by state or federal regulations. The alternative power source must provide enough power for any emergency life support systems and medical equipment, lighting for emergency evacuations and in dining and recreation areas, and heating equipment to provide heating for resident rooms or a room or rooms to which all residents can be moved. The facility shall coordinate its emergency response plan with a local organization for emergency management established in accordance with the state comprehensive emergency management plan, as provided in RCW 38.52.070.

(2) Boarding homes under this section shall train all employees in emergency procedures when they begin working at the facility, periodically review emergency procedures with existing staff, and carry out quarterly drills using those procedures including fully evacuating the facility once each calendar year.

(3) The department may adopt fire emergency evacuation drill standards that consider the fire and life safety construction features of the building.

(4) The department shall review emergency response plans as part of the facility inspection, to determine compliance with this section.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.51 RCW to read as follows:

(1) The department shall require emergency response plans for all nursing homes licensed under this chapter. The emergency response plans shall include detailed written plans and procedures to address potential emergencies and disasters such as fires, earthquakes, floods, and wind storms. The plans must provide for an alternative power source that provides the facility with a minimum of ninety-six hours of emergency power. The alternative power source must provide enough power for any emergency life support systems and medical equipment, lighting for emergency evacuations and in dining and recreation areas, and heating equipment to provide heating for resident rooms or a room or rooms to which all residents can be moved. The facility shall coordinate its emergency response plan with a local organization for emergency management established in accordance with the state comprehensive emergency management plan, as provided in RCW 38.52.070.

(2) Nursing homes under this section shall train all employees in emergency procedures when they begin working at the facility, periodically review emergency procedures with existing staff, and carry out quarterly drills using those procedures.

(3) The department may adopt fire emergency evacuation drill standards that consider the fire and life safety construction features of the building.

(4) The department shall review emergency response plans as part of the facility inspection, to determine compliance with this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.128 RCW to read as follows:

(1) The department shall require emergency response plans for all adult family homes licensed under this chapter. The emergency response plans shall include detailed written plans and procedures to address potential emergencies and disasters such as fires, earthquakes, floods, and wind storms. The plans must provide for an approved alternative heat source. An adult family home that serves residents on life support systems must provide an alternative power source. The facility shall coordinate its emergency response plan with a local organization for emergency management established in accordance with the state comprehensive emergency management plan, as provided in RCW 38.52.070.

(2) Adult family homes under this section shall train all employees in emergency procedures when they begin working at the facility, periodically review emergency procedures with existing staff, and carry out quarterly drills using those procedures including fully evacuating the facility once each calendar year.

(3) The department may adopt fire emergency evacuation drill standards that consider the fire and life safety construction features of the building.

(4) The department is authorized to waive the requirement that an adult family home have an approved alternative heat source if the home demonstrates a financial hardship. Adult family homes receiving a waiver under this subsection shall display prominently their absence of a backup heat source to current and potential residents.

(5) The department shall review emergency response plans as part of the facility inspection, to determine compliance with this section.

**Sec. 4.** RCW 71A.12.080 and 1988 c 176 s 208 are each amended to read as follows:

(1) The secretary shall adopt rules concerning the eligibility of residents of residential habilitation centers for placement in community residential programs under this title; determination of ability of such persons or their estates to pay all or a portion of the cost of care, support, and training; the manner and method of licensing or certification and inspection and approval of such community residential programs for placement under this title; and procedures for the payment of costs of care, maintenance, and training in community residential programs. The rules shall include standards for care, maintenance, and training to be met by such community residential programs. The rules may also include standards for health, safety, and emergency response planning.

(2) The secretary shall coordinate state activities and resources relating to placement in community residential programs to help efficiently expend state and local resources and, to the extent designated funds are available, create an effective community residential program.

**NEW SECTION. Sec. 5.** The department of social and health services shall adopt rules implementing this act."

Correct the title.

Representative Schual-Berke spoke in favor of the adoption of the amendment.

Representative Curtis spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 62 - YEAS; 35 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Schual-Berke spoke in favor of passage of the bill.

Representatives Hinkle and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1347.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1347 and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Sommers, Springer, Sullivan, B., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Flannigan, Grant, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Simpson, Skinner, Strow, Sullivan, P., Sump, Walsh and Warnick - 37.

Excused: Representative Morris - 1.

ENGROSSED HOUSE BILL NO. 1347, having received the necessary constitutional majority, was declared passed.

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

### INTRODUCTION & FIRST READING

HB 2377 by Representatives Pearson, McCune, Roach, Kristiansen, Ahern, Warnick, Hailey, Orcutt, Hinkle, Ross, Haler, Curtis, Campbell, Newhouse and Bailey

AN ACT Relating to improving state supervision of felony offenders in the community; amending RCW 9.94A.737 and 9.94A.631; adding new sections to chapter 72.09 RCW; creating a new section; and prescribing penalties.

### MOTION

Representative Buri moved that the rules be suspended, and that HOUSE BILL NO. 2377 be advanced to Second Reading.

Representative Buri spoke in favor of the motion.

Representative Springer spoke against the motion.

An electronic roll call vote was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of the motion to suspend the rules and advance House Bill No. 2377 to Second Reading.

### ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and advance House Bill No. 2377 to Second Reading and the motion was not adopted by the following vote: Yeas - 39, Nays - 58, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Haigh, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Wallace, Walsh and Warnick - 39.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 58.

Excused: Representative Morris - 1.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to suspend the rules and advance HOUSE BILL NO. 2377 to Second Reading.

DEBORAH H. EDDY, 48<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to suspend the rules and advance HOUSE BILL NO. 2377 to Second Reading.

DEB WALLACE, 17<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to suspend the rules and advance HOUSE BILL NO. 2377 to Second Reading.

KATHY HAIGH, 35<sup>th</sup> District

There being no objection, HOUSE BILL NO. 2377 was referred to the Committee on Human Services.

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

There being no objection, the House adjourned until 10:00 a.m., March 7, 2007, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 7, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Blair Kauger and Alex Johnson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Leslie Edwards-Hill, Bah'ai Assembly of Olympia.

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

## RESOLUTION

HOUSE RESOLUTION NO. 2007-4626, by Representatives Dickerson, Green, Schual-Berke, Takko, Haigh, Wallace, Simpson, Van De Wege, Cody, McDermott, Quall, Chase, Eickmeyer and Conway

WHEREAS, People with all kinds of disabilities have the right to live and work in communities with equal rights as equal citizens; and

WHEREAS, Living in a home in the community of your choice, free from isolation and segregation, is one key to achieving the American dream; and

WHEREAS, Those with disabilities are no longer willing to accept a fate that separates or excludes them; and

WHEREAS, Approximately 832,000 people in Washington state have a disability requiring personal assistance services by family members, providers, and community organizations; and

WHEREAS, There are several independent living centers in Washington state working with individuals with disabilities on obtaining access to housing, employment, transportation, recreational facilities, and health and social services; and

WHEREAS, People live happier, more fulfilled lives when they are able to actively contribute to society by working, volunteering, and participating in community events; and

WHEREAS, With the assistance of over 32,000 home and personal care workers in Washington state who are working to reduce unnecessary institutionalization and promote integration into community life, independent living is no longer an unattainable dream; and

WHEREAS, Living independently gives people the option to manage their own services, increasing control over their own decisions and lives; and

WHEREAS, Independent living empowers individuals with disabilities by creating opportunities, promoting choice, advancing access, and furthering participation in community life; and

WHEREAS, Governor Gregoire has proclaimed March 7, 2007, as Independent Living Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and support

the independence and rights of all individuals with disabilities on March 7, 2007, Independent Living Day.

HOUSE RESOLUTION NO. 4626 was adopted.

## MESSAGES FROM THE SENATE

March 6, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5174,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,  
SENATE BILL NO. 5272,  
SENATE BILL NO. 5469,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5983,  
SUBSTITUTE SENATE BILL NO. 6011,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5251,  
SENATE BILL NO. 5525,  
SUBSTITUTE SENATE BILL NO. 5560,  
SUBSTITUTE SENATE BILL NO. 5674,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5920,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

## INTRODUCTION &amp; FIRST READING

HB 2378 by Representatives Flannigan, Jarrett, Clibborn, Eddy, Seaquist and Roberts

AN ACT Relating to construction of new vessels for Washington state ferries; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5042 by Senators Berkey and Shin; by request of Insurance Commissioner

AN ACT Relating to insurance; amending RCW 48.111.020, 48.12.010, 48.21.200, 48.36A.260, 48.13.120, 48.13.265, 48.13.275, 48.24.070, 48.31.045, 48.31.131, 48.31.155, and 48.43.018; reenacting and amending RCW 48.22.030; adding a new section to chapter 48.11 RCW; repealing RCW 48.12.120, 48.12.130, and 48.14.050; and prescribing penalties.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5050 by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Weinstein, Franklin, Kauffman, Rockefeller,

Oemig, Murray, Rasmussen, Keiser and Kohl-Welles)

AN ACT Relating to mileage tolling of nonconforming vehicles; and amending RCW 19.118.041.

Referred to Committee on Commerce & Labor.

SSB 5074 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Honeyford, Poulsen, Schoesler and Delvin)

AN ACT Relating to water resource inventory area 29; and amending RCW 90.82.060.

Referred to Committee on Agriculture & Natural Resources.

SSB 5097 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, McAuliffe, Swecker, Kastama, Regala, Weinstein, Eide, Oemig, Pridemore, Kohl-Welles, Keiser, Shin, Berkey, Murray, Kline and Rasmussen)

AN ACT Relating to safe schools; amending RCW 28A.320.125; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Education.

SSB 5101 by Senate Committee on Higher Education (originally sponsored by Senators Hobbs, McAuliffe, Fairley, Weinstein, Marr, Shin, Oemig, Fraser, Kline, Regala, Rasmussen, Tom, Kohl-Welles and Haugen)

AN ACT Relating to waiving tuition and fees for public and vocational school teachers and other certificated instructional staff; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

SSB 5104 by Senate Committee on Higher Education (originally sponsored by Senators McAuliffe, Tom, Rockefeller, Shin, Oemig, Berkey, Brandland, Fairley, Pflug, Delvin, Rasmussen, Kohl-Welles, Keiser, Zarelli, Prentice, Eide, Kline, Hobbs, Clements and Kilmer)

AN ACT Relating to the applied baccalaureate degree pilot program; amending RCW 28B.50.810; and creating a new section.

Referred to Committee on Higher Education.

ESSB 5112 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Schoesler, Kohl-Welles, Rasmussen, Pridemore, Clements, Sheldon, Morton, Hatfield and Honeyford)

AN ACT Relating to auctioning vessels; and amending RCW 88.02.230 and 46.70.011.

Referred to Committee on Commerce & Labor.

SSB 5137 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles and Keiser; by request of Governor Gregoire)

AN ACT Relating to revising the industry average unemployment contribution rates; amending RCW 50.29.025; and creating new sections.

Referred to Committee on Commerce & Labor.

SB 5149 by Senators Pridemore, Swecker, Fairley, Oemig and Shin

AN ACT Relating to modifying county treasurer administrative provisions; and amending RCW 35.61.210, 36.35.020, 36.35.100, 36.89.090, 84.56.070, 84.56.090, and 84.64.200.

Referred to Committee on Local Government.

SSB 5202 by Senate Committee on Judiciary (originally sponsored by Senators Delvin, Eide, Hewitt, Brandland, Pridemore, Holmquist, McCaslin, Haugen, Jacobsen, Honeyford, Rasmussen and Roach)

AN ACT Relating to permissible weaponry for on-duty law enforcement officers; and amending RCW 9.41.250.

Referred to Committee on Judiciary.

SSB 5225 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Oemig, Poulsen, Honeyford and Spanel; by request of Utilities & Transportation Commission)

AN ACT Relating to regulation of gas and hazardous liquid pipelines; amending RCW 81.88.010, 81.88.040, 81.88.050, 81.88.060, 81.88.080, 81.88.090, 81.88.100, 19.122.020, and 81.04.490; adding a new section to chapter 81.88 RCW; and repealing RCW 80.28.205, 80.28.207, 80.28.210, 80.28.212, 80.28.215, and 81.88.150.

Referred to Committee on Technology, Energy & Communications.

SSB 5236 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Parlette, Fraser and Rockefeller)

AN ACT Relating to public lands management; and adding a new section to chapter 79A.25 RCW.

Referred to Committee on Agriculture & Natural Resources.

SB 5304 by Senators Eide, Tom, Haugen, Shin and Kline

AN ACT Relating to special fuel taxes; and amending RCW 82.38.080.

Referred to Committee on Transportation.

SSB 5366 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Jacobsen; by request of Department of Licensing)

AN ACT Relating to the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 5399 by Senators Kilmer, Kastama, Kauffman, Shin, Schoesler, Berkey, Delvin, Rockefeller and Rasmussen

AN ACT Relating to supporting industry clusters as an economic development tool; amending RCW 43.330.090; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Community & Economic Development & Trade.

SB 5451 by Senators Rasmussen and McAuliffe

AN ACT Relating to the certificate of individual achievement for students with disabilities; and amending RCW 28A.155.045.

Referred to Committee on Education.

ESB 5513 by Senators Kilmer, Holmquist, Hobbs, Marr, Oemig, Hatfield, McAuliffe and Rasmussen

AN ACT Relating to establishing a state government efficiency hotline; and adding a new section to chapter 43.09 RCW.

Referred to Committee on State Government & Tribal Affairs.

SB 5620 by Senator Fairley

AN ACT Relating to the civil service commissions for sheriffs' offices; and amending RCW 41.14.050.

Referred to Committee on Local Government.

SSB 5639 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Clements, Pflug, Kohl-Welles, Jacobsen, Rasmussen, Poulsen, Regala and Kline)

AN ACT Relating to a caterer's endorsement for licensed microbreweries; amending RCW 66.24.244; reenacting and amending RCW 66.24.244 and 66.28.010; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SSB 5754 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Stevens)

AN ACT Relating to creating the children in families administration within the department of social and health

services; amending RCW 43.20A.010, 43.20A.060, 26.44.125, 26.44.220, 28A.300.800, 72.05.435, 74.13.570, and 74.13.660; adding a new section to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Early Learning & Children's Services.

SB 5775 by Senators Kauffman, Rasmussen, Zarelli, Berkey, Oemig, McAuliffe, Shin and Kohl-Welles

AN ACT Relating to special education; amending RCW 28A.155.010, 28A.155.020, 28A.155.030, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.065, 28A.155.070, 28A.155.070, 28A.155.080, 28A.155.090, 28A.155.100, 28A.155.115, 28A.155.140, and 28A.155.160; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1032, by Representatives Morris, Hudgins, Anderson, Wallace, Moeller, B. Sullivan and Chase**

**Creating a sustainable energy trust.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1032 was substituted for House Bill No. 1032 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1032 was read the second time.

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

Representatives Hudgins and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1032.

## MOTION

On motion of Representative Santos, Representatives Clibborn, Conway, Kagi, Morris, Quall, Simpson, and Sommers were excused.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1032 and the bill passed the House by the following vote: Yeas - 88, Nays - 3, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Cody, Condotta, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Chandler, Hinkle and Orcutt - 3.

Excused: Representatives Clibborn, Conway, Kagi, Morris, Quall, Simpson and Sommers - 7.

SUBSTITUTE HOUSE BILL NO. 1032, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1397, by Representatives Campbell, Kenney, Curtis, Cody and Upthegrove**

**Revising the definition of massage therapy to include manipulation or pressure inside the mouth or oral cavity.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1397 was substituted for House Bill No. 1397 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1397 was read the second time.

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

Representatives Campbell and Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1397.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1397 and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Cody, Condotta, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells,

Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representative Anderson - 1.

Excused: Representatives Clibborn, Conway, Morris, Quall, Simpson and Sommers - 6.

SUBSTITUTE HOUSE BILL NO. 1397, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1436, by Representatives McIntire, Chase, Dunshee, Sells, Wallace, Jarrett, Anderson, Kenney, Ormsby, Roberts, Haigh, Ericks and O'Brien; by request of Washington State Higher Education Facilities Authority**

**Providing the Washington higher education facilities authority the ability to originate and purchase educational loans and to issue student loan revenue bonds.**

The bill was read the second time.

Representative McIntire moved the adoption of amendment (050):

On page 11, after line 4, strike all of section 18.

Correct the title

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives McIntire and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1436.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1436 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De

Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Clibborn, Morris, Quall and Sommers - 4.

ENGROSSED HOUSE BILL NO. 1436, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1449, by Representatives Condotta, Armstrong, Curtis, Orcutt and Dunn**

**Regarding nondisclosure of certain information of gambling commission licensees.**

The bill was read the second time.

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

Representatives Condotta and Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1449.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1449 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

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

Voting nay: Representative Anderson - 1.

Excused: Representatives Clibborn, Morris, Quall and Sommers - 4.

HOUSE BILL NO. 1449, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1543, by Representatives Buri, Grant, Dunshee, Ahern, Hailey, Pettigrew, Kretz, Bailey, Linville and Moeller**

**Authorizing the use of local retail taxes to finance economic development officers.**

The bill was read the second time.

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

Representatives Buri and Grant spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1543.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1543 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Curtis, Ericksen, Hinkle and Orcutt - 4.

Excused: Representatives Clibborn, Morris and Sommers - 3.

HOUSE BILL NO. 1543, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1561, by Representatives Jarrett, Clibborn, Goodman, Springer, Eddy, Rodne and P. Sullivan**

**Granting authority of a watershed management partnership to exercise powers of its forming governments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1561 was substituted for House Bill No. 1561 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1561 was read the second time.

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

Representatives Jarrett, Lantz and Goodman spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1561.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1561 and the bill passed the House by the following vote: Yeas - 75, Nays - 21, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Condotta, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Kessler, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Sump and Warnick - 21.

Excused: Representatives Morris and Sommers - 2.

SUBSTITUTE HOUSE BILL NO. 1561, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1561.

BILL HINKLE, 13<sup>th</sup> District

#### SECOND READING

**HOUSE BILL NO. 1674, by Representatives Hunter, Conway, Dunn, Ormsby and Wood; by request of Department of Revenue**

**Authorizing the governor to enter into a cigarette tax contract with the Spokane Tribe.**

The bill was read the second time.

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

Representatives Hunter and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1674.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1674 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Morris and Sommers - 2.

HOUSE BILL NO. 1674, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1722, by Representatives Conway, Curtis, Moeller, Darneille, Wood and Simpson**

**Clarifying the authority of physician assistants to execute certain certificates and other forms for labor and industries.**

The bill was read the second time.

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

Representatives Conway and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1722.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1722 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Morris and Sommers - 2.

HOUSE BILL NO. 1722, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1777, by Representatives Rodne, Lantz, Darneille, Kirby, Ahern, Ross, Flannigan, Moeller, Kenney and Morrell; by request of Secretary of State**

**Regulating charitable organizations that solicit contributions from the public.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1777 was substituted for House Bill No. 1777 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1777 was read the second time.

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

Representatives Rodne and Lantz spoke in favor of passage of the bill.

Representative Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1777.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1777 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Morris - 1.

SUBSTITUTE HOUSE BILL NO. 1777, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1848, by Representatives Curtis, Cody, Hinkle, Condotta, Orcutt, Fromhold, Moeller and Campbell**

**Requiring identification from health services applicants.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1848 was substituted for House Bill No. 1848 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1848 was read the second time.

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

Representatives Curtis and Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1848.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1848 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Morris - 1.

SUBSTITUTE HOUSE BILL NO. 1848, having received the necessary constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

March 7, 2007

Mr. Speaker:

The President has signed SECOND SUBSTITUTE SENATE BILL NO. 5093, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2007

Mr. Speaker:

The President has signed HOUSE BILL NO. 1025, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SIGNED BY THE SPEAKER

The Speaker signed:

SECOND SUBSTITUTE SENATE BILL NO. 5093,

#### SECOND READING

**HOUSE BILL NO. 1755, by Representatives Hurst, O'Brien, Eddy, Kessler, Lovick, Rolfes, Williams, Dunshee, Kenney, Green, Hunter, Quall, Van De Wege, Simpson, Hasegawa and Ormsby**

**Modifying consumer credit report provisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1755 was substituted for House Bill No. 1755 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1755 was read the second time.

Representative Kelley moved the adoption of amendment (043):

On page 6, line 29, after "RCW" insert "and any person exempted from licensing under chapter 19.146 RCW by RCW 19.146.020"

Representatives Kelley and Roach spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Buri moved the adoption of amendment (045):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.182.170 and 2005 c 342 s 1 are each amended to read as follows:

(1) A ~~((victim of identity theft who has submitted a valid police report to a consumer reporting agency))~~ consumer, who is a resident of this state, may elect to place a security freeze on his or her credit report by making a request in writing by certified mail to a consumer reporting agency. "Security freeze" means a ~~((notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer))~~ prohibition, consistent with this section, on a consumer reporting agency's ~~furnishing of a consumer's credit report to a third party intending to use the credit report to determine the consumer's eligibility for credit.~~ If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the consumer. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

(2) For purposes of this section and RCW 19.182.180 through 19.182.210~~(, -a)~~:

(a) "Victim of identity theft" means~~(:~~

~~(a) A victim of identity theft as defined in RCW 9.35.020; or~~  
~~(b) A person who has been notified by an agency, person, or business that owns or licenses computerized data of a breach in a computerized data system which has resulted in the acquisition of that person's unencrypted personal information by an unauthorized person or entity))~~ a person who has a police report evidencing their claim to be a victim of a violation of RCW 9.35.020 and which report will be produced to a credit reporting agency, upon such credit reporting agency's request.

(b) "Credit report" means a consumer report, as defined in 15 U.S.C. Sec. 1681a, that is used or collected to serve as a factor in establishing a consumer's eligibility for credit for personal, family, or household purposes.

(c) "Normal business hours" means Sunday through Saturday, between the hours of 6:00 a.m. and 9:30 p.m. Pacific Standard Time.

(3) A consumer reporting agency shall place a security freeze on a consumer's credit report no later than five business days after receiving a written request from the consumer and payment of the fee required by the consumer credit reporting agency under subsection (13) of this section.

(4) The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within ten business days and shall provide the consumer with a unique personal

identification number or password to be used by the consumer when providing authorization for the release of his or her credit report for a specific party or period of time.

(5) If the consumer wishes to allow his or her credit report to be accessed for a specific ~~((party or))~~ period of time while a freeze is in place, he or she shall contact the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

(a) Proper identification, which means that information generally deemed sufficient to identify a person. Only if the consumer is unable to sufficiently identify himself or herself, may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity;

(b) The unique personal identification number or password provided by the credit reporting agency under subsection (4) of this section; ~~((and))~~

(c) The proper information regarding ~~((the third party who is to receive the credit report or))~~ the time period for which the report is available to users of the credit report; and

(d) Payment of the fee required by the consumer credit reporting agency under subsection (13) of this section.

(6) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section~~(;)~~ shall comply with the request ~~((no later than))~~ within:

(a) Three business days ((after)) of receiving the request by mail; or

(b) Fifteen minutes of receiving the request from the consumer through the electronic contact method chosen by the consumer reporting agency in accordance with subsection (8) of this section, if the request:

(i) Is received during normal business hours; and

(ii) Includes the consumer's proper identification and correct personal identification number or password.

(7) A consumer reporting agency is not required to remove a security freeze within the time provided in subsection (6)(b) of this section if:

(a) The consumer fails to meet the requirements of subsection (5) of this section; or

(b) The consumer reporting agency's ability to remove the security freeze within fifteen minutes is prevented by:

(i) An act of God, including fire, earthquakes, hurricanes, storms, or similar natural disasters or phenomena;

(ii) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes, or disputes disrupting operations, or similar occurrences;

(iii) An interruption in operations, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruptions;

(iv) Governmental action, including emergency orders or regulations, judicial or law enforcement action, or similar directives;

(v) Regularly scheduled maintenance of, or updates to, the consumer reporting agency's systems outside of normal business hours;

(vi) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; or

(vii) Receipt of a removal request outside of normal business hours.

(8) A consumer reporting agency may develop procedures involving the use of telephone, fax, the internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section in an expedited manner.

~~((8))~~ (9) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

(a) Upon consumer request, under subsection (5) or ~~((11))~~ (12) of this section; or

(b) When the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. When a consumer reporting agency intends to remove a freeze upon a

consumer's credit report under this subsection, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

~~((9))~~ (10) When a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that ~~((specific party or))~~ period of time, the third party may treat the application as incomplete.

~~((10))~~ (11) When a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a specific ~~((party or))~~ period of time while the freeze is in place.

~~((11))~~ (12) A security freeze remains in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides ~~((both))~~ all of the following:

(a) Proper identification, as defined in subsection (5)(a) of this section; ~~((and))~~

(b) The unique personal identification number or password provided by the consumer reporting agency under subsection (4) of this section; and

(c) Payment of the fee required by the consumer credit reporting agency under subsection (13) of this section.

~~((12))~~ (13)(a) Except as provided in (b) of this subsection, a consumer credit reporting agency may charge a fee of no more than ten dollars to a consumer for placement of each freeze, temporary lift of the freeze, or removal of the freeze.

(b) A consumer credit reporting agency may not charge a fee to place a security freeze for a victim of identity theft or for a consumer, who is sixty-five years old or older.

(14) This section does not apply to the use of a consumer credit report by any of the following:

(a) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

~~(b) ((A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (5) of this section for purposes of facilitating the extension of credit or other permissible use;~~

~~((c))~~ Any federal, state, or local entity, including a law enforcement agency, court, or their agents or assigns;

~~((d) A private collection agency))~~ (c) Any person acting under a court order, warrant, or subpoena;

~~((e))~~ (d) A child support agency acting under Title IV-D of the social security act (42 U.S.C. et seq.);

~~((f))~~ (e) The department of social and health services acting to fulfill any of its statutory responsibilities;

~~((g))~~ (f) The internal revenue service acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

~~((h))~~ (g) The use of credit information for the purposes of prescreening as provided for by the federal fair credit reporting act;

~~((i))~~ (h) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed; ~~((and~~

~~((j))~~ (i) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request; and

(j) A mortgage broker or loan originator required to be licensed under chapter 19.146 RCW.

(15) Liability may not result to the consumer credit reporting agency if through inadvertence or mistake the consumer credit reporting agency releases credit report information to a person or entity purporting to be a mortgage broker or loan originator under subsection (14) of this section that is, in fact, not a mortgage broker or loan originator.

(16) The consumer's request for a security freeze does not prohibit the consumer reporting agency from disclosing the consumer's credit report for other than credit-related purposes.

(17) A violation of subsection (6) of this section does not provide a cause of action under RCW 19.86.090. A violation of subsection (6) of this section is subject to all other remedies and penalties available under this chapter.

NEW SECTION. Sec. 2. This act takes effect July 1, 2009."

Correct the title.

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

Representative Kirby spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Hurst and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1755.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1755 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1755, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1008, by Representatives Moeller, Lovick, Kagi, Cody, Appleton, Conway, Morrell, Kenney, Simpson, B. Sullivan, Goodman and Lantz**

**Protecting vulnerable adults.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1008 was substituted for House Bill No. 1008 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1008 was read the second time.

Representative Moeller moved the adoption of amendment (046):

On page 6, line 9, strike "September" and insert "October"

On page 6, line 36, strike "September 1" and insert "December 31"

Representatives Moeller and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Moeller moved the adoption of amendment (047):

On page 11, beginning on line 21, after "deceased," strike all material through "4.20 RCW" on line 22 and insert "for recovery of all damages for the benefit of the ((~~surviving spouse, child or children, or other heirs~~) deceased person's beneficiaries set forth in chapter 4.20 RCW or if there are no beneficiaries, then for recovery of all economic losses sustained by the deceased person's estate."

Representatives Moeller and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Moeller, Rodne and Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1008.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1008 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa,

Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1836, by Representatives Ericks, Pearson, Lovick, Williams, Kelley, Kretz, Hurst and Simpson**

**Requiring registered sex and kidnapping offenders to register after serving a term of confinement for a subsequent offense that is not a sex or kidnapping offense.**

The bill was read the second time.

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

Representatives Ericks and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1836.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1836 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

HOUSE BILL NO. 1836, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1865, by Representatives Williams, O'Brien, Springer, Fromhold, Warnick and McCune**

**Limiting the obligations of landlords under writs of restitution.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1865 was substituted for House Bill No. 1865 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1865 was read the second time.

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

Representatives Williams and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1865.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1865 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

SUBSTITUTE HOUSE BILL NO. 1865, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1925, by Representatives Curtis, Fromhold, Orcutt, Moeller, Wallace, Dunn and Hinkle**

**Removing a termination date affecting industrial land banks.**

The bill was read the second time.

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

Representatives Curtis and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1925.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1925 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

HOUSE BILL NO. 1925, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1949, by Representatives Williams, Conway, B. Sullivan, Strow, Sells, Appleton, Kessler, Hinkle, McCoy, Walsh, Chandler, Pearson, Condotta, Kenney, Hasegawa, Moeller and Ormsby**

**Providing industrial insurance coverage for workers involved in harvesting geoduck clams.**

The bill was read the second time.

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

Representatives Williams and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1949.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1949 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt,

Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

HOUSE BILL NO. 1949, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1987, by Representatives Warnick, Armstrong, Haler, Hailey, Sump, McCune, Van De Wege, Skinner, Kristiansen and Rodne**

**Exempting property owners from injury caused to another person as a result of metal theft.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1987 was substituted for House Bill No. 1987 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1987 was read the second time.

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

Representatives Warnick, Lantz and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1987.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1987 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

SUBSTITUTE HOUSE BILL NO. 1987, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Buri congratulated Representative Warnick on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 2003, by Representatives Alexander, Hunt, Morrell and Ormsby**

**Implementing a pilot program for the business enterprises program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2003 was substituted for House Bill No. 2003 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2003 was read the second time.

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

Representatives Alexander and Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2003.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2003 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

SUBSTITUTE HOUSE BILL NO. 2003, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2104, by Representatives Curtis, Simpson, Ross and Eddy; by request of Secretary of State**

**Creating the uniform real property electronic recording act.**

The bill was read the second time.

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

Representatives Curtis and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2104.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2104 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

HOUSE BILL NO. 2104, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2170, by Representatives Ross, O'Brien, Pearson, Newhouse, Curtis, Rodne, McCune, Kelley, Eddy, Goodman, Van De Wege, Hurst, Simpson and Moeller**

**Protecting employees, contract staff, and volunteers of a law enforcement agency.**

The bill was read the second time.

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

Representatives Ross and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2170.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2170 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

HOUSE BILL NO. 2170, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2204, by Representatives Morrell, Cody and Hasegawa**

**Modifying the nursing home certificate of bed need ratio.**

The bill was read the second time.

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

Representatives Morrell and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2204.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2204 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

HOUSE BILL NO. 2204, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1456, by Representatives Green, Hinkle, Appleton, Cody, Moeller, Strow, Crouse, Curtis, Seaquist, Jarrett, Hasegawa, Walsh, P. Sullivan, Buri,**

**Simpson, O'Brien, Lantz, Hunt, McDonald, Sells, Schual-Berke, Linville, Kessler, Hankins, Haler, Skinner, Campbell, Morrell, Darneille, Armstrong, Dunshee, Fromhold, Kagi, Williams, Conway, Barlow, Grant, Priest, Dunn, Hunter, Hurst, Ericks, Pearson, Anderson, Clibborn, Pettigrew, Flannigan, Lovick, Dickerson, Kenney, Ormsby, Haigh, Wood, Rolfes, Santos and McDermott**

**Providing backup for mental health professionals doing home visits.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1456 was substituted for House Bill No. 1456 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1456 was read the second time.

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

Representatives Green and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1456.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1456 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kretz - 1.

SUBSTITUTE HOUSE BILL NO. 1456, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1592, by Representative Hurst; by request of Indeterminate Sentence Review Board**

**Revising provisions relating to the indeterminate sentence review board.**

The bill was read the second time.

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

Representatives Hurst and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1592.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1592 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 1592, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1988, by Representatives Morrell, DeBolt, Lovick, Conway, Green, Hudgins and Kenney**

**Changing provisions affecting security guards.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1988 was substituted for House Bill No. 1988 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1988 was read the second time.

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

Representatives Morrell and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1988.

**MOTION**

On motion of Representative Santos, Representative Kagi was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1988 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kagi - 1.

SUBSTITUTE HOUSE BILL NO. 1988, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2034, by Representatives Jarrett, Clibborn, Roberts and Hurst**

**Providing a civil cause of action for victims of motor vehicle theft.**

The bill was read the second time.

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

Representatives Jarrett and Goodman spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2034.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2034 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kagi - 1.

HOUSE BILL NO. 2034, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2171, by Representatives Eddy, Conway, Campbell, Hankins, Sells, Ormsby, Moeller, Ericks, Roberts, Darneille, Hunt, Blake, Kessler, Rolfes, Flannigan, O'Brien, Hurst, Buri, Williams, Grant, Chandler, Hasegawa, Simpson, Santos, Barlow, Morrell, Fromhold, Priest, Lantz, Strow, B. Sullivan, Cody, Hinkle, Eickmeyer, Haigh, Anderson, Appleton, Kenney, Chase, McCoy, Walsh, Haler, Kelley, Springer, Newhouse, Dunshee, Linville, McIntire, Lovick, Sump, Kirby, Schual-Berke, Kagi, Quall, Ahern, Pettigrew, Van De Wege, Condotta, Green, Seaquist, Dickerson, P. Sullivan and Sommers**

**Regarding crane safety.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2171 was substituted for House Bill No. 2171 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2171 was read the second time.

Representative Eddy moved the adoption of amendment (064):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to promote the safe condition and operation of cranes used in construction work by establishing certification requirements for construction cranes and qualifications for construction crane operators. The legislature intends that standards for safety of construction cranes and for certification of personnel operating cranes in construction work be established.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

The definitions in this section apply throughout sections 2 through 5 of this act unless the context clearly requires otherwise.

(1) "Apprentice operator or trainee" means a crane operator who has not met requirements established by the department under section 5 of this act.

(2) "Attachments" includes, but is not limited to, crane-attached or suspended hooks, magnets, grapples, clamshell buckets, orange peel buckets, concrete buckets, drag lines, personnel platforms, augers, or drills and pile-driving equipment.

(3) "Certified crane inspector" means a crane inspector who has been certified by the department.

(4) "Construction" means all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling of buildings and other structures and all related operations; the excavation, construction, alteration, and repair of sewers, trenches, caissons, conduits, pipelines, roads, and all related operations; the moving of buildings and other structures, and the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments, or any other related construction, alteration, repair, or removal work. "Construction" does not include manufacturing facilities or powerhouses.

(5) "Crane" means power-operated equipment used in construction that can hoist, lower, and horizontally move a suspended load. "Crane" includes, but is not limited to: Articulating cranes, such as knuckle-boom cranes; crawler cranes; floating cranes; cranes

on barges; locomotive cranes; mobile cranes, such as wheel-mounted, rough-terrain, all-terrain, commercial truck mounted, and boom truck cranes; multipurpose machines when configured to hoist and lower by means of a winch or hook and horizontally move a suspended load; industrial cranes, such as carry-deck cranes; dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes, such as fixed jib, hammerhead boom, luffing boom, and self-erecting; pedestal cranes; portal cranes; overhead and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment.

(6) "Crane operator" means an individual engaged in the operation of a crane.

(7) "Professional engineer" means a professional engineer as defined in RCW 18.43.020.

(8) "Qualified crane operator" means a crane operator who meets the requirements established by the department under section 5 of this act.

(9) "Safety or health standard" means a standard adopted under this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.17 RCW to read as follows:

(1) Sections 2 through 5 of this act apply to cranes used with or without attachments.

(2) Sections 2 through 5 of this act do not apply to:

(a) A crane while it has been converted or adapted for a nonhoisting or nonlifting use including, but not limited to, power shovels, excavators, and concrete pumps;

(b) Power shovels, excavators, wheel loaders, backhoes, loader backhoes, and track loaders when used with or without chains, slings, or other rigging to lift suspended loads;

(c) Automotive wreckers and tow trucks when used to clear wrecks and haul vehicles;

(d) Service trucks with mobile lifting devices designed specifically for use in the power line and electric service industries, such as digger derricks (radial boom derricks), when used in the power line and electric service industries for auguring holes to set power and utility poles, or handling associated materials to be installed or removed from utility poles;

(e) Equipment originally designed as vehicle-mounted aerial devices (for lifting personnel) and self-propelled elevating work platforms;

(f) Hydraulic jacking systems, including telescopic/hydraulic gantries;

(g) Stacker cranes;

(h) Powered industrial trucks (forklifts);

(i) Mechanic's truck with a hoisting device when used in activities related to equipment maintenance and repair;

(j) Equipment that hoists by using a come-along or chainfall;

(k) Dedicated drilling rigs;

(l) Gin poles used for the erection of communication towers;

(m) Tree trimming and tree removal work;

(n) Anchor handling with a vessel or barge using an affixed A-frame;

(o) Roustabouts;

(p) Cranes used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work; and

(q) Crane operators operating cranes on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work.

**NEW SECTION. Sec. 4.** A new section is added to chapter 49.17 RCW to read as follows:

(1) The department shall establish, by rule, a crane certification program for cranes used in construction. In establishing rules, the department shall consult nationally recognized crane standards.

(2) The crane certification program must include, at a minimum, the following:

(a) The department shall establish certification requirements for crane inspectors, including an experience requirement, an education requirement, a training requirement, and other necessary requirements determined by the director;

(b) The department shall establish a process for certified crane inspectors to issue temporary certificates of operation for a crane and the department to issue a final certificate of operation for a crane after a certified crane inspector determines that the crane meets safety or health standards, including meeting or exceeding national periodic inspection requirements recognized by the department;

(c) Crane owners must ensure that cranes are inspected and load proof tested by a certified crane inspector at least annually and after any significant modification or significant repairs of structural parts. If the use of weights for a unit proof load test is not possible or reasonable, other recording test equipment may be used. In adopting rules implementing this requirement, the department may consider similar standards and practices used by the federal government;

(d) Tower cranes and tower crane assembly parts must be inspected by a certified crane inspector both prior to assembly and following erection of a tower crane;

(e) Before installation of a nonstandard tower crane base, the engineering design of the nonstandard base shall be reviewed and acknowledged as acceptable by an independent professional engineer;

(f) A certified crane inspector must notify the department and the crane owner if, after inspection, the certified crane inspector finds that the crane does not meet safety or health standards. A certified crane inspector shall not attest that a crane meets safety or health standards until any deficiencies are corrected and the correction is verified by the certified crane inspector; and

(g) Inspection reports including all information and documentation obtained from a crane inspection shall be made available or provided to the department by a certified crane inspector upon request.

(3) Except as provided in section 3(2) of this act, any crane operated in the state must have a valid temporary or final certificate of operation issued by the certified crane inspector or department posted in the operator's cab or station.

(4) Certificates of operation issued by the department under the crane certification program established in this section are valid for one year from the effective date of the temporary operating certificate issued by the certified crane inspector.

(5) This section does not apply to maritime cranes regulated by the department.

**NEW SECTION. Sec. 5.** A new section is added to chapter 49.17 RCW to read as follows:

(1) Except for training purposes as provided in subsection (3) of this section, an employer or contractor shall not permit a crane operator to operate a crane unless the crane operator is a qualified crane operator.

(2) The department shall establish, by rule, requirements that must be met to be considered a qualified crane operator. In establishing rules, the department shall consult nationally recognized crane standards for crane operator certification. The rules must include, at a minimum, the following:

(a) The crane operator must have a valid crane operator certificate, for the type of crane to be operated, issued by a crane operator testing organization accredited by a nationally recognized accrediting agency which administers written and practical examinations, has procedures for recertification that enable the crane operator to recertify at least every five years, and is recognized by the department;

(b) The crane operator must have up to two thousand hours of documented crane operator experience, which meets experience levels established by the department for crane types and capacities by rule; and

(c) The crane operator must pass a substance abuse test conducted by a recognized laboratory service.

(3) An apprentice operator or trainee may operate a crane when:

(a) The apprentice operator or trainee has been provided with training prior to operating the crane that enables the apprentice operator or trainee to operate the crane safely;

(b) The apprentice operator or trainee performs operating tasks that are within his or her ability, as determined by the supervising qualified crane operator; and

(c) The apprentice operator or trainee is under the direct and continuous supervision of a qualified crane operator who meets the following requirements:

(i) The qualified crane operator is an employee or agent of the employer of the apprentice operator or trainee;

(ii) The qualified crane operator is familiar with the proper use of the crane's controls;

(iii) While supervising the apprentice operator or trainee, the qualified crane operator performs no tasks that detract from the qualified crane operator's ability to supervise the apprentice operator or trainee;

(iv) For equipment other than tower cranes, the qualified crane operator and the apprentice operator or trainee must be in direct line of sight of each other and shall communicate verbally or by hand signals; and

(v) For tower cranes, the qualified crane operator and the apprentice operator or trainee must be in direct communication with each other.

(4) The department may recognize crane operator certification from another state or territory of the United States as equivalent to qualified crane operator requirements if the department determines that the other jurisdiction's credentialing standards are substantially similar to the qualified crane operator requirements.

**NEW SECTION. Sec. 6.** A new section is added to chapter 49.17 RCW to read as follows:

The department of labor and industries shall adopt rules necessary to implement sections 2 through 5 of this act.

**NEW SECTION. Sec. 7.** This act takes effect January 1, 2010."

Correct the title.

Representatives Eddy and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Eddy and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2171.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2171 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-

Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kagi - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1977, by Representatives Quall, Fromhold, Priest, Curtis, Ormsby, Hunt, P. Sullivan, Haigh, Dunn, Kenney, Morrell and Wood**

#### Regarding skill centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1977 was substituted for House Bill No. 1977 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1977 was read the second time.

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

Representatives Quall, Priest and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1977.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1977 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Kagi - 1.

SUBSTITUTE HOUSE BILL NO. 1977, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1458, by Representatives Van De Wege, Kessler, Rodne, Appleton, Ahern, Curtis, Kenney, Clibborn, Morrell, P. Sullivan, Eickmeyer, Armstrong, Buri, Chandler, Ericksen, Hinkle, Condotta, Anderson,**

**Eddy, Goodman, Kelley, Haler, McCune, Kretz, Kagi, Ericks, Warnick, Pedersen, Bailey, Newhouse, McDonald, Priest, Roach, Strow, Green, Campbell, Hunter, Takko, Sells, Springer, McCoy, Upthegrove, Williams, Moeller, Ormsby, Pearson, Haigh, Linville, Conway, Dickerson, Dunn, Hasegawa, Rolfes, Ross and Lantz; by request of Governor Gregoire and Attorney General**

**Requiring notice to property owners before condemnation decisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1458 was substituted for House Bill No. 1458 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1458 was read the second time.

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

Representatives Van De Wege, Rodne, Goodman, Erickson and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1458.

#### MOTION

On motion of Representative Santos, Representative Haigh was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1458 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Haigh and Kagi - 2.

SUBSTITUTE HOUSE BILL NO. 1458, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1430, by Representatives Pettigrew, Haler, Kenney, Chase, P. Sullivan and Linville**

**Clarifying how cities, towns, counties, public corporations, and port districts may participate in the federal new markets tax credit program.**

The bill was read the second time.

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

Representatives Pettigrew and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1430.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1430 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Haigh and Kagi - 2.

HOUSE BILL NO. 1430, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1880, by Representatives Wallace, Anderson, Ormsby, Buri, Curtis, Haigh, Priest, Armstrong, Jarrett, Roberts, Kenney, Conway, Morrell and Wood**

**Creating the skills-based economic growth program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1880 was substituted for House Bill No. 1880 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1880 was read the second time.

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

Representatives Wallace and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1880.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1880 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Haigh, and Kagi - 2.

SUBSTITUTE HOUSE BILL NO. 1880, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2240, by Representatives Conway, Condotta and Kenney

**Allowing certain activities between domestic wineries, domestic breweries, microbreweries, certificate of approval holders, and retail sellers of beer or wine.**

The bill was read the second time.

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

Representatives Conway, Condotta and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2240.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2240 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach,

Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Haigh and Kagi - 2.

HOUSE BILL NO. 2240, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1443, by Representatives Grant, Buri, Blake, Walsh, B. Sullivan, Linville, Hailey, Newhouse and O'Brien

**Creating a public utility tax deduction for the transportation of agricultural commodities.**

The bill was read the second time.

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

Representatives Grant and Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1443.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1443 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Haigh and Kagi - 2.

HOUSE BILL NO. 1443, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1278, by Representatives Conway, Simpson and Kenney; by request of Governor Gregoire

**Modifying industry average unemployment contribution rates.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1278 was substituted for House Bill No. 1278 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1278 was read the second time.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1278.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1278 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Haigh and Kagi - 2.

SUBSTITUTE HOUSE BILL NO. 1278, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 7, 2007

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5090,  
SECOND SUBSTITUTE SENATE BILL NO. 5092,  
SUBSTITUTE SENATE BILL NO. 5171,  
SENATE BILL NO. 5199,  
SUBSTITUTE SENATE BILL NO. 5228,  
SENATE BILL NO. 5243,  
SENATE BILL NO. 5260,  
SENATE BILL NO. 5264,  
SENATE BILL NO. 5351,  
ENGROSSED SENATE BILL NO. 5385,  
SUBSTITUTE SENATE BILL NO. 5461,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

### SECOND READING

**HOUSE BILL NO. 1189, by Representatives Dunshee, Lovick, Miloscia, Ormsby, Simpson and Hasegawa**

### Regulating campaign contributions by limited liability companies.

The bill was read the second time.

Representative Pedersen moved the adoption of amendment (081):

On page 2, beginning on line 5, strike all of subsection (3) and insert the following:

"(3) A limited liability company and all of its affiliates are treated as a single person for contribution purposes. For purposes of this section: (a) An "affiliate" of a limited liability company is any person who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the limited liability company; and (b) "control", including the terms "controlled by" and "under common control with" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person whether through the ownership of voting securities, voting rights, by contract other than a commercial contract for goods, nonmanagement services, a debt obligation which is not convertible into a right to acquire a voting security, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control is presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person."

Representatives Pedersen, Dunshee and Anderson spoke in favor of the adoption of the amendment.

Representatives Chandler and Ericksen spoke against the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (041) was withdrawn.

The bill was ordered engrossed.

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

Representative Dunshee spoke in favor of passage of the bill.

### POINT OF ORDER

Representative DeBolt: "I do not think we are passing a bill just because of the gentleman's opponent's PDC and I do not think it is germane to the debate."

### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker believes that the gentleman was explaining why he supports this particular bill.

Your point is not well taken."

### POINT OF ORDER

Representative Sump: "Mr. Speaker, I think that we should perhaps refer to this in third person terms as opposed to personal terms. I think that would certainly, at a minimum be more in order. Thank you."

**SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "Your point is well taken."

Representative Dunshee (continued), Simpson and Hunt spoke in favor of passage of the bill.

Representatives Chandler, Armstrong, Anderson, Buri, Orcutt, Newhouse and Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1189.

**MOTION**

On motion of Representative Santos, Representative McIntire was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1189 and the bill passed the House by the following vote: Yeas - 59, Nays - 36, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Fromhold, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 36.

Excused: Representatives Lantz, McIntire and Morris - 3.

ENGROSSED HOUSE BILL NO. 1189, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1266, by Representatives Conway, Fromhold, B. Sullivan, Kenney, Ericks, Simpson and Moeller; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board**

**Determining death benefits for public employees.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1266 was substituted for House Bill No. 1266 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1266 was read the second time.

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

Representatives Conway and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1266.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1266 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Lantz, McIntire and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1266, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1049, by Representatives Fromhold, Orcutt, Moeller, Wallace, Dunn and B. Sullivan**

**Concerning the Vancouver national historic reserve.**

The bill was read the second time.

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

Representatives Fromhold, Orcutt and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1049.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1049 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne,

Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Lantz, McIntire and Morris - 3.

HOUSE BILL NO. 1049, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1076, by Representatives Blake, Takko, B. Sullivan and Moeller**

**Creating a rockfish research program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1076 was substituted for House Bill No. 1076 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1076 was read the second time.

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

Representatives Blake and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1076.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1076 and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Bailey, Crouse, DeBolt, Dunn, Ericksen, Hinkle, Roach, Schindler and Strow - 9.

Excused: Representatives Lantz, McIntire and Morris - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1076, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1137, by Representatives Fromhold, McDonald, Ormsby, Moeller and Haler; by request of Office of Financial Management**

**Creating the water quality capital account.**

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1137.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1137 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Lantz, McIntire and Morris - 3.

HOUSE BILL NO. 1137, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1314, by Representatives Morris, Crouse, Linville and Anderson; by request of Utilities & Transportation Commission**

**Modifying gas and hazardous liquid pipeline provisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1314 was substituted for House Bill No. 1314 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1314 was read the second time.

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

Representatives McCoy and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1314.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1314 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Voting nay: Representative Williams - 1.

Excused: Representatives Lantz, McIntire and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1314, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1501, by Representatives Wood, Conway, Williams, Chase, Kenney and Moeller**

**Concerning adjustments to industrial insurance total disability compensation reductions.**

The bill was read the second time.

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

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1501.

**MOTION**

On motion of Representative Santos, Representative Flannigan was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1501 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen,

Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1501, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1605, by Representatives Eickmeyer, Haigh, Upthegrove, Blake, Lantz, Seaquist, Linville, Chase, Pedersen, Morris, Wood and Rolfes**

**Regarding the extension of sewer services in aquatic rehabilitation zone one.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1605 was substituted for House Bill No. 1605 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1605 was read the second time.

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

Representatives Eickmeyer and Sump spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1605.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1605 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

SUBSTITUTE HOUSE BILL NO. 1605, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1671, by Representative Green; by request of Department of Personnel**

**Modifying provisions relating to reclassifications, class studies, and salary adjustments.**

The bill was read the second time.

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

Representative Green spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1671.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1671 and the bill passed the House by the following vote: Yeas - 66, Nays - 28, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Skinner, Strow, Sump and Warnick - 28.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1671, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1672, by Representative Green; by request of Department of Personnel**

**Clarifying the authority of the director of the Washington state department of personnel and the Washington personnel resources board.**

The bill was read the second time.

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

Representative Green spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1672.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1672 and the bill passed the House by the following vote: Yeas - 70, Nays - 24, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Armstrong, Bailey, Chandler, Condotta, Crouse, Curtis, Dunn, Ericksen, Haler, Hinkle, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Skinner, Strow, Sump, and Warnick - 24.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1672, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1706, by Representatives Conway, Hunt, Wood, Hurst, Simpson and Appleton**

**Concerning jurisdiction under the Indian gaming regulatory act.**

The bill was read the second time.

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

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1706.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1706 and the bill passed the House by the following vote: Yeas - 67, Nays - 27, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lovick, McCoy, McDermott, McDonald, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, DeBolt, Dunn,

Eickmeyer, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Linville, McCune, Newhouse, Pearson, Roach, Ross, Schindler, Skinner, Strow, Sump and Warnick - 27.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1706, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1747, by Representatives Simpson and Rodne**

**Removing the deadline for regional transit authorities to acquire insurance by bid or by negotiation on certain projects.**

The bill was read the second time.

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

Representatives Simpson and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1747.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1747 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1747, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1784, by Representatives Kenney, Sells, Buri and Wood; by request of Washington State University**

**Eliminating limitations on the investment of certain state moneys.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1784 was substituted for House Bill No. 1784 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1784 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1784.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1784 and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representatives Anderson and Hasegawa - 2.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

SUBSTITUTE HOUSE BILL NO. 1784, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1789, by Representatives Kagi, Priest, Hunter, Jarrett, Dunshee, Orcutt, Linville, Strow, Dickerson, McCoy, B. Sullivan, Lantz, Hunt, Chase, Rodne and Schual-Berke**

**Minimizing threats to the environment caused by leaking home heating oil tanks.**

The bill was read the second time.

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

Representatives Kagi and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1789.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1789 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1793, by Representatives Lantz, Hinkle, Springer, Rodne, O'Brien, Kenney, Schual-Berke, Clibborn, Newhouse, Lovick, Williams, Dickerson, McIntire, Appleton, Hasegawa, Ericks, Roberts, Wood and Moeller**

**Removing the limit on the number of cities eligible for indigent defense grants through the office of public defense.**

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1793.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1793 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson,

Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1793, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1820, by Representatives Dickerson, Hankins, Lovick, B. Sullivan, Simpson, Hasegawa and Moeller**

**Reducing air pollution through the licensing and use of medium-speed electric vehicles.**

The bill was read the second time.

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

Representatives Dickerson and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1820.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1820 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1820, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1832, by Representatives Hunt, Chandler, Williams, Ormsby and Condotta**

**Shortening the statute of limitations on claims under chapter 42.17 RCW.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1832 was substituted for House Bill No. 1832 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1832 was read the second time.

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

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1832.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1832 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

SUBSTITUTE HOUSE BILL NO. 1832, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1852, by Representatives Green, Cody, Kenney and Schual-Berke; by request of Department of Social and Health Services**

#### Modifying treatment records provisions.

The bill was read the second time.

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

Representatives Green and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1852.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1852 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1852, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1870, by Representatives Pedersen, Ross, Lovick, Bailey, Hunt, Hasegawa, Pettigrew, Skinner, Flannigan, Darneille, Roberts, Newhouse, Hankins, Walsh, Appleton, Santos, Lantz, McCoy, Rodne, Schual-Berke, Ormsby, Upthegrove, Morrell, Kessler, Williams, Kenney, McDermott and Chase**

#### Recognizing Juneteenth as a day of remembrance.

The bill was read the second time.

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

Representatives Pedersen and Ross spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1870.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1870 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Flannigan, Lantz, McIntire and Morris - 4.

HOUSE BILL NO. 1870, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1147,  
HOUSE BILL NO. 1435,  
HOUSE BILL NO. 1508,  
HOUSE BILL NO. 2008,  
HOUSE BILL NO. 2032,  
HOUSE BILL NO. 2055,

There being no objection, HOUSE BILL NO. 1146 was returned to the Committee on Rules.

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

**STATEMENT FOR THE JOURNAL**

I respectfully request to have a notation entered into the Journal of the House stating that I was absent for a number of Floor votes on March 7, 2007 because of a medical emergency in my family. Thank you.

JEFF MORRIS, 40<sup>th</sup> District

There being no objection, the House adjourned until 10:00 a.m., March 8, 2007, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTIETH DAY

House Chamber, Olympia, Thursday, March 8, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Vasya Hollis and Tyler Powers. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Leslie Edwards-Hill, Bah'ai Assembly of Olympia.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4634, by Representatives Kenney, Skinner, Quall, Hankins, Dickerson, Fromhold, Morrell, Clibborn, Santos, Cody, Haigh, Warnick, Goodman, Walsh, Hunter, Takko, Wallace, Hasegawa, Sells, McDermott, Williams, Flannigan, Pedersen, McCoy, Wood, Kirby, Eddy, Grant, Roach, Appleton, Morris, Blake, O'Brien, Ross, Green, Linville, Van De Wege, Lovick, Hudgins, Kelley, Springer, Lantz, Simpson, Darneille, Seaquist, Roberts, Schual-Berke, Hailey, Haler, Miloscia, Sommers, Kagi, P. Sullivan, Conway, Hunt, Ahern, McCune, Rolfes, Upthegrove, Pettigrew, Kessler, Chase, Ericks, Moeller and Eickmeyer

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

WHEREAS, In the United States alone, over 145,000 people are diagnosed with and over 55,000 people die of colorectal cancer every year; and

WHEREAS, It is estimated that in Washington state 3,000 people are diagnosed with and 1,000 people will die every year of colorectal cancer; and

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

WHEREAS, Colorectal cancer starts with a growth or polyp that is not cancer. Screening can find and remove growths before they develop into cancer; and

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

WHEREAS, Despite its high incidence, colorectal cancer is one of the most detectable and, if found early, most treatable forms of cancer. Ninety percent of those diagnosed early, while the cancer is still localized, survive more than five years. Sadly, only 37 percent of all colorectal cancers are detected early enough for survival to occur. When the cancer is diagnosed at a more advanced stage, having spread to the

surrounding region, the five-year survival rate drops from 90 percent to 65 percent. When diagnosed at an advanced stage, having spread to distant organs, the five-year survival rate is only 9 percent; and

WHEREAS, Early detection is still our best defense against this devastating disease and regular screening can prevent over half of all colorectal cancer deaths in the United States. Yet, a majority of Americans are not being screened on a regular basis early enough to catch the cancer while it is still localized. In a recent survey, the Centers for Disease Control found that only 40 percent of all Americans reported having ever used the most basic of screening methods, and just 42 percent reported having used a more advanced screening. This compares to 85 percent of all women who had been screened for breast cancer; and

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

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

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the month of March as Colorectal Cancer Awareness Month and urge Washingtonians to become more aware of the risks facing them regarding this disease and to actively fight it by getting regular screenings for colorectal cancer; and

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

HOUSE RESOLUTION NO. 4634 was adopted.

**MESSAGE FROM THE SENATE**

March 7, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5036,  
SENATE BILL NO. 5086,  
SUBSTITUTE SENATE BILL NO. 5190,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5297,  
SENATE BILL NO. 5384,  
ENGROSSED SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5405,  
SUBSTITUTE SENATE BILL NO. 5463,  
SENATE BILL NO. 5468,  
SUBSTITUTE SENATE BILL NO. 5475,  
SUBSTITUTE SENATE BILL NO. 5483,  
SENATE BILL NO. 5635,  
SUBSTITUTE SENATE BILL NO. 5715,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,  
SENATE BILL NO. 5957,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 2379 by Representatives Hunt, Dunshee, Hudgins, McDermott, Appleton, Darneille, Green, Linville, Williams and Chase

AN ACT Relating to cancellation of the 2008 presidential primary; amending RCW 29A.56.020; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5247 by Senators Spanel and Haugen; by request of Board For Judicial Administration

AN ACT Relating to superior court judicial positions; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Judiciary.

SB 5258 by Senators Regala, Stevens and Shin

AN ACT Relating to the Washington council for the prevention of child abuse and neglect; and amending RCW 43.121.020.

Referred to Committee on Early Learning & Children's Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1337, by Representatives Kenney, Skinner, Hunter, Priest, Darneille, Ericks, Pettigrew, Hankins, Lantz, Fromhold, Walsh, Williams, Kessler, Haler, Morrell, Barlow, McCoy, Appleton, Ormsby, Springer, Campbell, Moeller, Lovick, Rolfes, Hasegawa, Flannigan, Hudgins, Hunt, Green, Chase, Dunshee, Simpson, Roberts, O'Brien, Rodne, Dickerson, Quall, Goodman, Linville, Hurst, Santos and Wallace**

**Requiring insurance coverage for colorectal cancer screening.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1337 was substituted for House Bill No. 1337 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1337 was read the second time.

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

Representatives Kenney, Skinner, Fromhold, Appleton and Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1337.

## MOTION

On motion of Representative Santos, Representatives Lantz and Morris were excused.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1337 and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Bailey, Buri, Chandler, Crouse, Dunn, Ericksen, Kretz, Kristiansen, Newhouse, Orcutt, Ross, Schindler and Strow - 13.

Excused: Representatives Lantz and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 1337, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1965, by Representatives Eddy and Curtis**

**Authorizing major industrial development within industrial land banks.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1965 was substituted for House Bill No. 1965 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1965 was read the second time.

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

Representatives Eddy and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1965.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1965 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 1965, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1967, by Representatives Moeller, Skinner, Cody, Williams, Barlow, Rodne, Condotta and Campbell**

**Providing for the reporting of physician convictions for driving while under the influence to an approved substance abuse program. (REVISED FOR ENGROSSED: Providing for the reporting of physician convictions for driving while under the influence to the medical quality assurance commission.)**

The bill was read the second time.

Representative Moeller moved the adoption of amendment (069):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon a guilty plea or conviction of a person for violations of RCW 46.61.502 or 46.61.504, the prosecuting attorney shall notify the state patrol of such guilty plea or conviction.

(2) When the state patrol receives information that a person has pled guilty to or been convicted of one of the violations under subsection (1) of this section, the state patrol shall transmit that information to the department of health. It is the duty of the department of health to identify whether the person holds a credential issued by the medical quality assurance commission under RCW 18.130.040 and chapter 18.71 RCW, and provide this information to the commission. The commission shall review the information provided by the department of health and assess whether or not the physician should be referred to the impaired physician program under RCW 18.71.330 and RCW 18.130.175."

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Moeller, Rodne and Goodman spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1967.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1967 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

ENGROSSED HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2007, by Representatives Eddy and Crouse**

**Defining allowable fuel blends.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2007 was substituted for House Bill No. 2007 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2007 was read the second time.

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

Representatives Eddy and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2007.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2007 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2007, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2026, by Representatives Santos, McDermott, Haigh, P. Sullivan, Ericks, Simpson, Ormsby and Hasegawa**

**Regarding recruiter access to student records.**

The bill was read the second time.

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

Representatives Santos and Darneille spoke in favor of passage of the bill.

#### POINT OF ORDER

Representative Sump: "Mr. Speaker, I know that you grant us a lot of latitude but it seems to me that the good lady might be starting to stray off into an area of her objection to the military. This bill speaks to whether or not we should expand to other entities that would want this information. Thank you."

#### SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "The Speaker would appreciate if the good lady would address the Speaker and stick to the legislation in front of us."

Representatives Darneille (continued) and Kessler spoke in favor of passage of the bill.

Representatives Priest, Armstrong and Campbell spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2026.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2026 and the bill passed the House by the following vote: Yeas - 58, Nays - 38, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Takko, Walsh and Warnick - 38.

Excused: Representatives Lantz and Morris - 2.

HOUSE BILL NO. 2026, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2033, by Representatives Ormsby, Campbell, Fromhold, Haigh, Armstrong, P. Sullivan, Conway, Green, Kagi, Hunt, McIntire, McDermott, McCoy, Buri, Williams, Miloscia, Linville, Moeller, DeBolt, McDonald, Priest, Condotta, Roberts and Simpson**

**Authorizing payroll deductions for retiree organization dues.**

The bill was read the second time.

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

Representative Ormsby spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2033.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2033 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De

Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

HOUSE BILL NO. 2033, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2070, by Representatives O'Brien, Goodman and Pearson**

**Concerning exceptional sentences.**

The bill was read the second time.

Representative O'Brien moved the adoption of amendment (055):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** In *State v. Pillatos*, 150 P.3d 1130 (2007), the Washington supreme court held that the changes made to the sentencing reform act concerning exceptional sentences in chapter 68, Laws of 2005 do not apply to cases where the trials had already begun or guilty pleas had already been entered prior to the effective date of the act on April 15, 2005. The legislature intends that the superior courts shall have the authority to impanel juries to find aggravating circumstances in all cases that come before the courts for trial or sentencing, regardless of the date of the original trial or sentencing.

**Sec. 2.** RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) In any case where a new trial or new sentencing hearing is required, the superior court shall have the authority to impanel a jury to consider any aggravating circumstances, as alleged by the state and listed in RCW 9.94A.535(3) (a) through (y), at either the new trial or, if no new trial is necessary, at the new sentencing hearing.

(3) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts.

~~((4))~~ (4) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y) shall be presented to the jury during the trial of the alleged crime, unless the jury has been impaneled solely for resentencing, or unless the state alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

~~((4))~~ (5) If the superior court conducts a separate proceeding to determine the existence of aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t), the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

~~((5))~~ (6) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to

the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

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

Correct the title.

Representatives O'Brien and Pearson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives O'Brien, Pearson and Goodman spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2070.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2070 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

ENGROSSED HOUSE BILL NO. 2070, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2129, by Representatives Van De Wege, Hudgins, Morris, Eddy, Crouse, Hankins, McCoy, Takko, Hurst, McCune and Chase**

**Regarding geothermal core holes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2129 was substituted for House Bill No. 2129 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2129 was read the second time.

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

Representatives Van De Wege and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2129.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2129 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2129, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2137, by Representatives Wallace, Skinner, Kagi, Hankins, Roberts, Chase, Kenney, Moeller, Simpson and Santos**

**Allowing school employees' children with disabilities to enroll in special services programs in the district where the employee is assigned.**

The bill was read the second time.

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

Representatives Wallace and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2137.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2137 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

HOUSE BILL NO. 2137, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2161, by Representatives Simpson, Curtis, Eddy and Ormsby**

**Providing for consistency between code cities and noncode cities in the apportionment of investment funds.**

The bill was read the second time.

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

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2161.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2161 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

HOUSE BILL NO. 2161, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2263, by Representatives Blake, Moeller, Orcutt and Newhouse**

**Regarding the phosphorus content in dishwashing detergent.**

The bill was read the second time.

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

Representatives Blake and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2263.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2263 and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Cody, Crouse, Goodman, Hunt, Linville, McDermott, Roberts, and Van De Wege - 8.

Excused: Representatives Lantz and Morris - 2.

HOUSE BILL NO. 2263, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1091, by Representatives Van De Wege, Chase, Upthegrove, Miloscia, B. Sullivan, O'Brien, P. Sullivan, Morrell, Sells, Kenney, Rolfes, Kelley, Moeller, Wallace and Eddy; by request of Governor Gregoire**

**Promoting innovation partnership zones.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1091 was substituted for House Bill No. 1091 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1091 was read the second time.

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

Representatives Van De Wege and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1091.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1091 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 1091, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1178, by Representatives Rolfes, Linville, Simpson, Wallace, Kenney, Ericks and Green; by request of Governor Gregoire**

**Revising provisions for contracts with associate development organizations for economic development services.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1178 was substituted for House Bill No. 1178 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1178 was read the second time.

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

Representatives Linville, McDonald, Bailey, Flannigan, Dunn, Ahern, Strow, Armstrong, Newhouse and Simpson spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1178.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1178 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1178, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1106, by Representatives Campbell, Chase, Hankins, Morrell, Appleton, Hudgins, McDermott and Wallace**

**Requiring reporting of hospital-acquired infections in health care facilities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1106 was substituted for House Bill No. 1106 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1106 was read the second time.

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

Representatives Campbell, Morrell, Chase, Hinkle and Cody spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1106.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1106 and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Ahern, Alexander, Buri, Chandler, DeBolt, Ericksen, Kristiansen, Pearson, Ross and Schindler - 10.

Excused: Representatives Lantz and Morris - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1106, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2103, by Representatives Morris, Crouse and Wallace**

**Modifying the competitive classification of telecommunications services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2103 was substituted for House Bill No. 2103 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2103 was read the second time.

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

Representatives Hudgins and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2103.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2103 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke,

Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2103, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1050, by Representatives Upthegrove, Quall, Kagi, Pedersen, Morrell, Kenney, P. Sullivan, Jarrett, Simpson, Wallace, Cody, McDermott, Linville, Moeller, Morris, Springer, Wood, Santos, Schual-Berke, Williams, Ormsby and Hasegawa**

**Allowing certain students with disabilities to participate in graduation ceremonies.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1050 was substituted for House Bill No. 1050 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1050 was read the second time.

Representative Upthegrove moved the adoption of amendment (053):

On page 1, line 16, strike "and"

On page 1, line 17, after "(4)" insert "There is significant value in recognizing students' attendance and accomplishments in their individualized education programs; and  
(5)"

On page 2, line 12, after "school;" insert "and"

On page 2, line 13, after "(c)" strike "The student has met a majority of his or her individualized education program goals and is working on a transition plan; and  
(d)"

Representatives Upthegrove and Priest spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Upthegrove and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1050.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1050 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 8, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5204,  
SUBSTITUTE SENATE BILL NO. 5340,  
SENATE BILL NO. 5512,  
SUBSTITUTE SENATE BILL NO. 5647,  
SUBSTITUTE SENATE BILL NO. 5830,  
SENATE CONCURRENT RESOLUTION NO. 8404,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

#### SECOND READING

**HOUSE BILL NO. 1096, by Representatives Kenney, Priest, Quall, Wallace, Conway, Haler, Morris, Ormsby, Linville, Jarrett, Dickerson, Hunt, Walsh, P. Sullivan, Darneille, Appleton, Morrell, Williams, Dunn, Schual-Berke, Fromhold, Hasegawa, Chase, Upthegrove, McCoy, Green, O'Brien, Hudgins, Sells, Springer, Moeller, Goodman, Barlow, Eddy, Santos, Simpson, Haigh, Lantz, Kagi and Rolfes**

**Creating postsecondary opportunity programs.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1096 was substituted for House Bill No. 1096 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1096 was read the second time.

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

Representatives Kenney and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1096.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1096 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Lantz and Morris - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1096, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1517, by Representatives Schual-Berke, Priest, McDermott, Anderson, Quall, Kenney, Roberts, Lantz, Kagi, Moeller, Santos, Hunt and Hudgins**

#### **Enhancing public school world language instruction.**

The bill was read the second time.

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

Representatives Schual-Berke and Hudgins spoke in favor of passage of the bill.

Representative Priest spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1517.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1517 and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-

Berke, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Chase, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Hurst, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Seaquist, Strow, Sump, Walsh and Warnick - 35.

Excused: Representatives Lantz and Morris - 2.

HOUSE BILL NO. 1517, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 1517.

MARALYN CHASE, 32<sup>nd</sup> District

### SECOND READING

**HOUSE BILL NO. 1566, by Representatives Van De Wege, Ericks, McIntire, Ericksen, Ross, Warnick, Condotta, Kessler and McCune; by request of Department of Revenue**

#### **Modifying the rural county tax credit.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1566 was substituted for House Bill No. 1566 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1566 was read the second time.

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

Representatives Van De Wege and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1566.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1566 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan,

Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Anderson and Hasegawa - 2.  
Excused: Representatives Lantz and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 1566, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 8, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5118,  
SENATE BILL NO. 5142,  
SUBSTITUTE SENATE BILL NO. 5358,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5550,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5558,  
SUBSTITUTE SENATE BILL NO. 5634,  
SENATE BILL NO. 5778,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

#### SECOND READING

**HOUSE BILL NO. 1226, by Representatives Sells, Barlow, Santos, Appleton, Lovick, Strow, Hasegawa, Quall, Dunshee, Hunt, McCoy, Priest, Ormsby, Wood, Wallace, Conway, Kenney, Van De Wege, Dickerson, Haigh and Simpson**

**Establishing the first peoples' language, culture, and history teacher certification program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1226 was substituted for House Bill No. 1226 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1226 was read the second time.

Representative Sells moved the adoption of amendment (032):

On page 4, beginning on line 7, after "without" strike all material through "government" on line 8, and insert "certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010"

On page 4, line 26, after "government" strike ", or from the sovereign tribal government"

On page 4, beginning on line 37, after "subject to" strike all material through "section" on line 38, and insert "the provisions of this chapter"

Representatives Sells and Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Sells and Dunn spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1226.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1226 and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, Ericksen, Hailey, Haler, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Skinner, Sump and Warnick - 27.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1226, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1298, by Representatives Green, Campbell, Cody, Morrell, Moeller and Conway**

**Regarding dental hygienist employment by health care facilities and sealant programs in schools.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1298 was substituted for House Bill No. 1298 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1298 was read the second time.

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

Representative Green spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1298.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1298 and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hunt, Hunter, Hurst, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Sommers, Springer, Sullivan, B., Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Crouse, Dunn, Eickmeyer, Ericksen, Fromhold, Hailey, Haler, Hinkle, Hudgins, Jarrett, Kagi, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Priest, Ross, Schindler, Schual-Berke, Simpson, Skinner, Strow, Sullivan, P., Sump, Takko and Warnick - 36.

SUBSTITUTE HOUSE BILL NO. 1298, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1277, by Representatives Kelley, Simpson, Wood, P. Sullivan, Conway, Kenney, Ericks, Rolfes and Morrell; by request of Governor Gregoire**

**Expanding competitive local infrastructure financing tools projects.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1277 was substituted for House Bill No. 1277 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1277 was read the second time.

Representative Orcutt moved the adoption of amendment (075):

On page 12, beginning on line 24, strike all of subsection (4)(e).

Correct internal references.

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

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Kelley and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1277.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1277 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Condotta and Kristiansen - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1277, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1313, by Representatives Eddy, Hankins and Kenney; by request of Utilities & Transportation Commission**

**Transferring the authority to intervene on behalf of railroad shippers to the department of transportation.**

The bill was read the second time.

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

Representatives Eddy and Hankins spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1313.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1313 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott,

McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Ahern, Alexander, Buri, Crouse, DeBolt, Ericksen, Kristiansen, Pearson, Schindler and Skinner - 10.

HOUSE BILL NO. 1313, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1147, by Representatives Kretz, B. Sullivan, Hinkle, Pettigrew, Linville, Kristiansen, Blake, Takko, Newhouse, Warnick, Hailey, Grant, Armstrong, Kessler, Wallace, Haigh, Moeller, Haler and Condotta**

**Concerning damage to livestock.**

The bill was read the second time.

There being no objection, Substitute Engrossed House Bill No. 1147 was substituted for Engrossed House Bill No. 1147 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1147 was read the second time.

Representative Kretz moved the adoption of amendment (086):

On page 3, beginning on line 21, after "animal" strike "as determined under section 4 of this act"

On page 4, line 10, after "notice" insert "and may convene on its own initiative or on the request of the claimant, the commercial livestock valuation committee created in section 4 of this act to assist with the assessment of the damage"

On page 4, line 11, strike "(i)"

On page 4, after line 15, strike all material through "act." on line 19

On page 4, beginning on line 34, after "claim or" strike all material through "shall be" on line 36, and insert "it is"

On page 5, line 6, after "valuation" strike "and appeals"

On page 5, line 7, after "to" strike "determine" and insert "assist the director with the determination of"

On page 5, line 10, after "In" strike "determining" and insert "assisting with the determination of"

On page 5, beginning on line 11, after "valuation" strike "and appeals"

On page 5, line 15, after "The" strike "decision" and insert "recommendation"

On page 5, line 15, after "valuation" strike "and appeals"

On page 5, after line 17, strike all material through "77.36.040." on line 19

On page 5, line 20, after "valuation" strike "and appeals"

On page 5, line 22, after "valuation" strike "and appeals"

On page 5, line 29, after "valuation" strike "and appeals"

On page 5, line 34, after "valuation" strike "and appeals"

On page 5, at the beginning of line 35, strike "meet at least semiannually, and may meet at other times as required by" and insert "be convened at time intervals necessary to provide timely recommendations for"

On page 6, line 4, after "valuation" strike "and appeals"

On page 6, line 12, strike "For crop claims only, if" and insert "(1) If"

On page 6, after line 20, insert the following:

"(2) For livestock claims only, the risk management division of the office of financial management may consult the commercial livestock valuation committee created in section 4 of this act."

On page 7, after line 34, insert the following:

"NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Kretz and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1147.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1147 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko,

Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2032, by Representatives Takko and Hinkle**

**Concerning the tax deferral application process for fruit and vegetable processing and storage.**

The bill was read the second time.

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

Representatives Takko and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2032.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2032 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 2032, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2055, by Representatives Flannigan, Ahern, McCoy, Ormsby and Santos**

**Concerning traumatic brain injuries.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2055 was substituted for House Bill No. 2055 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2055 was read the second time.

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

Representatives Flannigan, Ahern and Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2055.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2055 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Anderson and Moeller - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2055, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on SECOND SUBSTITUTE HOUSE BILL NO. 2055.

JIM MOELLER, 49<sup>th</sup> District

**SECOND READING**

**HOUSE BILL NO. 1030, by Representatives Takko, Lovick, Simpson, Haler, Blake, Campbell, Ross, Skinner, Newhouse, Conway, Morrell, Chandler, McDonald, Rodne, Kristiansen, Wallace, Moeller, Van De Wege, McCune, Williams, Bailey, Warnick, Upthegrove, Alexander and Pearson**

**Enhancing the penalty for eluding a police vehicle.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1030 was substituted for House Bill No. 1030 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1030 was read the second time.

Representative Ross moved the adoption of amendment (076):

On page 7, line 18, after "months" insert "and one day"

Representatives Ross and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Takko, Ross, O'Brien and Hurst spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1030.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1030 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1512, by Representatives Hasegawa, Haler, Pettigrew, Skinner, Santos, Hankins, Kenney, Walsh, McCoy, Kirby, Schual-Berke, Chase, Williams, Roberts, P. Sullivan, Hudgins, Ericks, Darneille, Kagi and Ormsby**

**Increasing the amount the treasurer may use for the linked deposit program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1512 was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1512 was read the second time.

Representative Hasegawa moved the adoption of amendment (109):

On page 2, after line 14, insert the following:

"**Sec. 2.** RCW 43.86A.060 and 2005 c 302 s 3 are each amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;

(b) Where an individual loan does not exceed one million dollars;

(c) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(d) Where the interest rate on the loan to the minority or women's business enterprise does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depository; and

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository, except that the treasurer shall lower the amount of the preference to ensure that the effective interest rate on the time certificate of deposit is not less than two percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW, the qualified public depository shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise.

(5) The office of minority and women's business enterprises has the authority to promulgate, amend, and repeal rules in order to:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime; and

(d) Limit the total amount of any one qualified loan made under the linked deposit program."

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

Representatives Hasegawa and Haler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hasegawa moved the adoption of amendment (094):

On page 2, line 30, strike "2(1)" and insert "2"

Representatives Hasegawa and Haler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hasegawa and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1512.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1512 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2073, by Representatives Conway, Wood, Kenney, Moeller, Simpson and Ormsby; by request of Governor Gregoire**

**Establishing a pilot program for vocational rehabilitation services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2073 was substituted for House Bill No. 2073 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2073 was read the second time.

With the consent of the House, amendment (087) was withdrawn.

Representative Chandler moved the adoption of amendment (088):

On page 2, line 6, after "appropriate," insert "An injured worker may not participate in vocational rehabilitation under this section or section 2 of this act if such participation would result in a payment of benefits as described in RCW 51.32.240(5), and any benefits so paid shall be recovered according to the terms of that section."

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved the adoption of amendment (127):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.32.095 and 1999 c 110 s 1 are each amended to read as follows:

(1) One of the primary purposes of this title is to enable the injured worker to become employable at gainful employment. To this end, the department or self-insurers shall utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation as may be reasonable to make the worker employable consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals or organizations and prior to final evaluation of the worker's permanent disability and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment, the supervisor or supervisor's designee may, in his or her sole discretion, pay or, if the employer is a self-insurer, direct the self-insurer to pay the cost as provided in subsection (3) of this section or section 2 of this act, as appropriate. An injured worker may not participate in vocational rehabilitation under this section or section 2 of this act if such participation would result in a payment of benefits as described in RCW 51.32.240(5), and any benefits so paid shall be recovered according to the terms of that section.

(2) When in the sole discretion of the supervisor or the supervisor's designee vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, then the following order of priorities shall be used:

- (a) Return to the previous job with the same employer;
- (b) Modification of the previous job with the same employer including transitional return to work;
- (c) A new job with the same employer in keeping with any limitations or restrictions;
- (d) Modification of a new job with the same employer including transitional return to work;
- (e) Modification of the previous job with a new employer;
- (f) A new job with a new employer or self-employment based upon transferable skills;
- (g) Modification of a new job with a new employer;
- (h) A new job with a new employer or self-employment involving on-the-job training;
- (i) Short-term retraining and job placement.

(3)(a) ~~(Except as provided in (b) of this subsection)~~ For vocational plans approved prior to July 1, 1999, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed three thousand dollars in any fifty-two week period except as authorized by RCW 51.60.060, and the cost of continuing the temporary total disability compensation under RCW

51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation.

(b) ~~((Beginning with vocational rehabilitation plans approved on or after))~~ When the department has approved a vocational plan for a worker between July 1, 1999, through December 31, 2007, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed four thousand dollars in any fifty-two week period except as authorized by RCW 51.60.060, and the cost of transportation and continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation.

(c) The expenses allowed under (a) or (b) of this subsection may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment. However, compensation or payment of retraining with job placement expenses under (a) or (b) of this subsection may not be authorized for a period of more than fifty-two weeks, except that such period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

(d) In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid.

(e) Costs paid under this subsection shall be chargeable to the employer's cost experience or shall be paid by the self-insurer as the case may be.

(4) In addition to the vocational rehabilitation expenditures provided for under subsection (3) of this section and section 2 of this act, an additional five thousand dollars may, upon authorization of the supervisor or the supervisor's designee, be expended for: (a) Accommodations for an injured worker that are medically necessary for the worker to participate in an approved retraining plan; and (b) accommodations necessary to perform the essential functions of an occupation in which an injured worker is seeking employment, consistent with the retraining plan or the recommendations of a vocational evaluation. The injured worker's attending physician must verify the necessity of the modifications or accommodations. The total expenditures authorized in this subsection and the expenditures authorized under RCW 51.32.250 shall not exceed five thousand dollars.

(5) When the department has approved a vocational plan for a worker prior to January 1, 2008, regardless of whether the worker has begun participating in the approved plan, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section are limited to those provided under subsections (3) and (4) of this section.

For vocational plans approved for a worker between January 1, 2008, through June 30, 2013, total vocational costs allowed by the supervisor or supervisor's designee under subsection (1) of this section shall be limited to those provided under the pilot program established in section 2 of this act, and vocational rehabilitation services shall conform to the requirements in section 2 of this act.

(6) The department shall establish criteria to monitor the quality and effectiveness of rehabilitation services provided by the individuals and organizations used under subsection (1) of this section and under section 2 of this act. The state fund shall make referrals for vocational rehabilitation services based on these performance criteria.

~~((6))~~ (7) The department shall engage in, where feasible and cost-effective, a cooperative program with the state employment security department to provide job placement services under this section and section 2 of this act.

~~((7))~~ (8) The benefits in this section and section 2 of this act shall be provided for the injured workers of self-insured employers. Self-insurers shall report both benefits provided and benefits denied under this section and section 2 of this act in the manner prescribed by the department by rule adopted under chapter 34.05 RCW. The director may, in his or her sole discretion and upon his or her own initiative or at any time that a dispute arises under this section or

section 2 of this act, promptly make such inquiries as circumstances require and take such other action as he or she considers will properly determine the matter and protect the rights of the parties.

~~((8))~~ (9) Except as otherwise provided in this section or section 2 of this act, the benefits provided for in this section and section 2 of this act are available to any otherwise eligible worker regardless of the date of industrial injury. However, claims shall not be reopened solely for vocational rehabilitation purposes.

NEW SECTION. Sec. 2. A new section is added to chapter 51.32 RCW to read as follows:

(1)(a) The legislature intends to create improved vocational outcomes for Washington state injured workers and employers through legislative and regulatory change under a pilot program for the period of January 1, 2008, through June 30, 2013. This pilot vocational system is intended to allow opportunities for eligible workers to participate in meaningful retraining in high demand occupations, improve successful return to work and achieve positive outcomes for workers, reduce the incidence of repeat vocational services, increase accountability and responsibility, and improve cost predictability. To facilitate the study and evaluation of the results of the proposed changes, the department shall establish the temporary funding of certain state fund vocational costs through the medical aid account to ensure the appropriate assessments to employers for the costs of their claims for vocational services in accordance with section 3 of this act.

(b) An independent review and study of the effects of the pilot program shall be conducted to determine whether it has achieved the appropriate outcomes at reasonable cost to the system. The review shall include, at a minimum, a report on the department's performance with regard to the provision of vocational services, the skills acquired by workers who receive retraining services, the types of training programs approved, whether the workers are employed, at what jobs and wages after completion of the training program and at various times subsequent to their claim closure, the number and demographics of workers who choose the option provided in subsection (4)(b) of this section, and their employment and earnings status at various times subsequent to claim closure. The department may adopt rules, in collaboration with the subcommittee created under (c)(iii) of this subsection, to further define the scope and elements of the required study. Reports of the independent researcher are due on December 1, 2010, December 1, 2011, and December 1, 2012.

(c) In implementing the pilot program, the department shall:

(i) Establish a vocational initiative project that includes participation by the department as a partner with WorkSource, the established state system that administers the federal workforce investment act of 1998. As a partner, the department shall place vocational professional full-time employees at pilot WorkSource locations; refer some workers for vocational services to these vocational professionals; and work with employers in work source pilot areas to market the benefits of on-the-job training programs and with community colleges to reserve slots in high demand programs. These on-the-job training programs and community college slots may be considered by both department and private sector vocational professionals for vocational plan development. The department will also assist stakeholders in developing additional vocational training programs in various industries, including but not limited to agriculture and construction. These programs will expand the choices available to injured workers in developing their vocational training plans with the assistance of vocational professionals.

(ii) Develop and maintain a register of state fund and self-insured workers who have been retrained or have selected any of the vocational options described in this section for at least the duration of the pilot program.

(iii) Create a vocational rehabilitation subcommittee made up of members appointed by the director for at least the duration of the pilot program. This subcommittee shall provide the business and labor partnership needed to maintain focus on the intent of the pilot program, as described in this section, and provide consistency and transparency to the development of rules and policies. The subcommittee shall report to the director at least annually and recommend to the director and the legislature any additional statutory

changes needed, which may include extension of the pilot period. The subcommittee shall provide input and oversight with the department concerning the study required under (b) of this subsection. The subcommittee shall provide recommendations for additional changes or incentives for injured workers to return to work with their employer of injury.

(iv) The department shall develop an annual report concerning Washington's workers' compensation vocational rehabilitation system to the legislature and to the subcommittee by December 1, 2009, and annually thereafter with the final report due by December 1, 2012. The annual report shall include the number of workers who have participated in more than one vocational training plan beginning with plans approved on January 1, 2008, and in which industries those workers were employed. The final report shall include the department's assessment and recommendations for further legislative action, in collaboration with the subcommittee.

(2)(a) For the purposes of this section, the day the worker commences vocational plan development means the date the department or self-insurer notifies the worker of his or her eligibility for plan development services.

(b) When vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, he or she shall be provided with services necessary to develop a vocational plan that, if completed, would render the worker employable. The vocational professional assigned to the claim shall, at the initial meeting with the worker, fully inform the worker of the return-to-work priorities set forth in RCW 51.32.095(2) and of his or her rights and responsibilities under the workers' compensation vocational system. The department shall provide tools to the vocational professional for communicating this and other information required by RCW 51.32.095 and this section to the worker.

(c) On the date the worker commences vocational plan development, the department shall also inform the employer in writing of the employer's right to make a valid return-to-work offer during the first fifteen days following the commencement of vocational plan development. To be valid, the offer must be for bona fide employment with the employer of injury, consistent with the worker's documented physical and mental restrictions as provided by the worker's health care provider. When the employer makes a valid return-to-work offer, the vocational plan development services and temporary total disability compensation shall be terminated effective the starting date for the job without regard to whether the worker accepts the return-to-work offer. Following the fifteen-day period, the employer may still provide, and the worker may accept, any valid return-to-work offer. The worker's acceptance of such an offer shall result in the termination of vocational plan development or implementation services and temporary total disability compensation effective the day the employment begins.

(3)(a) All vocational plans must contain an accountability agreement signed by the worker detailing expectations regarding progress, attendance, and other factors influencing successful participation in the plan. Failure to abide by the agreed expectations shall result in suspension of vocational benefits pursuant to RCW 51.32.110.

(b) Any formal education included as part of the vocational plan must be for an accredited or licensed program or other program approved by the department. The department shall develop rules that provide criteria for the approval of nonaccredited or unlicensed programs.

(c) The vocational plan for an individual worker must be completed and submitted to the department within ninety days of the day the worker commences vocational plan development. The department may extend the ninety days for good cause. Criteria for good cause shall be provided in rule. The frequency and reasons for good cause extensions shall be reported to the subcommittee created under subsection (1)(c)(iii) of this section.

(d) Costs for the vocational plan may include books, tuition, fees, supplies, equipment, child or dependent care, training fees for on-the-job training, the cost of furnishing tools and other equipment necessary for self-employment or reemployment, and other necessary expenses in an amount not to exceed twelve thousand dollars. This amount shall be adjusted effective July 1 of each year for vocational plans or retraining benefits available under subsection (4)(b) of this

section approved on or after this date but before June 30 of the next year based on the average percentage change in tuition for the next fall quarter for all Washington state community colleges.

(e) The duration of the vocational plan shall not exceed two years from the date the plan is implemented. The worker shall receive temporary total disability compensation under RCW 51.32.090 and the cost of transportation while he or she is actively and successfully participating in a vocational plan.

(f) If the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid.

(4) Vocational plan development services shall be completed within ninety days of commencing. During vocational plan development the worker shall, with the assistance of a vocational professional, participate in vocational counseling and occupational exploration to include, but not be limited to, identifying possible job goals, training needs, resources, and expenses, consistent with the worker's physical and mental status. A vocational rehabilitation plan shall be developed by the worker and the vocational professional and submitted to the department or self-insurer. Following this submission, the worker shall elect one of the following options:

(a) Option 1: The department or self-insurer implements and the worker participates in the vocational plan developed by the vocational professional and approved by the worker and the department or self-insurer. For state fund claims, the department must review and approve the vocational plan before implementation may begin. If the department takes no action within fifteen days, the plan is deemed approved. The worker may, within fifteen days of approval of the plan by the department, elect option 2.

(i) Following successful completion of the vocational plan, any subsequent assessment of whether vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1) shall include consideration of transferable skills obtained in the vocational plan.

(ii) If a vocational plan is successfully completed on a claim which is thereafter reopened as provided in RCW 51.32.160, the cost and duration available for any subsequent vocational plan is limited to that in subsection (3)(d) and (e) of this section, less that previously expended.

(b) Option 2: The worker declines further vocational services under the claim and receives an amount equal to six months of temporary total disability compensation under RCW 51.32.090. The award is payable in biweekly payments in accordance with the schedule of temporary total disability payments, until such award is paid in full. These payments shall not include interest on the unpaid balance. However, upon application by the worker, and at the discretion of the department, the compensation may be converted to a lump sum payment. The vocational costs defined in subsection (3)(d) of this section shall remain available to the worker, upon application to the department or self-insurer, for a period of five years. The vocational costs shall, if expended, be available for programs or courses at any accredited or licensed institution or program from a list of those approved by the department for tuition, books, fees, supplies, equipment, and tools, without department or self-insurer oversight. The department shall issue an order as provided in RCW 51.52.050 confirming the option 2 election, setting a payment schedule, and terminating temporary total disability benefits. The department shall thereafter close the claim.

(i) If within five years from the date the option 2 order becomes final, the worker is subsequently injured or suffers an occupational disease or reopens the claim as provided in RCW 51.32.160, and vocational rehabilitation is found both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1), the duration of any vocational plan under subsection (3)(e) of this section shall not exceed eighteen months.

(ii) If the available vocational costs are utilized by the worker, any subsequent assessment of whether vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1) shall include consideration of the transferable skills obtained.

(iii) If the available vocational costs are utilized by the worker and the claim is thereafter reopened as provided in RCW 51.32.160,

the cost available for any vocational plan is limited to that in subsection (3)(d) of this section less that previously expended.

(iv) Option 2 may only be elected once per worker.

(c) The director, in his or her sole discretion, may provide the worker vocational assistance not to exceed that in subsection (3) of this section, without regard to the worker's prior option selection or benefits expended, where vocational assistance would prevent permanent total disability under RCW 51.32.060.

(5)(a) As used in this section, "vocational plan interruption" means an occurrence which disrupts the plan to the extent the employability goal is no longer attainable. "Vocational plan interruption" does not include institutionally scheduled breaks in educational programs, occasional absence due to illness, or modifications to the plan which will allow it to be completed within the cost and time provisions of subsection (3)(d) and (e) of this section.

(b) When a vocational plan interruption is beyond the control of the worker, the department or self-insurer shall recommence plan development. If necessary to complete vocational services, the cost and duration of the plan may include credit for that expended prior to the interruption. A vocational plan interruption is considered outside the control of the worker when it is due to the closure of the accredited institution, when it is due to a death in the worker's immediate family, or when documented changes in the worker's accepted medical conditions prevent further participation in the vocational plan.

(c) When a vocational plan interruption is the result of the worker's actions, the worker's entitlement to benefits shall be suspended in accordance with RCW 51.32.110. If plan development or implementation is recommenced, the cost and duration of the plan shall not include credit for that expended prior to the interruption. A vocational plan interruption is considered a result of the worker's actions when it is due to the failure to meet attendance expectations set by the training or educational institution, failure to achieve passing grades or acceptable performance review, unaccepted or postinjury conditions that prevent further participation in the vocational plan, or the worker's failure to abide by the accountability agreement per subsection (3)(a) of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 51.32 RCW to read as follows:

(1) Costs paid for vocational services and plans shall be chargeable to the employer's cost experience or shall be paid by the self-insurer, as the case may be. For state fund vocational plans implemented on or after January 1, 2008, the costs may be paid from the medical aid fund at the sole discretion of the director under the following circumstances:

(a) The worker previously participated in a vocational plan or selected a worker option as described in section 2(4) of this act;

(b) The worker's prior vocational plan or selected option was based on an approved plan or option on or after January 1, 2008;

(c) For state fund employers, the date of injury or disease manifestation of the subsequent claim is within the period of time used to calculate their experience factor;

(d) The subsequent claim is for an injury or occupational disease that resulted from employment and work-related activities beyond the worker's documented restrictions.

(2) The vocational plan costs payable from the medical aid fund shall include the costs of temporary total disability benefits, except those payable from the supplemental pension fund, from the date the vocational plan is implemented to the date the worker completes the plan or ceases participation. The vocational costs paid from the medical aid fund shall not be charged to the state fund employer's cost experience.

(3) For the duration of the vocational pilot program, all expenses to the medical aid fund resulting from the director's discretionary decisions as provided in subsection (1) of this section shall be separately documented as a medical aid fund expenditure and reported to the vocational rehabilitation subcommittee and the legislature annually. This report shall include the number of claims for which relief to the state fund employer was provided and the average cost per claim. A report to the vocational rehabilitation subcommittee and the legislature shall also be made annually

including the number of claims and average cost per claim reported by self-insured employers for claims meeting the requirements in subsection (1)(a), (b), and (d) of this section.

**NEW SECTION. Sec. 4.** The department of labor and industries shall adopt rules necessary to implement this act.

**NEW SECTION. Sec. 5.** This act takes effect January 1, 2008.

**NEW SECTION. Sec. 6.** This act expires June 30, 2013."

Correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Conway, Wood and Jarrett spoke in favor of passage of the bill.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2073.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2073 and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 85.

Voting nay: Representatives Ahern, Alexander, Buri, Condotta, DeBolt, Ericksen, Kretz, Kristiansen, McDonald, Pearson, Roach, Schindler and Sump - 13.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2073, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2163, by Representatives Cody, Sommers, Kenney and Moeller; by request of Health Care Authority**

**Creating the public employees' benefits board medical benefits administration account.**

The bill was read the second time.

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

Representative Cody spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2163.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2163 and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 33.

HOUSE BILL NO. 2163, having received the necessary constitutional majority, was declared passed.

### **HOUSE JOINT MEMORIAL NO. 4017, by Representatives Kessler and Van De Wege**

#### **Naming portions of Highways 112 and 113 the Korean War Veteran's Blue Star Memorial Highway.**

The joint memorial was read the second time.

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

Representatives Kessler and Jarrett spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4017.

### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4017 and the joint memorial passed the

House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE JOINT MEMORIAL NO. 4017, having received the necessary constitutional majority, was declared passed.

### **HOUSE JOINT RESOLUTION NO. 4215, by Representatives Kenney, Sells, Buri, Hunt and Wood; by request of Washington State University**

#### **Eliminating prohibitions on the investment of certain state moneys.**

The joint resolution was read the second time.

There being no objection, Substitute House Joint Resolution No. 4215 was substituted for House Joint Resolution No. 4215 and the substitute joint resolution was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215 was read the second time.

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

Representatives Kenney and Buri spoke in favor of passage of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Joint Resolution No. 4215.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4215 and the joint resolution passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt,

Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Anderson and Hasegawa - 2.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1374,  
HOUSE BILL NO. 1376,  
HOUSE BILL NO. 1422,  
HOUSE BILL NO. 1450,  
HOUSE BILL NO. 1497,  
HOUSE BILL NO. 1503,  
HOUSE BILL NO. 1636,  
HOUSE BILL NO. 1670,  
HOUSE BILL NO. 1705,  
HOUSE BILL NO. 1873,  
HOUSE BILL NO. 1910,  
HOUSE BILL NO. 1916,  
HOUSE BILL NO. 2053,  
HOUSE BILL NO. 2134,  
HOUSE BILL NO. 2146,  
HOUSE BILL NO. 2148,  
HOUSE BILL NO. 2152,  
HOUSE BILL NO. 2256,  
HOUSE BILL NO. 2361,

There being no objection, HOUSE BILL NO. 1637 was removed from the Suspension Calendar and placed on the regular Second Reading calendar .

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

#### STATEMENT FOR THE JOURNAL

I respectfully request to have a notation entered into the Journal of the House stating that I was absent for a number of Floor votes on March 8, 2007 because of a medical emergency in my family. Thank you.

JEFF MORRIS, 40<sup>th</sup> District

There being no objection, the House adjourned until 10:00 a.m., March 8, 2007, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTY FIRST DAY

House Chamber, Olympia, Friday, March 9, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Renee Wyman and Benjamin Snow. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Iris Crane, Our Lady of the Sacred Earth, Olympia.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4635, by Representatives Hunt, Williams, Haigh, DeBolt, Alexander, Newhouse, Armstrong, Grant, Linville and Conway

WHEREAS, Dick Pust of Olympia, Washington has been an employee of radio station KGY in Olympia for over 48 years; and

WHEREAS, Mr. Pust has served as radio station KGY's morning program host continuously for the past 40 years; and

WHEREAS, Mr. Pust has served as morning program host longer than any other person in the state of Washington; and

WHEREAS, Mr. Pust has justifiably earned the reputation of accurately broadcasting critically important news events during recorded disasters, including floods, earthquakes, and windstorms, in such a professional manner that it has brought calm and lifesaving information to listeners; and

WHEREAS, Mr. Pust has served the radio broadcast industry with distinction, having served as President of the Washington Association of Broadcasters and later was named "Broadcaster of the Year" by the same organization; and

WHEREAS, Mr. Pust will be honored during the month of April 2007, for continuous employment at radio station KGY at the time the station will be celebrating its 85th anniversary;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives extend to Mr. Pust recognition for his many years of broadcast excellence and wish him the warmest congratulations on his many broadcast industry achievements; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Dick Pust and to Olympia radio station KGY.

HOUSE RESOLUTION NO. 4635 was adopted.

HOUSE RESOLUTION NO. 2007-4637, by Representatives Kessler, Skinner and Van De Wege

WHEREAS, Dan Harpole was a leader in the arts community and known throughout the nation for his strong and devoted public service; and

WHEREAS, He was a prominent advocate for the arts since graduating from The Evergreen State College in Olympia in 1982; and

WHEREAS, Once graduating from college, Dan moved to Port Townsend, where he lived for nineteen years and served as a Port Townsend City Council member from 1994 to 1996 and as a Jefferson County Commissioner from 1997 to 2000; and

WHEREAS, For eight years he was assistant program manager for Centrum, a nationally recognized nonprofit arts and creative education center in Port Townsend; and

WHEREAS, Mr. Harpole was appointed to the Washington State Arts Commission by Governor Gary Locke in October 1995 where he served as a two-term member and was then elected Commission Chair in 1998; and

WHEREAS, In November 2000, Mr. Harpole moved to Boise, Idaho when he was unanimously chosen from 36 distinguished candidates as the new executive director of the Idaho Commission on the Arts; and

WHEREAS, He was chosen based on his reputation, achievements, and also for his optimistic, companionable disposition, and his ability to get things done; and

WHEREAS, While in Idaho, Mr. Harpole also served on the executive committee of the board of directors for the National Assembly of State Arts Agencies and was elected president in 2005; and

WHEREAS, Mr. Harpole has been awarded, in memoriam, the Chairman's Medal from the chair of the National Endowment for the Arts "for serving the NEA and arts in America with distinction"; and

WHEREAS, In his passing in December 2006, the state of Washington has lost a nationally renowned leader of the arts;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington, on behalf of the residents of the state of Washington, honor Dan Harpole's life as an arts enthusiast, public servant, father, and friend; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family and friends of Dan Harpole.

HOUSE RESOLUTION NO. 4637 was adopted.

## MESSAGES FROM THE SENATE

March 8, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5039,  
 SUBSTITUTE SENATE BILL NO. 5052,  
 SUBSTITUTE SENATE BILL NO. 5116,  
 SUBSTITUTE SENATE BILL NO. 5153,  
 SUBSTITUTE SENATE BILL NO. 5231,  
 SUBSTITUTE SENATE BILL NO. 5244,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
 SENATE BILL NO. 5490,  
 SUBSTITUTE SENATE BILL NO. 5542,  
 SECOND SUBSTITUTE SENATE BILL NO. 5597,

SENATE BILL NO. 5613,  
 SECOND SUBSTITUTE SENATE BILL NO. 5652,  
 SECOND SUBSTITUTE SENATE BILL NO. 5743,  
 SUBSTITUTE SENATE BILL NO. 5826,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,  
 SUBSTITUTE SENATE BILL NO. 5919,  
 SECOND SUBSTITUTE SENATE BILL NO. 5995,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5037,  
 SUBSTITUTE SENATE BILL NO. 5108,  
 SENATE BILL NO. 5113,  
 SUBSTITUTE SENATE BILL NO. 5305,  
 SENATE BILL NO. 5398,  
 SECOND SUBSTITUTE SENATE BILL NO. 5470,  
 SUBSTITUTE SENATE BILL NO. 5534,  
 SUBSTITUTE SENATE BILL NO. 5691,  
 SUBSTITUTE SENATE BILL NO. 5718,  
 SENATE BILL NO. 5759,  
 SENATE BILL NO. 5773,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 9, 2007

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5259,  
 SUBSTITUTE SENATE BILL NO. 5321,  
 SUBSTITUTE SENATE BILL NO. 5625,  
 SUBSTITUTE SENATE BILL NO. 5855,  
 SUBSTITUTE SENATE BILL NO. 5952,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

## SECOND READING

**HOUSE BILL NO. 1956, by Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa**

**Prohibiting discrimination based on lawful source of income.**

The bill was read the second time.

With the consent of the House, amendments (101) and (068) was withdrawn.

Representative Schindler moved the adoption of amendment (168):

On page 1, line 10 of the amendment, after "(2)" insert the following:

" (a) When a finding has been made under RCW 49.60.250 that the respondent has engaged in an unfair practice under this section, the administrative law judge shall promptly issue an order for appropriate relief for the aggrieved party, which may include actual damages and injunctive or other equitable relief. The order may, to further the public interest, assess a civil penalty against the respondent:

(i) In an amount up to two thousand five hundred dollars if the respondent is determined not to have committed any prior unfair practices under this section;

(ii) In an amount up to seven thousand five hundred dollars if the respondent is determined to have committed one other unfair practice under this section during the five-year period ending on the date of the filing of this charge; or

(iii) In an amount up to ten thousand dollars if the respondent is determined to have committed two or more unfair practices under this section during the seven-year period ending on the date of the filing of this charge.

(b) Civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund.

(3)"

On page 1, line 23 of the amendment, strike "(3)" and insert "(4)"

On page 1, after line 29 of the amendment, insert the following: "**Sec. 2.** RCW 49.60.250 and 1993 c 510 s 23 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed ten thousand dollars, and including a requirement for report of the matter on compliance. Relief available for violations of RCW 49.60.222 through 49.60.224 shall be limited to the relief specified in RCW 49.60.225. Relief available for violations of section 1 of this act shall be limited to the relief specified section 1(2) of this act.

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, impose a civil penalty upon the retaliator of up to three thousand dollars and issue an order to the state employer to suspend the retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that

a letter of reprimand be placed in the retaliator's personnel file. All penalties recovered shall be paid into the state treasury and credited to the general fund.

(7) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(8) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(9) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

(10) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure."

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

The amendment was adopted.

Representative Dunn moved the adoption of amendment (111):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Sec. 1. A new section is added to chapter 49.60 RCW to read as follows:

(1) It is an unfair practice for any person, whether acting for himself, herself, or another, to discriminate in the rental of a dwelling to, or to refuse to negotiate or enter into a rental agreement with, a person because of the person's lawful source of income.

(2) This section does not:

(a) Apply to rental transactions involving the sharing of a dwelling unit as defined in RCW 59.18.030, or the rental or subleasing of a portion of a dwelling unit, when the dwelling unit is to be occupied by the owner or sublessor;

(b) Affect the rights, responsibilities, and remedies of landlords and tenants under chapter 59.18 or 59.20 RCW, except to the extent of inconsistencies with the nondiscrimination requirements of this section; or

(c) Limit the applicability of RCW 49.60.215 relating to unfair practices in places of public accommodation or RCW 49.60.222 through 49.60.227 relating to unfair practices in real estate transactions.

(3) For the purposes of this section, "lawful source of income" means verifiable legal income, including income derived from employment, social security, supplemental security income, other retirement programs, child support, alimony, and any federal, state, or local government or nonprofit-administered benefit or subsidy program, including rental assistance programs, public assistance, and general assistance programs."

Correct the title.

Representatives Dunn and Miloscia spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Pettigrew and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1956.

#### MOTION

On motion of Representative Schindler, Representative Skinner was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1956 and the bill passed the House by the following vote: Yeas - 72, Nays - 25, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Ross, Sump and Warnick - 25.

Excused: Representative Skinner - 1.

ENGROSSED HOUSE BILL NO. 1956, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1413, by Representatives Eddy, Simpson and Curtis; by request of Department of Ecology**

#### **Changing the definition of floodway in the shoreline management act.**

The bill was read the second time.

Representative Eddy moved the adoption of amendment (137):

On page 4, line 1, after "(g)" strike all material through "state" on line 17 and insert the following:

"'Floodway' means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of ((the area of)) a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography or other indicators of past flooding. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state"

Representatives Eddy and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Eddy and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1413.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1413 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED HOUSE BILL NO. 1413, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1148, by Representatives Simpson, Dunn, Orcutt, McCune, Chase, Wallace, Ormsby and Springer**

**Prohibiting restrictions on the location of mobile homes or manufactured homes based exclusively on age and dimensions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1148 was substituted for House Bill No. 1148 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1148 was read the second time.

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

Representatives Simpson and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1148.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1148 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1148, having received the necessary constitutional majority, was declared passed.

#### SECOND READING SUSPENSION

#### **HOUSE BILL NO. 1371, by Representative Appleton**

#### **Addressing traffic infractions involving rental vehicles.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Appleton spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1371.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1371, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall,

Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1371, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1538, by Representatives Bailey, Linville, Hinkle, Alexander, Haler, Strow, Rodne, Warnick, Morrell, Green and Ericksen**

**Requiring an independent study of health benefit requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1538 was read the second time.

The bill was placed on final passage.

Representatives Bailey and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1538.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1538, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1538, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1644, by Representatives Kenney, Sells, Anderson, Appleton, Morrell, Linville, Roberts, Ormsby, McDermott, Conway, Schual-Berke and Haigh; by request of Health Care Authority**

**Modifying health care eligibility provisions for part-time academic employees of community and technical colleges.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kenney and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1644.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1644, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1644, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1675, by Representatives Santos, Curtis, McDermott, Williams, Upthegrove, Hasegawa, Roberts, Schual-Berke, Simpson and Darneille**

**Providing certain public notices in a language other than English.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1675 was read the second time.

The bill was placed on final passage.

Representatives Santos and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1675.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1675, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1675, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1677, by Representatives Quall, Rodne, Dunshee, Ormsby, B. Sullivan, Hurst, Chase, Hunt, P. Sullivan, Pettigrew, Lovick, Jarrett, McCoy, Anderson, Upthegrove, Santos, Sells, Conway and Rolfes**

**Creating the outdoor education and recreation grant program for schools and others.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SECOND SUBSTITUTE HOUSE BILL NO. 1677 was read the second time.

The bill was placed on final passage.

Representatives Quall and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1677.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1677, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer,

Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1677, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1694, by Representatives Flannigan, Upthegrove and Kenney**

**Requiring the agency council on coordinated transportation to coordinate special needs transportation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1694 was read the second time.

The bill was placed on final passage.

Representatives Flannigan and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1694.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1694, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1887, by Representatives Linville, Armstrong and Grant**

**Allowing identicard renewal by mail or electronic commerce for individuals over the age of seventy.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Linville and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1887.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1887, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1887, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1923, by Representatives Hunt and Condotta

##### Modifying requirements for motor vehicle transporter license applications.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1923.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1923, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa,

Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1923, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1955, by Representatives Wood, B. Sullivan, Kristiansen, Condotta, Crouse and Lovick

##### Establishing licensing requirements for certain vehicle dealers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1955 was read the second time.

The bill was placed on final passage.

Representatives Wood and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1955.

#### MOTION

On motion of Representative Schindler, Representative Condotta was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1955, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Condotta and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1955, having received the necessary constitutional majority, was declared passed.

## SECOND READING

**HOUSE BILL NO. 2079, by Representatives McDermott, Ormsby, Williams, Simpson and Hunt**

### Concerning use of agency shop fees.

The bill was read the second time.

With the consent of the House, amendment (108) was withdrawn.

Representative Chandler moved the adoption of amendment (095):

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1, and insert "Labor organizations may not use any fund or account where agency shop fees are commingled with other funds to make contributions or expenditures to influence an election or to operate a political committee."

Correct the title.

Representatives Chandler, Ericksen, Andersen and Buri spoke in favor of the adoption of the amendment.

Representatives Hunt and Appleton spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (095) to House Bill No. 2079.

## MOTION

On motion of Representative Santos, Representative Ormsby was excused.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (095) to House Bill No. 2079, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Flannigan, Goodman, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Pettigrew, Priest, Roach, Rodne, Ross, Schindler, Seaquist, Strow, Sump, Wallace, Walsh and Warnick - 43.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Pedersen, Quall, Roberts, Rolfes, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 53.

Excused: Representatives Ormsby and Skinner - 2.

Representative Chandler moved the adoption of amendment (113):

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1, and insert "A labor organization may use any fund or account where agency shop fees are commingled with other revenue to make contributions or expenditures to influence an election or to operate a political committee when nonmembers have been provided with a rebate of such fees that is equal to the pro-rata share of the average of all such contributions or expenditures over the preceding three years of actual reported financial information for the labor organization plus a cushion of 3 percent of the annual agency shop fee for the same three year period in order to adjust for variations caused by negligible errors in either calculations or organization expenses."

(3) "Expenditures to influence an election" includes, but is not limited to, expenditures for staff whose duties affect elections or have the responsibility of training other staff or volunteers to affect elections; expenditures on communication efforts internally or externally to advance or oppose one or more candidates or ballot measures; expenditures to assist voter turn out; expenditures for staff to aid in recruiting or training candidates; expenditures for staff or materials to prepare ballot measures or recall efforts; expenditures for staff or legal services to contest election results; and donations of funds to organizations or individuals that make expenditures to influence an election.

(4) "To operate a political committee" means expenditures on staff work, promotional materials, professional services, and internal communication efforts that aid in the operation and funding of a political committee."

Correct the title.

Representatives Chandler, Orcutt, Schindler, Armstrong and Strow spoke in favor of the adoption of the amendment.

Representatives Hunt and Flannigan spoke against the adoption of the amendment.

## POINT OF ORDER

Representative Buri: "I would certainly hope that – I'm reading the amendment and the effect statement – I do not see where it deals with primaries or elections. I would like a ruling please."

## SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The gentleman's point is well taken. Would the gentleman from the 27<sup>th</sup> District please keep his comments to the amendment in front of us."

Representative Flannigan (continued) spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rodne moved the adoption of amendment (193):

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1, and insert "An agency shop fee paying nonmember of a labor organization has a cause of action in superior court against the labor organization for wrongful use of agency shop fees if the labor organization violates subsection (1) of this section."

(3) Upon finding that there is a violation of subsection (1) of this section, the court shall award the plaintiff damages and the costs of the suit, including investigative costs and reasonable attorneys' fees

and costs. The court may impose a civil penalty not exceeding twenty-five thousand dollars for each violation and may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain further violations.

(4) Labor organizations that have been found to be in violation of subsection (1) of this section may not enforce a union security clause in any collective bargaining agreement for five years."

Correct the title.

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

Representative Hunt spoke against the adoption of the amendment.

#### POINT OF ORDER

Representative Ericksen: "Mr. Speaker, I believe the member was impugning the motives of this amendment."

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The gentleman's point is well taken. Would the gentleman from the 22<sup>nd</sup> District not impugn the motives of members."

Representative Hunt (continued) spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (210):

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1, and insert "The following definitions apply to this section.

(a) "Agency shop fees" are fees paid by nonmember employees to a labor organization for the costs related to collective bargaining, contract administration, and activity related to matters affecting wages, hours, and other conditions of employment done by the labor organization on behalf of all employees.

(b) "Use of agency shop fees" includes the use of agency shop fees and the use of any funds that are commingled with agency shop fees.

(c) "Expenditures to influence an election" includes, but is not limited to, expenditures for staff whose duties affect elections or have the responsibility of training other staff or volunteers to affect elections; expenditures on communication efforts internally or externally to advance or oppose one or more candidates or ballot measures; expenditures to assist voter turn out; expenditures for staff to aid in recruiting or training candidates; expenditures for staff or materials to prepare ballot measures or recall efforts; expenditures for staff or legal services to contest election results; and donations of funds to organizations or individuals that make expenditures to influence an election.

(d) "To operate a political committee" means expenditures on staff work, promotional materials, professional services, and internal communication efforts that aid in the operation and funding of a political committee.

(e) "Affirmatively authorized" means that the nonmember signed a declaration within the twelve month period prior to the expenditure indicating consent to the labor organization's use of the fees to influence an election."

Correct the title.

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

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Armstrong moved the adoption of amendment (204):

On page 1, beginning on line 11, strike "its general treasury funds" and insert "any fund or account where agency shop fees are commingled"

On page 1, line 13, after "in" strike "its general treasury" and insert "any such fund or account"

On page 1, line 13, after "expenditures." strike all material through "immediately." on page 2, line 1, and insert:

"(3) A labor organization that uses a fund or account where agency shop fees are commingled to make such contributions or expenditures must:

(a) Annually send separate written notice to each nonmember providing information on the labor organization's compliance with the requirements of subsection (1) of this section. The written notice must be on a form provided by the public disclosure commission and must include, but is not limited to, the following information:

(i) The text of the statute and a statement that the written notice is in part compliance with the statutory requirements therein;

(ii) An explanation that the notice is provided because the individual is a nonmember of the labor organization and is entitled to a rebate of fees spent in excess of chargeable activities; and

(iii) A complete accounting of the total revenue from member dues and agency shop fees, and of expenditures on chargeable and nonchargeable activities for preceding three fiscal years; and

(b) Include with the written notice a separate card that the nonmember can sign and return to the labor organization to obtain a rebate of his or her portion of the agency shop fees not spent on chargeable activities."

Correct the title.

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

#### POINT OF ORDER

Representative Hunt: "I think rendering a judicial decision on the Floor by a member is inappropriate here. It is before the court."

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker has found that the rulings prevent alluding to another chamber of the Legislature but there is nowhere where it prevents alluding to the Supreme Court. Your point is not well taken."

Representatives Ericksen (continued) and Rodne spoke in favor of the adoption of the amendment.

Representatives Quall, Flannigan and Hunt spoke against the adoption of the amendment.

An electronic roll call was requested.

#### POINT OF ORDER

Representative Buri: "Mr. Speaker, since we have talked about the emergency clause and we have talked about some

other things, and there has been a roll call requested, it seems to be two issues. Could we take a roll call and divide the question?"

Representative Buri withdrew his point of order.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (204) to House Bill No. 2079.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (204) to House Bill No. 2079, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Goodman, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Seaquist, Strow, Sump, Wallace, Walsh and Warnick - 42.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 54.

Excused: Representatives Ormsby and Skinner - 2.

Representative Armstrong moved the adoption of amendment (203):

On page 1, line 12, after "if" strike all material through "immediately." on page 2, line 1, and insert "in the preceding twelve months all nonmembers have been either charged a fee that has been reduced by an amount equal to a pro-rata share of the amount used for purposes not germane to the collective bargaining process or to other labor processes such as contract administration or matters affecting wages, hours, and other conditions of employment based on the average of that amount over the preceding three years; or, if in the preceding twelve months all nonmembers have received a refund of the actual portion of their agency fees used for purposes not germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment."

Representatives Armstrong, Chandler, Ericksen and Newhouse spoke in favor of the adoption of the amendment.

Representatives McDermott and Eickmeyer spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dunn moved the adoption of amendment (138):

On page 1, line 13, after "expenditures." insert:

"**Sec. 2.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide personally held religious beliefs, or on the tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to ~~((~~any~~))~~ any nonreligious charity or ((to another--))charitable organization registered with the secretary of state ((mutually agreed upon by the employee affected and the bargaining representative)) to which such employee would otherwise pay the dues and fees. ~~((The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization:))~~"

Renumber following sections accordingly. Correct the title.

Representatives Dunn, Chandler and Anderson spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Armstrong moved the adoption of amendment (205):

On page 1, line 13, after "expenditures." strike all material through "immediately." on page 2, line 1, and insert:

"(3) To prevent agency shop fees from subsidizing nonchargeable activities, labor organizations must allocate the cost of chargeable activities on a per employee basis."

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

### POINT OF ORDER

Representative Springer: "I would ask the Speaker to remind the body to address comments to the Speaker."

### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Please address the Speaker."

Representatives Armstrong (continued) and Bailey spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (208):

On page 1, line 13, after "expenditures." strike all material through "immediately." on page 2, line 1, and insert:

"(3) To document the requirements of this section, the public disclosure commission shall prepare reporting forms and require completion by those labor organizations that elect to receive agency shop fees and make such contributions or expenditures. The

information required by the reporting forms must include, but is not limited to:

- (a) Total spending;
  - (b) Total nonchargeable spending;
  - (c) Total election spending as described in RCW 42.17.760;
  - (d) Total revenue from agency shop fees;
  - (e) Total revenue from member dues; and
  - (f) Total revenue from other sources.
- (4) The public disclosure commission shall prepare an annual report on the contributions and expenditures made by labor organizations to affect elections and to operate political committees."

Representatives Hinkle, Chandler, Buri, Walsh, Armstrong, Ericksen, Alexander, Kristiansen, Newhouse, Buri and Ross spoke in favor of the adoption of the amendment.

Representatives Cody and Simpson spoke against the adoption of the amendment.

### POINT OF ORDER

Representative Anderson: "Mr. Speaker, where we are saying democratically elected – that could be misconstrued – we are talking about political contributions. I would not want any misunderstanding."

### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker believes the gentleman used democratic in the little "d" sense and not the big "D" and your point is not well taken."

Representatives Simpson (continued) and Sells spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Kretz moved the adoption of amendment (096):

On page 1, beginning on line 14, strike all of Section 2.

Correct the title.

Representatives Kretz, Haler, Jarrett, Ross, Hinkle, Alexander, Bailey, Ahern, Anderson, Ericksen and Orcutt spoke in favor of the adoption of the amendment.

Representatives McDermott and Ormsby spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Condotta moved the adoption of amendment (195):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that it is a substantial governmental interest to:

(1) Extend to public employees protections similar to those afforded to private sector employees regarding reporting and accountability for their bargaining representatives;

(2) Assure that a public employee's right to refrain from compelled speech and from financing expenditures that are not germane to the collective bargaining process or to contract

administration is properly balanced with the bargaining representative's ability to collect dues and fees and to use them;

(3) Discourage corruption and mismanagement within employee organizations; and

(4) Reduce the disputes brought under union security clauses between members of a bargaining unit and their bargaining representative by providing better information.

**Sec. 2.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue

advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(4) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to ~~((the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative))~~ a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

**Sec. 3.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ~~((regular union dues and initiation fee))~~ a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. ~~((When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.))~~ The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

**Sec. 4.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining

representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable ~~((for a period of more than one year))~~. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each faculty member with annual written notice, separate from any other publication, conspicuously explaining the affected faculty members' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each faculty member with annual written notice, separate from any other publication, conspicuously explaining that faculty members have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such faculty member is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected faculty member. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(4) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona

fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such faculty member is a member shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to ((the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

**Sec. 5.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to or less than such dues. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue

advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) All union security provisions must safeguard the right of nonassociation of employees based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member. Such employee shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ((regular dues and fees)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

**Sec. 6.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to or less than the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars

or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide personally held religious beliefs or the tenets, or teachings of a church or religious body of which the employee is a member, shall (as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization) either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~((3))~~ (4) Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

~~((4))~~ (5) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

**Sec. 7.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee

equivalent to or less than such dues. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member. Such employee shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ~~((regular dues and fees))~~ a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee

organization but is entitled to all the representation rights of a member of the employee organization."

Correct the title.

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

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (206):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.760 and 1993 c 2 s 16 are each amended to read as follows:

A labor organization that collects agency shop fees in excess of a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

**Sec. 2.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

**Sec. 3.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the pro rata share shall be documented for the nonmember using historical data.

(3) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

**Sec. 4.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, ~~((a fee equivalent to such dues))~~ an agency shop fee. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data. All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

**Sec. 5.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment ~~((, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later;))~~ of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount ~~((required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee))~~ no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide personally held religious beliefs or the tenets, or teachings of a church or religious body of which the employee is a member, shall ~~((as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization))~~ either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to the agency shop fee. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

**Sec. 6.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to ~~((such dues))~~ a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

**Sec. 7.** RCW 41.56.113 and 2006 c 54 s 3 are each amended to read as follows:

(1) Upon the written authorization of an individual provider or a family child care provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider or a family child care provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers or family child care providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, ~~((a fee equivalent to the dues))~~ an agency shop fee. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider or the family child care provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300 or 41.56.028, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(4) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

**Sec. 8.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such

public employee would otherwise pay the dues and initiation fee. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement."

Correct the title.

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

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (207):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that confusion exists regarding the rights and protections afforded to those paying agency shop fees and intends to clarify those rights by specifying limits on the uses of agency fees. The legislature further finds that the extraordinary power to compel payment for services is a power normally reserved only to public entities, and that its extension to private entities with nonpublic interests including campaign activities must be restricted to the purposes justifying its authorization by law. The legislature further finds that the United States constitutional protection against compelled speech preempts any statutory grant of power to compel payment for collective bargaining services, and interpretations of state law must always put protection from compelled speech before labor organization convenience. The legislature further finds that many labor organizations operate without relying on mandatory fees, and the inclusion of such mandatory fees in bargaining agreements and their protection under law is not necessary for the interests and rights of labor organizations. The legislature further finds that generally accepted accounting principles consider commingled funds to be from all sources, and that only a complete refund of agency fees would satisfy the requirements of the citizens' Initiative Measure No. 134.

**Sec. 2.** RCW 42.17.760 and 1993 c 2 s 16 are each amended to read as follows:

(1) A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

(2) Subject to other provisions of this chapter, labor organizations may use any fund or account from which payments or expenditures are made, and where agency shop fees are commingled, to make contributions or expenditures to influence an election or operate a political committee if all agency shop fees collected in the twelve months prior to the contribution or expenditure are returned to those who paid fees and did not affirmatively authorize these uses.

(3) For the purpose of this section:

(a) "Agency shop fees" means any funds received from someone who has not affirmatively joined a labor organization but supplied those funds pursuant to a collective bargaining agreement;

(b) "Affirmatively authorized" means that the agency fee payer signed a declaration within the twelve months prior to the expenditure indicating consent to use of the fees to influence an election;

(c) "Use agency shop fees" means to make any expenditure from agency shop fees or any funds commingled with agency shop fees including general treasury funds; and

(d) "Expenditures to influence an election" includes but is not limited to expenditures on staff who have duties including activities to affect elections or train other staff or volunteers to affect elections, expenditures on communication efforts internally or externally to advance or oppose one or more candidates or ballot measures, expenditures to identify voter preferences, expenditures to aid in voter turnout, expenditures on staff to aid in recruiting or training candidates, expenditures on staff or materials to prepare ballot measures or recall efforts, expenditures on staff or legal services to contest election results, and donations of funds to organizations or individuals who make expenditures to influence an election."

Correct the title.

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

Representative Conway spoke against the adoption of the amendment.

#### **POINT OF ORDER**

Representative Buri: "Mr. Speaker, I think you have already given a ruling about impugning the motives as far as people attacking."

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The gentleman's point is well taken. Will the member please address the legislation, not impugn the motives of other members."

Representative Conway (continued) spoke against the adoption of the amendment.

#### **POINT OF ORDER**

Representative Buri: "Mr. Speaker, I checked with staff explicitly on any of these amendments. I said can any of these be construed as a right to work amendment and they said no."

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The Speaker believes that the gentleman can argue that it is a right to work amendment. He cannot impugn the motives of the member."

Representative Conway (continued) spoke against the adoption of the amendment.

Representatives Armstrong and Haler spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (209):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.760 and 1993 c 2 s 16 (Initiative Measure No. 134, approved November 3, 1992) are each amended to read as follows:

A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election, transfer or contribute such fees to an affiliated organization that makes such contributions or expenditures, or to operate a political committee, unless affirmatively authorized by the individual."

Correct the title.

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

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives McDermott, Hunt and Simpson spoke in favor of passage of the bill.

Representatives Bailey, Anderson, Warnick, Armstrong, Orcutt, Curtis, Haler, Kristiansen, Hailey and Ahern spoke against the passage of the bill.

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "Will the gentleman not impugn the motives of the members."

Representatives Ahern (continued), Schindler, Chandler, Buri and Strow spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2079.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2079 and the bill passed the House by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Goodman, Hailey,

Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Seaquist, Strow, Sump, Wallace, Walsh and Warnick - 42.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 2079, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1260, by Representatives Conway, Crouse, Fromhold, Kenney, Ericks, Ormsby, Simpson and Moeller; by request of Select Committee on Pension Policy**

**Establishing contribution rates in the Washington state patrol retirement system.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1260 was substituted for House Bill No. 1260 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1260 was read the second time.

Representative Bailey moved the adoption of amendment (185):

Beginning on page 2, line 32, strike all of section 3

Correct the title.

Representatives Bailey and Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Conway and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1260.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1260 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall,

Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2268, by Representatives Lantz, Lovick, Strow, Kagi, Eddy, Ericks, Green, B. Sullivan, McCoy, Moeller, Schual-Berke, Kenney, Hunt, Kelley and Ormsby**

**Revising provisions relating to possession of dangerous weapons on school facilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2268 was substituted for House Bill No. 2268 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2268 was read the second time.

Representative Kagi moved the adoption of amendment (157):

Strike everything after the enacting clause and insert the following:

"**Sec 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any ~~(other dangerous weapon as defined in RCW 9.41.250))~~ live ammunition, an ammunition magazine, or a device for suppressing the noise of any firearm;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; ~~((or))~~

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

(f) A blackjack, slung shot, sand club, billy club, or metal knuckles;

(g) Any stun gun or other object, instrument, or device which, when applied to a person or animal, is designed to administer an incapacitating electric shock, charge, or impulse, including but not limited to, a projectile stun gun, which projects wired probes attached to the device that emit an electrical charge;

(h) Any explosive or any weapon containing poisonous or injurious gases; or

(i) Any dirk, dagger, spring blade knife, knife having a blade longer than three inches, razor with an unguarded blade, knife having a blade which is automatically released by a spring mechanism or other mechanical device, or knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement.

(2) It is unlawful for a person on public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private

schools, to possess and use, attempt to use, threaten to use, or intend to use, any object, implement, or instrument that has the capacity to inflict death or substantial bodily harm when the use, attempt, threat, or intent is of a nature likely to inflict such death or harm. Objects, implements, and instruments subject to this subsection include but are not limited to:

(a) Any knife not described in subsection (1) of this section;

(b) A leather punch, ice pick, or screwdriver;

(c) Any metal baton, pipe, bar, or other tool; or

(c) Any item not described in subsection (1) of this section containing poisonous or injurious gas, liquid, or other substance.

(3) A multistakeholder advisory committee to the office of the superintendent of public instruction that addresses elements of school safety is encouraged to develop a model policy and guidance for school building administrators, school staff, school security personnel, and members of threat assessment committees regarding procedures that should be followed to document evidence of a person's use, attempt to use, threat to use, or intent to use a dangerous weapon on school grounds.

~~((2))~~ (4) Any ~~(such)~~ person violating subsection (1) or (2) of this section is guilty of a gross misdemeanor, except as provided in (a) of this subsection.

(a) Any person violating subsection (1)(a) of this section is guilty of a class C felony, except that a student who was otherwise legally in possession of an unloaded firearm secured within a locked vehicle, and who possessed the firearm with no intent to use it or threaten to use it, or intent to cause or threaten to cause alarm with it, is guilty of a gross misdemeanor.

(b) In addition, if any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

(c) Any violation of subsection (1)(a) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.420. Any other violation by elementary or secondary school students may constitute grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. Within one business day of any allegation or indication of a violation, an appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding ~~((any))~~ the allegation or indication of such violation. Law enforcement shall forward this notification to the prosecuting attorney.

(d) Upon the arrest of a person ~~((at least twelve years of age and))~~ not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. If the person is under the age of twelve, the person may only be detained under home detention or electronic monitoring. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the ~~((county-))~~designated mental health professional unless the court in its discretion releases the person ~~((sooner after a determination regarding probable cause or on probation bond or bail))~~ to the custody of a parent or guardian.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the ~~((county-))~~designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The ~~((county-))~~designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If ~~((the))~~ a person under twelve years of age has been released ~~((on probation, bond, or bail))~~ prior to the required examination, the examination shall occur wherever is appropriate.

The ~~((county-))~~designated mental health professional may determine whether to refer the person to the ~~((county-))~~designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The ~~((county-))~~designated chemical dependency specialist shall examine the person subject to

the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If ~~((the))~~ a person under twelve years of age has been released ~~((on probation, bond, or bail))~~ prior to the required examination, the examination shall occur wherever is appropriate.

Upon completion of any examination by the ~~((county-))~~designated mental health professional or the ~~((county-))~~designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The ~~((county-))~~designated mental health professional and ~~((county-))~~designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the ~~((county-))~~designated mental health professional determines it is appropriate, the ~~((county-))~~designated mental health professional may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual. If the person examined is determined by the designated mental health professional to be ineligible for detention or services relative to the provisions of chapter 71.05 or 71.34 RCW, the person should be referred to a multidisciplinary threat or risk assessment committee, where available, for determination of the person's risk for continued violence and the development of a safety plan for the person and any known targets or victims. The threat or risk assessment committee is typically comprised of representatives from school districts, local law enforcement, local juvenile justice agencies, mental health, risk management organizations, local family services organizations, and school safety or security professionals.

~~((3))~~ (5) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or ~~((dangerous))~~ other weapon specified in subsection (1) of this section that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; ~~((or))~~

(h) Any law enforcement officer of the federal, state, or local government agency; or

(i) Any person legally in possession of a weapon specified in subsection (1) of this section for an activity or class authorized to be conducted on the school premises, school-provided transportation, or areas of facilities while being used exclusively by the school, where the weapon has been brought to the school premises with express prior permission to be used in the approved activity or class, or has been provided specifically for the activity or class.

~~((4))~~ (6) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

~~((5))~~ (7) Except as provided in subsection ~~((3))~~ (5)(b), (c), ~~((f))~~, and (h) of this section, firearms are not permitted in a public or private school building.

~~((6))~~ (8) "GUN-FREE ZONE" signs shall be posted around

school facilities giving warning of the prohibition of the possession of firearms on school grounds."

Correct the title.

Representatives Kagi and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lantz, Rodne and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2268.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2268 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Appleton, Blake, Eddy, Eickmeyer, Flannigan and Van De Wege - 6.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2268, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 9, 2007

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5114,  
SUBSTITUTE SENATE BILL NO. 5145,  
SUBSTITUTE SENATE BILL NO. 5221,  
ENGROSSED SENATE BILL NO. 5261,  
SENATE BILL NO. 5332,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5712,  
SUBSTITUTE SENATE BILL NO. 5714,  
SECOND SUBSTITUTE SENATE BILL NO. 5790,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843,  
SECOND SUBSTITUTE SENATE BILL NO. 5955,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958,  
SUBSTITUTE SENATE BILL NO. 5964,

SENATE BILL NO. 5969,  
SENATE BILL NO. 6107,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

With the consent of the House, Rule 13c was suspended.

## SECOND READING

**HOUSE BILL NO. 1055, by Representatives Hudgins, B. Sullivan, Morris, Dunshee and Chase**

### Defining alternative motor fuels.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1055 was substituted for House Bill No. 1055 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1055 was read the second time.

With the consent of the House, amendments (035), (036), (037), (026), (040), (039), (089) and (097) were withdrawn.

Representative Ericksen moved the adoption of amendment (153):

On page 5, after line 34, insert the following:

"**NEW SECTION. Sec. 6.** A new section is added to chapter 19.112 RCW to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees, dyed special fuel users, and special fuel distributors, shall not use biodiesel fuel derived from palm oil to qualify towards the biodiesel fuel requirements established in RCW 19.112.110, unless the following conditions are satisfied:

(a) The special fuel licensee can demonstrate that, at the time of production, there was not sufficient Washington grown feedstock available to produce the biodiesel from canola, rapeseed, or mustard oil; and

(b) The palm oil was purchased from a company that:

(i) Maintains active membership in the roundtable on sustainable palm oil; and

(ii) Implements the roundtable on sustainable palm oil's directives as they are promulgated in order to ensure the sustainability of the palm oil.

(2) For purposes of this section, "palm oil" means a form of edible vegetable oil obtained from the fruit of the oil palm tree."

Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hudgins and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1055.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1055 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Van De Wege - 1.  
Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1103, by Representatives Campbell, Green, Kenney, Hudgins, Appleton, Schual-Berke and Cody**

### Concerning health professions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1103 was substituted for House Bill No. 1103 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1103 was read the second time.

Representative Cody moved the adoption of amendment (177):

On page 21, after line 26, insert the following:

"**Sec. 18.** RCW 18.71.017 and 2000 c 171 s 23 are each amended to read as follows:

(1) The commission may adopt such rules as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on July 1, 1994, unless otherwise repealed or rejected by this chapter or by the commission.

(2) The commission may adopt rules governing office based sedation and anesthesia performed by persons licensed under this chapter, including necessary training, and equipment.

**Sec. 19.** RCW 18.57.005 and 1986 c 259 s 94 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under

this chapter;

(2) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

(3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;

(4) To adopt rules governing office based sedation and anesthesia performed by persons licensed under this chapter, including necessary training, and equipment;

(5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

**Sec. 20.** RCW 18.22.015 and 1990 c 147 s 5 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatric physician and surgeon licenses;

(3) Examine and investigate all applicants for podiatric physician and surgeon licenses and certify to the secretary all applicants it judges to be properly qualified;

(4) Adopt any rules which it considers necessary or proper to carry out the purposes of this chapter;

(5) Adopt rules governing office based sedation and anesthesia performed by persons licensed under this chapter, including necessary training, and equipment;

(6) Determine which schools of podiatric medicine and surgery will be approved."

Renumber the sections consecutively and correct internal references accordingly.

Correct the title.

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

The amendment was adopted.

Representative Bailey moved the adoption of amendment (174):

On page 21, beginning on line 27, strike all of section 18 and insert the following:

"NEW SECTION. **Sec. 18.** Section 4 of this act takes effect January 1, 2008."

Correct the title.

Representatives Bailey, Alexander and Hinkle spoke in favor of the adoption of the amendment.

Representatives Campbell and Cody spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Campbell, Green and Schual-Burke spoke in favor of passage of the bill.

Representatives Hinkle and Curtis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1103.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1103 and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Sump and Warnick - 27.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1103, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1103.

CHRIS STROW, 10<sup>th</sup> District

#### SECOND READING

**HOUSE BILL NO. 1322, by Representatives McCoy, Grant, Sells, Cody, Conway, Schual-Berke, Roberts, Pettigrew, Lantz, Kagi, Moeller, Chase, Green, Kenney, Simpson, Darneille, Dickerson, Hankins, Santos, Ormsby and Flannigan**

**Defining disability in the Washington law against discrimination.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1322 was substituted for House Bill No. 1322 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1322 was read the second time.

Representative Rodne moved the adoption of amendment

(166):

On page 5, line 4, after "means" strike everything through "effect" on line 36 and insert ", with respect to an individual:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the individual;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment"

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

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives McCoy and Pedersen spoke in favor of passage of the bill.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1322.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1322 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Halsey, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Sump, Walsh and Warnick - 33.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1322.

CHRIS STROW, 10<sup>th</sup> District

#### SECOND READING

#### HOUSE BILL NO. 1349, by Representatives Condotta and Wood

**Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200.**

The bill was read the second time.

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

Representatives Condotta and Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1349.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1349 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1349, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1422, by Representatives Roberts, Dickerson, Appleton, Walsh, Haler, Darneille, Lovick, Pettigrew, Quall, Hasegawa, Sells, Goodman, Eddy, Green, O'Brien, Chase, Kagi, Ormsby and Santos**

**Addressing children and families of incarcerated parents.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1422 was substituted for House Bill No. 1422 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1422 was read the second time.

Representative Roberts moved the adoption of amendment

(188):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes the significant impact on the lives and well-being of children and families when a parent is incarcerated. It is the intent of the legislature to support children and families, and maintain familial connections when appropriate, during the period a parent is incarcerated. Further, the legislature finds that there must be a greater emphasis placed on identifying state policies and programs impacting children with incarcerated parents. Additionally, greater effort must be made to ensure that the policies and programs of the state are supportive of the children, and meet their needs during the time the parent is incarcerated.

According to the final report of the children of incarcerated parents oversight committee, helping offenders build durable family relationships may reduce the likelihood that their children will go to prison later in life. Additionally, the report indicates that offenders who reconnect with their families in sustaining ways are less likely to reoffend. In all efforts to help offenders build these relationships with their children, the safety of the children will be paramount.

**NEW SECTION. Sec. 2.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary of corrections shall review current department policies and assess the following:

(a) The impact of existing policies on the ability of offenders to maintain familial contact and engagement between inmates and children; and

(b) The adequacy and availability of programs targeted at inmates with children.

(2) The secretary shall adopt policies that encourage familial contact and engagement between inmates and their children with the goal of facilitating normal child development, while reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent and the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed.

(3) The department shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the families of inmates, particularly the children of incarcerated parents;

(b) Evaluate data to determine the impact on recidivism and intergenerational incarceration; and

(c) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.04 RCW to read as follows:

(1)(a) The secretary of social and health services shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive services through the department who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The secretary shall adopt policies that encourage familial contact and engagement between inmates of the department of corrections facilities and their children with the goal of facilitating normal child development, while reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent, the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed. The programs and policies should also meet the needs of the child while the parent is

incarcerated.

(2) The secretary shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of public assistance, or children in the care of the state under chapter 13.34 RCW, who are the children and families of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.215 RCW to read as follows:

(1)(a) The director of the department of early learning shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive assistance who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The director shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, while reducing intergenerational incarceration.

(2) The director shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of assistance who are the children and families of inmates incarcerated in department of corrections facilities;

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) The superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities;

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.63A RCW to read as follows:

(1)(a) The department of community, trade, and economic development shall establish an advisory committee to monitor, guide, and report on recommendations relating to policies and programs for children and families with incarcerated parents.

(b) The advisory committee shall include representatives of the department of corrections, the department of social and health services, the department of early learning, the office of the superintendent of public instruction, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the administrative office of the courts, the Washington association of sheriffs and police chiefs, jail administrators, the office of the governor, and others who have an interest in these issues.

(c) The advisory committee shall:

(i) Gather the data collected by the departments as required in sections 2 through 5 of this act;

(ii) Monitor and provide consultation on the implementation of recommendations contained in the 2006 children of incarcerated parents report;

(iii) Identify areas of need and develop recommendations for the legislature, the department of social and health services, the department of corrections, the department of early learning, and the office of the superintendent of public instruction to better meet the needs of children and families of persons incarcerated in department of corrections facilities; and

(iv) Advise the department of community, trade, and economic development regarding community programs the department should fund with moneys appropriated for this purpose in the operating budget. The advisory committee shall provide recommendations to the department regarding the following:

(A) The goals for geographic distribution of programs and funding;

(B) The scope and purpose of eligible services and the priority of such services;

(C) Grant award funding limits;

(D) Entities eligible to apply for the funding;

(E) Whether the funding should be directed towards starting or supporting new programs, expanding existing programs, or whether the funding should be open to all eligible services and providers; and

(F) Other areas the advisory committee determines appropriate.

(d) The children of incarcerated parents advisory committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2008.

(2) The department of community, trade, and economic development shall select community programs or services to receive funding that focus on children and families of inmates incarcerated in a department of corrections facility and sustaining the family during the period of the inmate's incarceration.

(a) Programs or services which meet the needs of the children of incarcerated parents should be the greatest consideration in the programs that are identified by the department.

(b) The department shall consider the recommendations of the advisory committee regarding which services or programs the department should fund.

(c) The programs selected shall collaborate with an agency, or agencies, experienced in providing services to aid families and victims of sexual assault and domestic violence to ensure that the programs identify families who have a history of sexual assault or domestic violence and ensure the services provided are appropriate for the children and families.

**NEW SECTION. Sec. 7.** The children of incarcerated parents oversight committee shall expire on the effective date of this section.

**NEW SECTION. Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Roberts and Walsh spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Roberts, Ahern, Walsh and O'Brien spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1422.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1422 and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Alexander, Anderson, Bailey, Buri, Chandler, Curtis, DeBolt, Hailey, Kretz, Schindler and Strow - 11.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1461, by Representatives Morrell, Miloscia, O'Brien, Ericks, Hunt, Sells, Green, Flannigan, Williams, Kenney, Appleton, Ormsby, Quall, Haigh, Hasegawa and Lantz**

**Addressing manufactured/mobile home community registrations and dispute resolution.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1461 was substituted for House Bill No. 1461 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1461 was read the second time.

With the consent of the House, amendment (118) was withdrawn.

Representative Springer moved the adoption of amendment (156):

On page 12, line 3, strike all of section 9

Representatives Springer and Dunn spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the

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

Representatives Morrell, Dunn, McCune and Miloscia spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1461.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1461 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1590, by Representatives Goodman, Rodne, Curtis, Eddy, Pearson, Springer, Linville, Roach, Jarrett, Priest, Clibborn, Ericks, Chandler, Schual-Berke, Dunshee, Upthegrove, Sells, Miloscia, Hurst, Williams, Newhouse, Simpson and Kenney**

**Changing provisions affecting courts of limited jurisdiction.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1590 was substituted for House Bill No. 1590 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1590 was read the second time.

Representative Bailey moved the adoption of amendment (171):

On page 6, beginning on line 3, strike all of section 7

Correct the title.

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

Representative Goodman spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1590.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1590, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1636, by Representatives Simpson, B. Sullivan, Dunshee, Upthegrove, McCoy, Dickerson, P. Sullivan, Morrell, Sells and Rolfes**

**Creating a regional transfer of development rights program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1636 was substituted for House Bill No. 1636 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1636 was read the second time.

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

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1636.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1636 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Hailey and Orcutt - 2.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1636, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1669, by Representatives Strow, Ericks, O'Brien, Rodne, Kirby, Haler, Eddy, Hinkle and Lantz**

**Concerning the district and municipal court's probation and supervision services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1669 was substituted for House Bill No. 1669 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1669 was read the second time.

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

Representatives Strow and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1669.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1669 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson,

Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1669, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1705, by Representatives Barlow, Ormsby, Kenney and Wood**

**Creating health sciences and services authorities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1705 was substituted for House Bill No. 1705 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1705 was read the second time.

With the consent of the House, amendment (201) was withdrawn.

Representative Hunter moved the adoption of amendment (243):

On page 3, line 28, strike "two authorities" and insert "one authority"

On page 3, line 34, strike "July 1, 2008" and insert "December 31, 2007"

On page 5, line 34, after "with the" insert "revenue generated by the tax authorized under section 11 of this act and"

On page 6, line 34, after "BONDS." insert "(1)"

On page 6, line 36, after "programs" strike "." and insert "and retire the indebtedness in whole or in part from the funds distributed pursuant to section 11 of this act and subject to the following requirements:

(a) The ordinance adopted by the local government creating the authority and authorizing the use of the excise tax in section 11 of this act indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices.

(2)"

On page 7, after line 24, insert the following:

**"NEW SECTION. Sec. 11.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Beginning October 1, 2007, the department shall distribute,

on a quarterly basis, to a local government with a health sciences and services authority an amount equal to 0.0075 percent of the proceeds generated by the taxes authorized under chapters 82.08 and 82.12 RCW within that local government's jurisdiction during the previous quarter. The amounts received under this section may only be used in accordance with section 6 of this act or to finance and retire the indebtedness incurred pursuant to section 7 of this act, in whole or in part.

(2) This section expires January 1, 2013."

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

Representatives Hunter and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Barlow spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1705.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1705 and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

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

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hasegawa, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Strow, Sump, Walsh and Warnick - 29.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1743, by Representatives Kretz, B. Sullivan, Sump, Upthegrove and Linville**

**Requiring the appointment of county noxious weed control boards.**

The bill was read the second time.

Representative Kretz moved the adoption of amendment (160):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 17.10.010 and 1997 c 353 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Noxious weed" means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board. The list is divided into three classes:

(a) Class A consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C consists of any other noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(4) "Owner" means the person in actual control of property, or his or her agent, whether the control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of the easement is deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of the easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" means conforming to the standards of noxious weed control or prevention in this chapter or as adopted by rule in chapter 16-750 WAC by the state noxious weed control board and ~~((an activated))~~ a county noxious weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those that are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

(10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080.

(11) "Screenings" means a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning either grain or seeds, or both, such as light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, floor sweepings, sand, and dirt.

**Sec. 2.** RCW 17.10.020 and 1997 c 353 s 3 are each amended to read as follows:

(1) In each county of the state there is created a noxious weed control board, bearing the name of the county within which it is located. The jurisdictional boundaries of each board are the boundaries of the county within which it is located.

(2) ~~((Each noxious weed control board is inactive until activated pursuant to the provisions of RCW 17.10.040))~~ Beginning January 1, 2008, and thereafter, each county must have a noxious weed control board in place, appointed in the manner provided in RCW 17.10.050.

**Sec. 3.** RCW 17.10.030 and 1997 c 353 s 4 are each amended to read as follows:

There is created a state noxious weed control board comprised of nine voting members and three nonvoting members. Four of the voting members shall be ~~((elected by the members of the various activated county noxious weed control boards, and shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, and those qualifications shall continue through their term of office))~~ members of county noxious weed control boards and that qualification must continue through their terms of office. They shall be elected by the members of various county noxious weed control boards under rules adopted by the state noxious weed control board as provided in this section. Two of these members shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture is a voting member of the board. One voting member shall be elected by the directors of the various active weed districts formed under chapter 17.04 or 17.06 RCW. The Washington state association of counties appoints one voting member who shall be a member of a county legislative authority. The director shall appoint two voting members to represent the public interest, one from the west side and one from the east side of the state. The director shall also appoint three nonvoting members representing scientific disciplines relating to weed control. The term of office for all members of the board is three years from the date of election or appointment.

The board, by rule, shall establish a position number for each elected position of the board and shall designate which county noxious weed control board members are eligible to vote for each elected position. The elected members serve staggered terms. Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms. Nominations and elections shall be by mail and conducted by the board.

The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a chair and other officers as may be necessary. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The members of the board serve without salary, but shall be reimbursed for travel expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 4.** RCW 17.10.050 and 1997 c 353 s 6 are each amended to read as follows:

(1) Each ~~((activated))~~ county noxious weed control board consists of five voting members appointed by the county legislative authority. In appointing the voting members, the county legislative authority shall divide the county into five geographical areas that best represent the county's interests, and appoint a voting member from each geographical area. At least four of the voting members shall be engaged in the primary production of agricultural products. There is one nonvoting member on the board who is the chair of the county extension office or an extension agent appointed by the chair of the county extension office. Each voting member of the board serves a term of four years, except that the county legislative authority shall, when a board is first ~~((activated))~~ appointed under this chapter, designate two voting members to serve terms of two years. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2)(a) The voting members of the board serve until their replacements are appointed. New members of the board shall be appointed at least thirty days prior to the expiration of any board member's term of office.

(b) Notice of expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in the ~~((section [geographical area]))~~ geographical area with last publication occurring at least ten days prior to the nomination. All persons interested in appointment to the board and residing in the geographical area with a pending nomination shall make a written application that includes the signatures of at least ten registered

voters residing in the geographical area supporting the nomination to the county noxious weed control board. After nominations close, the county noxious weed control board shall, after a hearing, send the applications to the county legislative authority recommending the names of the most qualified candidates, and post the names of those nominees in the county courthouse and publish in at least one newspaper of general circulation in the county. The county legislative authority, within ten days of receiving the list of nominees, shall appoint one of those nominees to the county noxious weed control board to represent that geographical area during that term of office.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The board shall elect from its members a chair and other officers as may be necessary.

(4) In case of a vacancy occurring in any voting position on a county noxious weed control board, the county legislative authority of the county in which the board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

**Sec. 5.** RCW 17.10.060 and 1997 c 353 s 7 are each amended to read as follows:

(1) Each ~~((activated))~~ county noxious weed control board shall employ or otherwise provide a weed coordinator whose duties are fixed by the board but which shall include inspecting land to determine the presence of noxious weeds, offering technical assistance and education, and developing a program to achieve compliance with the weed law. The weed coordinator may be employed full time, part time, or seasonally by the county noxious weed control board. County weed board employment practices shall comply with county personnel policies. Within sixty days from initial employment the weed coordinator shall obtain a pest control consultant license, a pesticide operator license, and the necessary endorsements on the licenses as required by law. Each board may purchase, rent, or lease equipment, facilities, or products and may hire additional persons as it deems necessary for the administration of the county's noxious weed control program.

(2) Each ~~((activated))~~ county noxious weed control board has the power to adopt rules and regulations, subject to notice and hearing as provided in chapters 42.30 and 42.32 RCW, as are necessary for an effective county weed control or eradication program.

(3) Each ~~((activated))~~ county noxious weed control board shall meet with a quorum at least quarterly.

**Sec. 6.** RCW 17.10.074 and 1997 c 353 s 9 are each amended to read as follows:

(1) In addition to the powers conferred on the director under other provisions of this chapter, the director, with the advice of the state noxious weed control board, has power to:

(a) Require the county legislative authority or the noxious weed control board of any county or any weed district to report to ~~((it))~~ the director concerning the presence, absence, or estimated amount of noxious weeds and measures, if any, taken or planned for the control thereof;

(b) Employ staff as may be necessary in the administration of this chapter;

(c) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out this chapter;

(d) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter including but not limited to surveying for and detecting noxious weed infestations;

(e) Upon receipt of a complaint signed by a majority of the members of an adjacent county noxious weed control board or weed district, or by one hundred registered voters that are land owners within the county, require the county legislative authority or noxious weed control board of the county or weed district that is the subject of the complaint to respond to the complaint within forty-five days with a plan for the control of the noxious weeds cited in the complaint;

(f) If the complaint in (e) of this subsection involves a class A or class B noxious weed, order the county legislative authority, noxious weed control board, or weed district to take immediate action to eradicate or control the noxious weed infestation. If the county or the weed district does not take action to control the noxious weed infestation in accordance with the order, the director may control it or cause it to be controlled. The county or weed district is liable for payment of the expense of the control work including necessary costs and expenses for attorneys' fees incurred by the director in securing payment from the county or weed district. The director may bring a civil action in a court of competent jurisdiction to collect the expenses of the control work, costs, and attorneys' fees;

(g) ~~Until January 1, 2008, in counties without ((an activated)) a~~ noxious weed control board, enter upon any property as provided for in RCW 17.10.160, issue or cause to be issued notices and citations and take the necessary action to control noxious weeds as provided in RCW 17.10.170, hold hearings on any charge or cost of control action taken as provided for in RCW 17.10.180, issue a notice of civil infraction as provided for in RCW 17.10.230 and 17.10.310 through ~~((and))~~ and 17.10.350, and place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same authorities and responsibilities imposed by these sections on county noxious weed control boards;

(h) Adopt a list of noxious weed seeds and toxic weeds which shall be controlled in designated articles, products, or feed stuffs as provided for in RCW 17.10.235.

(2) The moneys appropriated for noxious weed control to the department shall be used for administration of the state noxious weed control board, the administration of the director's powers under this chapter, the purchase of materials for controlling, containing, or eradicating noxious weeds, the purchase or collection of biological control agents for controlling noxious weeds, and the contracting for services to carry out the purposes of this chapter. ~~((In a county with an activated noxious weed control board,))~~ The director shall make every effort to contract with ~~((that))~~ county noxious weed control boards for the needed services.

(3) If the director determines the need to reallocate funds previously designated for county use, the director shall convene a meeting of the state noxious weed control board to seek its advice concerning any reallocation.

**Sec. 7.** RCW 17.10.080 and 1997 c 353 s 10 are each amended to read as follows:

(1) The state noxious weed control board shall each year or more often, following a hearing, adopt a state noxious weed list.

(2) Any person may request during a comment period established by the state weed board the inclusion, deletion, or designation change of any plant to the state noxious weed list.

(3) The state noxious weed control board shall send a copy of the list to each ~~((activated))~~ county noxious weed control board ~~((;))~~ and to each weed district ~~((; and to the county legislative authority of each county with an inactive noxious weed control board)).~~

(4) The record of rule making must include the written findings of the board for the inclusion of each plant on the list. The findings shall be made available upon request to any interested person.

**Sec. 8.** RCW 17.10.190 and 1997 c 353 s 23 are each amended to read as follows:

Each ~~((activated))~~ county noxious weed control board must publish annually, and at other times as may be appropriate, in at least one newspaper of general circulation within its area, a general notice. The notice shall direct attention to the need for noxious weed control and give other information concerning noxious weed control requirements as may be appropriate, or indicate where such information may be secured. In addition to the general notice required, the county noxious weed control board may use any appropriate media for the dissemination of information to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. The methods may include some combination of

physical, mechanical, cultural, chemical, and/or biological methods, including livestock. Publication of a notice as required by this section is not a condition precedent to the enforcement of this chapter.

**Sec. 9.** RCW 17.10.205 and 1997 c 353 s 24 are each amended to read as follows:

Open areas subject to the spread of noxious weeds, including but not limited to subdivisions, school grounds, playgrounds, parks, and rights of way shall be subject to regulation by ~~((activated))~~ county noxious weed control boards in the same manner and to the same extent as is provided for all terrestrial and aquatic lands of the state.

**Sec. 10.** RCW 17.10.240 and 1997 c 353 s 27 are each amended to read as follows:

(1) ~~((The activated))~~ Each county noxious weed control board ~~((of each county))~~ shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year ~~((; PROVIDED, That if the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program it shall petition the county legislative authority to hold a hearing as provided in RCW 17.10.890)).~~ Control of weeds is a benefit to the lands within any such section. Funding for the budget is derived from any or all of the following:

(a) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it will gather information to serve as a basis for classification and then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forest lands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, an amount as seems just. The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre: PROVIDED, That if no benefits are found to accrue to a class of land, a zero assessment may be levied. The county legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept or modify by resolution, or refer back to the board for its reconsideration all or any portion of the proposed levels of assessment. The amount of the assessment constitutes a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each lien created be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes bear interest at the rate of twelve percent per annum and the interest accrues as of the date notice of the lien is sent to the owner: PROVIDED FURTHER, That any collections for the lien shall not be considered as tax; or

(b) The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(2) Forest lands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that does not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection (3) of this section.

(3) The calculation of the "weighted average per acre noxious weed assessment" is a ratio expressed as follows:

(a) The numerator is the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forest

lands as identified in subsection (2) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area.

(b) The denominator is the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may be based on the following assumptions: (i) Unimproved lands are calculated as being one-half acre in size on the average, and (ii) improved lands are calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information.

(4) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forest lands as defined in subsection (2) of this section shall not exceed one-tenth of the per parcel assessment on nonforest lands.

**Sec. 11.** RCW 17.10.250 and 1997 c 353 s 28 are each amended to read as follows:

The legislative authority of any county (~~(with an activated noxious weed control board)~~) or the board of any weed district may apply to the director for noxious weed control funds when informed by the director that funds are available. Any applicant must employ adequate administrative personnel to supervise an effective weed control program as determined by the director with advice from the state noxious weed control board. The director with advice from the state noxious weed control board shall adopt rules on the distribution and use of noxious weed control account funds.

**Sec. 12.** RCW 17.10.280 and 1987 c 438 s 35 are each amended to read as follows:

Every (~~(activated)~~) county noxious weed control board performing labor, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the control of noxious weeds, or in causing control of noxious weeds, upon any property pursuant to the provisions of chapter 17.10 RCW has a lien upon such property for the labor performed, material furnished, or equipment supplied whether performed, furnished, or supplied with the consent of the owner, or his agent, of such property, or without the consent of said owner or agent.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 17.10.040 (Activation of inactive county noxious weed control board) and 1997 c 353 s 5, 1987 c 438 s 3, 1975 1st ex.s. c 13 s 2, & 1969 ex.s. c 113 s 4; and

(2) RCW 17.10.890 (Deactivation of county noxious weed control board--Hearing) and 1997 c 353 s 32 & 1987 c 438 s 37."

Correct the title.

Representatives Kretz and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kretz and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1743.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed

House Bill No. 1743 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Dunn - 2.

Excused: Representative Skinner - 1.

ENGROSSED HOUSE BILL NO. 1743, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1837, by Representatives Newhouse, Cody and Schual-Berke

**Directing the department of health to develop guidelines for the transport of nonambulatory persons in a vehicle not licensed under chapter 18.73 RCW.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1837 was substituted for House Bill No. 1837 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1837 was read the second time.

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

Representatives Newhouse and Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1837.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1837 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt,

Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Armstrong and Condotta - 2.  
Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1837, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1992, by Representatives Santos, Kenney and Hasegawa**

**Creating community preservation and development authorities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1992 was substituted for House Bill No. 1992 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1992 was read the second time.

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

Representative Santos spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1992.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1992 and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Strow, Sump and Warnick - 30.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1992, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2010, by Representatives Haigh, Hunt, Ericks, Conway, Haler, Green, Hasegawa, Appleton, Campbell, Sells, Kenney, Van De Wege, Cody, Hurst, McDermott, Simpson and Ormsby**

**Providing responsible bidder criteria and related requirements for public works contracts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2010 was substituted for House Bill No. 2010 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2010 was read the second time.

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

Representatives Haigh and Ormsby spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2010.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2010 and the bill passed the House by the following vote: Yeas - 76, Nays - 21, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Ross, Schindler, Sump and Warnick - 21.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 2010, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2053, by Representatives Goodman, Springer, O'Brien, Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst**

**Providing for improved availability of motor vehicle fuel during power outages or interruptions in electrical service.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2053 was substituted for House Bill No. 2053 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2053 was read the second time.

Representative Goodman moved the adoption of amendment (239):

Strike everything after the enacting clause and insert the following:

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

(1) In computing the tax imposed under this chapter, a credit is allowed for the purchase of an alternative power generation device by an eligible person. The credit is equal to the lesser of fifty percent of the cost of the alternative power generation device or fifty thousand dollars.

(2) The amount of the credit provided in subsection (1) of this section may not exceed the tax otherwise due under this chapter for the tax reporting period.

(3) The total amount of credits taken under this section in any biennium may not exceed seven hundred fifty thousand dollars.

(4) The definitions in this subsection apply throughout this section:

(a) "Alternative power generation device" means a device capable of providing electrical power for gasoline service station pumps during periods when regular electrical power is lost including, but not limited to, portable generators, standby generators, emergency generators, or other power generation devices.

(b) "Eligible person" means a person selling motor vehicle or special fuel from a gasoline service station, or other facility, with at least four fuel pumps.

(5) This section expires June 30, 2011.

**NEW SECTION. Sec. 2.** This act takes effect August 1, 2007."

Correct the title.

Representatives Goodman and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Goodman, Rodne and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2053.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2053 and the bill passed the

House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Hasegawa - 1.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2053, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2134, by Representatives Van De Wege, Linville, Grant, Walsh, Kenney, Curtis, Moeller, Conway, Fromhold, Seaquist, P. Sullivan, Hinkle, Ericks, Upthegrove, Schual-Berke, Hurst, Sells, Lovick, Williams, Campbell, Chase, Quall, Simpson, Hasegawa, Santos, Goodman, Haler, Ormsby and Kelley**

**Authorizing port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2.**

The bill was read the second time.

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

Representative Van De Wege spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2134.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2134 and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne,

Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, DeBolt, Dunn, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Strow, Sump and Warnick - 23.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 2134, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2146, by Representatives Seaquist, Rolfes, Lantz, Appleton, Simpson and Kelley**

**Providing for the transfer of sales and use taxes on toll projects to reduce the amount of the project.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (240):

On page 1, line 9, strike "eighty percent of"

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

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representative Seaquist spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2146.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2146 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler,

Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 2146, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2325, by Representatives Kenney, Pettigrew, Flannigan, Haler, Hankins, Skinner, Kirby, Blake, Ericks, Wood, Upthegrove, Ormsby, P. Sullivan, Barlow, Chase, Quall, Hasegawa, Conway, McIntire, Grant, Morris, McDermott, Sells, Kessler and Santos**

**Creating the community development fund.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2325 was substituted for House Bill No. 2325 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2325 was read the second time.

Representative McDonald moved the adoption of amendment (236):

On page 5, line 10, after "not:" strike all material through "requests;" on line 11

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

Representative Fromhold spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McDonald moved the adoption of amendment (237):

On page 5, line 11, after "requests;" strike all material through "requested;" on line 12

Renumber the subsections consecutively and correct any internal references accordingly.

On page 5, after line 13, insert the following:

"(4) The department shall require that applicants contribute no less than a twenty-five percent cash or in-kind match to the state funds requested."

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives McDonald and Orcutt spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Kenney, Ormsby and Pettigrew spoke in favor of passage of the bill.

Representatives McDonald, Orcutt and Newhouse spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2325.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2325 and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Jarrett, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Strow, Sump and Warnick - 30.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 2325, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2361, by Representative Conway

**Regarding collective bargaining for certain employees of institutions of higher education and related boards.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2361 was substituted for House Bill No. 2361 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2361 was read the second time.

There being no objection, the rules were suspended, the

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

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2361.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2361 and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Hailey, Haler, Hankins, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler and Sump - 22.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 2361, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2361.

LARRY HALER, 8<sup>th</sup> District

#### SECOND READING

**HOUSE BILL NO. 1251, by Representatives Morrell, Haler, O'Brien, Skinner, Lantz, Hinkle, Upthegrove, Takko, Moeller, Wallace, Crouse, Campbell, Kristiansen, Wood, Pearson, Ross, Fromhold, McCoy, Williams, Kretz, Hurst, Green, Kenney, Van De Wege, Haigh, McCune, Grant, Darneille, Simpson, Dunn and Rolfes**

**Addressing the issue of stolen metal property.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1251 was substituted for House Bill No. 1251 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1251 was read the second time.

With the consent of the House, amendment (058) was withdrawn.

Representative Morrell moved the adoption of amendment (231):

Strike everything after the enacting clause and insert the following:

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

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under section 3 of this act.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys, and unwanted electronic product, as that term is defined under RCW 70.95N.020. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Record" means a paper, electronic, or other method of storing information.

(7) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(8) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(9) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(10) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(11) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

**NEW SECTION. Sec. 2. RECORDS REQUIRED FOR PURCHASING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC.** (1) At the time of a transaction, every scrap

metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

**NEW SECTION. Sec. 3. REQUIREMENTS FOR PURCHASING OR RECEIVING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC.** (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a street address under the requirements of section 2 of this act. For transactions valued at greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under section 2 of this act, no earlier than ten days after the transaction was made. A transaction occurs on the date

provided in the record required under section 2 of this act.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**NEW SECTION. Sec. 4. RECORD FOR COMMERCIAL ACCOUNTS.** (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver nonferrous metal property and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal property and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

**NEW SECTION. Sec. 5. REPORTING TO LAW ENFORCEMENT.** (1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of nonferrous metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any nonferrous metal property or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

**NEW SECTION. Sec. 6. PRESERVING EVIDENCE OF METAL THEFT.** (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of nonferrous metal property or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of nonferrous metal property or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

**NEW SECTION. Sec. 7. UNLAWFUL VIOLATIONS.** It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under section 2 of this act knowing that the nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under section 2 of this act constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of section 3(4) of this act.

**NEW SECTION. Sec. 8. CIVIL PENALTIES.** (1) Each violation of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act shall be punishable, upon conviction, by a fine of not more than one thousand dollars.

(2) Within two years of being convicted of a violation of any of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act, each subsequent violation shall be punishable, upon conviction, by a fine of not more than two thousand dollars.

**NEW SECTION. Sec. 9. EXEMPTIONS.** The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

**NEW SECTION. Sec. 11.** RCW 9.91.110 (Metal buyers--Records of purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

**NEW SECTION. Sec. 12.** Captions used in this act are not any

part of the law.

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

Correct the title.

Representative Warnick moved the adoption of amendment (234) to amendment (231):

On page 8, after line 9 of the amendment, insert the following:

**"NEW SECTION. Sec. 10.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for theft in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

**NEW SECTION. Sec. 11.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for possessing stolen property in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

**Sec. 12.** RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard

sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced

for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional twelve months and one day shall be added to the standard sentence range for theft in the first or second degree when there has been a special verdict or finding that the damage to the victim greatly exceeds the value of the stolen property under section 9 of this act.

(10) An additional twelve months and one day shall be added to the standard sentence range for possessing stolen property in the first or second degree when there has been a special verdict or finding that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property under section 10 of this act."

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

Representative Warnick spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The question before the House was the adoption of amendment (231) as amended.

Representatives Morrell, Warnick and Rodne spoke in favor of the adoption of amendment (231) as amended.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the

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

Representative Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1251.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1251 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1285, by Representatives Anderson, Fromhold, Priest, Quall and Haler**

#### Recodifying the basic education program.

The bill was read the second time.

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

son and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1285.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1285 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa,

Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1285, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1374, by Representatives Upthegrove, Sump, Hunt, Appleton, Chase, Kenney, Simpson, Roberts, Dickerson, Conway and Springer; by request of Governor Gregoire**

#### Creating the Puget Sound partnership.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1374 was substituted for House Bill No. 1374 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1374 was read the second time.

With the consent of the House, amendments (248), (250), (249), (251) and (181) were withdrawn.

Representative Upthegrove moved the adoption of amendment (224):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that all levels of government need to work together in partnership with the public, tribes, nongovernmental organizations, and the private sector to ensure that Puget Sound will be a thriving natural system, with clean marine and freshwaters, healthy and abundant native species, natural shorelines and places for public enjoyment, and a vibrant economy that prospers in productive harmony with a healthy Puget Sound.

**Sec. 2.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ("Action team" means the Puget Sound water quality action team:

— (2) "Chair" means the chair of the action team:

— (3) "Council" means the Puget Sound council created in RCW 90.71.030.

— (4) "Puget Sound management plan" means the 1994 Puget Sound water quality management plan as it exists June 30, 1996, and as subsequently amended by the action team:

— (5) "Support staff" means the staff to the action team:

— (6) "Work plan" means the work plan and budget developed by the action team:)) "Action agenda" means the product developed pursuant to section 13 of this act, and includes the Puget Sound management plan as it exists on the effective date of this section and as it is modified in the future by the council.

(2) "Action agenda goals" means those goals established in section 13 of this act.

(3) "Benchmarks" means scientific standards that can be measured.

(4) "Board" means the coordination board.

(5) "Committee" means the Puget Sound science advisory committee.

(6) "Council" means the leadership council.

(7) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(8) "Food web" means a succession of organisms in an ecological community that constitutes a continuation of food energy from one organism to another as each organism consumes a lower member and, in turn, is preyed upon by a higher member.

(9) "Nearshore" means the areas, including shorelines and estuaries, beginning at the crest of the coastal bluffs and extending seaward through the marine photic zone and to the head of the tide in coastal rivers and streams.

(10) "Partnership" means the Puget Sound partnership.

(11) "Puget Sound" means Puget Sound and related inland marine waterways, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(12) "Puget Sound partner" means an entity identified as a Puget Sound partner under section 17 of this act.

(13) "Salmon recovery areas" means the fourteen salmon recovery areas defined in the Puget Sound salmon recovery plan adopted by the national oceanic and atmospheric administration national marine fisheries service January 19, 2007.

(14) "Watershed group" means:

(a) Salmon recovery planning groups;

(b) Water resource inventory area groups;

(c) Marine resources committees;

(d) Regional fisheries enhancement groups; and

(e) Other governmental or quasi-governmental entities that address physical, chemical, biological, ecological, or other environmentally related activities in a hydrologically defined area.

**NEW SECTION. Sec. 3. PUGET SOUND PARTNERSHIP.**

An independent agency of state government, to be known as the Puget Sound partnership, is created to oversee the restoration of the environmental health of Puget Sound by 2020. The agency shall consist of a leadership council, an executive director, a coordination board, and a Puget Sound science advisory committee.

**NEW SECTION. Sec. 4. LEADERSHIP COUNCIL--STRUCTURE--PROCEDURES.**

(1)(a) The partnership shall be led by a leadership council composed of seven members appointed by the governor, with the advice and consent of the senate, with the commissioner of public lands and the chair of the committee serving as additional nonvoting ex officio members.

(b) The governor shall designate one of the seven members to serve as chair and a vice-chair shall be selected annually by the membership of the council.

(2) The initial members shall be appointed as follows:

(a) Three of the initial members shall be appointed for a term of two years;

(b) Two of the initial members shall be appointed for a term of three years; and

(c) Two of the initial members shall be appointed for a term of four years.

(3) The initial members' successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds.

(4) Members of the council are eligible for reappointment.

(5) Any member of the council may be removed by the governor for cause.

(6) Members whose terms expire shall continue to serve until reappointed or replaced by a new member.

(7) A majority of the council constitutes a quorum for the transaction of business.

(8) Council decisions and actions require majority vote approval of all council members.

**NEW SECTION. Sec. 5. LEADERSHIP COUNCIL--POWERS AND DUTIES.** (1) The leadership council created in section 4 of this act shall have the power and duty to:

(a) Provide overall leadership and have overall responsibility for the functions of the partnership, including setting strategic priorities and interim benchmarks and making final decisions for the partnership;

(b) Develop, approve, revise, and oversee implementation and adaptive management of the action agenda developed under section 13 of this act;

(c) Allocate all funds appropriated to the partnership from the Puget Sound recovery account created in section 27 of this act;

(d) Adopt procedural rules, in accordance with chapter 34.05 RCW, as necessary to direct the internal management of the council;

(e) Apply accountability measures consistent with the assessment in RCW 43.17.390;

(f) Provide the state of the Sound report to the governor and the legislature, as provided in section 20 of this act;

(g) Appoint members of the board, as provided in section 7 of this act;

(h) Appoint members of the committee, as provided in section 9 of this act;

(i) Create subcommittees, advisory committees, and nonprofit corporations, as appropriate to assist the council;

(j) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions to effectuate the purposes of this chapter;

(k) Make grants to governmental and nongovernmental entities to effectuate the purposes of this chapter;

(l) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the partnership to effectuate the purposes of this chapter. The partnership may expend the same or any income therefrom according to the terms of the gifts, grants, and endowments;

(m) Promote extensive public awareness, education, and participation in Puget Sound protection and recovery;

(n) Receive and expend funding from other public agencies;

(o) Facilitate accountability and reporting obligations;

(p) Develop and implement a process to review and address citizen concerns regarding action agenda development;

(q) Serve as the regional recovery organization for purposes of chapter 77.85 RCW for Puget Sound salmon recovery; and

(r) Conduct periodic reviews of its governmental and organizational effectiveness, identification of barriers to implementation, and recommend changes in authorizing statutes to the governor and the legislature to improve its effectiveness in carrying out the duties and responsibilities of this chapter.

(2) The council may delegate functions to the chair and to the executive director, however the council may not delegate its decisional authority regarding developing or amending the action agenda.

(3) The council shall work closely with existing organizations and all levels of government to ensure that the action agenda and its implementation are scientifically sound, efficient, and achieve necessary results to accomplish recovery of Puget Sound to health by 2020.

(4) The council shall support, engage, and foster watershed groups to enable them to address local concerns.

(5) When working with federally recognized Indian tribes to develop and implement the action agenda, the council shall conform to the procedures and standards required in a government-to-governmental relationship with tribes under the 1989 Centennial Accord between the state of Washington and the sovereign tribal governments in the state of Washington.

(6) The council shall consult with the committee to determine environmental indicators, benchmarks, and action agenda implementation.

(7) The council may, on advice of the committee or by its own decision, consult the Washington academy of sciences created in

chapter 70.220 RCW to secure independent scientific review of significant technical and scientific issues related to its work.

**NEW SECTION. Sec. 6. EXECUTIVE DIRECTOR--POWERS AND DUTIES.** (1) The partnership shall be administered by an executive director who serves as a communication link between all levels of government, the private sector, nongovernmental organizations, the council, the board, and the committee. The executive director shall be accountable to the council and the governor for effective communication, actions, and results.

(2) The executive director shall be appointed by and serve at the pleasure of the governor, in consultation with the council. The governor shall consider the recommendations of the council when appointing the executive director.

(3) The executive director has the following powers and duties:

(a) To supervise the administrative operations of the Puget Sound partnership and its staff;

(b) To administer the partnership programs and budget;

(c) To prepare and update the action agenda in accordance with the goals and guidelines established by the council and in consultation with the board and with the committee;

(d) To produce and distribute a Puget Sound science update as provided in section 23 of this act;

(e) To represent and promote the interests of the state on Puget Sound recovery issues and further the mission of the partnership;

(f) To enter into contracts and agreements, upon approval of the council, with private nonprofit corporations to further state goals of preserving, conserving, and enhancing the health of Puget Sound for its ecological value and public benefit and use;

(g) To create and maintain a repository for data, studies, research, and other information relating to Puget Sound health in the state, and to encourage the interchange of such information; and

(h) To encourage and provide opportunities for interagency and regional coordination and cooperative efforts between public agencies and between public and private entities involved in the recovery and preservation of Puget Sound.

(4) The executive director shall employ a staff, who shall be state employees under Title 41 RCW. The executive director shall prescribe the duties of the staff as may be necessary to implement the purposes of this chapter.

**NEW SECTION. Sec. 7. COORDINATION BOARD--STRUCTURE--PROCEDURES.** (1) The board shall be the communication and implementation link between the partnership and local entities.

(2) The board shall consist of the following:

(a) One representative from the geographic area of each of the fourteen salmon recovery areas, appointed as provided in this section;

(b) One member of a statewide association representing general business interests, appointed by the council; and

(c) One member of an organization representing the interests of the environmental community, appointed by the council.

(3) In addition, the governor shall invite full participation on the board by three representatives of tribal governments located in the Puget Sound basin.

(4) Representatives designated in subsection (2)(a) of this section shall be appointed by the council; however, at least six of the representatives designated in subsection (2)(a) of this section shall be local public officials elected to their office at the time of their appointment. The council shall solicit nominations from, at a minimum, counties, cities, and watershed groups for appointments made under this subsection.

(5) The board shall elect one of its members as chair, and one of its members as vice-chair.

(6) A majority of the total voting members of the board constitutes a quorum for the transaction of business; however, at least one of the quorum members must be the chair or the vice-chair.

(7) Board decisions and actions require majority vote of all voting board members.

(8)(a) The board shall invite one nonvoting ex officio member from:

(i) Any appropriate state and federal agencies with a role in the

environmental management of Puget Sound;

(ii) Each of the two major caucuses of the house of representatives and each of the two major caucuses of the senate, appointed respectively by the speaker of the house of representatives and the president of the senate.

(b) Except for legislative members, nonvoting ex officio members in (a) of this subsection shall be appointed by their respective agencies.

**NEW SECTION. Sec. 8. COORDINATION BOARD--POWERS AND DUTIES.** (1) The board shall offer assistance to cities, counties, ports, tribes, watershed groups, and other governmental and private organizations to:

(a) Communicate details of local plans to the partnership for inclusion, when appropriate, into the action agenda and other regional plans;

(b) Provide feedback from local entities to the council;

(c) Educate the public about the threats to Puget Sound and about local implementation strategies to support the Puget Sound action agenda; and

(d) Ensure that scientific and technical expertise is available to local action agenda implementors.

(2) The board may:

(a) Disseminate regional and basin-wide plans devised by or approved by the partnership, in accordance with the action agenda, to cities, counties, ports, tribes, watershed groups, and other governmental and private organizations;

(b) Recruit the active involvement of local governments, organizations, businesses, and residents within the Puget Sound region in the restoration of Puget Sound;

(c) Identify the capabilities, financial limitations, and regulatory barriers of various cities, counties, ports, tribes, watershed groups, and other governmental and private organizations, and communicate those determinations to the council and to the executive director.

(3) Representatives from each of the fourteen geographic salmon recovery areas on the board shall be the designated board member to solicit input from cities, counties, tribes, and existing watershed groups in their respective salmon recovery areas to identify existing plans within the region that address or affect the health of Puget Sound, including listed species recovery plans, watershed-based resource plans, local government land use plans, and marine resource committee plans.

**NEW SECTION. Sec. 9. PUGET SOUND SCIENCE ADVISORY COMMITTEE.** (1) The council shall create a nine member Puget Sound science advisory committee to advise the council.

(2)(a) In establishing the committee, the council shall request the Washington academy of sciences, created in chapter 70.220 RCW, to nominate fifteen scientists with recognized expertise in fields of science essential to the recovery of Puget Sound.

(b) Scientists nominated by the Washington academy of sciences may represent expertise in fields of science such as water quality, wetland ecology, species recovery, environmental toxicology, geology, ecology, biology, limnology, wildlife management and biology, environmental engineering, hydrology, oceanography, environmental sciences, environmental economics, and social sciences.

(c) At a minimum, the Washington academy of sciences shall consider making nominations from scientists associated with federal and state agencies, the business and environmental communities, members of the K-12, college, and university communities, and members of the board.

(d) Scientists nominated by the Washington academy of sciences must disclose any conflicts of interest.

(3) The committee shall select a chair, who shall serve as a nonvoting ex officio member of the council.

**NEW SECTION. Sec. 10. PUGET SOUND SCIENCE ADVISORY COMMITTEE--FUNCTIONS AND DUTIES.** (1) The committee shall:

(a) Advise the council and the executive director in carrying out the obligations of the partnership;

(b) Assist the council and the executive director in developing and regularly updating or revising the action agenda and, as deemed appropriate by the committee, recommend updates to the action agenda on new scientific information;

(c) Play their designated roles in the development of various science processes, as provided in section 23 of this act;

(d) Assist in the development of the 2020 plan in a manner consistent with the action agenda goals; and

(e) Offer an ecosystem-wide perspective on the science work being competed by the partnership.

(2) The committee should collaborate with other scientific groups and consult other scientists in conducting its work.

**NEW SECTION. Sec. 11. ACTION AGENDA--VISION.** The action agenda that is to be implemented under this chapter shall strive to achieve the following visions:

(1) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(2) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(3) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(4) A healthy Puget Sound where freshwater, estuary, near shore, marine, and upland habitats are protected, restored, and sustained;

(5) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(6) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

**NEW SECTION. Sec. 12. ACTION AGENDA--CONFLICTS.** When a state, local, or federal entity identifies a statute, rule, or ordinance that conflicts with the requirements of, or an impediment to the implementation of, the action agenda created in section 13 of this act, the council shall evaluate the merits of the conflict or impediment and make necessary recommendations to the agency, governor, legislature, local government, or other appropriate entity for addressing and resolving the conflict or impediment.

**NEW SECTION. Sec. 13. ACTION AGENDA--DEVELOPMENT.** (1) The council shall develop a science-based action agenda that leads to the recovery of Puget Sound by 2020, reflecting the visions established in section 11 of this act and developed in accordance with this section.

(2) The action agenda shall:

(a) Describe the problems affecting Puget Sound's health using supporting scientific data;

(b) Set goals, strategic priorities, and measurable outcomes specifically describing what will be achieved, how it will be quantified, how progress towards outcomes will be measured, and time-bound benchmarks that specify the targeted steps needed to reach a healthy Puget Sound by 2020, consistent with the visions, as provided in section 11 of this act;

(c) Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound;

(d) Identify the agency, entity, or person responsible for completing the necessary action, and potential sources of funding; and

(e) Establish deadlines for the completion of the necessary actions describing where achieving certain goals will require timelines beyond 2020 to achieve;

(f) Address all geographic areas of Puget Sound, including upland areas and tributary rivers and streams that affect Puget Sound. Specific action agenda sections may address specific geographic areas of Puget Sound;

(g) Include a specific plan or actions to address aquatic rehabilitation zone one, as defined in RCW 90.88.010;

(h) Evaluate the effectiveness and efficiency of the overall management system for the improvement and maintenance of the

health of the Puget Sound ecosystem;

(i) Review, revise as needed, and incorporate as they are developed, the council's ecosystem goals and quantifiable measures;

(j) Establish near-term and long-term benchmarks that demonstrate progress in achieving action agenda goals, and that describe how progress will be tracked through clear and quantifiable measures that are included in the action agenda;

(k) Integrate, as appropriate, the recovery plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act;

(l) Work collaboratively with the Hood Canal coordinating council in chapter 90.88 RCW on Hood Canal-specific issues;

(m) Integrate, where appropriate, provisions of water quantity, watershed, marine resource, and other watershed and water quality plans; and

(n) Incorporate appropriate actions to carry out the science work plan created in section 23 of this act.

(3) The partnership shall, when deemed appropriate by the council, incorporate existing watershed plans created by, but not limited to, local governments, watershed groups, and marine and shoreline groups. Watershed plans include:

(a) Existing watershed projects;

(b) Watershed programs;

(c) Watershed plans; and

(d) Other watershed plans related to water quality, water quantity, or habitat restoration.

(4) In developing the action agenda and any subsequent revisions, the council shall, when deemed appropriate by the council:

(a) Incorporate existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies;

(b) Consider and use appropriate portions of the Puget Sound water quality management plan existing on the effective date of this section;

(c) Involve the committee and the board, including a review of the proposed action agenda or revisions; and

(d) Provide opportunity for public review and comment.

(5) Until the action agenda is adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program described in section 320 of the federal clean water act, until replaced by the action agenda and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.

(6) After the adoption of the initial action agenda, the council shall revise the action agenda at least every six years using an adaptive management process informed by tracking actions and monitoring results in Puget Sound.

(7) Action agenda goals shall be determined by the council, and shall be in accordance with the visions, as provided in section 11 of this act.

(8) The action agenda shall be organized and maintained in a single document to facilitate public accessibility to the plan.

**NEW SECTION. Sec. 14. TECHNICAL ASSISTANCE.** As funds allow, the partnership shall, when requested, provide technical assistance and guidance to local entities and assist local entities to:

(1) Help prioritize environmental needs and identify environmental research and data gaps;

(2) Help identify ways to fund new projects and programs that narrow environmental research and data gaps;

(3) Advance public understanding, coordinate educational efforts, foster action and results at the community level, and support and coordinate with organizations to provide volunteer opportunities;

(4) Integrate local restoration efforts with basin-wide restoration activities consistent with the action agenda; and

(5) Review, suggest modifications to, implement, measure results of, or provide or identify additional funds, such as grants and loans, to existing programs, projects, plans, and efforts, such as for:

(a) Local salmon recovery;

(b) Shoreline restoration and protection;

- (c) Water quality improvement; and
- (d) Water quantity plans.

**NEW SECTION. Sec. 15. DEVELOPMENT OF BIENNIAL BUDGET REQUESTS.** (1) State agencies specifically responsible for implementing elements of the action agenda shall:

(a) Provide to the partnership by June 1st of each even-numbered year their estimates of the actions and the level of effort needed for the forthcoming biennium to implement their portion of the action agenda; and

(b) Work with the partnership in the development of biennial budget requests directly related to achieving consistency with the action agenda to be submitted to the governor for consideration in the governor's biennial budget request. The agencies shall seek the concurrence of the partnership in the proposed funding levels and sources included in this proposed budget.

(2) If a state agency submits an amount different from that developed in subsection (1)(a) of this section as part of its biennial budget request, the partnership and state agency shall jointly identify the differences and the reasons for these differences and present this information to the office of financial management by October 1st of each even-numbered year.

(3) By September 1, 2008, and by September 1st every two years thereafter, the council shall provide to the governor and the appropriate fiscal and policy committees of the house of representatives and senate its recommendations for the funding necessary to implement the action agenda, in order to achieve the 2020 goals of this chapter. The recommendations shall:

(a) Identify funding needs by plan element and identify the time periods in which specific funding is needed;

(b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding;

(c) Assess and evaluate availability of funding from existing sources;

(d) Identify gaps between funding needs and funds available from existing sources; and

(e) Propose and develop a detailed financing strategy to secure stable, long-term, and sufficient dedicated funding throughout the time periods for plan implementation, including proposals for new, broad-based sources of funding that will fill the funding gaps, as identified in this subsection.

(4) The funding recommendation reports, as provided in subsection (3) of this section, must be available to the public before a budget request is made.

**NEW SECTION. Sec. 16. ACTIVITIES OF NONSTATE ENTITIES.** The legislature intends for all local, state, and federal governmental entities to support and help implement the action agenda as adopted by the council. Good cause for a governmental entity's nonconformance exists if there is a lack of legal authority, a conflicting legal authority, or a lack of funding despite documented good faith efforts taken to obtain necessary funding.

**NEW SECTION. Sec. 17. PUGET SOUND PARTNERS.** (1) All entities that operate in a manner consistent with the intent stated in section 16 of this act may, upon application, be designated by the partnership as a Puget Sound partner.

(2) The council shall, with the advice of the board, determine the standards and criteria that must be satisfied in order for an entity to be designated a Puget Sound partner.

(3) Except for grant preferences specifically designated by the legislature, there shall be no punitive or corrective penalty assessed by the partnership, or any differential treatment given by the partnership, for a city, county, special district, or other governmental entity that is not designated as a Puget Sound partner.

**NEW SECTION. Sec. 18. FUNDING FROM PARTNERSHIP--ACCOUNTABILITY.** (1) Any funding made available directly to the partnership from the Puget Sound recovery account created in section 27 of this act and used by the partnership for grants or funding transfers to other entities shall be prioritized according to the action agenda developed pursuant to section 13 of this act.

(2) The partnership shall condition, with interagency agreements, any grants or funding transfers to other entities to ensure accountability in the expenditure of the funds and to ensure that the funds are used by the recipient entity in the manner determined by the partnership to be the most consistent with the priorities of the action agenda. Any conditions placed on federal funding under this section shall either incorporate, or not run counter to, signed agreements between the entity and the federal government.

(3) If the partnership finds that the provided funding was not used as instructed in the interagency agreement, the partnership may suspend or further condition future funding to the recipient entity.

(4) Any entity directly or indirectly receiving funding from the partnership that is not subject to disclosure under chapter 42.56 RCW must, as a mandatory contractual prerequisite to receiving the funding, agree to disclose any information in regards to that funding as if the entity were subject to the requirements of chapter 42.56 RCW.

**NEW SECTION. Sec. 19. FUNDING--INTERAGENCY AGREEMENTS--PERFORMANCE REQUIREMENTS.** (1)(a) Except as otherwise provided in this section, funds identified by the partnership in section 15 of this act and appropriated in the 2009-2011 biennium and thereafter, in the form of a proviso in the omnibus appropriations act, directly to a state agency other than the partnership specifically for implementation of the action agenda and specifically mentioning the partnership, shall not be expended before an interagency agreement is entered between the partnership and the state agency to which the funds are appropriated.

(b) To avoid delays in expending funds required under this section to be conditional on the execution of an interagency agreement, the partnership shall attempt to provide draft performance agreements at least sixty days before the beginning of the biennium.

(2) The office of financial management may approve expenditure of funds under this section prior to the execution of an interagency agreement, if it determines that accelerating the expenditure would be beneficial to accomplishing the action agenda developed pursuant to section 13 of this act.

**NEW SECTION. Sec. 20. STATE OF THE SOUND REPORT.**

(1) The partnership shall submit an initial performance report to the governor and to the appropriate legislative committees in January 2009, and additional biennial reports, to be known as the state of the Sound report, in September every two years thereafter.

(2) The state of the Sound report shall, when applicable, at a minimum:

(a) Assess progress made by state and nonstate entities towards completion of the action agenda adopted under section 13 of this act;

(b) Assess whether entities that have received state funds for actions related to the action agenda have accomplished the expected results;

(c) Identify instances where entities have been found to be acting in a manner inconsistent with the action agenda, how the actions are inconsistent with the action agenda, and what steps the partnership has taken to encourage conformance with the action agenda;

(d) Identify instances where nonstate entities have refused technical assistance;

(e) Identify recommended changes to statutes identified by the process outlined in section 21 of this act;

(f) Review the expenditure of funds provided to state agencies that are not included in sections 18 and 19 of this act and are used for the implementation of the growth management act, the shoreline management act, storm water permitting, or designated from the toxics control accounts created in RCW 70.105D.070, the public works assistance account created in RCW 43.155.050, the water quality account created in RCW 70.146.030, or environmental mitigation funding from the department of transportation, to determine whether the use of the funds is consistent with the action agenda;

(g) Report any findings arising from the implementation of RCW 90.71.060; and

(h) Identify all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

**NEW SECTION. Sec. 21. BARRIERS TO 2020 SUCCESS.**

(1) The partnership shall, on a schedule determined by the partnership, conduct an investigation into all existing state, local, and federal laws and regulations that limit the ability of the state to restore a healthy Puget Sound by 2020.

(2) The partnership shall make recommendations to the governor and the appropriate committees of the legislature, or other appropriate entities, to sponsor legislation or changes to the Washington Administrative Code or agency or local policy addressing the barriers to successfully fulfilling the vision of the partnership.

**NEW SECTION. Sec. 22. PERFORMANCE AUDIT.** (1) The joint legislative audit and review committee shall conduct a performance audit of the partnership beginning April 1, 2011, and again in April 2016, to be completed within six months of the initiation of the audit and reported a reasonable time thereafter.

(2) The audits shall include, but not be limited to:

(a) A determination of the extent to which funds expended as provided in sections 18 and 19 of this act have contributed to progress toward meeting scientific benchmarks and to the restoration of Puget Sound; and

(b) A determination of the efficiency and effectiveness of the partnership's oversight of action agenda implementation.

(3) If a review under this section determines that there has been insufficient progress toward meeting the benchmarks in a timely manner relative to the 2020 goal or that funds expended have not achieved expected results, the joint legislative and audit review committee shall include in its report:

(a) Recommendations on how to improve the partnership's efficiency and effectiveness regarding its ability to hold accountable those entities responsible for action agenda results; and

(b) Whether the partnership should be restructured by the 2012 legislature or legislatures thereafter.

(4) The executive director must provide any partnership materials to the joint legislative audit and review committee upon request.

(5) The partnership shall use the reports generated by the joint legislative audit and review committee under this section as a basis for recommended changes to successfully achieve the action agenda goals by 2020.

**NEW SECTION. Sec. 23. SCIENCE PROGRAMS.** (1)(a) The committee, with assistance and staff support provided by the executive director, shall develop a strategic science program.

(b) The strategic science program may include:

(i) Continuation of the Puget Sound assessment and monitoring program, as provided in RCW 90.71.060, as well as other monitoring programs deemed appropriate by the executive director; and

(ii) Development of a monitoring program, in addition to the provisions of RCW 90.71.060, including baselines, protocols, guidelines, and quantifiable performance measures, to be recommended as an element of the action agenda.

(2)(a) The committee, with assistance and staff support provided by the executive director, shall develop a Puget Sound science update, with the initial update submitted by April 2010, with subsequent updates occurring as necessary to reflect new scientific understandings.

(b) The update shall:

(i) Describe the current scientific understanding of various physical attributes of Puget Sound;

(ii) Serve as the scientific basis for the selection of environmental indicators measuring the health of Puget Sound; and

(iii) Serve as the scientific basis for the status and trends of those environmental indicators within an ecosystem framework.

(c) The executive director shall submit the Puget Sound science update to the Washington academy of sciences, to the governor, and to the appropriate legislative committees, and include a summary of information in existing updates, as well as changes adopted in subsequent updates, in the state of the Sound reports produced pursuant to section 20 of this act.

(3)(a) The committee, with assistance and staff support provided by the executive director, shall develop a biennial science

work plan, with advice, provided by the council.

(b) The biennial science work plan shall include, at a minimum:

(i) Identification of recommendations from scientific and technical reports relating to Puget Sound;

(ii) A description of the Puget Sound science-related activities being conducted by various entities in the region, including studies, models, monitoring, research, and other appropriate activities;

(iii) A description of whether the ongoing work addresses the recommendations and, if not, identification of necessary actions to fill gaps;

(iv) Identification of specific biennial science work actions to be done over the course of the work plan, and how these actions address science needs in Puget Sound;

(v) Recommendations for improvements to the ongoing science work in Puget Sound;

(vi) The identification of appropriate recommendations from scientific and technical reports relating to Puget Sound; and

(vii) A description of the Puget Sound science-related activities being conducted by various entities in the Puget Sound region, including models, research, and other appropriate activities.

(4) Both the strategic science program and the biennial science work plan may not become official documents until a majority of the members of the council vote for their adoption.

**NEW SECTION. Sec. 24. BASIN-WIDE RESTORATION PROGRESS.**

(1) Upon the request of the executive director, and subject to available funding, the Washington academy of sciences shall conduct an assessment of basin-wide restoration progress. The assessment shall include, but not be limited to a determination of the extent to which implementation of the action agenda is making progress toward the action agenda goals, and a determination of whether the environmental indicators and benchmarks included in the action agenda accurately measure and reflect progress toward the action agenda goals.

(2) The partnership shall use the assessment, as provided in this section, as a basis for recommended changes to successfully achieve the action agenda goals by 2020. Recommended changes may include, but are not limited to:

(a) The action agenda;

(b) The environmental indicators, as provided in this section; and

(c) Budget requests to the governor and legislature.

**Sec. 25.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read as follows:

In addition to other powers and duties specified in this chapter, the ~~((action team shall ensure))~~ council, in coordination with the committee, may guide the implementation and coordination of ((the)) ~~a Puget Sound ambient monitoring program ((established in the Puget Sound management plan. The program shall)).~~ Elements of the program should include, at a minimum:

(1) A research program, including but not limited to methods to provide current research information to managers and scientists, and to establish priorities based on the ~~((needs of the action team))~~ action agenda;

(2) A monitoring program, including baselines, protocols, guidelines, and quantifiable performance measures. In consultation with state agencies, local and tribal governments, and other public and private interests, the ~~((action team))~~ partnership shall develop and track quantifiable performance measures that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources. ((The performance measures shall be developed by June 30, 1997.)) The performance measures shall include, but not be limited to a methodology to track the progress of: Fish and wildlife habitat; sites with sediment contamination; wetlands; shellfish beds; and other key indicators of Puget Sound health. State agencies shall assist the action team in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area.

(3) Any results arising from the implementation of this section shall be included in the state of the Sound report prepared pursuant to section 20 of this act.

**NEW SECTION. Sec. 26. ACCOUNTABILITY.** (1) The council shall be accountable for achieving the action agenda.

(2) The council, with assistance from the committee or from the Washington academy of sciences created in chapter 70.220 RCW, shall identify environmental indicators that accurately measure success of the action agenda goals.

(3) The council is responsible for measuring the environmental indicators, as provided in subsection (2) of this section, and shall report the results in the Puget Sound science update, as provided in section 23 of this act.

(4) The council shall, as deemed appropriate by the council, apply accountability measures consistent with the assessment in RCW 43.17.385 to all levels of government and to any entity with responsibilities under the action agenda, including itself, to determine compliance with the action agenda and achievement of the results expected.

(5) The council shall work with the board to develop accountability measures for any entity having responsibilities under the action agenda, to determine compliance with the action agenda, and achievement of the results expected. The council or the board shall also work with the entities themselves to identify additional accountability measures, including positive incentives and consequences for inaction.

**NEW SECTION. Sec. 27. PUGET SOUND RECOVERY ACCOUNT.** The Puget Sound recovery account is created in the state treasury. All moneys appropriated to the Puget Sound partnership for state and nonstate entity plan implementation activities shall be deposited into the account. Grants, gifts, or other financial assistance received by the Puget Sound partnership from nonstate sources for the purposes of recovering Puget Sound may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of implementing the action agenda.

**NEW SECTION. Sec. 28. AUTHORITIES.** (1) The partnership shall not have regulatory authority nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(2)(a) No action of the partnership may create a mandatory duty applicable to the review or approval of any permits or the adoption of any plans relating to an entity that is not the partnership.

(b) The partnership may not take actions that qualify an agency action, as that term is defined in RCW 34.05.010.

(c) No action of the partnership may alter the forest practices rules adopted pursuant to chapter 76.09 RCW, or any associated habitat conservation plan; however, the council may use habitat conservation plans based on the forest practices rules as a model for developing the action agenda. Any changes in forest practices identified by the processes established in this chapter as necessary to fully recover the health of Puget Sound by 2020 may only be realized through the processes established in RCW 76.09.370 and other designated processes established in Title 76 RCW.

(3) State and local governments shall retain their own decision-making authority in implementing the action agenda consistent with current law.

**NEW SECTION. Sec. 29. COMPENSATION AND REIMBURSEMENT.** (1) Members of the council, including nonvoting ex officio members, shall be compensated in accordance with RCW 43.03.220 and be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(2) The salary of the executive director shall be set by the governor.

(3) Members of the board, including nonvoting ex officio members, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) Members of the committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, and based upon the availability of funds, the council may contract with members of the committee for compensation for their services under chapter 39.29 RCW. If appointees to the committee are employed by the federal,

tribal, state, or local governments, the council may enter into interagency personnel agreements.

**NEW SECTION. Sec. 30. TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM.** (1) The Puget Sound action team is hereby abolished and its powers, duties, and functions are hereby transferred to the Puget Sound partnership as consistent with this chapter. All references to the chair or the Puget Sound action team in the Revised Code of Washington shall be construed to mean the executive director or the Puget Sound partnership.

(2)(a) All employees of the Puget Sound action team are transferred to the jurisdiction of the Puget Sound partnership.

(b) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Puget Sound action team shall be delivered to the custody of the Puget Sound partnership. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the Puget Sound action team shall be made available to the Puget Sound partnership. All funds, credits, or other assets held by the Puget Sound action team shall be assigned to the Puget Sound partnership.

(c) Any appropriations made to the Puget Sound action team shall, on the effective date of this section, be transferred and credited to the Puget Sound partnership.

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

(3) All rules and all pending business before the Puget Sound action team shall be continued and acted upon by the Puget Sound partnership. All existing contracts and obligations shall remain in full force and shall be performed by the Puget Sound partnership.

(4) The transfer of the powers, duties, functions, and personnel of the Puget Sound action team shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

**NEW SECTION. Sec. 31. CAPTIONS NOT LAW.** Captions used in this chapter are not any part of the law.

**Sec. 32.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read as follows:

(1)(a) The ~~((action team))~~ department of health shall ~~((establish a))~~ manage the established shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The ~~((action team))~~ department of health shall provide funds to local health jurisdictions to be used as grants or loans to individuals for improving their on-site sewage systems. The grants or loans may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas.

(b) A recipient of a grant or loan shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction.

(c) The ~~((action team))~~ department of health shall work closely with local health jurisdictions and ~~((shall endeavor))~~ it shall be the goal of the department of health to attain geographic equity between Grays Harbor, Willapa Bay, and ~~((the))~~ Puget Sound when making funds available under this program.

(d) For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants or loans at a level that matches

the funds generated from the oyster reserve lands in that area.

(2) In ~~((the))~~ Puget Sound, the ~~((action team))~~ department of health shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; or

(b) Included within a shellfish protection district under chapter 90.72 RCW.

(3) In Grays Harbor and Pacific counties, the ~~((action team))~~ department of health shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The ~~((action team))~~ department of health and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The ~~((action team))~~ department of health may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

~~(6) ((For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present)) As part of the grant program created in this section, the department of health may use any unexpended and unobligated funds from the oyster reserve land account, created in RCW 77.60.160, that are remaining after the implementation of subsection (1) of this section to fund research projects related to oyster reserves. The department shall select research projects in consultation with the department of fish and wildlife and the appropriate reserve advisory committee created in RCW 77.60.150(2).~~

**NEW SECTION. Sec. 33.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff.

**Sec. 34.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, ~~((and))~~ (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**Sec. 35.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, ~~((and))~~ (17)

the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 36.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, ~~((personnel appeals board,))~~ board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western

Washington University board of trustees, and fish and wildlife commission.

**Sec. 37.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species, except for program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

**Sec. 38.** RCW 70.220.040 and 2005 c 305 s 4 are each amended to read as follows:

(1) The academy shall investigate, examine, and report on any subject of science requested by the governor, the governor's designee, the executive director of the Puget Sound partnership, or the legislature. The procedures for selecting panels of experts to respond to such requests shall be set forth in the bylaws or other appropriate operating guidelines. In forming review panels, the academy shall endeavor to assure that the panel members have no conflicts of interest and that proposed panelists first disclose any advocacy positions or financial interest related to the questions to be addressed by the panel that the candidate has held within the past ten years.

(2) The governor shall provide funding to the academy for the actual expense of such investigation, examination, and reports. Such funding shall be in addition to state funding assistance to the academy in its initial years of operation as described in RCW 70.220.060.

**Sec. 39.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a

county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by section 40 of this act, whether the entity receiving assistance is designated as a Puget Sound partner, as that term is defined in RCW 90.71.010;

(c) Whether the project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

~~((e))~~ (e) The cost of the project compared to the size of the local government and amount of loan money available;

~~((f))~~ (f) The number of communities served by or funding the project;

~~((g))~~ (g) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((h))~~ (h) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((i))~~ (i) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((j))~~ (j) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1st of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted

by the city or county under chapter 70.95 RCW.

(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 40.** A new section is added to chapter 43.155 RCW to read as follows:

In developing a priority process for public works projects under RCW 43.155.070, the board shall give preferences only to Puget Sound partners, as defined in RCW 90.71.010, over other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 41.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by section 40 of this act, whether the entity receiving assistance is designated as a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act;

(g) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

~~((f))~~ (h) The recommendations of the Puget Sound ((action team)) partnership created in section 3 of this act and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 42.** A new section is added to chapter 70.146 RCW to read as follows:

When making grants or loans for water pollution control facilities under RCW 70.146.070, the department shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 43.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications(⁂); and ((the commission shall utilize))

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental ((benefit[s] in its grant prioritization and selection process:)) benefits;

(ii) Whether, except as conditioned by section 44 of this act, the applicant is designated as a Puget Sound partner, as defined in RCW 90.71.010; and

(iii) Whether the project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act.

(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program.

(b) The commission shall work with the districts to develop uniform performance measures across participating districts(⁂) and to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 44.** A new section is added to chapter 89.08 RCW to read as follows:

When administering water quality and habitat protection grants under this chapter, the commission shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 45.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with

chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(c) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment. ((For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel.))

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is designated as a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act, shall, except as conditioned by section 46 of this act, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. ((During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

~~(b))~~ (c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260

through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

NEW SECTION. Sec. 46. A new section is added to chapter 70.105D RCW to read as follows:

When administering funds under this chapter, the department shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

Sec. 47. RCW 79.105.150 and 2005 c 518 s 946 and 2005 c 155 s 121 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects.

(2) In providing grants for aquatic lands enhancement projects, the ~~((department))~~ interagency committee for outdoor recreation shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications((and the department shall));

(b) Utilize the statement of environmental benefits, consideration, except as provided in section 48 of this act, of whether the applicant is designated as a Puget Sound partner, as defined in RCW 90.71.010, and whether a project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act, in its prioritization and selection process((The department shall also)); and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

~~((3) During the fiscal biennium ending June 30, 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.)) (5) After January 1, 2010, any project designed to address the effects of restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.~~

**NEW SECTION. Sec. 48.** A new section is added to chapter 79.105 RCW to read as follows:

When administering funds under this chapter, the interagency committee for outdoor recreation shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 49.** RCW 79A.15.040 and 2005 c 303 s 3 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for natural areas projects under subsection (1) (b) of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

(6)(a) Except as otherwise conditioned by section 50 of this act, the committee shall consider the following in determining distribution priority:

(i) Whether the entity applying for funding is designated as a Puget Sound partner, as that term is defined in RCW 90.71.010; and

(ii) Whether the project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act.

(7) After January 1, 2010, any project designed to address the effects of restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda

adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 50.** A new section is added to chapter 79A.15 RCW to read as follows:

When administering funds under this chapter, the committee shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 51.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and 2005 c 257 s 3 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat; ~~(and)~~

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding;

(vi) Are, except as provided in section 52 of this act, sponsored by an entity that is designated as a Puget Sound partner, as that term is defined in RCW 90.71.010; and

(vii) Are projects included in the action agenda adopted by the Puget Sound partnership under section 13 of this act.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation; ~~(and)~~

(iv) Involve members of the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) After January 1, 2010, any project designed to address the effects of restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 52.** A new section is added to chapter 77.85 RCW to read as follows:

When administering funds under this chapter, the board shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 53.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read as follows:

(1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance in this state.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds that this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state agency known as the Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature also finds numerous public, private, and community organizations are working to provide public education and identify potential solutions. The legislature recognizes that, while some information and research is now available and some potential solutions have been identified, more research and analysis is needed to fully develop a program to address Hood Canal's low-dissolved oxygen concentrations.

(4) The legislature finds a need exists for the state to take action to address Hood Canal's low-dissolved oxygen concentrations. The

legislature also finds establishing an aquatic rehabilitation zone for Hood Canal will serve as a statutory framework for future regulations and programs directed at recovery of this important aquatic resource.

(5) The legislature therefore intends to establish an aquatic rehabilitation zone for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. The legislature also intends to incorporate provisions in the new statutory chapter creating the designation as solutions are identified regarding this problem.

**Sec. 54.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read as follows:

(1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

(4) The Puget Sound (~~(action team)~~) partnership and the Hood Canal coordinating council must each approve and must comanage projects under the rehabilitation program authorized in this section.

**Sec. 55.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read as follows:

(1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to RCW 90.88.020. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in RCW 90.88.020 and when establishing funding criteria according to subsection (7) of this section, the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and the local management board shall solicit participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The local management board also may appoint technical advisory committees as needed.

(3) The local management board and the Puget Sound (~~(action team)~~) partnership shall participate in the development of the program authorized under RCW 90.88.020.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound (~~(action team)~~) partnership each may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound (~~(action team)~~) partnership and the local management board shall jointly coordinate a process to prioritize projects, studies, and activities for which the Puget Sound (~~(action team)~~) partnership receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound (~~(action team)~~) partnership

shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. Final approval for projects under this section requires the consent of both the Puget Sound ((~~action team~~) partnership) and the local management board. Projects under this section must be comanaged by the Puget Sound ((~~action team~~) partnership) and the local management board. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to RCW 90.88.020 to the appropriate committees of the legislature.

**Sec. 56.** RCW 90.88.901 and 2005 c 479 s 5 are each amended to read as follows:

Nothing in chapter 479, Laws of 2005 provides any regulatory authority to the Puget Sound ((~~action team~~) partnership, created in section 3 of this act, or the Hood Canal coordinating council.

**Sec. 57.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read as follows:

The activities of the Puget Sound ((~~action team~~) partnership, created in section 3 of this act, and the Hood Canal coordinating council required by chapter 479, Laws of 2005 are subject to the availability of amounts appropriated for this specific purpose.

**Sec. 58.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound ((~~water quality authority~~) partnership, created in section 3 of this act. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject

to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

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

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

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

**Sec. 59.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to read as follows:

The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound ((~~action team~~) partnership) shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

**Sec. 60.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to read as follows:

The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound ((~~action team~~) partnership).

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound ((~~action team's~~) partnership's) water quality work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

**Sec. 61.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to read as follows:

The legislature finds that the department provides, manages, and monitors aquatic land dredged material disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors, and shipping lanes. These disposal sites are approved through a cooperative planning process by the departments of natural resources and ecology, the United States army corps of engineers, and the United States environmental protection agency in cooperation with the Puget Sound (~~(action team)~~) partnership. These disposal sites are essential to the commerce and well-being of the citizens of the state of Washington. Management and environmental monitoring of these sites are necessary to protect environmental quality and to assure appropriate use of state-owned aquatic lands. The creation of an aquatic land dredged material disposal site account is a reasonable means to enable and facilitate proper management and environmental monitoring of these disposal sites.

**Sec. 62.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read as follows:

(1) The aquatic nuisance species committee is created for the purpose of fostering state, federal, tribal, and private cooperation on aquatic nuisance species issues. The mission of the committee is to minimize the unauthorized or accidental introduction of nonnative aquatic species and give special emphasis to preventing the introduction and spread of aquatic nuisance species. The term "aquatic nuisance species" means a nonnative aquatic plant or animal species that threatens the diversity or abundance of native species, the ecological stability of infested waters, or commercial, agricultural, or recreational activities dependent on such waters.

(2) The committee consists of representatives from each of the following state agencies: Department of fish and wildlife, department of ecology, department of agriculture, department of health, department of natural resources, Puget Sound (~~(water quality action team)~~) partnership, state patrol, state noxious weed control board, and Washington sea grant program. The committee shall encourage and solicit participation by: Federally recognized tribes of Washington, federal agencies, Washington conservation organizations, environmental groups, and representatives from industries that may either be affected by the introduction of an aquatic nuisance species or that may serve as a pathway for their introduction.

(3) The committee has the following duties:

(a) Periodically revise the state of Washington aquatic nuisance species management plan, originally published in June 1998;

(b) Make recommendations to the legislature on statutory provisions for classifying and regulating aquatic nuisance species;

(c) Recommend to the state noxious weed control board that a plant be classified under the process designated by RCW 17.10.080 as an aquatic noxious weed;

(d) Coordinate education, research, regulatory authorities, monitoring and control programs, and participate in regional and national efforts regarding aquatic nuisance species;

(e) Consult with representatives from industries and other activities that may serve as a pathway for the introduction of aquatic nuisance species to develop practical strategies that will minimize the risk of new introductions; and

(f) Prepare a biennial report to the legislature with the first report due by December 1, 2001, making recommendations for better accomplishing the purposes of this chapter, and listing the accomplishments of this chapter to date.

(4) The committee shall accomplish its duties through the authority and cooperation of its member agencies. Implementation of all plans and programs developed by the committee shall be through the member agencies and other cooperating organizations.

**Sec. 63.** RCW 70.146.070 and 1999 c 164 s 603 are each

amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(f) The recommendations of the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

**Sec. 64.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to read as follows:

The department may not use funds appropriated to implement an element of the Puget Sound (~~(water quality authority plan)~~) partnership action agenda to conduct any activity required under chapter 281, Laws of 1994.

**Sec. 65.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to read as follows:

(1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter 516, Laws of 1993. The task force shall consist of the commissioner of public lands, the director of the department of fish and wildlife, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget Sound (~~(water quality authority)~~) partnership, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community, trade, and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of

the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in RCW 43.21J.040, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with RCW 43.21J.040; and

(c) To determine funding allocations for projects to be funded from the account created in RCW 43.21J.020 and for projects or programs as designated in the omnibus operating and capital appropriations acts.

**Sec. 66.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to read as follows:

(1) Subject to the limitations of RCW 43.21J.020, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after July 1, 1993:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to rules adopted by the agency then known as the Puget Sound water quality authority (~~rules adopted~~) for local planning and management of nonpoint source pollution;

(b) Conservation district projects that provide water quality and

habitat improvements;

(c) Indian tribe projects that provide water quality and habitat improvements; or

(d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(3) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

**Sec. 67.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to read as follows:

(1) The sea grant and cooperative extension shall jointly administer a program to provide field agents to work with local governments, property owners, and the general public to increase the propagation of shellfish, and to address Puget Sound water quality problems within Kitsap, Mason, and Jefferson counties that may limit shellfish propagation potential. The sea grant and cooperative extension shall each make available the services of no less than two agents within these counties for the purposes of this section.

(2) The responsibilities of the field agents shall include but not be limited to the following:

(a) Provide technical assistance to property owners, marine industry owners and operators, and others, regarding methods and practices to address nonpoint and point sources of pollution of Puget Sound;

(b) Provide technical assistance to address water quality problems limiting opportunities for enhancing the recreational harvest of shellfish;

(c) Provide technical assistance in the management and increased production of shellfish to facility operators or to those interested in establishing an operation;

(d) Assist local governments to develop and implement education and public involvement activities related to Puget Sound water quality;

(e) Assist in coordinating local water quality programs with region-wide and statewide programs;

(f) Provide information and assistance to local watershed committees.

(3) The sea grant and cooperative extension shall mutually coordinate their field agent activities to avoid duplicative efforts and to ensure that the full range of responsibilities under RCW 28B.30.632 through 28B.30.636 are carried out. They shall consult with the Puget Sound (~~water quality authority~~) partnership, created in section 3 of this act, and ensure consistency with (the authority's) any of the Puget Sound partnership's water quality management plans.

(4) Recognizing the special expertise of both agencies, the sea grant and cooperative extension shall cooperate to divide their activities as follows:

(a) Sea grant shall have primary responsibility to address water quality issues related to activities within Puget Sound, and to provide assistance regarding the management and improvement of shellfish production; and

(b) Cooperative extension shall have primary responsibility to address upland and freshwater activities affecting Puget Sound water quality and associated watersheds.

NEW SECTION. **Sec. 68.** RCW 90.71.902 and 90.71.903 are each decodified.

NEW SECTION. **Sec. 69.** RCW 90.71.100 is recodified as a new section in chapter 70.118 RCW.

NEW SECTION. **Sec. 70.** The following acts or parts of acts are each repealed:

(3) RCW 90.71.005 (Findings) and 1998 c 246 s 13 & 1996 c 138 s 1;

(4) RCW 90.71.015 (Environmental excellence program agreements--Effect on chapter) and 1997 c 381 s 30;

(5) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 & 1996 c 138 s 3;

(6) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996 c 138 s 4;

(7) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;

- (8) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s 6;  
 (9) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;  
 (10) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;  
 (11) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15; and  
 (12) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

**NEW SECTION. Sec. 71. ONE-TIME RESPONSIBILITIES.**

(1) The following one-time reports, studies, and actions must be completed as assigned in this section:

(a) By October 1, 2007, the initial appointments to the board must be completed, as provided in section 7 of this act.

(b) By November 1, 2007, the committee shall be established, as provided in section 9 of this act.

(c) By November 15, 2008, the council shall complete its first review of its governmental and organizational effectiveness, as provided in section 5 of this act.

(d) By April 15, 2008, the committee shall recommend to the council suggested environmental indicators and time-bound benchmarks to meet the goal of recovering Puget Sound by the year 2020.

(e) By September 1, 2008, the council shall adopt the initial action agenda.

(f) By September 20, 2008, the partnership shall develop and submit to the legislature recommendations to enhance and phase-in local government accountability measures, consistent with section 26 of this act.

(g) By September 2008, the coordination board shall advise the council and the executive director on how to incorporate local plans and projects into a Sound-wide set of activities that can be incorporated into the action agenda. The board shall also recommend priorities for local activities based on their contribution to Puget Sound health. During the development of the priorities, the board shall hold public meetings in various parts of Puget Sound to solicit public comments.

(2) The definitions in RCW 90.71.010 apply to this section.

**NEW SECTION. Sec. 72.** Sections 3 through 24 and 26 through 31 of this act are each added to chapter 90.71 RCW."

Correct the title.

Representative Condotta moved the adoption of amendment (252) to amendment (224):

On page 10, line 29 of the amendment, after "data" insert ", and provide a historical analysis of the environmental health conditions of Puget Sound so as to determine past levels of pollution and restorative actions that have established the current health conditions of Puget Sound"

Representative Condotta and Upthegrove spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Sump moved the adoption of amendment (253) to amendment (224):

On page 12, line 31 of the amendment, strike "TECHNICAL ASSISTANCE" and insert "LOCAL SUPPORT"

On page 12, line 32 of the amendment, strike "provide technical assistance and" and insert "support and provide nonregulatory"

Representatives Sump and Upthegrove spoke in favor of the adoption of the amendment to amendment (224).

The amendment to the amendment was adopted.

Representative Kristiansen moved the adoption of amendment (247) to amendment (224):

On page 14, beginning on line 18 of the amendment, after "for all" strike "local, state, and federal governmental entities" and insert "governmental entities, including state agencies, cities, counties, ports, special purpose districts, and other governmental entities"

On page 14, beginning on line 20 of the amendment, after "cause for" strike "a governmental entity's nonconformance exists if there is" and insert "nonconformance by a governmental entity exists if there is proper exercise of discretion with current law or in determining"

Representatives Kristiansen and Upthegrove spoke in favor of the adoption of the amendment to amendment (224).

The amendment to the amendment was adopted.

Representative Eickmeyer moved the adoption of amendment (245) to amendment (224):

On page 17, line 7 of the amendment, after "2020" insert ", and investigate human activities involving the removal of flora and fauna from the Hood Canal and Puget Sound, such as harvest practices and other activities that lead to a loss of biomass, that have a potential effect on the ecological balance and overall health of marine waters"

Representatives Eickmeyer and Sump spoke in favor of the adoption of the amendment to amendment (224).

The amendment to the amendment was adopted.

Representative Upthegrove moved the adoption of amendment (246) to amendment (224):

On page 39, line 37 of the amendment, strike "effects of"

On page 41, line 28 of the amendment, strike "effects of"

On page 44, line 18 of the amendment, strike "effects of"

Representatives Upthegrove and Sump spoke in favor of the adoption of the amendment to amendment (224).

The amendment to the amendment was adopted.

The question before the House was adoption of amendment (224) as amended.

Representatives Upthegrove and Sump spoke in favor of the adoption of amendment (224) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1374.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1374 and the bill passed the

House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Alexander, Armstrong, Buri, Condotta, Crouse, Curtis, DeBolt, Dunn, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Schindler and Warnick - 19.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1374, having received the necessary constitutional majority, was declared passed.

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

#### INTRODUCTION & FIRST READING

SB 5036 by Senators Eide, Weinstein, Brown, Rockefeller, Regala, Fraser, Murray, Berkey, Kauffman, Jacobsen, Keiser, Haugen, Rasmussen, Shin, Tom and Kohl-Welles

AN ACT Relating to repealing the application of the sunset act to the intermediate driver's license program; and repealing RCW 43.131.397 and 43.131.398.

Referred to Committee on Transportation.

SB 5086 by Senators Haugen, Swecker and Murray

AN ACT Relating to increasing the population threshold for state highway maintenance responsibility in cities and towns; and amending RCW 47.24.020.

Referred to Committee on Transportation.

2SSB 5090 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Shin, Franklin, Kilmer, Marr, Kauffman, Murray and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to innovation partnership zones; adding new sections to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

2SSB 5092 by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Brown, Kilmer, Kauffman, Murray, Shin and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to contracts with associate development organizations for economic development services; amending RCW 43.330.080; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

SSB 5171 by Senate Committee on Transportation (originally sponsored by Senators Schoesler, Pridemore, Fairley, McAuliffe, Shin, Prentice, Sheldon, Franklin, Kline and Rasmussen; by request of Select Committee on Pension Policy)

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5190 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin and Shin)

AN ACT Relating to the collection of legal financial obligations; amending RCW 72.09.480; and reenacting and amending RCW 70.58.107.

Referred to Committee on Judiciary.

SB 5199 by Senators Berkey, Prentice, Benton, Hobbs, Hatfield, Schoesler, Parlette, Franklin and Keiser; by request of Department of Financial Institutions

AN ACT Relating to adding enforcement provisions regarding fraud, deception, and unlicensed internet lending to the chapter governing check cashers and sellers; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

ESB 5204 by Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton; by request of Department of Agriculture

AN ACT Relating to the enforcement of animal health laws; amending RCW 16.36.050, 16.36.010, 20.01.610, and 20.01.380; adding new sections to chapter 16.36 RCW; recodifying RCW 16.36.092; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SSB 5228 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin and Weinstein; by request of Attorney General)

AN ACT Relating to actions under chapter 19.86 RCW, the consumer protection act; amending RCW 19.86.080 and 19.86.090; and declaring an emergency.

Referred to Committee on Judiciary.

SSB 5243 by Senate Committee on Human Services & Corrections (originally sponsored by Senators

Brandland, Hargrove, McAuliffe, Stevens, Rasmussen, Shin and Roach; by request of Department of Social and Health Services)

AN ACT Relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration; amending RCW 13.40.210; and prescribing penalties.

Referred to Committee on Human Services.

ESB 5251 by Senators Kohl-Welles, Clements, Hobbs, Parlette, Pridemore and Hatfield

AN ACT Relating to the term of existence of a collective bargaining agreement; and amending RCW 41.56.070 and 41.56.070.

Referred to Committee on Commerce & Labor.

SB 5260 by Senators Jacobsen and Morton; by request of Parks and Recreation Commission

AN ACT Relating to park passes; and amending RCW 79A.05.065.

Referred to Committee on Agriculture & Natural Resources.

SB 5264 by Senators Haugen and Swecker; by request of Transportation Commission

AN ACT Relating to naming or renaming state transportation facilities; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

ESSB 5269 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Delvin, Kauffman, Roach, Franklin, Rasmussen, Kohl-Welles, Sheldon, Marr, Murray, Oemig, Jacobsen, Rockefeller, Shin and Kilmer)

AN ACT Relating to establishing the first peoples' language and culture teacher certification program; amending RCW 28A.415.020; adding a new section to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

SB 5272 by Senators Haugen and Sheldon; by request of Department of Licensing

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.025, 82.36.026, 82.36.027, 82.36.029, 82.36.031, 82.36.035, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.090, 82.38.100, 82.38.110, 82.38.130, 82.38.140, 82.38.150, 82.38.160, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new

sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; repealing RCW 82.36.042, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.185, 82.38.285, and 82.38.165; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 5297 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Haugen, Tom, Prentice, Keiser, Pridemore, Murray, Regala, Fraser, Kilmer, Rockefeller, McAuliffe, Shin, Weinstein, Kline, Marr, Kohl-Welles and Oemig)

AN ACT Relating to providing medically and scientifically accurate sexual health education in schools; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 5340 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Swecker, Fairley, Kohl-Welles, Shin, Pridemore, McAuliffe, Regala, Murray, Spanel, Franklin, Rockefeller, Kauffman and Keiser)

AN ACT Relating to the definition of disability in the Washington law against discrimination, chapter 49.60 RCW; amending RCW 49.60.040; and creating new sections.

Referred to Committee on Judiciary.

SB 5351 by Senators Kline and Spanel; by request of Court of Appeals

AN ACT Relating to the court of appeals; amending RCW 2.06.040; and adding a new section to chapter 2.06 RCW.

Referred to Committee on Appropriations.

SB 5384 by Senators Fraser, Shin, Brandland, Delvin, Murray, Tom and Kohl-Welles; by request of University of Washington

AN ACT Relating to the University of Washington's and Washington State University's local borrowing authority; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

ESB 5385 by Senators Shin, Jacobsen, Schoesler, Rockefeller, Delvin, Tom and Kohl-Welles; by request of Washington State Higher Education Facilities Authority

AN ACT Relating to authorizing the Washington higher education facilities authority to originate and purchase educational loans and to issue student loan revenue bonds; amending RCW 28B.07.030; adding new sections to chapter 28B.07 RCW; and creating new sections.

Referred to Committee on Higher Education.

ESB 5401 by Senators Rasmussen, Swecker, Shin, Schoesler and Hatfield

AN ACT Relating to Christmas tree grower licensure; amending RCW 15.13.250, 15.13.260, 15.13.265, 15.13.270, 15.13.340, 15.13.370, 15.13.390, 15.13.400, 15.13.420, 15.13.430, 15.13.440, 15.13.455, 15.13.470, and 15.13.490; adding new sections to chapter 15.13 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5405 by Senate Committee on Judiciary (originally sponsored by Senators Carrell, Kline and McCaslin)

AN ACT Relating to judicial orders concerning distraint of personal property; and amending RCW 6.17.160.

Referred to Committee on Judiciary.

SSB 5461 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Fraser, Hatfield, Hargrove, Benton, Sheldon and Rasmussen; by request of Department of Natural Resources)

AN ACT Relating to continuing the use of contract harvesting for improving forest health on Washington state trust lands; amending RCW 79.15.540; creating a new section; and repealing 2004 c 218 s 10 (uncodified).

Referred to Committee on Agriculture & Natural Resources.

SSB 5463 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Rockefeller, Morton, Shin and Rasmussen; by request of Department of Natural Resources)

AN ACT Relating to forest fire protection assessments; and amending RCW 76.04.610.

Referred to Committee on Agriculture & Natural Resources.

SB 5468 by Senators Oemig, Zarelli, Regala and Schoesler; by request of Department of Revenue

AN ACT Relating to the administration of tax programs administered by the department of revenue; amending RCW 82.16.120, 82.24.120, 82.24.135, 82.24.280, 82.32.033, 82.32.050, 82.32.100, 82.32.130, 82.32.140, 82.32.160, 82.32.170, 82.45.100, 84.12.260, 84.16.036, 84.36.815, 84.36.820, 84.36.825, 84.36.830, and 84.36.840; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Finance.

SB 5469 by Senators Prentice, Parlette, Franklin, Benton, Hobbs, Keiser and Schoesler

AN ACT Relating to pawnbrokers; and amending RCW 19.60.060 and 19.60.061.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5475 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen, Honeyford, Regala and Kohl-Welles; by request of Department of Ecology)

AN ACT Relating to underground storage tanks; amending RCW 90.76.005, 90.76.010, 90.76.020, 90.76.050, 90.76.070, 90.76.080, 90.76.090, 90.76.110, 43.21B.300, 43.131.393, and 43.131.394; and repealing RCW 90.76.120.

Referred to Committee on Appropriations.

SSB 5483 by Senate Committee on Transportation (originally sponsored by Senators Kauffman, Holmquist, Haugen, Clements, Rasmussen and Shin; by request of Transportation Improvement Board)

AN ACT Relating to retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance; amending RCW 47.26.080, 47.26.164, and 47.26.340; and reenacting and amending RCW 46.68.110.

Referred to Committee on Transportation.

SB 5512 by Senators Kilmer, Regala, Hobbs, Eide, Pridemore and Rasmussen

AN ACT Relating to financing for hospital benefit zones; amending RCW 39.100.010, 39.100.020, 39.100.030, 39.100.040, 39.100.050, 82.14.465, 82.14.470, and 82.32.700; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

SB 5525 by Senators Oemig, Swecker and Regala

AN ACT Relating to medical insurance for city officials; and amending RCW 41.04.190.

Referred to Committee on Local Government.

SSB 5560 by Senate Committee on Ways & Means (originally sponsored by Senators Schoesler, Zarelli, Regala and Prentice; by request of Department of Revenue)

AN ACT Relating to making changes of a technical nature to laws relating to taxes or tax programs, administered by the department of revenue; amending RCW 76.09.405, 82.04.250, 82.04.261, 82.04.294, 82.04.4281, 82.04.440, 82.04.4461, 82.04.4462, 82.04.530, 82.08.02745, 82.12.0284, 82.14B.020, 82.32.520, 82.32.545, 82.32.550, 82.32.555, 84.33.140, 84.34.108, 84.52.010, and 84.52.054; amending 2006 c 84 s 9 (uncodified); reenacting and amending RCW 82.04.050, 82.04.260, and 82.14B.030; reenacting RCW 82.32.600 and 82.32.600; creating a new section; repealing RCW 84.55.012 and 84.55.0121; repealing 2005 c 514 s 113, 2004 c 153 s 502, 2003 c 168 s 902, and 2002 c 67 s 18 (uncodified); repealing 2005 c 514 s 112 and 2003 c 168 s 503; providing an effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Finance.

SB 5635 by Senators Brandland, Kline and Delvin; by request of Criminal Justice Training Commission

AN ACT Relating to requiring polygraph tests; and amending RCW 49.44.120.

Referred to Committee on Commerce & Labor.

SSB 5647 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Fraser, Morton, McAuliffe, Fairley, Swecker, Regala, Hatfield, Spanel, Rockefeller, Kohl-Welles and Rasmussen)

AN ACT Relating to clarifying the use of existing lodging tax revenues for tourism promotion; and amending RCW 67.28.080.

Referred to Committee on Community & Economic Development & Trade.

SSB 5674 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Fairley and Kline)

AN ACT Relating to water district commissioner candidates; and adding a new section to chapter 57.12 RCW.

Referred to Committee on Local Government.

SSB 5715 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Benton, Berkey, Hobbs, Prentice, Hatfield, Franklin and Shin; by request of Insurance Commissioner)

AN ACT Relating to persons selling, soliciting, or negotiating insurance; amending RCW 48.17.010, 48.17.060, 48.17.063, 48.17.065, 48.17.067, 48.17.090, 48.17.110, 48.17.125, 48.17.150, 48.17.160, 48.17.170, 48.17.180, 48.17.250, 48.17.270, 48.17.380, 48.17.390, 48.17.410, 48.17.420, 48.17.450, 48.17.460, 48.17.470, 48.17.475, 48.17.480, 48.17.490, 48.17.510, 48.17.530, 48.17.565, 48.17.591, 48.17.600, and 48.14.010; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.17 RCW; repealing RCW 48.17.020, 48.17.030, 48.17.040, 48.17.050, 48.17.055, 48.17.070, 48.17.100, 48.17.120, 48.17.130, 48.17.190, 48.17.200, 48.17.210, 48.17.230, 48.17.240, 48.17.260, 48.17.280, 48.17.290, 48.17.300, 48.17.310, 48.17.320, 48.17.330, 48.17.340, 48.17.500, 48.17.520, and 48.05.310; prescribing penalties; and providing an effective date.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

ESSB 5717 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Berkey, Hobbs, Prentice, Hatfield and Franklin; by request of Insurance Commissioner)

AN ACT Relating to the establishment of a program of market conduct oversight within the office of the insurance

commissioner; reenacting and amending RCW 42.56.400; adding a new section to chapter 48.03 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5830 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Brown, Rasmussen, Keiser, Kohl-Welles, McAuliffe and Shin)

AN ACT Relating to home visitation services for families; amending RCW 43.121.015; adding new sections to chapter 43.121 RCW; and repealing RCW 43.70.530.

Referred to Committee on Early Learning & Children's Services.

ESSB 5920 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Keiser, Shin and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to a pilot program for vocational rehabilitation services; amending RCW 51.32.095; adding new sections to chapter 51.32 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 5957 by Senator Kohl-Welles; by request of Joint Legislative Systems Committee

AN ACT Relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee; amending RCW 44.68.010, 44.68.030, 44.68.040, 44.68.050, and 44.68.060; adding new sections to chapter 44.68 RCW; creating a new section; repealing RCW 44.68.070; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

ESB 5983 by Senators Stevens and Hargrove

AN ACT Relating to notice in truancy matters; and amending RCW 28A.225.035.

Referred to Committee on Judiciary.

SSB 6011 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen, Eide, Brown, Rockefeller, Spanel, Fraser, Weinstein, Murray, Pridemore and Keiser)

AN ACT Relating to protecting Puget Sound water quality by creating an aquatic reserve near Maury Island; amending RCW 79.105.210; adding a new section to chapter 79.105 RCW; and declaring an emergency.

Referred to Committee on Select Committee on Puget Sound.

SSJM 8012 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Brown, Hewitt, Franklin, Fraser, Oemig, Kline, Kilmer, Swecker, Hobbs, Hatfield, Marr, Spanel, Regala, Kohl-Welles, Berkey, Pridemore, Rasmussen, McAuliffe, Sheldon and Shin)

Requesting the Washington Air and Army National Guard not be federalized.

Referred to Committee on State Government & Tribal Affairs.

SCR 8404 by Senators Shin, Delvin and Kilmer; by request of Workforce Training and Education Coordinating Board

Approving the 2006 update to the state comprehensive plan for workforce training.

Referred to Committee on Higher Education.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

With the consent of the House, the Committee on Rules was relieved of the following bills and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1009,  
HOUSE BILL NO. 1040,  
HOUSE BILL NO. 1130,  
HOUSE BILL NO. 1179,  
HOUSE BILL NO. 1701,  
HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1805,  
HOUSE BILL NO. 1826,  
HOUSE BILL NO. 1833,  
HOUSE BILL NO. 1843,  
HOUSE BILL NO. 1857,  
HOUSE BILL NO. 1879,  
HOUSE BILL NO. 1891,  
HOUSE BILL NO. 1897,  
HOUSE BILL NO. 1981,  
HOUSE BILL NO. 2019,  
HOUSE BILL NO. 2076,  
HOUSE BILL NO. 2164,  
HOUSE BILL NO. 2265,  
HOUSE BILL NO. 2279,  
HOUSE BILL NO. 2358,

With the consent of the House, the Committee on Rules was relieved of the following bills and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1206,  
HOUSE BILL NO. 1211,  
HOUSE BILL NO. 1254,  
HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1394,  
HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1414,  
HOUSE BILL NO. 1492,  
HOUSE BILL NO. 1506,  
HOUSE BILL NO. 1525,  
HOUSE BILL NO. 1548,  
HOUSE BILL NO. 1583,  
HOUSE BILL NO. 1625,

HOUSE BILL NO. 1649,  
HOUSE BILL NO. 1656,  
HOUSE BILL NO. 1688,  
HOUSE BILL NO. 1773,  
HOUSE BILL NO. 1811,  
HOUSE BILL NO. 1827,  
HOUSE BILL NO. 1876,  
HOUSE BILL NO. 1896,  
HOUSE BILL NO. 1912,  
HOUSE BILL NO. 1930,  
HOUSE BILL NO. 1937,  
HOUSE BILL NO. 1968,  
HOUSE BILL NO. 1993,  
HOUSE BILL NO. 2014,  
HOUSE BILL NO. 2027,  
HOUSE BILL NO. 2031,  
HOUSE BILL NO. 2041,  
HOUSE BILL NO. 2059,  
HOUSE BILL NO. 2087,  
HOUSE BILL NO. 2100,  
HOUSE BILL NO. 2101,  
HOUSE BILL NO. 2118,  
HOUSE BILL NO. 2136,  
HOUSE BILL NO. 2176,  
HOUSE BILL NO. 2209,  
HOUSE BILL NO. 2220,  
HOUSE BILL NO. 2226,  
HOUSE BILL NO. 2236,  
HOUSE BILL NO. 2246,  
HOUSE BILL NO. 2275,  
HOUSE BILL NO. 2275,  
HOUSE BILL NO. 2286,  
HOUSE BILL NO. 2292,  
HOUSE BILL NO. 2300,  
HOUSE BILL NO. 2302,  
HOUSE BILL NO. 2320,  
HOUSE BILL NO. 2338,  
HOUSE BILL NO. 2353,  
HOUSE BILL NO. 2366,  
HOUSE JOINT MEMORIAL NO. 4001,  
HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE JOINT MEMORIAL NO. 4012,  
HOUSE JOINT RESOLUTION NO. 4204,

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

There being no objection, the House adjourned until 10:00, March 10, 2007, the 62nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTY SECOND DAY

House Chamber, Olympia, Saturday, March 10, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ron Finley and Jill Rosenblum. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Dave Quall.

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

**MESSAGE FROM THE SENATE**

March 9, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5813,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

**INTRODUCTION & FIRST READING**

ESSB 5037 by Senate Committee on Transportation (originally sponsored by Senators Eide, Weinstein, Murray, Berkey, Regala, Rockefeller, Kauffman, Keiser, Spanel, Jacobsen and Kohl-Welles)

AN ACT Relating to the use of a wireless communications device while operating a moving motor vehicle; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SSB 5039 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Eide, Murray, Marr, Shin, Rockefeller, Weinstein, Rasmussen, Kauffman, Keiser, Jacobsen, Haugen and Kohl-Welles)

AN ACT Relating to the investment of scholarship endowment funds; amending RCW 28B.108.060 and 28B.116.060; and adding a new section to chapter 28B.76 RCW.

Referred to Committee on Insurance, Financial Services &amp; Consumer Protection.

SSB 5052 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Eide, Roach, Franklin, Hobbs, Fairley, Kastama, Prentice, Jacobsen, Shin and Parlette)

AN ACT Relating to auto glass repair and third party administrators; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Insurance, Financial Services &amp; Consumer Protection.

SSB 5108 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Rasmussen, Jacobsen, Shin, Spanel, Swecker, Brandland, Hatfield and Parlette)

AN ACT Relating to farmland preservation; adding a new chapter to Title 89 RCW; and providing an expiration date.

Referred to Committee on Agriculture &amp; Natural Resources.

SB 5113 by Senators Schoesler, Rasmussen, Holmquist, Clements, Morton, Hatfield and Pridemore

AN ACT Relating to barley straw for water clarification; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture &amp; Natural Resources.

SSB 5118 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Brandland, Keiser, Murray, Prentice, McAuliffe, Marr and Shin)

AN ACT Relating to developing sexual harassment policies, procedures, and mandatory training for all state employees; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government &amp; Tribal Affairs.

SB 5142 by Senators Fraser and Swecker

AN ACT Relating to the disbursement of funds by air pollution control agencies; and amending RCW 70.94.094.

Referred to Committee on Select Committee on Environmental Health.

SSB 5153 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Franklin, Kohl-Welles, Shin, Weinstein, Oemig, Keiser, Kauffman, Rockefeller, Fairley, Hargrove, Rasmussen, Spanel, Fraser, Jacobsen and Haugen)

AN ACT Relating to encouraging employers to be infant-friendly; amending RCW 43.70.640; adding a new section to chapter 43.70 RCW; and making an appropriation.

Referred to Committee on Health Care & Wellness.

SSB 5231 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Berkey, Roach, Fairley, Pridemore and Shin)

AN ACT Relating to water-sewer districts; amending RCW 36.55.060, 44.04.170, 57.08.005, and 57.08.120; adding new sections to chapter 57.24 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SSB 5244 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Brandland; by request of Department of Social and Health Services)

AN ACT Relating to implementation of the deficit reduction act; amending RCW 26.18.170, 26.23.035, 26.23.050, 26.23.110, 74.20.040, 74.20.330, 74.20A.030, and 74.20A.055; and reenacting and amending RCW 74.20A.056.

Referred to Committee on Judiciary.

SB 5259 by Senators Jacobsen and Morton; by request of Parks and Recreation Commission

AN ACT Relating to disposal of unneeded park land; and amending RCW 79A.05.175.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5290 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles and Clements; by request of Department of Labor & Industries)

AN ACT Relating to industrial insurance medical and chiropractic advisory committees for the department of labor and industries; adding new sections to chapter 51.36 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 5305 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Hargrove, Brandland, Eide, Hobbs, Spanel, Swecker, McAuliffe, Regala, Kauffman, Kohl-Welles, Fairley, Tom, Murray, Zarelli, Jacobsen, Keiser, Shin, Honeyford, Parlette, Rasmussen, Roach, Kline and Marr)

AN ACT Relating to extending medicaid coverage for foster youth; amending RCW 74.09.530; reenacting and amending RCW 74.09.510; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5321 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Regala, Stevens, Schoesler, Clements and Rasmussen)

AN ACT Relating to the sharing of child welfare information; amending RCW 26.44.020, 26.44.030, 26.44.031, 74.13.280, 74.15.130, 74.13.650, and 74.13.660; adding a new section to chapter 74.13 RCW; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & Children's Services.

SSB 5358 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Kohl-Welles, Fairley, McCaslin and Marr)

AN ACT Relating to a privilege from compelled testimony for members of the news media; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

SB 5398 by Senators Marr, Brandland and Keiser

AN ACT Relating to licensing specialty hospitals; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

2SSB 5470 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Stevens, McAuliffe, Brown and Regala)

AN ACT Relating to dissolution proceedings; amending RCW 26.09.002, 26.12.050, 26.12.060, 2.56.180, 26.09.020, 36.18.016, 26.09.191, 26.12.177, 26.09.015, 26.09.030, 26.09.187, and 26.09.197; reenacting and amending RCW 2.56.030; adding new sections to chapter 26.09 RCW; adding a new section to chapter 26.12 RCW; adding a new section to chapter 2.53 RCW; adding a new section to chapter 26.18 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5490 by Senator Brandland

AN ACT Relating to adult family home advisory committees; and amending RCW 70.128.225.

Referred to Committee on Health Care & Wellness.

SSB 5534 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Clements and Keiser)

AN ACT Relating to an exemption from unemployment compensation for certain small performing arts industries; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Commerce & Labor.

SSB 5542 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Jacobsen, McAuliffe, Poulsen, Honeyford, Rasmussen and Holmquist)

AN ACT Relating to establishing the Washington state heritage barn preservation program; amending RCW 27.34.020; adding new sections to chapter 27.34 RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

ESSB 5550 by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Weinstein, Kohl-Welles, Murray, Kauffman, Kastama, Tom, Rockefeller, Pridemore, Spanel, Marr, Haugen, Eide, McAuliffe, Hargrove, Hatfield, Fraser, Kilmer, Jacobsen, Brown, Keiser, Shin, Franklin, McCaslin, Poulsen, Oemig, Kline and Regala)

AN ACT Relating to real property; amending RCW 4.16.300; adding a new chapter to Title 64 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

ESSB 5558 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Prentice, Honeyford, Kohl-Welles, Delvin, Franklin, Pflug, Keiser, Marr, Fairley and Clements)

AN ACT Relating to regulating house-banked social card games; amending RCW 9.46.295 and 9.46.070; adding new sections to chapter 9.46 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

2SSB 5597 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Benton, Zarelli, Kauffman, Kline, Carrell, Poulsen, Keiser, Kohl-Welles, Delvin and Roach)

AN ACT Relating to contracts with chiropractors; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SB 5613 by Senators Kilmer, Kastama, Kauffman, Shin, Delvin, Brown and McAuliffe

AN ACT Relating to entrepreneurial training opportunities; and amending RCW 28C.18.060.

Referred to Committee on Higher Education.

SSB 5625 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Pridemore)

AN ACT Relating to contracts for jail services with counties and cities in adjacent states; and amending RCW 70.48.090.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5634 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Kline, McCaslin and Delvin; by request of Criminal Justice Training Commission)

AN ACT Relating to corrections personnel training; and amending RCW 43.101.220 and 43.101.350.

Referred to Committee on Public Safety & Emergency Preparedness.

2SSB 5652 by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, Kastama, Kilmer, Brown, Berkey, Rockefeller, Keiser and Shin)

AN ACT Relating to microenterprise development; amending RCW 43.330.010; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

SSB 5691 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Prentice and Roach)

AN ACT Relating to the near general fund and requiring revenue forecasts thereof; amending RCW 82.33.020, 43.135.025, 43.135.025, 43.79.460, 43.79.465, 43.72.900, and 83.100.230; reenacting and amending RCW 43.08.250, 69.50.520, 70.146.030, and 43.135.045; and providing an effective date.

Referred to Committee on Appropriations.

SSB 5718 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Regala, Stevens, Keiser and Rasmussen)

AN ACT Relating to penalties for engaging in the commercial sexual abuse of minors; amending RCW 9.68A.001, 9.68A.100, 9.68A.110, 19.138.340, 9A.88.140, 9.68A.105, 9A.88.120, and 9A.88.070; reenacting and amending RCW 9.94A.533 and 9.94A.515; adding new sections to chapter 9.68A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

2SSB 5743 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Kilmer and Shin)

AN ACT Relating to linking economic clusters and quality management practices to customized training; and

amending RCW 28C.04.400, 28C.04.410, 28C.04.420, and 43.330.080.

Referred to Committee on Higher Education.

SB 5759 by Senators Schoesler, Delvin and Shin

AN ACT Relating to executive state officers; and amending RCW 42.17.2401.

Referred to Committee on State Government & Tribal Affairs.

SB 5773 by Senators Hargrove, Parlette and Keiser; by request of Department of Social and Health Services

AN ACT Relating to treatment records; and amending RCW 71.05.630 and 71.05.020.

Referred to Committee on Health Care & Wellness.

SB 5778 by Senators Fraser, Rockefeller, Poulsen and Kline; by request of Department of Health

AN ACT Relating to implementation of shellfish protection programs; and amending RCW 90.72.030 and 90.72.045.

Referred to Committee on Select Committee on Puget Sound.

SSB 5826 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Berkey, Benton, Roach, Zarelli, Kauffman, Marr, Kilmer, Carrell, Hobbs, Schoesler, Franklin, Haugen and Shin)

AN ACT Relating to consumer credit reports; amending RCW 19.182.170; and providing an effective date.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5855 by Senate Committee on Higher Education (originally sponsored by Senators Delvin, Shin, Berkey, Kilmer, Oemig and Rasmussen)

AN ACT Relating to modification of the higher education coordinating board; amending RCW 28B.76.050, 28B.76.090, and 28B.76.210; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

ESSB 5894 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Poulsen, Fraser, Oemig, Shin and Carrell; by request of Department of Health)

AN ACT Relating to clarifying regulatory authority for large on-site sewage systems; amending RCW 70.05.070, 43.20.050, 90.48.162, 90.48.110, and 36.94.010; adding new sections to chapter 70.118 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Select Committee on Environmental Health.

SSB 5919 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Hobbs, Benton, Berkey, Schoesler, Hatfield, Roach and Shin)

AN ACT Relating to retaliatory tax relief on insurance premium taxes; and amending RCW 48.18.170, 48.18.180, 48.02.190, and 48.14.040.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5952 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Kohl-Welles and Rasmussen; by request of Department of Early Learning)

AN ACT Relating to correcting provisions for the department of early learning; amending RCW 43.215.300, 43.43.838, 42.48.010, 35.21.688, 35.63.185, 35A.63.215, 36.70.757, and 36.70A.450; reenacting and amending RCW 74.15.030; adding new sections to chapter 43.215 RCW; recodifying RCW 74.13.0903; and repealing RCW 43.215.2201 and 74.15.035.

Referred to Committee on Early Learning & Children's Services.

2SSB 5995 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Zarelli, Kilmer, Clements, Kauffman, Shin, Pridemore, Regala, Fairley, Brown, Jacobsen and Rasmussen)

AN ACT Relating to the economic development commission; amending RCW 43.162.005, 43.162.010, 43.162.020, and 43.162.030; and adding a new section to chapter 43.162 RCW.

Referred to Committee on Community & Economic Development & Trade.

SSJM 8011 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Clements, Rasmussen, Eide, Oemig, Sheldon, Shin, Kline and Tom; by request of Superintendent of Public Instruction)

Petitioning Congress to raise funding levels of the No Child Left Behind Act.

Referred to Committee on Education.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

**SECOND READING SUSPENSION**

**HOUSE BILL NO. 1975, by Representatives Springer, Condotta and Wood****Addressing spirits, beer, and wine restaurant licenses.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1975 was read the second time.

The bill was placed on final passage.

Representatives Springer and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1975.

**MOTIONS**

On motion of Representative Schindler, Representative Sump was excused. On motion of Representative Santos, Representatives Ericks, Fromhold, Linville and McDermott were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1975, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Ericks, Fromhold, Linville, McDermott and Sump - 5.

SUBSTITUTE HOUSE BILL NO. 1975, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on SUBSTITUTE HOUSE BILL NO. 1975.

JOE MCDERMOTT, 34<sup>th</sup> District

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on SUBSTITUTE HOUSE BILL NO. 1975.

MARK ERICKS, 1<sup>st</sup> District

**SECOND READING****HOUSE BILL NO. 1994, by Representatives Curtis, Ericks, Roberts and Quall****Addressing overpayments received by courts.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Orcutt and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1994.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1994, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Morris - 1.

Excused: Representatives Ericks, Linville and Sump - 3.

HOUSE BILL NO. 1994, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

If I had been present, I would have voted YEA on HOUSE BILL NO. 1994.

MARK ERICKS, 1<sup>st</sup> District

**SECOND READING****HOUSE BILL NO. 2004, by Representatives Rolfes, Armstrong, Eddy, Appleton, Clibborn and Jarrett**

**Providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Rolfes and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2004.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2004, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Ericks and Sump - 2.

HOUSE BILL NO. 2004, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on HOUSE BILL NO. 2004.

MARK ERICKS, 1<sup>st</sup> District

#### SECOND READING

**HOUSE BILL NO. 2009, by Representatives Haigh, Hunt, Ericks, Conway, Hasegawa and Ormsby**

**Modifying trench excavations on public works projects provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2009.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2009, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Sump - 1.

HOUSE BILL NO. 2009, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2017, by Representatives Ericks, Lovick, O'Brien and Dunshee**

**Designating state route number 527 as a highway of statewide significance.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Ericks and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2017.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2017, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Sump - 1.

HOUSE BILL NO. 2017, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2048, by Representatives O'Brien, Chandler, Wood, Williams, Moeller, Conway and Condotta**

**Modifying the requirements for executing assignment and warranty of title when the purchaser or transferee is a dealer.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2048.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2048, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Sump - 1.

HOUSE BILL NO. 2048, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2135, by Representatives Wood, Condotta and Ormsby**

**Expanding lemon law coverage to out-of-state consumers.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2135.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2135, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Sump - 1.

HOUSE BILL NO. 2135, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2304, by Representatives Morrell, Quall, McDonald, Bailey, Grant, Walsh, Haler, McCune, Seaquist, McDermott, Kenney, Cody, Darneille, Dunn, Schual-Berke, Kessler, Conway, Springer, Hudgins, Green, Blake, Rodne, Goodman, Campbell, Van De Wege, Williams, Hunter, Takko and Moeller**

**Providing for the issuance of a certificate of need for certain cardiac care services.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2304 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2304.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2304, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa,

Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Sump - 1.

SUBSTITUTE HOUSE BILL NO. 2304, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2317, by Representatives Wallace, Anderson, Sells and Kenney**

**Requiring development of a definition of "high demand."**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2317 was read the second time.

The bill was placed on final passage.

Representatives Wallace and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2317.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2317, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Sump - 1.

SUBSTITUTE HOUSE BILL NO. 2317, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Kenney, Anderson, Wallace, Sells, Jarrett, Ormsby, Linville and Conway; by request of Workforce Training and Education Coordinating Board**

**Approving the 2006 update to the state comprehensive plan for workforce training.**

The concurrent resolution was read the second time.

There being no objection, the committee recommendation was adopted.

The concurrent resolution was placed on final passage.

Representatives Kenney and Anderson spoke in favor of passage of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4404.

HOUSE CONCURRENT RESOLUTION NO. 4404 was adopted.

#### POINT OF PERSONAL PRIVILEGE

Representative Orcutt took a moment of personal privilege to introduce his wife, Marcie, and to thank her for her support.

#### SECOND READING

**HOUSE BILL NO. 1035, by Representatives Morris, Hudgins, Eickmeyer, Linville and B. Sullivan**

**Addressing the purchase of anaerobic digestion power.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1035 was substituted for House Bill No. 1035 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1035 was read the second time.

Representative Morris moved the adoption of amendment (197):

On page 4, after line 20, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 43.105 RCW to read as follows:

(1) By September 1, 2007, the department shall survey all desktop computers owned by the state and identify which desktop computers are suitable for using power management software.

(2) After conducting the review under subsection (1) of this section, the department shall purchase power management software for all desktop computers owned by the state that have been identified by the department as suitable for using power management software. The power management software must be purchased according to the terms of the master contract number T06-MST-002 effective July 7, 2006, or a subsequent contract entered into by the state for power management software that offers comparable or better energy efficiency savings.

(3) The department must install power management software on all desktop computers as expeditiously as possible.

(4) When acquiring new desktop computers, the department must purchase and install power management software at the time of acquisition, unless power management software is not suitable for a particular desktop computer's intended use.

(5) The department may retain any rebate moneys the state receives for energy conservation resulting from utilization of the power management software.

**NEW SECTION. Sec. 6.** By December 1st of each year, the department of information services shall report to the legislature on the number of licenses installed, the amount of estimated energy saved per computer per year, as well as the amount and number of rebates received by the state as a result of implementing the power management software.

**NEW SECTION. Sec. 7.** Sections 5 and 6 of this act expire July 1, 2017."

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Morris moved the adoption of amendment (196):

On page 4, line 22, after "created in" insert "the state treasury as a subaccount of"

On page 4, line 22, after "account." insert "Revenues to the subaccount shall consist of amounts appropriated to the subaccount that represent energy savings generated from use of power management software on state computers."

On page 4, line 24, after "subaccount." insert "Moneys in the subaccount may be spent only after appropriation."

On page 4, line 26, after "chapter . . ." strike "Proposed" and insert "Second"

On page 4, line 27, after "No. 1036" strike "(H-2262.2/07)"

On page 4, after line 29, insert the following:

"**Sec. 6.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income

account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the clean streams and clear sky subaccount of the energy freedom account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the

Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

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

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1035.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1035 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia,

Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Anderson, Chandler and Dunn - 3.

Excused: Representative Sump - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1035, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1303, by Representatives Dickerson, B. Sullivan, Jarrett, Linville, Priest, Appleton, Pedersen, Kenney, Sells, Morrell, Lantz, O'Brien, Chase, Eickmeyer, McCoy, Haigh, Rolfes, Hurst, Eddy, Springer, Schual-Berke, Fromhold, Moeller, Hunt, Goodman, Williams, Darneille, Kagi, Lovick, Campbell, Dunshee, Sommers, Simpson, Hunter, Roberts and Miloscia**

### Encouraging the use of cleaner energy.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1303 was substituted for House Bill No. 1303 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1303 was read the second time.

Representative Dickerson moved the adoption of amendment (225):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that excessive dependence on fossil fuels jeopardizes Washington's economic security, environmental integrity, and public health. Accelerated development and use of clean fuels and clean vehicle technologies will reduce the drain on Washington's economy from importing fossil fuels. As fossil fuel prices rise, clean fuels and vehicles can save money for consumers while promoting the development of a major, sustainable industry that provides good jobs and a new source of rural prosperity.

(2) Clean fuels and vehicles will protect public health by reducing toxic air pollution and reduce our largest source of global warming pollution. The state must better understand and prepare for the effects of global warming and the challenges and opportunities associated with evolving climate policies and carbon markets.

(3) To reduce fossil fuel dependence and build our clean energy economy, the state should develop policies and incentives that help businesses, consumers, and farmers gain greater access to affordable clean fuels and vehicles and to produce clean fuels in the state. These policies and incentives should include: Incentives for replacement of the most polluting diesel engines, especially in school buses; transitional incentives for development of the most promising in-state clean fuels and fuel feedstocks, including biodiesel crops, ethanol from plant waste, and liquid natural gas from landfill or wastewater treatment gases; reduced fossil fuel consumption by state fleets; development of promising new technologies for displacing petroleum with electricity, such as "plug-in hybrids"; and impact analysis and emission accounting procedures that prepare Washington to respond

and prosper as global warming impacts occur and as policies and markets to reduce global warming pollution are developed.

#### PART 1 INVESTING IN CLEAN AIR

**NEW SECTION. Sec. 101.** (1) The legislature finds that fine particle air pollution attributable to diesel fuel is a significant health hazard to school children and other residents in our state. Sources of diesel emissions include diesel-powered trucks, buses and cars, diesel-powered marine vessels, construction equipment, trains, aircraft support equipment, cargo handling equipment, and a variety of other on and off-road engines. Reducing fine particles and toxic emissions from diesel emissions and other sources of pollution reduces the adverse health impacts on children, reduces cancer risk, and reduces the incidence and severity of asthma attacks and chronic bronchitis. Reducing diesel emissions, in addition to strategies to reduce wood smoke, will also aid areas of the state facing potential nonattainment of new fine particle standards established by the United States environmental protection agency and help avoid the adverse health and economic impacts of nonattainment.

(2) Under the current Washington state clean school bus program, approximately seven thousand five hundred diesel school buses, over three-quarters of the existing fleet statewide, will be retrofitted by 2008. Reduced exhaust emissions from these retrofitted buses provide cleaner air to breathe for the children riding the buses and the citizens in the communities served by the buses.

(3) The legislature finds that it is not cost-effective to retrofit much older buses because of their mechanical condition and very high emissions. Replacement with new, ultra-low emission buses, beginning with the model year 2007, is the most effective means to nearly eliminate the toxic emissions generated by the use of these older buses. In addition, newer buses are safer, more reliable, provide significantly higher fuel economy, and have lower overall operating costs. An incentive program to accelerate purchase of newer buses and replacement of older buses will more quickly achieve these gains and result in a lower health risk to children.

(4) Even with new federal diesel fuel and engine standards going into effect in 2006 and 2007, and due to the long life of diesel engines, diesel emissions will continue to be an air pollution concern for many years.

(5) Many public and private fleets continue to use diesel equipment that has not been retrofitted to reduce emissions. Therefore, the legislature finds that it is important to continue to take measures to reduce diesel emissions in our state so we protect the health of our citizens and create healthier communities. Reducing diesel emissions will also allow continued growth in major ports in the state by maintaining air quality within federal standards.

**NEW SECTION. Sec. 102.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall implement a school bus replacement incentive program. As part of the program, the office shall fund up to ten percent of the cost of a new 2007 or later model year school bus that meets the 2007 federal motor vehicle emission control standards and is purchased by a school district by no later than June 30, 2009, provided that the new bus is replacing a 1994 or older school bus in the school district's fleet. Replacement of the oldest buses must be given highest priority.

(2) The office of the superintendent of public instruction shall ensure that buses being replaced through this program are surplus under RCW 28A.335.180. As part of the surplus process, school districts must provide written documentation to the office of the superintendent of public instruction demonstrating that buses being replaced are scrapped and not purchased for road use. The documentation must include bus make, model, year, vehicle identification number, engine make, engine serial number, and salvage yard receipts; and must demonstrate that the engine and body of the bus being replaced has been rendered unusable.

**Sec. 103.** RCW 70.94.017 and 2005 c 295 s 5 are each amended to read as follows:

(1) Money deposited in the segregated subaccount of the air pollution control account under RCW 46.68.020(2) shall be distributed as follows:

(a) Eighty-five percent shall be distributed to air pollution control authorities created under this chapter. The money must be distributed in direct proportion with the amount of fees imposed under RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the boundaries of each authority. However, an amount in direct proportion with those fees collected in counties for which no air pollution control authority exists must be distributed to the department.

(b) The remaining fifteen percent shall be distributed to the department.

(2) Money distributed to air pollution control authorities and the department under subsection (1) of this section must be used as follows:

(a) Eighty-five percent of the money received by an air pollution control authority or the department is available on a priority basis to retrofit school buses with exhaust emission control devices or to provide funding for fueling infrastructure necessary to allow school bus fleets to use alternative, cleaner fuels. In addition, the director of ecology or the air pollution control officer may direct funding under this section for other publicly or privately owned diesel equipment if the director of ecology or the air pollution control officer finds that funding for other publicly or privately owned diesel equipment will provide public health benefits and further the purposes of this chapter.

(b) The remaining fifteen percent may be used by the air pollution control authority or department to reduce transportation-related air contaminant emissions and clean up air pollution, or reduce and monitor toxic air contaminants.

(3) Money in the air pollution control account may be spent by the department only after appropriation.

(4) This section expires July 1, 2020.

**Sec. 104.** RCW 53.08.040 and 1989 c 298 s 1 are each amended to read as follows:

(1) A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for industrial and commercial purposes. A district may also acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such other pollution control facilities(~~(= PROVIDED, That)~~). However, no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port(~~(= AND PROVIDED FURTHER, That)~~) and no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

(2) In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities(~~(= PROVIDED;)~~). However, (~~That~~) where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port

intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

(3) "Pollution control facility," as used in this section and RCW 53.08.041, does not include air quality improvement equipment that provides emission reductions for engines, vehicles, and vessels.

## PART 2 PUBLIC SECTOR FUEL USE

**NEW SECTION. Sec. 201.** (1) The legislature finds that it is in the state's interest and to the benefit of the people of the state to encourage the use of electrical vehicle technology that will reduce fossil fuel dependence and toxic air pollution. Displacing petroleum with electricity will keep more energy expenditures and jobs in Washington's economy instead of being lost to fossil fuel imports.

(2) Motor vehicles produce more than half of the global warming pollution in the state of Washington. Reducing the use of fossil fuels through alternatives such as electrification is one of the most practical, beneficial climate solutions available to the state and its citizens.

(3) The legislature finds that cleaner fuels and vehicles, including vehicles that use electricity, can help the state achieve better public health, increased energy security, and substantial economic benefits.

(4) The legislature finds that there is a compelling public interest in reducing fossil fuel dependence and emissions of global warming pollution. It is important for the state of Washington to demonstrate leadership in this regard and achieve reductions in the use of fossil fuels by state fleets.

**Sec. 202.** RCW 43.19.642 and 2006 c 338 s 10 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.

(2) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(3) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(4)(a) Effective June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the energy freedom coordinator created in section 303 of this act, are required to satisfy one hundred percent of their fuel needs for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel certified by the energy freedom coordinator.

(b) If, on or after June 1, 2015, the energy freedom coordinator finds that it is not practicable for all units of state and local government to satisfy their complete fuel needs from electricity or biofuel, the energy freedom coordinator may determine the minimum percentage of biofuel that must be included in a state or local agency's purchasing, the date of compliance with the one hundred percent biofuel mandate, and any other conditions on an agency's fuel purchasing schedule deemed necessary by the energy freedom coordinator for the successful satisfaction of the one hundred percent biofuel mandate.

(5) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file quarterly reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

**NEW SECTION. Sec. 203.** A new section is added to chapter 43.19 RCW to read as follows:

(1) By no later than January 1, 2020, the annual fossil fuel usage by the state must be at least twenty-five percent below the annual usage for the year 2006.

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

(3) All state agencies shall report to the energy freedom coordinator created in section 303 of this act at the beginning of each biennium until January 1, 2020, on progress towards meeting the goals in this section and any barriers to achieving the goals.

**NEW SECTION. Sec. 204.** A new section is added to chapter 43.19 RCW to read as follows:

(1) In order to allow the motor vehicle fuel needs of state and local government to be satisfied by Washington-produced biofuels as provided in RCW 43.19.642, the department of general administration may contract in advance and execute contracts with public or private producers, suppliers, or other parties, for the purchase of biofuels, as that term is defined in RCW 15.110.010 (as recodified by this act). Contract provisions may address items including, but not limited to, fuel standards, price, and delivery date.

(2) The department of general administration may combine the needs of local government agencies, including ports, special districts, school districts, and municipal corporations, for the purposes of executing contracts for biofuels and to secure a sufficient and stable supply of alternative fuels.

**NEW SECTION. Sec. 205.** A new section is added to chapter 43.01 RCW to read as follows:

(1) It is in the state's interest and to the benefit of the people of the state to encourage the use of electrical vehicles in order to reduce emissions and provide the public with cleaner air. This section expressly authorizes the purchase of power at state expense to recharge privately and publicly owned plug-in electrical vehicles at state office locations where the vehicles are used for state business, are commute vehicles, or where the vehicles are at the state location for the purpose of conducting business with the state.

(2) The director of the department of general administration shall provide reports to the governor and the appropriate committees of the legislature, as deemed necessary by the director, on the estimated amount of state-purchased electricity consumed by plug-in electrical vehicles if the director of general administration determines that the use has a significant cost to the state, and on the number of plug-in electric vehicles using state office locations.

**NEW SECTION. Sec. 206.** A new section is added to chapter 89.08 RCW to read as follows:

In addition to any other authority provided by law, conservation districts are authorized to enter into crop purchase contracts for a dedicated energy crop for the purposes of producing, selling, and distributing biodiesel produced from Washington state feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels.

**NEW SECTION. Sec. 207.** A new section is added to chapter 35.21 RCW to read as follows:

In addition to any other authority provided by law, public development authorities are authorized to enter into crop purchase contracts for a dedicated energy crop for the purposes of producing, selling, and distributing biodiesel produced from Washington state feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels.

**NEW SECTION. Sec. 208.** A new section is added to chapter 35.92 RCW to read as follows:

In addition to any other authority provided by law, municipal utilities are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for

use in internal operations of the electric utility and for sale or distribution.

**NEW SECTION. Sec. 209.** A new section is added to chapter 54.04 RCW to read as follows:

In addition to any other authority provided by law, public utility districts are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

### PART 3 ENERGY FREEDOM AUTHORITY

**NEW SECTION. Sec. 301.** (1) The legislature finds that the development of a Washington-based feedstock agricultural and forest products market is highly desirable for producing biodiesel and ethanol. Research and incentive programs are needed to develop a market in Washington to produce cellulosic ethanol from wood waste and other organic materials. Cellulosic ethanol is a preferred biofuel because it provides much greater reductions in petroleum dependence and carbon emissions as compared to starch-based ethanol.

(2) The legislature further finds that the development of a market for renewable liquid natural gas fuel products made from Washington-based feedstock waste biogases is highly desirable to meet Washington's clean fuel needs.

(3) It is important for the state of Washington to develop a complete supply chain infrastructure that allows the state government, including its local government subdivisions, to supply its complete fuel needs with biofuels produced from feedstocks completely produced in Washington. The goal of supplying one hundred percent of state and local government's fuel needs with biofuels should be a reality by 2015.

**Sec. 302.** RCW 15.110.010 and 2006 c 171 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(3) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels that are made from recycled products, Washington feedstocks, and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(4) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(5) "Cellulosic ethanol" means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(6) "Coordinator" means the energy freedom coordinator created in section 303 of this act.

(7) "Department" means the department of ~~((agriculture))~~ community, trade, and economic development.

~~((4)) "Director" means the director of the department of agriculture.~~

~~((5))~~ (8) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

(9) "Peer review committee" means a board, appointed by the ~~((director))~~ coordinator, that includes bioenergy specialists, energy

conservation specialists, scientists, and individuals with specific recognized expertise.

~~((6))~~ (10) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

~~((7))~~ (11) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

(12) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

**NEW SECTION. Sec. 303.** (1) The energy freedom authority, together with the position of the energy freedom coordinator, is created within the department.

(2) The coordinator is responsible for:

(a) Managing and directing the energy freedom authority;

(b) Inventorying and coordinating all state efforts to develop, encourage, or mandate a biofuels market in Washington;

(c) Developing, coordinating, and overseeing the implementation of a plan, or series of plans, for the development of a complete supply chain that allows for the production, transport, distribution, and delivery to public sector end users of biofuels produced exclusively from recycled products or Washington feedstocks;

(d) Certifying that biofuels produced for use by state and local government in Washington is produced exclusively from recycled products or Washington feedstocks;

(e) Judging the practicability of the one hundred percent biofuels mandate in RCW 43.19.642;

(f) Working with the departments of transportation and general administration, or other applicable state and local governmental entities, to develop biofuel fueling stations for use by state and local motor vehicle fleets;

(g) Using any appropriations specifically provided for the purposes of this subsection to provide greater access to public sector fueling capacity for biofuels; and

(h) Working with the department of general administration, in conjunction with private sector suppliers, to develop a pilot program for providing E85 fueling capacity at appropriate intervals and locations along at least interstate routes 5, 82, and 90 throughout the state for the use of public and private vehicles.

**Sec. 304.** RCW 15.110.020 and 2006 c 171 s 3 are each amended to read as follows:

(1) The energy freedom program is established within the department, to be administered by the energy freedom authority created in section 303 of this act. The ~~((director))~~ coordinator may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the ~~((director))~~ coordinator shall consult with those agencies and other public entities having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, the department, Washington State University, the University of Washington, the department of ecology, ((the department of community, trade, and economic development,)) the department of natural resources, the department of agriculture, the department of general administration, local clean air authorities, and the Washington state conservation commission.

(3) Except as provided in subsection (5) of this section, the ~~((director))~~ coordinator, in cooperation with the department ~~((of community, trade, and economic development))~~, may approve an application only if the ~~((director))~~ coordinator finds:

(a) The project will convert farm products or wastes, including biogas, directly into electricity or ~~((into gaseous or liquid fuels))~~ biofuel or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the ~~((director))~~ coordinator, and permits the ~~((director))~~ coordinator to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in RCW 15.110.010 (as recodified by this act) and the findings delivered to the ~~((director))~~ coordinator.

(4) Cellulosic ethanol production facilities and biogas-to-biofuel production facilities are eligible for assistance under the energy freedom program.

(5) When reviewing an application for a refueling project, the coordinator may award a grant or a loan to an applicant if the director finds:

(a) The project will offer alternative fuels to the motoring public;

(b) The project does not require continued state support;

(c) The project is located within a green highway zone as defined in RCW 15.110.010 (as recodified by this act);

(d) The project will contribute towards an efficient and adequately spaced alternative fuel refueling network along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

(e) The project will result in increased access to alternative fueling infrastructure for the motoring public along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

(6)(a) The ~~((director))~~ coordinator may approve ~~((am))~~ a project application for assistance under subsection (3) of this section up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

~~((5))~~ (b) The director may approve a refueling project application for a grant or a loan under subsection (5) of this section up to fifty thousand dollars. In no circumstances shall a grant or a loan award constitute more than fifty percent of the total project cost.

(7) The ~~((director))~~ coordinator shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy or biofuel industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

~~((6))~~ (8) The ~~((director))~~ coordinator may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

**Sec. 305.** RCW 15.110.030 and 2006 c 171 s 4 are each amended to read as follows:

(1) Upon written notice to the recipient of any assistance under this program, the ~~((director))~~ coordinator may suspend or cancel the assistance if any of the following occur:

(a) The recipient fails to make satisfactory and reasonable progress to complete the project, or the ~~((director))~~ coordinator concludes the recipient will be unable to complete the project or any portion of it; or

(b) The recipient has made misrepresentations in any information furnished to the ~~((director))~~ coordinator in connection with the project.

(2) In the event that any assistance has been awarded to the recipient under this program at the time of breach, or failure of the recipient to satisfactorily perform, the ~~((director))~~ coordinator may require that the full amount or value of the assistance, or a portion thereof, be repaid within a period specified by the ~~((director))~~ coordinator.

**Sec. 306.** RCW 15.110.040 and 2006 c 171 s 5 are each amended to read as follows:

(1) If the total requested dollar amount of assistance awarded for projects under RCW 15.110.020(3) (as recodified by this act) exceeds the amount available in the energy freedom account created in RCW 15.110.050 (as recodified by this act), the applications must be prioritized based upon the following criteria:

~~((1))~~ (a) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

~~((2))~~ (b) The extent to which the project will reduce air and water pollution either directly or indirectly;

~~((3))~~ (c) The extent to which the project will establish a viable bioenergy or biofuel production capacity in Washington;

~~((4))~~ (d) The benefits to Washington's agricultural producers;

~~((and~~ (5)) (e) The benefits to the health of Washington's forests;

(f) The beneficial uses of biogas; and

(g) The number and quality of jobs and economic benefits created by the project.

(2) This section does not apply to grants or loans awarded for refueling projects under RCW 15.110.020(4) (as recodified by this act).

**NEW SECTION. Sec. 307.** (1) If the total requested dollar amount of funds for refueling projects under RCW 15.110.020(5) (as recodified by this act) exceeds the amount available for refueling projects in the energy freedom account created in RCW 15.110.050 (as recodified by this act), the applications must be prioritized based upon the following criteria:

(a) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(b) The extent to which the project will reduce air and water pollution either directly or indirectly;

(c) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(d) The extent to which the project will make biofuels more accessible to the motoring public;

(e) The benefits to Washington's agricultural producers; and

(f) The number and quality of jobs and economic benefits created by the project.

(2) This section does not apply to assistance awarded for projects under RCW 15.110.020(3) (as recodified by this act).

**Sec. 308.** RCW 15.110.050 and 2006 c 371 s 223 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the

account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature. ((Administrative costs of the department may not exceed three percent of the total funds available for this program.))

(2) The following goals and criteria should be considered in evaluating potential biofuel incentives to be offered by the energy freedom account: To assist Washington farmers and businesses in the development of economically viable, sustained in-state biofuel and biofuel feedstock production; to leverage and encourage private investment in biofuel and biofuel feedstock production; and to assist in the development of biofuel feedstocks and production techniques that deliver the greatest net reductions in petroleum dependence and carbon emissions.

(3) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

(4) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

**Sec. 309.** RCW 15.110.060 and 2006 c 171 s 7 are each amended to read as follows:

The ((director)) coordinator shall report to the legislature and governor on the status of the energy freedom program created under this chapter, on or before December 1, 2006, and annually thereafter. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits as well as an assessment of the availability of alternative fuels in the state.

#### PART 4 PLANNING FOR THE FUTURE

**NEW SECTION. Sec. 401.** (1) The legislature finds that climate change is expected to have significant impacts in the Pacific Northwest region in the near and long-term future. These impacts include, among other things, increased temperatures, declining snowpack, more frequent heavy rainfall and flooding, receding glaciers, rising sea levels, increased risks to public health due to insect and rodent-borne diseases, declining salmon populations, and increased drought and risk of forest fires.

(2) The legislature recognizes the need at this time to continue to gather and analyze information related to climate protection. This will allow prudent steps to be taken to avoid, mitigate, or respond to climate impacts and protect our communities.

(3) The analysis of the health impacts of climate protection is needed to help prepare the state for and avoid health impacts such as West Nile virus and respiratory disease. At the same time, this analysis will contribute to our strategic thinking and planning for the impacts of climate change.

(4) The legislature finds that it is important for the state of Washington to participate in emerging regional, national, and international markets to mitigate climate change. The state has a strong interest in ensuring that climate policies and emission markets are designed to appropriately recognize our unique energy assets. Further, the legislature recognizes that any market system related to climate protection must be based on credible and durable accounting principles and have equally applicable rules across sectors in order to promote economically and environmentally effective trading.

**NEW SECTION. Sec. 402.** (1) The vehicle electrification work group is established. Members of the group must be appointed by the governor or the governor's designee and must include representatives of state and local government agencies, ports, private and public electrical power utilities, automobile manufacturers, trucking industry interests, environmental interests, regional air quality

agencies, and other stakeholder groups. Staff for the work group must be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies, as may be required or requested.

(2) The vehicle electrification work group shall review, study, evaluate, and make recommendations on at least the following items:

(a) Use by the state of plug-in hybrid vehicles and developing plug-in availability at state locations;

(b) Incentives to encourage the use of plug-in truck auxiliary power units and truck stop electrification;

(c) Use of plug-in shore power for cargo and cruise ship terminals, shipside technology, and use of electric power alternatives for port-related operations and equipment such as switching locomotives, vessels and harborcraft, and cargo-handling equipment;

(d) Potential uses for and availability of plug-in hybrid school buses;

(e) Potential environmental and electrical grid impacts on electrical power consumption of the conversion of a meaningful portion of the state's private and public fleet to plug-in electrical power;

(f) Tax and fee incentives to encourage individual and fleet purchases of plug-in hybrid vehicles;

(g) State laws, rules, tariffs, and policies that impact transportation electrification and plug-in adoption, including pricing with incentives for off-peak charging;

(h) Measures to encourage the use of plug-in vehicles by public fleets, and resulting cost savings, and whether state and local fleets should be required to purchase plug-in hybrid vehicles if it is determined that plug-in hybrid vehicles are commercially available at a reasonably comparable life-cycle cost;

(i) Explore the potential for the use of electrification of fixed transit routes for magnetic levitation propulsion systems;

(j) Actions by the state to help industries located in the state participate in developing and manufacturing plug-in vehicles and vehicle-to-grid technologies;

(k) Additional ways the state can promote transportation electrification in the private and public sectors, including cars and light-duty vehicles, and truck stop and port electrification; and

(l) Potential partners for vehicle-to-grid pilot projects that test the use of parked plug-in vehicles for power grid energy storage and support.

(3) The vehicle electrification work group must complete its work by December 1, 2008. The work group must submit an interim report to the governor stating its findings, conclusions, and interim recommendations by December 1, 2007. The group must submit a final report to the governor stating its findings, conclusions, and final recommendations by December 1, 2008.

(4) The department of community, trade, and economic development shall supply staff support and research to the vehicle electrification work group.

(5) This section expires July 31, 2009.

**NEW SECTION. Sec. 403.** A new section is added to chapter 28B.30 RCW to read as follows:

Washington State University is directed to analyze and recommend models for possible implementation by the legislature or the executive office for at least the following potential biofuels incentive programs:

(1) Market incentives to encourage in-state production of brassica-based biodiesel, and cellulosic ethanol, including such market methods as direct grants, production tax credits, and the issuance by the state of advance guaranteed purchase contracts;

(2) Possible preferred research programs, grants, or other forms of assistance for accelerating the development of in-state production of cellulosic ethanol and in-state biodiesel crops and their coproducts;

(3) Coordinate with the Western Washington University alternative automobile program for opportunities to support new Washington state technology for conversion of fossil fuel fleets to biofuel, hybrid, or alternative fuel propulsion;

(4) Coordinate with the University of Washington's college of forest management and the Olympic natural resources center for the identification of barriers to using the state's forest resources for fuel

production, including the economic and transportation barriers of physically bringing forest biomass to the market;

(5) Coordinate with the department of agriculture for the identification of other barriers for future biofuels development; and

(6) Strategies for furthering the penetration of the Washington state fossil fuel market with Washington produced biofuels, particularly among public entities.

**NEW SECTION. Sec. 404.** (1) The department of community, trade, and economic development shall develop and recommend, in consultation with the department of ecology, a framework for the state of Washington to participate in emerging regional, national, and global markets to mitigate climate change, on a multisector basis, including the forest sector. This framework must include, but not be limited to, credible, verifiable, replicable inventory and accounting methodologies for each sector involved, along with the completion of the stakeholder process identified in executive order number 07-02.

(2) The department of community, trade, and economic development shall work closely with the department of natural resources on any elements of this section's administration that studies or makes recommendations on the role and opportunities of the forest sector.

**NEW SECTION. Sec. 405.** (1) The climate impacts group at the University of Washington shall:

(a) Produce an analysis of the potential human health impacts of climate change on the state of Washington; and

(b) Produce a fifty-year comprehensive state climate change assessment.

(2)(a) The object of the analysis of potential human health impacts of climate change under this section is to assist state and local public health authorities in preparing for climate change.

(b) The analysis must:

(i) Evaluate the implications of climate change for human morbidity and mortality; and

(ii) Establish qualitative and, to the extent possible, quantitative links between climate and risks to human health in such areas as air quality, disease vectors, and heat stress.

(c) To ensure the appropriateness of this assessment for public health planning, the climate impacts groups shall consult with state and local public health agencies.

(d) If adequate funding is not made available for the completion of all elements required under this section, the climate impacts group shall prioritize which of the enumerated research projects have the greatest cost/benefit ratio in terms of providing information important for planning decisions. The prioritization process may include the addition of any new studies that may be appropriate in addition to, or in place of, studies listed in this section.

(3)(a) The fifty-year comprehensive state climate change assessment under this section will serve as the baseline for future analyses of climate change impacts and response strategies for critical economic and ecological sectors, including agriculture, forests, shorelines, fisheries, and urban centers.

(b) The assessment must:

(i) Develop scenarios and the range of associated uncertainty for the state's climate over the next century;

(ii) Determine how water resources in specific watersheds will respond to these climate change scenarios, including assessment of the risk of current and future extreme events, such as floods and droughts;

(iii) Develop climate change streamflow scenarios for use in water resources and salmon recovery planning;

(iv) Create scenarios of salmon and cold water ecosystem vulnerability to water temperature and low-flows associated with future climate scenarios;

(v) Assess sea level rise scenarios for infrastructure planning purposes. Identify locations and patterns of coastal vulnerability to sea level rise and hydrologic changes;

(vi) Evaluate current legal, regulatory, and institutional barriers to climate change adaptation or preparation; and

(vii) Identify information or data gaps that might preclude adequate state planning for climate change.

(c) If adequate funding is not made available for the completion of all research required under this section, the climate impacts group shall prioritize which of the enumerated research projects have the greatest cost/benefit ratio in terms of providing information important for planning decisions. The prioritization process may include the addition of any new studies that may be appropriate in addition to, or in place of, studies listed in this section.

(d) To ensure the appropriateness of this assessment for local and state decision making, the climate impacts group shall consult with state and local resource planning and management agencies.

(4) The climate impacts group shall report the assessments to the governor and the appropriate committees of the legislature by December 15, 2008.

**Sec. 406.** RCW 47.17.020 and 1970 ex.s. c 51 s 5 are each amended to read as follows:

A state highway to be known as state route number 5, and designated as a Washington green highway, is established as follows:

Beginning at the Washington-Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county.

**Sec. 407.** RCW 47.17.135 and 1979 ex.s. c 33 s 3 are each amended to read as follows:

A state highway to be known as state route number 82, and designated as a Washington green highway, is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly and easterly by way of Yakima, Union Gap, Sunnyside, Prosser, Kiona, and Goose Gap west of Richland, thence southeasterly near Kennewick and southwesterly by way of the vicinity of Plymouth to a crossing of the Columbia river at the Washington-Oregon boundary line.

**Sec. 408.** RCW 47.17.140 and 1991 c 56 s 2 are each amended to read as follows:

A state highway to be known as state route number 90, and designated as the American Veterans Memorial Highway as well as a Washington green highway, is established as follows:

Beginning at a junction with state route number 5, thence, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line.

## PART 5 MISCELLANEOUS

**NEW SECTION. Sec. 501.** Part headings used in this act are not any part of the law.

**NEW SECTION. Sec. 502.** The office of the superintendent of public instruction may adopt any rules necessary for the implementation of this act.

**NEW SECTION. Sec. 503.** The following sections are codified and recodified as a new chapter in Title 43 RCW entitled "Energy Freedom Authority":

RCW 15.110.005;  
RCW 15.110.010;  
RCW 15.110.020;  
RCW 15.110.030;  
RCW 15.110.040;  
RCW 15.110.050;  
RCW 15.110.060;  
RCW 15.110.900;  
RCW 15.110.901;  
Section 303 of this act;  
Section 307 of this act; and  
Section 404 of this act.

**NEW SECTION. Sec. 504.** Sections 302 through 309 and 404 of this act expire June 30, 2016.

**NEW SECTION. Sec. 505.** A new section is added to chapter 43.135 RCW to read as follows:

RCW 43.135.035(4) does not apply to the transfers established in this act."

On page 1, line 3 of the title, after "emissions;" strike the remainder of the title and insert "amending RCW 70.94.017, 53.08.040, 43.19.642, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 43.135 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 15.110.005, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 15.110.900, and 15.110.901; and providing expiration dates."

Representative Warnick moved the adoption of amendment (267) to amendment (225):

On page 3, beginning on line 8 of the amendment, strike all of section 102, and insert the following:

**"NEW SECTION. Sec. 102.** (1) By July 31, 2008, the energy freedom coordinator created in section 303 of this act shall investigate and deliver a report to the governor and the appropriate committees of the legislature on the best way for the state to develop an incentive program that accelerates the purchase of newer school buses or the replacement of older school buses or that otherwise addresses the issues identified in section 101 of this act.

(2) In developing recommendations under this section, the energy freedom coordinator shall consider:

(a) The health impact on the interior cabin air quality for retrofitted school buses or buses operating on alternative fuels, especially in colder temperatures;

(b) The potential financial impact to school districts that purchase used school buses, and to other purchasers of used school buses, if replaced school buses are not allowed to be resold;

(c) The difference in the amount of money a school district would receive if it was required to sell a replaced school bus for scrap, as opposed to selling it for future use as a used bus;

(d) The appropriate percentage of the replacement cost for a new school bus that must be paid by the state to induce the maximum number of school districts to participate in the incentive program;

(e) The accessibility, reliability, and safety of alternative fuels that can be used in school buses; and

(f) The overall functionality in cold weather of alternative fuels that can be used in school buses."

On page 25, beginning on line 4 of the title amendment, strike "adding a new section to chapter 28A.300 RCW;"

Representative Warnick spoke in favor of the adoption of the amendment to amendment (225).

Representative Dickerson spoke against the adoption of the amendment to amendment (225).

The amendment to amendment (225) was not adopted.

Representative Orcutt moved the adoption of amendment (255) to amendment (225):

On page 5, after line 35 of the amendment, insert the following:

**"NEW SECTION. Sec. 105.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of emissions control equipment, or for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment, including repair and replacement parts, if the equipment is used to retrofit diesel vehicles.

(2) For the purposes of this section, "emissions control equipment" means a device with an oxidation catalyst, particulate filter, crankcase ventilation filter, or other means of reducing emissions from diesel vehicles, and that has been verified under the federal environmental protection agency's voluntary diesel retrofit program.

**NEW SECTION. Sec. 106.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of emissions control equipment, or of labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment, if the equipment is used to retrofit diesel vehicles.

(2) For the purposes of this section, the definitions in section 105 of this act apply."

On page 24, after line 30 of the amendment, insert the following:

**"NEW SECTION. Sec. 506.** Sections 105 and 106 of this act take effect August 1, 2007."

On page 25, line 5 of the title amendment, after "28A.300 RCW;" insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;"

On page 25, line 13 of the title amendment, after "15.110.901;" insert "providing an effective date;"

Representative Orcutt spoke in favor of the adoption of the amendment to amendment (225).

Representative Dickerson spoke against the adoption of the amendment to amendment (225).

The amendment to amendment (225) was not adopted.

The question before the House was the adoption of the amendment (225).

Representative Dickerson spoke in favor of the adoption of the amendment (225).

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Dickerson and B. Sullivan spoke in favor of passage of the bill.

Representatives Roach and Dunn spoke against the passage of the bill.

#### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding) reminded the members not to walk in front of other members speaking.

#### **POINT OF ORDER**

Representative Springer: "Mr. Speaker, we would request that you ask the good member to stick to the issue at hand."

### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Your point is well taken. Would the member confine his remarks to the bill in front of us?"

Representative Dunn (continued) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1303.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1303 and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Armstrong, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Pearson, Roach, Ross, Schindler, Skinner and Warnick - 18.

Excused: Representative Sump - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303.

RICHARD DEBOLT, 20<sup>th</sup> District

### SECOND READING

**HOUSE BILL NO. 1401, by Representatives Pettigrew, Springer, Dunn, McCune, Miloscia, Chase and Santos**

**Regarding the acquisition of land for affordable housing.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1401 was substituted for House Bill No. 1401 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1401 was read the second time.

Representative Dunn moved the adoption of amendment (230):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that first-time home buyers in Washington state have been priced out of the housing market in many counties. The legislature finds that many organizations, including local governments, have recognized the affordable housing crisis for first-time home buyers. The legislature finds that, for example, as reported in King county's benchmark growth report, "buying a first home remains extremely difficult for those under one hundred twenty percent of median income." The legislature further finds that growth management regulations contribute to the high cost of housing in many Washington counties, and that loosening land use regulations will reduce housing prices. The legislature finds that numerous studies have determined that growth management restrictions increase the cost of housing.

The legislature intends to make housing more affordable for first-time home buyers in counties where housing is currently not affordable for first-time home buyers. The legislature intends to do this by allowing single-family detached residential development to be placed outside of urban growth boundaries at density levels currently prohibited under the prevailing interpretation of the growth management act. These single-family detached homes could be placed outside of urban growth boundaries in counties where the first-time buyer housing affordability index demonstrates that housing is not affordable for first-time home buyers.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) As used in this chapter, "first-time buyer housing affordability index" means the index determined by the Washington center for real estate research that measures the ability of a typical renter household to afford the purchase of a typical starter home by assuming: (a) The household will purchase a home priced at eighty-five percent of area median household income with a ten percent down payment; (b) the home mortgage loan is for a term of thirty years at the prevailing average fixed rate of interest; (c) the potential first-time home buyer earns seventy percent of the area median household income and twenty-five percent of household income can be used for principal and interest payments.

(2) For purposes of this chapter, a first-time buyer housing affordability index of: (a) One hundred indicates that a household of the defined income can afford a home of the defined price; (b) less than one hundred indicates that a household of the defined income cannot afford a home of the defined price without spending more than twenty-five percent of their income on mortgage payments; and (c) greater than one hundred indicates that a household of the defined income can afford a home of the defined price while spending less than twenty-five percent of their income on mortgage payments.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) In any county planning under RCW 36.70A.040 in which the first-time buyer housing affordability index, as defined by section 2 of this act, and as determined by the Washington center for real estate research at Washington State University, is less than one hundred for three quarters in any given year, for the following two years the county may permit single-family detached residential development of any density outside the urban growth area designated according to RCW 36.70A.110. For purposes of this chapter, single-family detached residential development authorized according to this section shall not be considered urban growth located outside of an urban growth area. Services provided to single-family detached residential development permitted under this section shall not be considered urban services located outside of an urban growth area.

(b) Any county planning under RCW 36.70A.040 implementing (a) of this subsection may:

(i) Change its comprehensive plan and development regulations after the determination in (a) of this subsection has been made by the Washington center for real estate research to provide new locations for or increased density of single-family detached residential development as provided for in (a) of this subsection; or

(ii) Incorporate sections in its comprehensive plan and enact development regulations that provide new locations for or increased density of single-family detached residential development which are contingent upon a determination under (a) of this subsection that the first-time buyer housing affordability index was less than one hundred for three quarters in any given year. In the event that the county chooses to enact sections of its comprehensive plan and development regulations, the county may provide that these sections and regulations take effect January 1st of any year following the determination by the Washington center for real estate research.

(2) The year-long period measured by the Washington center for real estate research under subsection (1) of this section shall begin and end in the third quarter of the calendar year. The time period for which the ability to permit single-family residential development under subsection (1) of this section shall begin January 1st of the year following the determination by the Washington center for real estate research."

Correct the title.

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

Representative Fromhold spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (241):

Strike everything after the enacting clause and insert the following: \_\_\_\_\_

"NEW SECTION. Sec. 1. A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) A county planning under RCW 36.70A.040 may establish, in consultation with cities, a process for authorizing the siting of new mobile home parks and manufactured housing communities outside of urban growth areas designated under RCW 36.70A.110.

(b) For purposes of this section, "mobile home park" or "manufactured housing community" has the same meaning as defined in RCW 59.20.030.

(2) A county considering an application to site a new mobile home park or manufactured housing community outside of an urban growth area may approve the siting if the following criteria are met:

(a) The proposed site is adjacent to or in close proximity to an urban growth area;

(b) Affordable housing will be provided within the mobile home park or manufactured housing community for a range of income levels;

(c) Appropriate infrastructure and services for the site are available or have been provided for;

(d) Environmental protection issues for the site, including air and water quality issues, have been provided for;

(e) Development regulations have been established to ensure that urban growth will not occur in adjacent nonurban areas;

(f) Provisions to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands have been made; and

(g) The siting of the mobile home park or manufactured housing community does not conflict with development regulations adopted by the county to protect critical areas.

(3) Final approval of an application to site a mobile home park or manufactured housing community as provided in this section does

not constitute an adopted amendment to the comprehensive plan adopted under RCW 36.70A.070.

**Sec. 2.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions shall apply in RCW 82.02.050 through 82.02.090:

(1) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities. "Development activity" does not include the authorized siting of a mobile home park or manufactured housing community under section 1 of this act.

(2) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

(4) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(5) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(6) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

(8) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. Sec. 3. A new section is added to chapter 43.21C RCW to read as follows:

The authorized siting of a mobile home park or manufactured housing community under section 1 of this act is exempted from compliance with this chapter."

Correct the title.

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

Representative Fromhold spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dunn moved the adoption of amendment (244):

On page 1, line 17, after "organizations" strike ", described under RCW 43.185A.040,"

On page 2, line 7, after "this", strike "chapter, "market rate"" and insert "section:

(a) "Eligible organization" means any entity the department deems eligible under state law for participation in this program and includes, but is not limited to, the organizations listed in RCW 43.185A.040; and

(b) "Market rate""

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

Representative Fromhold spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Pettigrew, Orcutt and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1401.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1401 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Sump - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1401, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1569, by Representatives Cody, Campbell, Morrell, Linville, Moeller, Green, Seaquist, Conway, Dickerson, Appleton, McIntire, McCoy, Kagi, Pedersen, Kenney, Lantz, Santos, Wood and Ormsby**

**Reforming the health care system in Washington state.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1569 was substituted for House Bill No. 1569 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1569 was read the second time.

With the consent of the House, amendments (269) and (080) were withdrawn.

Representative Cody moved the adoption of amendment (084):

On page 7, line 2, strike "January" and insert "July"

On page 7, line 3, strike "October 1, 2008" and insert "April 1, 2009"

On page 7, line 5, strike "March" and insert "October"

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

The amendment was adopted.

Representative Ericksen moved the adoption of amendment (078):

On page 22, line 13, strike "~~((to a small group))~~" and insert "to a small group and"

On page 24, line 15, strike "~~((to a small group))~~" and insert "to a small group and"

On page 27, line 23, strike all of Section 306

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 27, line 29, after "plan" strike all material through "~~48.21.045(3))~~" on line 30 and insert "to any small employer without complying with RCW 48.21.045(3) and"

On page 27, line 36, strike "~~((48.21.045(3)))~~" and insert "48.21.045(3) and"

On page 28, line 6, after "plan" strike all material through "~~48.44.023(3))~~" on line 7 and insert "to any small employer without complying with RCW 48.44.023(3) and"

On page 28, line 12, after "to" strike "~~((48.44.023(3)))~~" and insert "48.44.023(3) and"

On page 28, line 18, after "plan" strike all material through "~~48.46.066(3))~~" on line 19 and insert "to any small employer without complying with RCW 48.46.066(3) and"

On page 28, line 24, strike "~~((48.46.066(3)))~~" and insert "48.46.066(3) and"

On page 28, line 31, after "in" strike all material through "~~RCW 48.46.066(1)(b))~~" and insert "RCW 48.21.045(1)(b), 48.44.023(1)(b), ~~((and))~~ 48.46.066(1)(b), and"

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

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (079):

On page 29, after line 23, insert the following:

**"NEW SECTION. Sec. 404.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax the amount paid by small employers to provide health care services for its employees. Payments made by employees are not eligible for deduction under this subsection.

(2) For the purposes of this section, the following definitions apply:

(a) "Small employer" has the meaning provided in RCW 48.43.005.

(b) "Health care services" means a health benefit plan as defined in RCW 48.43.005, contributions to health savings accounts as defined by the United States internal revenue service, or other health care services purchased by the small employer for its employees.

**NEW SECTION. Sec. 405.** Section 404 of this act takes effect August 1, 2007."

Correct internal references accordingly.

Correct the title.

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

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Bailey moved the adoption of amendment (115):

On page 18, line 24, strike all of section 302 and insert the following:

**"NEW SECTION. Sec. 302.**

(1) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer no more than one health benefit plan featuring a limited schedule of covered health care services.

(a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan

offered under this section shall be reasonable in relation to the benefits thereto.

(4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus eight percentage points from the overall adjustment of a carrier's entire small group pool. A variation that is not denied within thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial at the time of the denial.

(5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees

or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005."

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

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Cody, Hinkle and Morrell spoke in favor of passage of the bill.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1569.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1569 and the bill passed the House by the following vote: Yeas - 53, Nays - 44, Absent - 0, Excused - 1.

Voting yea: Representatives Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eickmeyer, Ericks, Ericksen, Grant, Hailey, Haler, Hankins, Hurst, Jarrett, Kelley, Kessler, Kretz, Kristiansen, McCune, McDonald, Newhouse, O'Brien, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sullivan, P., Takko, Walsh and Warnick - 44.

Excused: Representative Sump - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1588, by Representatives Upthegrove, Wood, Hudgins, Takko, Moeller and Simpson**

**Providing mobility education to students in driver training programs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1588 was substituted for House Bill No. 1588 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1588 was read the second time.

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

Representatives Upthegrove, Kenney and Santos spoke in favor of passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1588.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1588 and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Hailey, Haler, Hankins, Hinkle, Hurst, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Strow and Warnick - 30.

Excused: Representative Sump - 1.

SUBSTITUTE HOUSE BILL NO. 1588, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1902, by Representatives Grant, Newhouse, Linville, Orcutt, Blake, Hailey, Walsh, P. Sullivan, Kristiansen, Dunn and Hinkle**

**Concerning the sales and use taxation of repairs to farm machinery and equipment.**

The bill was read the second time.

Representative Hunter moved the adoption of amendment (189):

On page 3, line 18, after "certificates" insert "take effect on the date"

On page 3, line 19, after "for" insert "the remainder of"

On page 4, line 14, strike "repayment" and insert "((repayment) payment"

On page 4, line 32, after "sales" insert "or harvested value"

On page 4, beginning on line 34, strike "a claim of exemption is made under this section" and insert "((a claim of exemption is made under this section)) an application for exemption under this section is submitted to the department"

On page 5, line 1, strike "by" and insert "((by)) or harvested value of agricultural products that"

On page 5, beginning on line 2, strike "of agricultural products that they" and insert "((of agricultural products that they))"

On page 5, line 14, after "(c)" insert """Farm vehicle" has the same meaning as in RCW 46.04.181."

(d) "Harvested value" means the number of units of the agricultural product that were grown, raised, or produced, multiplied by the average sales price of the agricultural product. For purposes of this subsection (4)(d), "average sales price" means the average price per unit of agricultural product received by farmers in this state as reported by the United States department of agriculture's national agricultural statistics service for the twelve-month period that coincides with, or that begins or ends closest to, the calendar year immediately preceding the calendar year during which an application for exemption under this section is submitted to the department or the first full calendar year during which a person engages in business as a farmer, as the case may be, regardless of whether the prices are subject to revision. If the price per unit of an agricultural product received by farmers in this state is not available from the national agricultural statistics service, average sales price may be determined by using the average price per unit of agricultural product received by farmers in this state as reported by a recognized authority for the agricultural product.

(e)

Correct any internal references accordingly.

On page 5, beginning on line 18, after "(i)" strike all material through "(i)" on line 21, and insert "((Farm vehicles and other)) Vehicles as ((those terms are defined in chapter 46.04 RCW, except)) defined in RCW 46.04.670, other than farm tractors as defined in RCW 46.04.180, farm vehicles, and other farm implements. For purposes of this subsection ((4)(c)) (3)(d)(i)"

On page 5, line 28, strike "(d)" and insert "((d)) (f)"

Representatives Hunter and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (150) was withdrawn.

The bill was ordered engrossed.

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

Representatives Grant, Newhouse, Orcutt and Grant (again) spoke in favor of passage of the bill.

Representative McIntire spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1902.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1902 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Anderson, Chase, Dickerson, Flannigan, Hasegawa, Kagi, McIntire, Moeller and Sommers - 9.

Excused: Representative Sump - 1.

ENGROSSED HOUSE BILL NO. 1902, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1727, by Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seaquist, Kenney and P. Sullivan**

**Planning to ensure sufficient land and densities available to accommodate growth.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1727 was substituted for House Bill No. 1727 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1727 was read the second time.

Representative Springer moved the adoption of amendment (191):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall designate, as appropriate, a sufficient quantity of land needed for residential, commercial, and industrial uses. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to ~~((manage))~~ accommodate projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies a sufficient quantity of land suitable for meeting the existing and projected housing needs identified in (a) of this subsection, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the

rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((14))~~) (15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((14))~~) (15). Public services and public facilities shall be limited to those necessary to

serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ~~((six-year))~~ ten-year improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year plan required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, work force, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any

such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 2.** RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each amended to read as follows:

A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, mixed-use development, accessory dwelling units, and the transfer of development rights.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county and one or more of its cities, or two or more counties sharing a common border and their cities, may adopt countywide planning policies or multicounty planning policies establishing subregions in order to address housing and employment markets that cross jurisdictional boundaries. Policies adopted under this section may include, but are not limited to:

(a) Policies that reallocate among the counties and cities in the subregion the population growth established for each local government under RCW 36.70A.110;

(b) Policies that provide for a sufficient number of housing units to accommodate the existing housing needs and projected population growth in the subregion; and

(c) Policies that provide for sufficient land suitable for development to meet the needs for commercial and industrial growth in the subregion.

(2) The local governments within the subregion may use the countywide planning policies or multicounty planning policies, interlocal agreements under chapter 39.34 RCW, or any other appropriate mechanism to implement the policies established under subsection (1) of this section."

Correct the title.

Representative Springer moved the adoption of amendment (256) to amendment (191):

On page 9, after line 26 of the amendment, insert the following:

**"Sec. 4.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

(1) In accordance with the requirements of this section, each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining

this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Counties planning under RCW 36.70A.040 with populations of at least one hundred seventy-five thousand must:

(a) Consult and cooperate with each city within an urban growth area proposed for modification prior to and concurrent with actions to modify the urban growth area within which the city or cities are located;

(b) Consult and cooperate with each city within each urban growth area to adopt development regulations for unincorporated territory within urban growth areas that are consistent with each applicable city;

(c) Adopt development regulations for new development in unincorporated territory within an urban growth area that is, as of the effective date of this act, entirely surrounded by incorporated territory. Development regulations adopted under this subsection (c) must be consistent with the city or cities surrounding the unincorporated territory; and

(d) Report to the appropriate committees of the house of representatives and the senate by December 1, 2007, on the implementation of, and any impediments related to, the requirements of (a) and (b) of this subsection (3).

(4) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

~~((4))~~(5) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

~~((5))~~(6) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

~~((6))~~(7) Each county shall include designations of urban growth areas in its comprehensive plan.

~~((7))~~(8) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county."

Representatives Springer and Curtis spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment (191) was adopted.

Representatives Springer and Schindler spoke in favor of the adoption of amendment (191) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

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

Representatives Springer, Schindler and Dunn spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Morrell, Representative Schual-Berke was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1727.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1727 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2016, by Representatives Springer, Lantz, Wallace, Seaquist, P. Sullivan, Moeller, Lovick, Takko, Kessler, Morrell, Rolfes, Ericks, Van De Wege, Goodman, Simpson, Linville and Ormsby**

#### Changing provisions pertaining to eminent domain.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2016 was substituted for House Bill No. 2016 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2016 was read the second time.

Representative Rodne moved the adoption of amendment (139):

On page 26, line 17, strike "solely"

On page 27, line 13, strike "solely"

On page 28, line 10, strike "solely"

On page 29, line 7, strike "solely"

On page 30, line 4, strike "solely"

On page 30, line 36, strike "solely"

Representatives Rodne and Buri spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (164) was withdrawn.

Representative Rodne moved the adoption of amendment (140):

On page 26, line 23, strike "primary"

On page 27, line 19, strike "primary"

On page 28, line 16, strike "primary"

On page 29, line 13, strike "primary"

On page 30, line 10, strike "primary"

On page 31, line 5, strike "primary"

Representatives Rodne and DeBolt spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rodne moved the adoption of amendment (284):

On page 26, line 29, after "safety" insert "based on the present condition and use of the real property"

On page 27, line 25, after "safety" insert "based on the present condition and use of the real property"

On page 28, line 22, after "safety" insert "based on the present condition and use of the real property"

On page 29, line 19, after "safety" insert "based on the present condition and use of the real property"

On page 30, line 16, after "safety" insert "based on the present condition and use of the real property"

On page 31, line 11, after "safety" insert "based on the present condition and use of the real property"

Representatives Rodne and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Rodne moved the adoption of amendment (141):

On page 27, line 5, after "facility" insert "for merely incidental use"

On page 28, line 2, after "facility" insert "for merely incidental use"

On page 28, line 35, after "facility" insert "for merely incidental use"

On page 29, line 32, after "facility" insert "for merely incidental use"

On page 30, line 29, after "facility" insert "for merely incidental use"

On page 31, line 24, after "facility" insert "for merely incidental use"

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

Representative Williams spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (141) to Substitute House Bill No. 2016.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (141) to Substitute House Bill No. 2016, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Goodman, Green, Hailey, Haler, Hankins, Hinkle, Hurst, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Seaquist, Skinner, Strow, Sump, Van De Wege, Wallace, Walsh and Warnick - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby,

Pedersen, Pettigrew, Quall, Roberts, Santos, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Williams, Wood and Mr. Speaker - 50.

Excused: Representative Schual-Berke - 1.

Representative Rodne moved the adoption of amendment (254):

On page 31, after line 33, insert the following:  
**"NEW SECTION. Sec. 29.** It is the intent of this act, and the provisions of this act shall be so construed, that the powers of eminent domain shall be exercised solely for a stated public use, except private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes consistent with Article I, section 16 of the state Constitution. All grants and exercise of the power of eminent domain shall be strictly construed and no greater interest shall be taken than is necessary to accomplish the stated public use. "Public use" means the actual possession, occupation, and use of the property by the general public or by the state; or the use of land for the creation or functioning of public utilities or common carriers such as railroads, utilities, or toll roads. The taking of private property by the state for economic development does not constitute public use. Public use shall not be equated with public purpose, public interest, or public benefit, such as promoting economic development, creating jobs, improving the tax base, or enhancing tax revenues by building, expanding, or upgrading private retail, commercial, industrial, or residential establishments. The legislature intends that economic development as contemplated by the United States supreme court decision in *Kelo v. City of New London*, 545 U.S. 469 (2005) is not and shall not be construed as public use."

Renumber the remaining section and correct the title.

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

Representative Williams spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (254) to Substitute House Bill No. 2016.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (254) to Substitute House Bill No. 2016, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Goodman, Green, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kessler, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Seaquist, Skinner, Strow, Sump, Van De Wege, Wallace, Walsh and Warnick - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Sells, Simpson,

Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Williams, Wood and Mr. Speaker - 50.

Excused: Representative Schual-Berke - 1.

The bill was ordered engrossed.

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

Representatives Springer and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2016.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2016 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2115, by Representatives Newhouse, Lantz, B. Sullivan, Hailey, Grant, Van De Wege, Warnick, Kelley, Pedersen, Appleton, Quall, Seaquist, Hunt, Simpson, McDermott and Ormsby**

#### Creating the heritage barn preservation program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2115 was substituted for House Bill No. 2115 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2115 was read the second time.

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

Representatives Newhouse, Lantz, Walsh and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2115.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2115 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2115, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1359, by Representatives Miloscia, Chase, Hasegawa, Pettigrew, Springer, Ormsby, Roberts, Darneille, Goodman and Santos**

#### Creating an affordable housing for all program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1359 was substituted for House Bill No. 1359 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1359 was read the second time.

Representative Ericksen moved the adoption of amendment (220):

On page 21, line 26, after "21." strike everything through "void." on line 29 and insert:

"(1) To facilitate establishing priorities in government spending, this act shall be null and void if funding necessary to implement this act is not fully offset by specific reductions to maintenance-level appropriations referencing a particular agency purpose and funding.

(2) For purposes of this section, funding is fully offset if, by June 30, 2007, the omnibus appropriations act:

(a) contains specific funding for this act;

(b) contains specific reductions to maintenance-level appropriations, referencing a particular agency purpose and funding, in an amount equal to the amount referenced pursuant to (a) of this subsection; and

(c) the provisions required by (a) and (b) of this subsection reference this act by bill or chapter number."

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

Representative Miloscia spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hailey moved the adoption of amendment (178):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a countywide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a countywide planning policy. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a countywide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community, trade, and economic development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW 36.70A.040 as

of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a countywide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed countywide planning policy.

(3) A countywide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a countywide or statewide nature, including transportation facilities of statewide significance as defined in RCW 47.06.140;

(d) Policies for countywide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for countywide economic development and employment; ~~(and)~~

(h) Policies for providing a supply of housing sufficient to accommodate employment growth and demand for all types of residential living, including if applicable, part-time, retirement, and second homes; and

(i) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the countywide planning policy adoption process. Adopted countywide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a countywide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a countywide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a countywide planning policy.

(6) Cities and the governor may appeal an adopted countywide planning policy to the growth management hearings board within sixty days of the adoption of the countywide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

"**Sec. 2.** RCW 43.62.035 and 1997 c 429 s 26 are each amended to read as follows:

(1) The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every five years or upon the availability of decennial census data, whichever is ~~(later)~~ sooner, the office of financial management shall prepare twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties and the cities in those counties before final adoption. The projections shall be based on a determination of the anticipated economic and job growth for these counties and shall consider relevant data concerning the critical components of the local economy and relevant market factors at the national, state, and local levels. The projections shall account for

anticipated migrations within the state by retirees and telecommuters. In recognition of the typical length of planning cycles, and of the planning cycles for local governments, the office will publish annual comparisons of estimated job change with estimated housing unit change by county to ensure economic and job growth together with population growth are accommodated by the jurisdictions.

(2) Population projections for each county shall consider:

(a) Projected growth statewide and the share of state growth historically accommodated by the county;

(b) Projected natural population changes caused by births and deaths within the county;

(c) A determination of the anticipated economic and job growth within the county, using relevant data concerning the critical components of the local economy and relevant market factors at the national, state, and local levels;

(d) Projected natural population increase, economic growth, and job growth in adjacent counties that may result in spillover housing demand;

(e) Projected net migration into the county, including an assessment of the degree to which population growth will be affected by the county's popularity as a location for telecommuting, vacation homes, and retirement living; and

(f) Other factors determined to be relevant and consistent with accepted demographic techniques.

(3) The county and its cities, and other interested parties, may provide to the office such information as they deem relevant to the office's projection, and the office shall consider and comment on such information before adoption. Each projection shall be expressed as a reasonable range developed within the standard state high and low projection. The middle range shall represent the office's estimate of the most likely population projection for the county. If any city or county believes that a projection will not accurately reflect actual population growth in a county, it may petition the office to revise the projection accordingly. ~~(The office shall complete the first set of ranges for every county by December 31, 1995.)~~

(4) A comprehensive plan adopted or amended before December 31, 1995, shall not be considered to be in noncompliance with the twenty-year growth management planning population projection if the projection used in the comprehensive plan is in compliance with the range later adopted under this section."

Correct the title.

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

Representative Miloscia spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dunn moved the adoption of amendment (179):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that first-time home buyers in Washington state have been priced out of the housing market in many counties. The legislature finds that many organizations, including local governments, have recognized the affordable housing crisis for first-time home buyers. The legislature finds that, for example, as reported in King county's benchmark growth report, "buying a first home remains extremely difficult for those under one hundred twenty percent of median income." The legislature further finds that impact fees contribute to the high cost of housing in many Washington counties, and that eliminating these fees will reduce housing prices. The legislature intends to make housing more affordable for first-time home buyers in counties where housing is currently not affordable for first-time home buyers. The legislature intends to do this by eliminating impact fees in counties

where the first-time buyer housing affordability index demonstrates that housing is not affordable for first-time home buyers.

NEW SECTION. Sec. 2. A new section is added to chapter 82.02 RCW to read as follows:

(1) As used in this chapter, "first-time buyer housing affordability index" means the index determined by the Washington center for real estate research that measures the ability of a typical renter household to afford the purchase of a typical starter home by assuming: (a) The household will purchase a home priced at eighty-five percent of area median with a ten percent down payment; (b) the home mortgage loan is for a term of thirty years at the prevailing average fixed rate of interest; and (c) the potential first-time home buyer earns seventy percent of the area median household income and twenty-five percent of household income can be used for principal and interest payments.

(2) For purposes of this chapter, a first-time buyer housing affordability index of: (a) One hundred indicates that a household of the defined income can afford a home of the defined price; (b) less than one hundred indicates that a household of the defined income cannot afford a home of the defined price without spending more than twenty-five percent of their income on mortgage payments; and (c) greater than one hundred indicates that a household of the defined income can afford a home of the defined price while spending less than twenty-five percent of their income on mortgage payments.

NEW SECTION. Sec. 3. A new section is added to chapter 82.02 RCW to read as follows:

(1) In any county in which the first-time buyer housing affordability index, as defined in section 2 of this act and as determined by the Washington center for real estate research at Washington State University, is less than one hundred for three quarters in any given year, the county and cities located within the county shall not collect impact fees under this chapter for the following two years.

(2) The year-long period measured by the Washington center for real estate research under subsection (1) of this section shall begin and end in the third quarter of the calendar year. The time period for which the ability to collect impact fees under this chapter is suspended under subsection (1) of this section begins January 1st of the year following the determination by the Washington center for real estate research.

Sec. 4. RCW 82.02.100 and 1992 c 219 s 2 are each amended to read as follows:

(1) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay an impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.

(2) A county prohibited from imposing a fee for system improvements under section 3 of this act may not impose a fee under RCW 43.21C.060 for those same system improvements.

(3) A county prohibited from imposing a fee for system improvements under section 3 of this act may not require a dedication of land under RCW 58.17.110 for those same system improvements."

Correct the title.

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

Representative Miloscia spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Pettigrew moved the adoption of amendment (242):

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

**NEW SECTION. Sec. 3.** There is created within the department the state affordable housing for all program, which shall be funded by the affordable housing for all program surcharge provided for in RCW 36.22.178 (as recodified by this act) and all other sources directed to the affordable housing for all program. The goal of the program is a decent, appropriate, and affordable home in a healthy, safe environment for every very low-income household in the state by 2020. A priority must be placed upon achieving this goal for extremely low-income households. This goal includes increasing the percentage of households who access housing that is affordable for their income or wage level without government assistance by increasing the number of previously very low-income households who achieve self-sufficiency and economic independence. The goal also includes implementing strategies to keep the rising cost of housing below the relative rise in wages. The department shall develop and administer the affordable housing for all program. In the development and implementation of the program, the department shall consider: The funding level, number of county staff available to implement the program, and competency of each county to meet the goals of the program; and establish program guidelines, performance measures, and reporting requirements appropriate to the existing capacity of the participating counties.

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

(1) "Affordable housing" means housing that has a sales price or rental amount that is within the means of a household that may occupy low, very low, and extremely low-income housing. The department shall adopt policies for residential rental and homeownership housing, occupied by extremely low, very low, and low-income households, that specify the percentage of household

income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

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

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

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

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

(6) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies, including those embodied in statutes, ordinances, regulations, or administrative procedures or processes, required to be identified by the state, cities, towns, or counties in connection with strategies under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.).

(7) "Home security fund account" means the account in the custody of the state treasurer receiving the state's portion of income from the revenue of sources established by RCW 36.22.178 (as recodified by this act) and 36.22.179, section 25 of this act, and all other sources directed to the affordable housing for all program or homeless housing and assistance program.

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

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

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

(11) "Quality management program" means a nationally recognized program using criteria similar or equivalent to the Baldrige criteria. Beginning in 2009, all cities, towns, and counties receiving over five hundred thousand dollars a year during the previous calendar year from (a) state housing-related funding sources, including the housing trust fund, (b) housing finance commission programs, (c) the affordable housing for all program surcharge in RCW 36.22.178 (as recodified by this act), (d) the homeless housing and assistance program surcharge in RCW 36.22.179 (as recodified by this act), and (e) any other surcharge charged under chapter 36.22 RCW to fund homelessness programs shall apply to the full examination Washington state quality award program once every three years beginning by January 1, 2010. The Washington state housing finance commission must apply to the full examination Washington state quality award program by December 31, 2009, and at least once every three years thereafter.

(12) "Affordable housing for all program" means the program authorized under this chapter, utilizing the funding from the affordable housing for all program surcharge in RCW 36.22.178 (as recodified by this act), and all other sources directed to the affordable housing for all program, as administered by the department at the state level and by each county at the local level.

(13) "State affordable housing for all plan" or "state plan" means the plan developed by the department in collaboration with the affordable housing advisory board with the goal of ensuring that every very low-income household in Washington has a decent,

appropriate, and affordable home in a healthy, safe environment by 2020.

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

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

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

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

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

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

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

(21) "Good family-wage job" means a job that pays at or above one of the two self-sufficiency income standards established under section 26 of this act which for an individual means enough income to support one adult individual, and for a family means enough income to support two adult individuals, one preschool-aged child, and one school-aged child.

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

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

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

(a) Document the need for affordable housing in the state and the extent to which that need is being met through public and private sector programs~~((:));~~

(b) Outline the development of sound strategies and programs to promote affordable housing;

(c) Establish, evaluate, and report upon interim goals and timelines that are determined by the department and by which the state and counties may be measured;

(d) Establish, evaluate, and report upon performance measures, including the performance measures outlined in section 6 of this act, for all state housing programs, as well as all housing programs operated by or coordinated by city and county governments, including local housing-related levy initiatives, housing-related tax exemption programs, and federally funded programs operated or coordinated by the state or local governments;

(e) Evaluate and report upon all counties' use of the affordable housing for all program surcharge funds provided for in RCW 36.22.178 (as recodified by this act) and all other sources directed to the counties' affordable housing for all programs;

~~((f))~~ (f) Report upon how housing trust fund awards within the previous one-year period are consistent with the plan and have contributed to the goal of the affordable housing for all program; and

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

(3) The information in the ~~((five-year))~~ annual state affordable housing ~~((advisory))~~ for all plan must include:

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

(b) An assessment of the housing needs for all economic segments of the state by wage level decile and special needs populations including:

(i) A report on the number and percentage of persons or households statewide and in each county in each income level decile who are currently living in housing that is not affordable given their wage level;

(ii) A report on the number and percentage of additional affordable rental housing units that are needed statewide and in each county to house persons or households at each wage level decile;

(iii) A report of the number and percentage of persons or households identified as having special needs statewide and in each county who are not adequately and affordably housed;

(iv) An estimate of the number and percentage of additional housing units needed statewide and in each county for each special needs population category;

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

(d) An inventory of the homeownership units under public or nonprofit control through a trust or covenant limiting the economic value of the unit made available through public and private sector programs;

(e) An estimate of the number and percentage of homes available for purchase statewide and in each county that are affordable to each wage level decile;

(f) An estimate of the number and percentage affordable homes for purchase needed for each wage level decile to achieve the state's homeownership goal, as determined by the department and included in the state affordable housing for all plan, unless established by the legislature;

(g) A summary of the activities of all state housing programs, as well as all housing programs operated by or coordinated by city and county governments, including local housing-related levy initiatives, housing-related tax exemption programs, and federally funded programs operated or coordinated by the state or local governments;

(h) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state, each county, and each city with a population greater than fifty thousand or the city with the highest population in each county, where information is available;

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

~~((f))~~ (j) An analysis, statewide and within each county and major city, of the primary contributors to the cost of housing and an outline of potential strategies to keep the increasing cost of housing below the relative rise in wages;

(k) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state;

(l) Identification of key root causal factors of the affordable housing shortage and the inability of low-income households to obtain and retain appropriate housing, and identification of possible preventative strategies and related performance measures;

(m) A report on the growth in the population of persons in each wage level decile statewide and for each county;

(n) A determination of the cost to the state of the affordable housing shortage;

(o) A report of any differences in the rates of inflation between median house prices, median rent for a two-bedroom apartment, and

median family income for persons or households in each wage level decile;

(p) A summary of the recommendations of the affordable housing advisory board report as required in RCW 43.185B.030;

(q) A response to all county legislative and policy recommendations included in county affordable housing for all plans as well as proposed strategies to address issues raised in the county plans; and

(r) A summary report of the department's evaluations of the operations and accomplishments of other state departments and agencies as they affect housing as required in RCW 43.63A.650 (as recodified by this act).

~~((2)(a))~~ (4) The ~~((five-year))~~ state affordable housing ~~((advisory))~~ for all plan required under ~~((subsection (1) of))~~ this section must be submitted to the appropriate committees of the legislature on or before ~~((February 1, 1994))~~ December 31, 2008, and subsequent updated plans must be submitted ~~((every five years))~~ by December 31st each year thereafter.

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

(5) To guide counties in preparation of county affordable housing for all plans required under section 8 of this act, the department shall issue, by December 31, 2007, guidelines for preparing county plans consistent with this chapter. County plans must be substantially consistent with the goals and program recommendations of the state affordable housing for all plan and must include, at a minimum, the same information analysis, on a local level, as described in subsection (3) of this section and must include the performance measures outlined in section 6 of this act.

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

**NEW SECTION. Sec. 6.** (1) The department, in consultation with a task force established by the department consisting of the chairs of the appropriate committees of the legislature, representatives appointed by the director from a minimum of five county affordable housing for all task forces representing urban and rural areas as well as communities east and west of the Cascade mountains, representatives from private for-profit housing developers that have experience with low-income housing, and representatives from statewide housing advocacy organizations, shall create affordable housing for all program outcomes and performance measures and goals addressing, at a minimum, the success of the state and each county in the following areas:

(a) An overall measurement of the affordable housing needs met for extremely low, low, and low-income households within each twelve-month period;

(b) A measure of the change in the cost of housing relative to the change in wages;

(c) A measure of the increase in affordable rental housing;

(d) A measure of the increase in self-sufficiency amongst individuals and families;

(e) A measure of the increase in individuals' and family wages;

(f) A measure of community support for the state and county plans;

(g) A measure of county government financial support for the program;

(h) A measure of the financial viability of the state and county plans;

(i) A measure of the financial efficiency of the housing programs funded by the county;

(j) A measure of the quality of the state and county plans; and

(k) A measure of the quality of the management of county governments.

Measurement reporting must be subdivided by county, major city, and political geography, and yearly targets for these results must be included. Performance measures must be included in the department's state affordable housing for all plan and all county

affordable housing for all plans and must be provided to the joint legislative audit and review committee.

(2) Performance measures and yearly targets must be established by December 31, 2007, and must be reviewed annually by the department after soliciting feedback from all county affordable housing for all task forces.

(3) The department may determine a timeline to implement and measure each performance measure for the state and county plans, except that the state and all counties participating in the affordable housing for all program must implement and respond to all performance measures by January 1, 2010, unless the department determines that a performance measure is not applicable to a specific county based on parameters and thresholds established by the department.

**NEW SECTION. Sec. 7.** Each county shall convene a county affordable housing task force. The task force must be a committee, made up of volunteers, created to prepare and recommend to the county legislative authority a county affordable housing for all plan and also to recommend appropriate expenditures of the affordable housing for all program funds provided for in RCW 36.22.178 (as recodified by this act) and any other sources directed to the county program. The county affordable housing task force must include a representative of the county, a representative from the city with the highest population in the county, a representative from all other cities in the county with a population greater than fifty thousand, a member representing beneficiaries of affordable housing programs, other members as may be required to maintain eligibility for federal funding related to housing programs and services, and a representative from both a private nonprofit organization and a private for-profit organization with experience in very low-income housing. The task force may be the same as the homeless housing task force created in RCW 43.185C.160 or the same as another existing task force or other formal committee that meets the requirements of this section.

**NEW SECTION. Sec. 8.** (1) Each county shall direct its affordable housing task force to prepare and recommend to its county legislative authority a county affordable housing for all plan for its jurisdictional area. Each county shall adopt a county plan by June 30, 2008, and update the plan annually by June 30th thereafter. All plans must be forwarded to the department by the date of adoption. County affordable housing for all plans may be combined with the local homeless housing plans required under RCW 43.185C.040 or any other existing plan addressing housing within a county as long as the requirements of all of the plans to be merged are met. For counties required or choosing to plan under RCW 36.70A.040, county affordable housing for all plans must be consistent with the housing elements of comprehensive plans described in RCW 36.70A.070(2). County plans must also be consistent with any existing local homeless housing plan required in RCW 43.185C.050.

(2) County affordable housing for all plans must be primarily focused on (a) ensuring that every very low-income household in the county jurisdictional area has a decent, appropriate, and affordable home in a healthy, safe environment by 2020 and (b) increasing the percentage of very low-income households that access affordable housing without government assistance. County plans must include information and performance measurement data where available on all city and county housing programs, including local housing-related levy initiatives, housing-related tax exemption programs, and federally funded programs operated or coordinated by the state or local governments. County plans must be substantially consistent with the goals, performance measures, and program recommendations of the state affordable housing for all plan and must include, at a minimum, the same information, analysis, and performance measures as described in RCW 43.185B.040 (as recodified by this act) and section 6 of this act. In addition to these performance measures, counties must report on a common performance measure, to be determined by the department, measuring the health and safety of tenants of affordable rental housing. All towns, cities, and counties must report information related to this performance measure to the county task force to the greatest extent practicable using available funds. Counties shall

report on achievements according to stated performance measures to the department annually by December 1st, beginning in 2008.

(3) In addition to fulfilling the requirements of subsections (1) and (2) of this section, county affordable housing for all plans must include:

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

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

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

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

(4) Each year, the department shall:

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

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

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

(5) The department shall present the summary of county affordable housing for all plans and the results of performance evaluations to the appropriate committees of the legislature annually on or before December 31st.

**NEW SECTION. Sec. 9.** (1) Any county may decline to participate in the affordable housing for all program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution must also be transmitted to the county auditor and treasurer. Counties that decline to participate shall not be required to establish an affordable housing task force or to create a county affordable housing for all plan. Counties declining to participate in the affordable housing for all program shall continue to collect and utilize the affordable housing for all surcharge for the purposes described in RCW 36.22.178; however, such counties shall not be allocated any additional affordable housing for all program funding. Counties may opt back into the affordable housing for all program authorized by this chapter at a later date through a process and timeline to be determined by the department.

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

**NEW SECTION. Sec. 10.** A county may subcontract with any other county, city, town, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the affordable housing for all goal. All subcontracts must be: Consistent with the county affordable housing for all plan adopted by the legislative authority of the county; time limited; and filed with the department, and must have specific performance terms as specified by the county. County governments must strongly encourage all subcontractors under the affordable housing for all program to apply to the full examination Washington state quality award program. This authority to subcontract with other entities does not affect participating counties' ultimate responsibility for meeting the requirements of the affordable housing for all program.

**Sec. 11.** RCW 36.22.178 and 2005 c 484 s 18 are each amended to read as follows:

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

(1) Except as provided in subsection ~~((2))~~ (3) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the ~~((Washington housing trust account))~~ home security fund account created in section 12 of this act. The office of community development of the department of community, trade, and economic development will develop guidelines for the use of these funds to support building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income ~~((persons))~~ households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing ~~((projects or units within housing projects that are affordable to))~~ activities as described in this subsection that serve very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income ~~((housing projects or units within such housing projects))~~ households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. ~~((The funds generated with this surcharge shall not be used for construction of new housing if at any time the vacancy rate for available low-income housing within the county rises above ten percent. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section. Uses of))~~ A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. For counties participating in the affordable housing for all program, all eligible housing activities funded must be consistent with strategies outlined in the county affordable housing for all plan. Eligible housing activities to be funded by these ~~((local))~~ county funds are limited to:

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

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

(c) Rental assistance vouchers for housing ~~((projects or))~~ units ~~((within housing projects))~~ that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards. The department shall develop statewide guidelines for rental assistance programs by 2008, which must include, at a minimum, guidelines and related performance measures to ensure acceptable housing quality for voucher recipients, as well as tenant protections consistent with federal section 8 rental assistance voucher program standards; and

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

~~((2))~~ (3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

~~((3))~~ The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i))

(4) All counties shall report at least annually upon receipts and expenditures of the affordable housing for all program surcharge funds created in this section to the department. The department may require more frequent reports. The report must include the amount of funding generated by the surcharge, the total amount of funding distributed to date, the amount of funding allocated to each eligible housing activity, a description of each eligible housing activity funded, including information on the income or wage level and numbers of extremely low and low-income households the eligible housing activity is intended to serve, and the outcome or anticipated outcome of each eligible housing activity. Counties participating in the affordable housing for all program shall also report annually on performance measures, including performance measures outlined in section 6 of this act and others to be determined by the department, related to uses of the affordable housing for all program surcharge funds.

**NEW SECTION. Sec. 12.** The home security fund account is created in the custody of the state treasurer. The state's portion of the surcharges established in RCW 36.22.178 and 36.22.179 (as recodified by this act), and section 25 of this act shall be deposited in the account, as well as all other sources directed to the affordable housing for all program and the homeless housing and assistance program. Expenditures from the account may only be used for the affordable housing for all program and the homeless housing and assistance program as described in this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 13.** RCW 36.18.010 and 2005 c 484 s 19 and 2005 c 374 s 1 are each reenacted and amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description:

PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees;

(11) For recording instruments, a surcharge as provided in RCW 36.22.178 (as recodified by this act); and

~~((12))~~ (12) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179 (as recodified by this act).

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

**NEW SECTION. Sec. 15.** The joint legislative audit and review committee shall conduct a performance audit of the state affordable housing for all program every four years. The audit must include an analysis of the department's expenditures of funds from sources established by RCW 36.22.178 (as recodified by this act) and all other sources directed to the affordable housing for all program. The first audit must be conducted on or before December 31, 2010. Each audit must take no longer than six months or fifty thousand dollars to complete.

**NEW SECTION. Sec. 16.** (1) The joint legislative audit and review committee shall conduct an evaluation and comparison of the cost-efficiency of rental housing voucher programs funded with state or local moneys versus other low-income housing projects funded with state or local moneys that are intended to assist low-income households to obtain and retain affordable housing. The study must consider factors including administrative costs, capital costs, and other operating costs involved in the implementation and management of rental housing voucher programs. The study must compare the number of households that may be served, given a set amount of available funds, through rental housing voucher programs funded with state or local moneys with other housing projects funded with state or local moneys, including new construction and rehabilitation of housing units. The department of community, trade, and economic development, the Washington state housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the evaluation study.

(2) The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the Washington state housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers.

(3) The joint legislative audit and review committee shall present the results of this study to the appropriate committees of the legislature by December 31, 2008.

(4) This section expires December 31, 2008.

**NEW SECTION. Sec. 17.** (1) The department, the Washington state housing finance commission, the affordable housing advisory board, and all participating county governments, housing authorities, and other nonprofit organizations receiving state funds, county affordable housing for all surcharge funds, or financing through the

housing finance commission, shall, by December 31, 2007, and annually thereafter, review current housing reporting requirements related to housing programs and services and give recommendations to the legislature to streamline and simplify all planning and reporting requirements. The entities listed in this section shall also give recommendations for additional legislative actions that could promote the affordable housing for all goal.

(2) The department shall collaborate with the Washington state housing finance commission and representatives from statewide organizations representing counties, cities, housing authorities, nonprofit groups involved in affordable housing, and other interested parties, to create a strategy to streamline and, when possible, consolidate state, city, town, and county reporting requirements to address the inefficiencies associated with multiple reporting requirements. The department shall present the strategy to the appropriate committees of the legislature by December 31, 2007.

**Sec. 18.** RCW 43.63A.650 and 1999 c 267 s 3 are each amended to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing. The department shall conduct annual performance evaluations of all state department and agency services provided to extremely low, very low, and low-income persons needing housing assistance, as well as all other housing-related programs and activities. The department shall provide copies of the evaluation reports to the appropriate committees of the legislature and the affordable housing advisory board by December 31st of each year.

(2) The department shall work with ~~((local governments))~~ cities, towns, counties, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or statewide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

**Sec. 19.** RCW 43.185C.005 and 2005 c 484 s 1 are each amended to read as follows:

Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in Washington is unacceptably high. The state's homeless population, furthermore, includes a large number of families with children, youth, and employed persons. The legislature finds that the fiscal and societal costs of homelessness are high for both the public and private sectors,

and that ending homelessness ~~((should))~~ must be a goal for state and local government.

The legislature finds that there are many causes of homelessness, including a shortage of affordable housing; a shortage of good family-wage jobs which undermines housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; ~~((and))~~ a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century; inadequate availability of services for citizens with mental illness and developmental disabilities living in the community; and the difficulties faced by formerly institutionalized persons in reintegrating to society and finding stable employment and housing.

The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness in Washington. While the provision of housing and housing-related services to the homeless should be administered at the local level to best address specific community needs, the legislature also recognizes the need for the state to play a primary coordinating, supporting, ~~((and))~~ monitoring, and evaluating role. There must be a clear assignment of responsibilities and a clear statement of achievable and quantifiable goals. Systematic statewide data collection on ~~((homelessness))~~ homeless individuals in Washington must be a critical component of such a program enabling the state to work with local governments not only to count all homeless people in the state, but to record and manage information about homeless persons ~~((and))~~ in order to assist them in finding housing and other supportive services that can help them, when possible, achieve the highest degree of self-sufficiency and economic independence that is appropriate given their specific abilities and situations.

The systematic collection and rigorous evaluation of homeless data, a nationwide search for and implementation through adequate resource allocation of best practices, and the systematic measurement of progress toward interim goals and the ultimate goal of ending homelessness are all necessary components of a statewide effort to end homelessness in Washington by July 1, 2015.

**Sec. 20.** RCW 43.185C.040 and 2005 c 484 s 7 are each amended to read as follows:

(1) ~~((Six months after the first Washington homeless census,))~~ The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, prepare and ((publish a ten-year homeless housing)) annually update a state homeless housing strategic plan which ((shall)) must outline statewide goals and performance measures ((and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650. To guide local governments in preparation of their first local homeless housing plans due December 31, 2005, the department shall issue by October 15, 2005, temporary guidelines consistent with this chapter and including the best available data on each community's homeless population)). Local governments' ~~((ten-year homeless housing))~~ homeless housing plans ((shall not)) must include all of the performance measures included in the state homeless housing strategic plan and must be substantially ((inconsistent)) consistent with the goals and program recommendations of ((the temporary guidelines and, when amended after 2005,)) the state homeless housing strategic plan.

(2)(a) Program outcomes and performance measures and goals ~~((shall))~~ must be created by the department ~~((and reflected))~~ in consultation with the interagency council on homelessness and a task force established by the department consisting of the committee chairs of the appropriate committees of the legislature, representatives appointed by the director from a minimum of five local ending homelessness task forces representing both urban and rural areas and communities east and west of the Cascade mountains, and a representative from a statewide membership organization that advocates for ending homelessness. The task force must also produce guidelines for local governments regarding methods, techniques, and data suggested to measure each performance measure. Performance measures, yearly targets, and corresponding

measurement guidelines must be established by December 31, 2007, and must be reviewed annually by the department and the interagency council on homelessness after soliciting feedback from all local homeless housing task forces. Performance measures must be included in the department's ((homeless housing)) state homeless housing strategic plan ((as well as)) and all local homeless housing plans.

(b) The department may determine a timeline for implementation and measurement of each performance measure for the state and local homeless housing plans, except that the state and all local governments must implement and respond to all performance measures by December 31, 2009, unless the department finds that a performance measure is not applicable to a specific local area according to parameters and thresholds established by the department.

(c) Performance measures must be created, at a minimum, to gauge the success of the state and each local government in the following areas:

- (i) The societal cost of homelessness;
- (ii) The cost of ending homelessness in comparison with available and committed resources;
- (iii) The self-sufficiency of persons in Washington;
- (iv) The achievement of an appropriate level of self-sufficiency for homeless individuals;
- (v) The quality and completeness of the Washington homeless client management information system database;
- (vi) The quality of the performance management systems of state agencies, local governments, and local government subcontractors executing programs, as authorized by RCW 43.185C.080(1), that contribute to the overall goal of ending homelessness; and
- (vii) The quality of local homeless housing plans.

Performance measurements are reported upon by city and county geography, including demographics with yearly or more frequent targets.

(3) Interim goals against which state and local governments' performance may be measured must also be described and reported upon in the state homeless housing strategic plan, including:

(a) ((By the end of year one, completion of the first census as described in RCW 43.185C.030;

— (b)) By the end of each subsequent year, goals common to all state and local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and

((c)) (b) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent.

((d)) (4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving homeless housing grants in order to determine compliance with the terms and conditions set forth in the homeless housing grant application or required by the department.

(5) The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, report annually to the governor and the appropriate committees of the legislature ((an assessment of)) the fiscal and societal costs of the homeless crisis, including identifying, to the extent practical, savings in state and local program costs that could be obtained through the achievement of stable housing for the clients served by those programs.

(6) The department shall also deliver a summary annual report, including information about:

(a) All state programs addressing homeless housing and services;

(b) The state's performance in furthering the goals of the state ((ten-year)) homeless housing strategic plan; and

(c) The performance of each participating local government in creating and executing a local homeless housing plan ((which)) that meets the requirements of this chapter. ((The annual report may include performance measures such as:

— (a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

— (b) The number of new units available and affordable for homeless families by housing type;

— (c) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

— (d) The number of households at risk of losing housing who maintain it due to a preventive intervention;

— (e) The transition time from homelessness to permanent housing;

— (f) The cost per person housed at each level of the housing continuum;

— (g) The ability to successfully collect data and report performance;

— (h) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;

— (i) The quality and safety of housing provided; and

— (j) The effectiveness of outreach to homeless persons, and their satisfaction with the program.

— (4)) (7) The state homeless housing plan must also include a response to each recommendation included in the local homeless housing plans for policy changes to assist in ending homelessness and a summary of the recommendations to the legislature to streamline and simplify all housing planning and reporting requirements, as required in section 17 of this act.

(8) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the ((annual)) census, the department may revise the performance measures and goals of the state homeless housing strategic plans, set goals for years following the initial ten-year period, and recommend changes in local governments' homeless housing plans.

**Sec. 21.** RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

(1)(a)(i) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a ((ten-year)) local homeless housing plan for its jurisdictional area ((which shall be not inconsistent)) that is consistent with the department's ((statewide temporary guidelines, for the December 31, 2005, plan, and thereafter the department's ten-year homeless housing)) state homeless housing strategic plan and ((which shall be)) is aimed at eliminating homelessness, with a minimum goal of reducing homelessness by fifty percent by July 1, 2015. ((The local government may amend the proposed local plan and shall adopt a plan by December 31, 2005. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department.)) Local governments must update their local homeless housing plans annually on a schedule to be determined by the department.

(ii) Local plans must include specific strategic objectives, consistent with the state plan, and must include corresponding action plans. Local plans must address identified strategies to meet the needs of all homeless populations, including chronic homeless, short-term homeless, families, individuals, and youth. Each local plan must include the total estimated cost of accomplishing the goals of the plan to reduce homelessness by fifty percent by July 1, 2015, and must include an accounting of total committed funds for this purpose.

(b)(i) The department must conduct an annual performance evaluation of each local plan by December 31st of each year beginning in 2007. The department must also conduct an annual performance evaluation of each local government's performance related to its local plan by December 31st of each year beginning in 2007. A local government's performance must be evaluated using, at a minimum, the performance measures outlined in RCW 43.185C.040(2).

(ii) In addition to the performance measures mandated in RCW 43.185C.040(2), local plans may include specific local performance measures adopted by the local government legislative authority(;) and ((may)) must include recommendations for ((any)) state legislation needed to meet the state or local plan goals. The recommendations must be specific and must, if funding is required, include an estimated amount of funding required and suggestions for an appropriate funding source.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs, including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless housing plans, including homeless census data collection and information, identification of goals, performance measures, strategies, and costs, and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; ~~(and)~~

(i) Implementing a quality management program and applying to the full examination Washington state quality award program; and

(j) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

**Sec. 22.** RCW 43.185C.080 and 2005 c 484 s 12 are each amended to read as follows:

(1) ~~(Only a local government is eligible to receive a homeless housing grant from the homeless housing account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under RCW 36.22.179 equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own and based on that task force's recommendations adopt a homeless housing plan specific to the city.~~

~~(2))~~ Local governments ~~(applying for homeless housing funds)~~ may subcontract with any other local government, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts ~~(shall)~~ must be consistent with the local homeless housing plan adopted by the legislative authority of the local government, time limited, and filed with the department, and ~~(shall)~~ must have specific performance terms. Local governments must strongly encourage all subcontractors under the homeless housing and assistance program to apply to the full examination Washington state quality award program. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its ~~(borders))~~ jurisdiction.

~~((3))~~ (2) A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution ~~(shall)~~ must also be transmitted to the county auditor and treasurer. If ~~(such a)~~ the resolution is adopted, all of the funds otherwise due to the county under RCW ~~((43.185C.060 shall))~~ 36.22.179 (as recodified by this act) and section 25 of this act, minus funds due to any city that has chosen to participate through the process established in subsection (3) of this section, must be remitted monthly to the state treasurer for deposit in the ((homeless housing)) home security fund account, without any reduction by the county for collecting or administering

the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local homeless housing plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of this chapter ((484, Laws of 2005)) in the county, ((provided that)) but the department may retain six percent of these funds to offset the cost of managing the county's program.

(3) Any city may assert responsibility for homeless housing within its borders, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. A city choosing to operate a separate homeless housing program receives a percentage of the surcharge assessed under RCW 36.22.179 (as recodified by this act) and under section 25 of this act equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing grants. A city choosing to operate a separate homeless housing program must comply with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for local homeless housing plans.

(4) A resolution by the county declining to participate in the program ~~((shall have))~~ has no effect on the ~~((ability))~~ authority of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to the city the funds due under ~~((this chapter))~~ RCW 36.22.179 (as recodified by this act) and section 25 of this act.

**Sec. 23.** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create a homeless housing task force to develop a ~~((ten-year))~~ homeless housing plan addressing short-term and long-term services and housing ~~((for homeless persons))~~ to prevent and reduce homelessness by fifty percent by 2015.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, at-large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body ~~((which))~~ that substantially conforms to this section and ~~((which))~~ includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint homeless housing plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

~~((A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.))~~

(2) In addition to developing a ~~((ten-year))~~ homeless housing plan, each task force shall establish guidelines consistent with the ~~((statewide))~~ state homeless housing strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Rental voucher programs;
- (e) Supportive housing for chronically homeless persons; ~~((and~~
- ~~((e))~~ (f) Long-term housing; and
- (g) Prevention services.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county (~~including counties exempted from creating a new task force under subsection (1) of this section,~~) shall report to the department of community, trade, and economic development (~~such~~) any information (~~as may be~~) needed to ensure compliance with this chapter.

**Sec. 24.** RCW 36.22.179 and 2005 c 484 s 9 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178 (as recodified by this act), and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter (~~484, Laws of 2005~~) 43.185C RCW, six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the homeless housing home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. The remaining eighty-seven and one-half percent is to be (~~distributed by the department to local governments through the homeless housing grant program~~) used by the department to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

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

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.185C RCW to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179 (as recodified by this act), and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of eight dollars for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this chapter. Funds are to be used for programs that directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080(3), to operate its own homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city

for program costs that directly contribute to the goals of the city's homeless housing plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide homeless housing strategic plan, implementing and managing the Washington homeless client management information system established in RCW 43.185C.180, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Remaining funds may also be used to:

(i) Fund the creation of two self-sufficiency income standards established under section 26 of this act;

(ii) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(iii) Fund the homeless housing grant program.

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

**NEW SECTION. Sec. 26.** A new section is added to chapter 43.185C RCW to read as follows:

The department shall contract with the employment security department to annually establish two self-sufficiency income standards based upon the cost of living, including housing costs, which include mortgage or rent payments and utilities other than telephone, for each county in the state. The self-sufficiency income standards must be based upon the costs needed to support: (1) One adult individual; and (2) two adult individuals and one preschool-aged child and one school-aged child. These income standards will be translated into an equivalent hourly wage rate assuming one full-year, full-time earner for the self-sufficiency income standards for each county. The self-sufficiency income standards must be presented to the legislature by December 31, 2008. The employment security department must spend no more than one hundred ten thousand dollars in creating the initial self-sufficiency income standards and no more than fifty-five thousand dollars annually to update the standards. The employment security department shall deliver a report to the department and the appropriate committees of the legislature that details the number and percentage of individuals statewide and in each county who do not have a good family wage job and, as a result, earn less than the self-sufficiency income standards, as well as the number and percentage of individuals statewide and in each county who have a good family wage job and, as a result, earn an amount equivalent to or more than the self-sufficiency income standards.

**NEW SECTION. Sec. 27.** A new section is added to chapter 43.185C RCW to read as follows:

The joint legislative audit and review committee shall conduct a performance audit of the homeless housing and assistance program every four years. The first audit must be conducted by December 31, 2009. Each audit must take no longer than six months or fifty thousand dollars to complete.

**Sec. 28.** RCW 36.18.010 and 2005 c 484 s 19 and 2005 c 374 s 1 are each reenacted and amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees;

(11) For recording instruments, a surcharge as provided in RCW 36.22.178 as recodified by this act; ~~(and~~

~~---{(+2)}) (12) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179 (as recodified by this act); and~~

~~(13) For recording instruments, except for documents recorded by the department of revenue, the department of labor and industries, and the employment security department and for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in section 25 of this act.~~

**Sec. 29.** RCW 43.185C.150 and 2005 c 484 s 21 are each amended to read as follows:

This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in ~~((chapter 484, Laws of 2005)) RCW 36.22.179 (as recodified by this act) and the revenues authorized in section 25 of this act.~~ However, neither the department nor any local government may use any funds authorized in ~~((chapter 484, Laws of 2005)) RCW 36.22.179 (as recodified by this act) or the revenues authorized in section 25 of this act to supplant or reduce any existing expenditures of public money for the reduction or prevention of homelessness or services for homeless persons.~~

**NEW SECTION. Sec. 30.** RCW 36.22.179, 43.20A.790, and 43.63A.650 are each recodified as sections in chapter 43.185C RCW.

**NEW SECTION. Sec. 31.** RCW 36.22.178, 43.185B.020, and 43.185B.040 are each recodified as sections in chapter 43.--- RCW (created in section 32 of this act).

**NEW SECTION. Sec. 32.** Sections 1 through 4, 6 through 10, 12, 14, and 15 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 33.** If specific funding for the purposes of sections 1 through 18 of this act, referencing this act by bill,

chapter, or section, number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

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

Representative Alexander spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 61 - YEAS; 36 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Miloscia and Darneille spoke in favor of passage of the bill.

Representative Schindler and Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1359.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1359 and the bill passed the House by the following vote: Yeas - 57, Nays - 39, Absent - 0, Excused - 1, Not Voting - 1.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Takko, Van De Wege, Walsh and Warnick - 39.

Excused: Representative Schual-Berke - 1.

Not Voting: Representative Quall - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 2335, by Representatives Priest and Miloscia**

**Exempting certain amateur radio repeaters from leasehold excise taxes.**

The bill was read the second time.

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

Representatives Priest and Hunter spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2335.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2335 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2335, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2373, by Representatives McCune, Ahern, Kretz, Pearson, Roach and Kenney**

**Enhancing school bus driver safety.**

The bill was read the second time.

With the consent of the House, amendment (158) was withdrawn.

Representative McCune moved the adoption of amendment (226):

On page 3, beginning on line 11, after "notify" strike all material through "revoked" on line 13, and insert "the superintendent of public instruction if a public school bus driver has had a new moving violation, or any court or departmental action has entered on his or her driving record"

Representatives McCune and Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Bailey moved the adoption of amendment (183):

On page 5, beginning on line 31, strike all of section 2

Correct the title.

Representatives Bailey and McCune spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives McCune, Clibborn and Ahern spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2373.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2373 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

ENGROSSED HOUSE BILL NO. 2373, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1211, by House Committee on Finance (originally sponsored by Representatives Chase, Morris, Upthegrove, Wallace, Kagi, McCune, Moeller, Dunn, Linville and Morrell)**

**Providing sales and use tax exemptions for solar hot water components.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1211 was substituted for Substitute House Bill No. 1211 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1211 was read the second time.

With the consent of the House, amendment (123) was withdrawn.

Representative Bailey moved the adoption of amendment (270):

On page 2, beginning on line 8, strike all of section 3

Renumber the remaining section consecutively and correct the title.

Representatives Bailey and Chase spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Chase and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1211.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1211 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1492, by Representatives Simpson, Campbell, Kirby, Van De Wege, Williams, Chase, Wood and Santos**

**Using arbitration to resolve disputes regarding certain insurance policies.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1492 was substituted for House Bill No. 1492 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1492 was read the second time.

Representative Roach moved the adoption of amendment (295):

Strike all material after the enacting clause and insert the following:

**"NEW SECTION. Sec 1.** The insurance commissioner shall convene a task force to study the appropriateness and timeliness of payments under the personal injury protection coverage of automobile liability insurance policies. The insurance commissioner shall include representatives from the following groups in the task force: (1) Insurers that sell automobile liability policies; (2) insurance agents and brokers; (3) the Washington state trial lawyers' association; and the Washington defense trial lawyers. The task force must consider the impacts of allowing arbitration of all personal injury protection coverage claims. Among the impacts that must be considered are possible changes in: (1) The average amount to settle a claim; (2) the average time to settle a claim; (3) automobile liability insurance premiums; and (4) the rate of uninsured motorists due to any increase in premiums. The task force may compare the claims payment regulatory framework in Washington with systems used in other states. The task force may make recommendations to the legislature. The commissioner shall compile the findings of the task force in a report to the house insurance financial services, and consumer protection committee and the senate financial institutions and insurance committee by December 1, 2007."

Correct the title.

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

Representative Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representative Simpson spoke in favor of passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1492.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1492 and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa,

Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Skinner, Strow, Sump and Warnick - 30.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 1492, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1656, by Representatives Rolfes, Upthegrove, B. Sullivan, Appleton, Chase, Santos, Dickerson and Sells**

**Establishing the Puget Sound scientific research account.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1656 was substituted for House Bill No. 1656 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1656 was read the second time.

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

Representatives Wallace and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1656.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1656 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De

Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1656, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1805, by Representatives Morrell, Lantz, Linville, Wallace, Rodne, Conway, Kessler, Hudgins, Hunt, Chase, Hasegawa, Van De Wege, Campbell, Ericks, Green, Simpson and Schual-Berke**

**Increasing the homestead exemption amount.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1805 was substituted for House Bill No. 1805 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1805 was read the second time.

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

Representatives Morrell and Rodne spoke in favor of passage of the bill.

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1805.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1805 and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Anderson, Buri, Condotta, DeBolt, Ericksen, Hinkle, Kretz, Kristiansen, Newhouse, Schindler and Warnick - 11.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 1805, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1811, by Representatives Pedersen, Simpson, Wood, Moeller and Quall**

**Regarding automatic sprinkler systems in nightclubs.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1811 was substituted for House Bill No. 1811 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1811 was read the second time.

Representative Bailey moved the adoption of amendment (273):

On page 4, beginning on line 3, strike all of section 5

Correct the title.

Representatives Bailey and Orcutt spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Pedersen, Curtis and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1811.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1811 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1811, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1826, by Representatives Seaquist, Hinkle, Morrell, Moeller and Ormsby; by request of Department of Social and Health Services**

**Modifying provisions affecting medical benefits.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1826 was substituted for House Bill No. 1826 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1826 was read the second time.

Representative Bailey moved the adoption of amendment (247):

On page 5, beginning on line 16, strike all of section 5

Correct the title.

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

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Seaquist and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1826.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1826 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 1826, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1993, by Representatives Barlow, Curtis, Schual-Berke, Kagi, Cody, Hinkle, Green, B. Sullivan, Eddy, Pettigrew, P. Sullivan, Bailey, Schindler, Dickerson, Morrell, Kenney, Simpson and Ormsby**

**Modifying credentialing standards for counselors.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1993 was substituted for House Bill No. 1993 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1993 was read the second time.

Representative Cody moved the adoption of amendment (259):

On line 16, line 28, after "first" strike "one hundred" and insert "fifty"

On page 16, after line 30, strike all material through "staff." on line 32

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

The amendment was not adopted.

With the consent of the House, amendment (172) was withdrawn.

The bill was ordered engrossed.

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

Representatives Barlow and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1993.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1993 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville,

Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Anderson, McDonald and Van De Wege - 3.

Excused: Representative Schual-Berke - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1993, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1418, by Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams**

**Protecting consumers from the keeping of dangerous wild animals.**

The bill was read the second time.

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

Representatives Lovick and Rodne spoke in favor of passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1418.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1418 and the bill passed the House by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Goodman, Hailey, Haler, Hankins, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Ross, Schindler, Skinner, Strow, Sump, Van De Wege and Warnick - 34.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 1418, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1508, by Representatives Orcutt, Hunter, Blake, Takko, Condotta and Dunn; by request of Department of Revenue**

**Providing an exemption from business and occupation tax for the resale of natural or manufactured gas by consumers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1508 was substituted for House Bill No. 1508 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1508 was read the second time.

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

Representatives Orcutt and Hunter spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1508.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1508 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 1508, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2031, by Representatives Eddy and Simpson**

**Addressing the timing of accrual of property tax revenues.**

The bill was read the second time.

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

Representative Eddy spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2031.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2031 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2031, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2209, by Representatives Seaquist, Morrell, Curtis, Green, Moeller and Ormsby**

**Allowing advanced registered nurse practitioners to examine and obtain copies of autopsy reports.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2209 was substituted for House Bill No. 2209 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2209 was read the second time.

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

Representative Seaquist spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2209.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2209 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2209, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2220, by Representative Lantz**

**Regarding shellfish.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2220 was substituted for House Bill No. 2220 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2220 was read the second time.

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

Representatives Lantz and Walsh spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2220.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2220 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Alexander, Anderson, Buri, DeBolt, Dunn, Ericksen, Kretz, Kristiansen and Newhouse - 9.

Excused: Representative Schual-Berke - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2220, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2236, by Representatives Goodman and Lantz**

**Disposing of certain assets.**

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2236.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2236 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2236, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2275, by Representatives Kessler, B. Sullivan, Kenney, Chase and Hunt**

**Regarding funding of state parks.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2275 was substituted for House Bill No. 2275 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2275 was read the second time.

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

Representatives Kessler and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2275.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2275 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Ericksen, Schindler and Warnick - 3.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2275, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2275.

JUDY WARNICK, 13<sup>th</sup> District

**SECOND READING****HOUSE BILL NO. 2292, by Representatives Simpson and Ormsby****Addressing private residential fire sprinklers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2292 was substituted for House Bill No. 2292 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2292 was read the second time.

With the consent of the House, amendment (260) was withdrawn.

Representative Simpson moved the adoption of amendment (296):

On page 1, beginning on line 7, after "is", strike all material through "services" on line 9, and insert "to research obstacles and barriers to the installation of residential fire sprinkler systems"

On page 1, line 16, after "contractor," strike "and an architect" and insert "an architect, and a residential builder"

Representatives Simpson and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2292.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2292 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Ericksen - 1.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2292, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2358, by Representatives Rolfes, Strow, Appleton, Seaquist, Van De Wege, Lantz, Flannigan, Roberts, Cody, Green, Eickmeyer, Jarrett and Kessler****Regarding state ferries.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2358 was substituted for House Bill No. 2358 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2358 was read the second time.

Representative Rolfes moved the adoption of amendment (286):

On page 2, line 32, after "When setting the" strike "vehicle"

On page 3, at the end of line 5, strike "capital"

On page 3, at the end of line 9, strike "capital"

On page 3, at the end of line 17, strike "capital"

On page 3, at the end of line 19, strike "capital"

On page 5, beginning on line 8, after "(2)" insert the following:  
"Beginning in 2008, the fares and pricing strategies developed by the department must:

(a) Consider the feasibility of options for using pricing and operational strategies developed under section 5 of this act to level vehicle peak demand and to increase off-peak ridership;

(b) Recognize the unique characteristics of each route;

(c) Use data from the current survey conducted under section 4 of this act;

(d) Be developed with input from affected ferry users by public hearing, by review with the affected ferry advisory committees, and by other methods of gathering input;

(e) Be developed using data gathered from the survey conducted in section 4 of this act;

(f) Consider all possible cost reductions;

(g) Keep fare schedules as simple as possible;

(h) Consider fair and equitable fares to be charged to passengers, vehicles, and commodities; and

(i) Generate the amount of revenue required by the biennial transportation budget.

(3)"

On page 5, line 14, after "(b)" strike "By October 1st of each year, beginning in 2009" and insert "In October of each year, beginning in 2008"

On page 5, line 17, after "as possible to," strike "October 1st" and insert "the month of October"

On page 5, beginning on line 32, strike all of subsection (6)

Renumber the subsections consecutively and correct any internal references accordingly.

On page 8, line 6, after "required" strike "in the office of financial management's redesign manual" and insert "by the office of financial management"

On page 9, line 3, after "(2)" strike all material through the end of line 5 and insert: "Requests for terminal improvement design or construction funding must be submitted with a redesign study that includes all elements required by the office of financial management."

On page 9, line 13, after "requested by" strike "locals" and insert "local governments"

On page 10, beginning on line 2 strike all of section 14

Renumber the remaining sections. Correct any internal references accordingly. Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Rolfes and Strow spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2358.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2358 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Armstrong, Curtis, DeBolt, Dunn, Ericksen, Kristiansen and Schindler - 7.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4001, by Representatives Pearson, Lovick, Kristiansen, Jarrett and Ericks**

**Naming the 172nd Street overpass of Interstate 5 the "Oliver "Punks" Smith Interchange."**

The joint memorial was read the second time.

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

Representatives Pearson and Lovick spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4001.

## ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4001 and the joint memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall,

Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

HOUSE JOINT MEMORIAL NO. 4001, having received the necessary constitutional majority, was declared passed.

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

### REPORTS OF STANDING COMMITTEES

March 10, 2007

HB 1432 Prime Sponsor, Representative P. Sullivan: Granting service credit to educational staff associates for nonschool employment. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Haler, Assistant Ranking Minority Member; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

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

March 10, 2007

HB 1573 Prime Sponsor, Representative Quall: Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Haler, Assistant Ranking Minority Member; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Kagi; Kenney; Kessler; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Chandler; Dunn; Hunter and Schual-Berke.

March 10, 2007

HB 2082 Prime Sponsor, Representative Chandler: Establishing the field of dreams program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass

and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Sommers, Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee, Vice Chairman; Darneille.

March 10, 2007

HB 2327 Prime Sponsor, Representative P. Sullivan: Regarding a system of standards, instruction, and assessments for mathematics and science. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Haler, Assistant Ranking Minority Member; Anderson; Cody; Conway; Darneille; Ericks; Grant; Hunt; Kagi; Kenney; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Dunn; Haigh; Hunter and Kessler.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were placed on the Second Reading calendar.

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

There being no objection, the Committee on Rules was relieved of further consideration of HOUSE BILL NO. 1515 and HOUSE BILL NO. 1667, and the bills were placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., March 12, 2007, the 64th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTY FOURTH DAY

House Chamber, Olympia, Monday, March 12, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyndell White and Mark Crabtree. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Curtis Bidwell, First Baptist Church of Tumwater.

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

## RESOLUTION

HOUSE RESOLUTION NO. 2007-4640, by Representatives Quall, Morris, Pearson, Bailey, Strow and Kristiansen

WHEREAS, Every April, the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number 1 producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and participating in the joy and excitement of the event, and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 24th annual festival will run from April 1 through 30, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 750 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, William Hovenden and Bethany Sybrandy, will ably and personably perform their responsibilities as representatives of this festival; and

WHEREAS, Highlights of the event include the Kiwanis Club's 19th Annual Salmon Barbeque, the 27th Annual Tulip Pedal bike ride, the Anacortes Quilt Walk, the Downtown Mount Vernon Street Fair, the 2nd Annual Hospice Tour de Fleur, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute all the communities of the Skagit Valley, their chambers of commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of

the House of Representatives to the Skagit Valley Tulip Festival Executive Director Cindy Verge and the Tulip Festival Ambassadors.

Representative Quall moved the adoption of the resolution.

Representatives Quall and Bailey spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4640 was adopted.

## MESSAGES FROM THE SENATE

March 10, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5070,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5115,

SENATE BILL NO. 5123,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5317,

SENATE BILL NO. 5383,

SENATE BILL NO. 5421,

SENATE BILL NO. 5640,

SENATE BILL NO. 5711,

SENATE BILL NO. 5732,

SUBSTITUTE SENATE BILL NO. 5881,

SUBSTITUTE SENATE BILL NO. 5895,

SENATE BILL NO. 5953,

SUBSTITUTE SENATE BILL NO. 5987,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6001,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 10, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,

SUBSTITUTE SENATE BILL NO. 5443,

ENGROSSED SENATE BILL NO. 5675,

SUBSTITUTE SENATE BILL NO. 5676,

SUBSTITUTE SENATE BILL NO. 5721,

SUBSTITUTE SENATE BILL NO. 5898,

SENATE BILL NO. 5902,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5915,

SENATE BILL NO. 5926,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 12, 2007

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5011,

SUBSTITUTE SENATE BILL NO. 5053,

SECOND SUBSTITUTE SENATE BILL NO. 5122,

SUBSTITUTE SENATE BILL NO. 5533,

SENATE BILL NO. 5572,

SENATE BILL NO. 5607,

SUBSTITUTE SENATE BILL NO. 5720,

SUBSTITUTE SENATE BILL NO. 5733,

ENGROSSED SENATE BILL NO. 5738,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

### INTRODUCTION & FIRST READING

HB 2380 by Representatives Ericks, Orcutt, Hunter, Kretz, Linville and Ormsby

AN ACT Relating to providing taxpayer relief for costs associated with compliance with the sourcing requirements of the streamlined sales and use tax agreement; adding a new section to chapter 82.32 RCW; and providing an expiration date.

Referred to Committee on Finance.

HB 2381 by Representatives Hunter, Ericks and Linville

AN ACT Relating to using the voluntary compliance revenue generated under the streamlined sales and use tax agreement for funding the law enforcement officers' and firefighters' retirement system plan 2 and local government public safety; amending RCW 82.14.... and 82.14.....; amending 2007 c ... (Substitute Senate Bill No. 5089) s 901 (uncodified); and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

2SSB 5114 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Parlette, Eide, Weinstein, Fairley, Keiser, Shin, Kohl-Welles, Murray, McAuliffe, Rasmussen, Kauffman, Kilmer, Franklin and Holmquist)

AN ACT Relating to student transportation funding; amending RCW 28A.160.170; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

SSB 5116 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Kastama, Kilmer, Kauffman, McAuliffe, Shin, Parlette, Kohl-Welles, Rasmussen and Regala; by request of Governor Gregoire)

AN ACT Relating to creating a public-private tourism partnership; amending RCW 67.40.040, 43.330.096, 43.330.090, and 43.330.094; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.330.096; and repealing RCW 43.330.095.

Referred to Committee on Community & Economic Development & Trade.

SSB 5145 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen and Rasmussen)

AN ACT Relating to clarifying existing requirements for conservation of agricultural lands; amending RCW 36.70A.020 and 36.70A.177; and creating a new section.

Referred to Committee on Local Government.

SSB 5221 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Marr, Stevens, Carrell, Eide, Regala, Brandland, Kilmer and Rasmussen; by request of Indeterminate Sentence Review Board)

AN ACT Relating to indeterminate sentenced offenders; and amending RCW 9.95.011, 9.95.420, 9.95.435, and 9.96.050.

Referred to Committee on Human Services.

ESB 5261 by Senators Keiser, Franklin, Kohl-Welles, Fairley and Kline; by request of Insurance Commissioner

AN ACT Relating to granting the insurance commissioner the authority to review individual health benefit plan rates; and amending RCW 48.18.110, 48.44.020, 48.46.060, 48.20.025, 48.44.017, and 48.46.062.

Referred to Committee on Health Care & Wellness.

SB 5332 by Senators Roach, Prentice and Rasmussen

AN ACT Relating to creating a statewide automated victim information and notification system; amending RCW 36.28A.040; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

E2SSB 5712 by Senate Committee on Ways & Means (originally sponsored by Senator Parlette)

AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.110, 48.41.160, 48.41.200, 48.41.037, 48.41.100, 48.41.120, 48.43.005, 48.41.190, and 41.05.075; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SSB 5714 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Roach, Prentice, Rasmussen, Oemig, Clements, Rockefeller, Tom, Fairley, Hobbs, Shin, Swecker, Holmquist, Benton, Stevens, Parlette, Delvin and Kline)

AN ACT Relating to instruction in Spanish and Chinese languages; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

2SSB 5790 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Rockefeller, Rasmussen, Fairley, McAuliffe, Kohl-Welles, Pridemore, Hatfield, Clements, Jacobsen and Shin)

AN ACT Relating to skill centers; amending RCW 84.52.068; adding a new chapter to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

E2SSB 5813 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Hobbs, Weinstein, Kauffman, Eide, Tom, Rasmussen, Kohl-Welles, Murray, Shin, Marr, Oemig, Kilmer and Delvin)

AN ACT Relating to improving mathematics, technology, English as a second language, special education, and science education; amending RCW 28A.660.005, 28A.660.050, 28B.102.080, 28A.230.130, and 28A.230.130; adding new sections to chapter 28A.660 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28B.76 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Education.

E2SSB 5828 by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, McAuliffe, Tom, Rasmussen, Eide, Oemig, Clements, Hobbs, Weinstein, Rockefeller, Kline and Kohl-Welles)

AN ACT Relating to early child development and learning; amending RCW 43.215.010 and 43.215.020; adding new sections to chapter 43.215 RCW; and creating new sections.

Referred to Committee on Early Learning & Children's Services.

E2SSB 5930 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Kohl-Welles, Shin and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access; amending RCW 7.70.060, 43.70.110, 41.05.220, 48.41.110, 48.41.160, 48.41.200, 48.41.037, 48.41.100, 48.41.120, 48.43.005, 48.41.190, 41.05.075, 41.05.540, 41.05.540, 70.47A.040, 48.21.045, 48.44.023, 48.46.066, 48.21.047, 48.43.028, 48.44.024, and 48.46.068; reenacting and amending RCW 42.56.360; adding a new section to chapter 74.09 RCW; adding new sections to chapter 43.70 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 69 RCW; creating new sections; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

2SSB 5955 by Senate Committee on Ways & Means (originally sponsored by Senators Tom, McAuliffe, Kauffman, Oemig, Kilmer, Eide, Kohl-Welles and Rasmussen)

AN ACT Relating to educator preparation, professional development, and compensation; amending RCW 28A.310.350; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.405 RCW; and creating new sections.

Referred to Committee on Education.

E2SSB 5958 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Parlette, Marr and Kohl-Welles)

AN ACT Relating to innovative primary health care delivery; amending RCW 48.44.010; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5964 by Senate Committee on Judiciary (originally sponsored by Senators Kline and Hargrove)

AN ACT Relating to persistent offenders; reenacting and amending RCW 9.94A.030; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 5969 by Senators Kilmer, Delvin, Kastama, Shin, Kauffman, Marr, Murray, Kohl-Welles, Hobbs and Tom

AN ACT Relating to creating a civic education travel grant program; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

SB 6107 by Senators Zarelli, Hatfield and Rasmussen

AN ACT Relating to conducting a study of pipeline utility corridor capacity; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 2230, by Representatives Ericks, Bailey, Schual-Berke, Williams, Kagi, Moeller, Lantz, Hasegawa, Green, Morrell, Linville, Blake, Uptegrove, Hunt, O'Brien, Roach, Goodman, Simpson, Ormsby and Santos**

**Regarding early intervention services for children three years old.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2230 was substituted for House Bill No. 2230 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2230 was read the second time.

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

Representatives Ericks and Walsh spoke in favor of passage of the bill.

Representative Buri spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2230.

#### MOTION

On motion of Representative Santos, Representative Eickmeyer was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2230 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood, and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE HOUSE BILL NO. 2230, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2246, by Representatives Kagi, Haler, Fromhold, Wallace, Kenney, Dickerson, Morrell, Simpson, Conway and Ormsby**

**Providing for the delivery of educational services to children who are deaf and hearing impaired.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2246 was substituted for House Bill No. 2246 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2246 was read the second time.

Representative Bailey moved the adoption of amendment (279):

On page 31, beginning on line 13, strike all of section 42

Renumber the remaining section consecutively and correct the title.

Representatives Bailey and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kagi, Haler and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2246.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2246 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1573, by Representatives Quall, Priest, P. Sullivan, Pettigrew, Kenney, Kagi, Wallace, McCoy, Dickerson, Lovick, Santos, Hunt, Hasegawa, Simpson, Pedersen, Morrell, Conway, Lantz, O'Brien and Ormsby; by request of Superintendent of Public Instruction**

**Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1573 was substituted for House Bill No. 1573 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1573 was read the second time.

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

Representatives Quall, Priest and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1573.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1573 and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Alexander, Chandler, Chase, Crouse, Dunn, Ericksen, Hinkle, Kristiansen, Orcutt, Pearson, Schindler and Schual-Berke - 13.

Excused: Representative Eickmeyer - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1573, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2136, by Representatives Fromhold, Sommers, Kenney, Moeller and Ormsby; by request of Superintendent of Public Instruction**

**Creating the improving core subject instruction for all students pilot program.**

The bill was read the second time.

Representative Bailey moved the adoption of amendment (277):

On page 4, beginning on line 21, strike all of section 2

Correct the title.

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

Representative Fromhold spoke against the adoption of the amendment.

The amendment was not adopted.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2136.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2136 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

HOUSE BILL NO. 2136, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1670, by Representatives Quall and Santos**

**Articulating the purpose and role of school counselors.**

The bill was read the second time.

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

Representatives Quall and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1670.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1670 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

HOUSE BILL NO. 1670, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1280, by Representatives Ericks, Jarrett, Quall, O'Brien, Strow, Morrell, Roach, Hunt, McDonald, Chase, Simpson, Haler, Moeller, McCune, Schual-Berke, Miloscia and Springer**

**Providing for the use of the school district capital projects funds for technology.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1280 was substituted for House Bill No. 1280 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1280 was read the second time.

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

Representative Ericks spoke in favor of passage of the bill.

Representative McDonald spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1280.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1280 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall,

Roach, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Goodman, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McDonald, Moeller, Newhouse, Orcutt, Pearson, Priest, Rodne, Schindler, Skinner, Sump, Walsh and Warnick - 33.

Excused: Representative Eickmeyer - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1280, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SECOND SUBSTITUTE HOUSE BILL NO. 1280.

JIM MOELLER, 49<sup>th</sup> District

#### SECOND READING

**HOUSE BILL NO. 1394, by Representatives Williams, Roach, O'Brien, Hurst, Ormsby, Chase and Simpson**

**Requiring a plan to encourage medical students to work with patients with developmental disabilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1394 was substituted for House Bill No. 1394 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1394 was read the second time.

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

Representatives Williams, Jarrett, Buri and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1394.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1394 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach,

Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE HOUSE BILL NO. 1394, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1497, by Representatives Wallace, Anderson, Sells, Hinkle, Roberts, Warnick, Buri, B. Sullivan, Priest, Hasegawa and Dunn**

**Increasing the operating fee waiver authority for Central Washington University.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1497 was substituted for House Bill No. 1497 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1497 was read the second time.

With the consent of the House, amendment (146) was withdrawn.

Representative Wallace moved the adoption of amendment (147):

On page 3, beginning on line 23, strike all of section 3.

Correct the title.

Representatives Wallace and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

Amendment (180) was ruled out of order.

The bill was ordered engrossed.

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

Representatives Wallace, Anderson, Warnick, Hinkle and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1497.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1497 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy,

Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2300, by Representatives Hasegawa, Jarrett, Wallace, B. Sullivan, Kenney, Hunter, Goodman, Dunshee, Chase, Ormsby, Kelley, Simpson and Blake**

**Concerning college textbooks.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2300 was substituted for House Bill No. 2300 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2300 was read the second time.

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

Representatives Hasegawa, Buri, McIntire, Wallace, Anderson and Rolfes spoke in favor of passage of the bill.

Representative Jarrett spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2300.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2300 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P.

Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Chandler, Dunn, Jarrett and Kretz - 4.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE HOUSE BILL NO. 2300, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1898, by Representatives Quall, Conway, Haler, Santos, Appleton, McDermott, Haigh, P. Sullivan, Chase, Green, Fromhold, Moeller, Wood, Simpson, Linville, Hunt, Barlow, Sells, Hasegawa, Kenney, Hudgins, Morrell and Ormsby**

**Providing apprenticeship utilization requirements for school district public works projects.**

The bill was read the second time.

Representative Condotta moved the adoption of amendment (314):

On page 2, after line 6, insert the following:

"(6) 'Trainee' means a worker participating in a training program.

(7) 'Training program' means a formal training program conducted by an employer and approved by the awarding agency or school district, or a private vocational school licensed under chapter 28B.10 RCW, or an institution of higher education as defined in RCW 28B.10.016."

On page 2, line 13, after "apprentices" insert "or trainees"

On page 2, line 21, after "apprentices" insert "or trainees"

On page 2, line 26, after "apprentices" insert "or trainees"

On page 2, line 31, after "apprentices" insert "or trainees"

On page 2, line 37, after "apprentices" insert "or trainees"

On page 3, line 3, after "apprentices" insert "and/or trainees"

On page 3, line 7, after "apprentice" insert "and/or trainee"

On page 3, line 16, after "apprentices" insert "and/or trainees"

On page 3, line 20, after "apprentice" insert "and/or trainee"

On page 3, line 30, after "apprentice" insert "and/or trainee"

On page 3, line 34, after "apprentices" insert "and/or trainees"

On page 4, line 16, after "apprentice" insert "and trainee"

On page 4, line 25, after "apprentice" insert "and trainee"

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Condotta moved the adoption of amendment (315):

On page 2, after line 6, insert the following:

"(6) 'Trainee' means a worker participating in a training program.

(7) 'Training program' means a formal training program conducted by an employer and approved by the school district, or a private vocational school licensed under chapter 28B.10 RCW, or an institution of higher education as defined in RCW 28B.10.016."

On page 2, line 37, after "apprentices" insert "or trainees"

Representatives Condotta and Chandler spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved the adoption of amendment (301):

On page 2, line 35, after "cost" strike "one" and insert "three"

On page 2, at the beginning of line 37, strike "fifteen" and insert "ten"

On page 2, after line 37, insert the following:

"(iii) For contracts advertised for bid on or after January 1, 2009, for all public works by a school district estimated to cost two million dollars or more, all specifications shall require that no less than twelve percent of the labor hours be performed by apprentices.

(iv) For contracts advertised for bid on or after January 1, 2010, for all public works by a school district estimated to cost one million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices."

Correct internal references accordingly.

With the consent of the House, amendment (316) to amendment (301) was withdrawn.

Representatives Conway and Condotta spoke in favor of the adoption of amendment (301).

Amendment (301) was adopted.

Representative Conway moved the adoption of amendment (300):

On page 3, line 1, after "directors" insert "or school districts"

On page 3, line 11, after "director" insert "or school district"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Orcutt moved the adoption of amendment (313):

On page 4, after line 27, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of construction materials to school districts for use in public works

projects that meet apprenticeship utilization requirements established under chapter 39.04 RCW."

Correct the title.

### POINT OF ORDER

Representative Springer requested a scope and object ruling on amendment (313).

### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker has examined House Bill No. 1898, the title of which is "AN ACT Relating to apprenticeship utilization requirements on school district public works projects, and amending RCW 39.04.310 and 39.04.320." The bill deals simply with apprenticeship utilization.

Amendment (313) would add a new section to Title 82 RCW. The amendment which deals with the state sales tax is forty-two RCW titles beyond the RCW title 39 dealt with in the underlying bill.

The Speaker finds that the amendment is beyond the Scope and Object of House Bill No. 1898.

Representative Springer, the Speaker finds that your point of order is well taken."

The bill was ordered engrossed.

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

Representatives Quall, Conway and Ormsby spoke in favor of passage of the bill.

Representatives Condotta, Chandler, Ericksen, Hinkle, Orcutt, Buri, Anderson and DeBolt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1898.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1898 and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lovick, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Linville, McCoy, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Sump, Walsh and Warnick - 33.

ENGROSSED HOUSE BILL NO. 1898, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1432, by Representatives P. Sullivan, Upthegrove, Simpson, Hunter, Moeller, Linville, Schual-Berke and Santos**

**Granting service credit to educational staff associates for nonschool employment.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1432 was substituted for House Bill No. 1432 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1432 was read the second time.

Representative Alexander moved the adoption of amendment (318):

On page 2, line 10, after "RCW" insert "who are first employed by a school district as an educational staff associate during or after the 2007-08 school year"

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

Representative P. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Fromhold moved the adoption of amendment (309):

On page 2, line 16, after "nonschool service." insert "Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32 RCW, 41.35 RCW, 451.40 RCW, or any other state retirement system benefits."

Representatives Fromhold and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Alexander moved the adoption of amendment (317):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The state board of education, in consultation with the superintendent of public instruction and legislative fiscal committees, shall conduct a study of salaries and compensation for educational staff associates, which includes occupational therapists, physical therapists, speech language pathologists, audiologists, nurses, social workers, counselors and psychologists. The study shall include but not be limited to an examination of:

(a) The experience of school districts in recruiting and retaining qualified educational staff associates;

(b) The extent to which school districts contract for the services of educational staff associates and the relative costs to districts of

contracting for these services rather than having them performed by district staff;

(c) An assessment of the need for and merits of granting educational service credit to educational staff associates for experience in non-school positions in the calculation of years of service for the purpose of placement on the salary allocation schedule under RCW 28A.150.410, along with a detailed analysis of the costs of such a policy; and

(d) Alternative structures for salaries and compensation of some or all categories of educational staff associates that would not rely on a uniform salary schedule based on years of experience and education degrees and credits.

(2) The state board of education shall submit a preliminary report with recommendations to the fiscal and education committees of the legislature no later than September 30, 2007, and a final report no later than December 15, 2007."

Correct the title.

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

Representative P. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives P. Sullivan and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1432.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1432 and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Alexander, Anderson, Chandler, Crouse, Dunn, Kristiansen, Orcutt, Pearson and Schindler - 9.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1779, by Representatives Wallace, Dunn, Haigh, Kenney, Hasegawa, B. Sullivan, McDermott, Takko, Roberts, P. Sullivan, Fromhold, Quall, Simpson, Lantz, Hudgins, Kagi, Santos, Ormsby and Morrell**

**Creating the GET ready for math and science scholarship program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1779 was substituted for House Bill No. 1779 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1779 was read the second time.

Representative Wallace moved the adoption of amendment (151):

On page 2, line 2, after "Washington." strike everything through "(3)" on line 15

On page 3, line 7, after "below" strike "two hundred" and insert "one hundred twenty-five"

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

Representative Anderson spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 60 - YEAS; 38 -NAYS.

The amendment was adopted.

Representative Dunn moved the adoption of amendment (310):

On page 2, line 2, after "Washington." strike everything through "(3)" on line 15

On page 3, line 7, after "(c)" strike everything through "(d)" on line 11

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Dunn, Anderson and Orcutt spoke in favor of the adoption of the amendment.

Representative Wallace spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Wallace moved the adoption of amendment (215):

On page 4, line 29, after "junior high" strike "and"

On page 4, line 29, after "school" insert ", and school district staff and administrators"

On page 4, line 30, strike "students, parents, teachers, counselors, principals"

On page 4, line 32, after "program" strike ";" and insert "using methods in place for communicating with schools and school districts; and"

On page 4, line 33, after "(2)" strike all material through "(4)" on page 5, line 9

On page 5, line 28, after "obligations;" strike "and"

On page 5, line 31, after "students" strike "." and insert "; and (6) Provide information to school districts in Washington, at least once per year, about the GET ready for math and science scholarship program.

**NEW SECTION. Sec. 8.** School districts shall:

(1) Notify parents, teachers, counselors, and principals about the GET ready for math and science scholarship program through existing channels. Notification methods may include, but are not limited to, regular school district and building communications, on-line scholarship bulletins and announcements, notices posted on school walls and bulletin boards, information available in each counselor's office, and school or district scholarship information sessions.

(2) Provide each student who achieves level four on the mathematics or science high school Washington assessment of student learning with information regarding the scholarship program and how to contact the program administrator."

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

Representatives Wallace and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Wallace moved the adoption of amendment (152):

On page 5, beginning on line 33, strike all of subsection (1).

Renumber the subsections consecutively and correct internal references accordingly.

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

Representative Anderson spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Wallace, Dunn and Kessler spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Representative Sump: "Mr. Speaker, would it be appropriate to refer back and make arguments for a previous bill on a monetary level as we are speaking of this bill – is that straying from the subject?"

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker would like to rule that the lady can refer back to a prior bill if it is germane to this bill. The gentleman's point is not well taken."

Representative Kessler (continued) spoke in favor of the passage of the bill.

son, Armstrong, Schindler and Buri spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1779.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1779 and the bill passed the House by the following vote: Yeas - 76, Nays - 22, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Ericksen, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Rodne, Schindler, Strow and Warnick - 22.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1179, by Representatives Hasegawa, Jarrett, Sells, Roberts, Anderson, Green, Sommers, Kenney, Wallace, Buri, Appleton, Hudgins, Kagi, Ormsby, McDonald, Conway, Wood, Santos, Schual-Berke, Simpson, Lantz, Haigh and Morrell**

**Allowing part-time students at postsecondary institutions to qualify for a state need grant.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1179 was substituted for House Bill No. 1179 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1179 was read the second time.

Representative Anderson moved the adoption of amendment (288):

On page 2, line 14, after "youth" insert ", or the student is a parent with dependent children who is attending school on a less than half-time basis"

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

Representative Wallace spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (287):

On page 3, line 2, after "institutions." insert "Any child support payments received by students who are parents attending less than half-time shall not be used in computing financial need."

son and Wallace spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hasegawa moved the adoption of amendment (130):

On page 3, after line 10, insert the following:

"(c) An institution of higher education may award a state need grant to an eligible student enrolled in three to six credit-bearing quarter credits, or the semester equivalent, on a provisional basis if:

(i) The student has not previously received a state need grant from that institution;

(ii) The student completes the required free application for federal student aid;

(iii) The institution has reviewed of the student's financial condition, and the financial condition of the student's family if the student is a dependent student, and has determined that the student is likely eligible for a state need grant; and

(iv) The student has signed a document attesting to the fact that the financial information provided on the free application for federal student aid and any additional financial information provided directly to the institution is accurate and complete, and that the student agrees to repay the institution for the grant amount if the student submitted false or incomplete information."

Representatives Hasegawa and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hasegawa, Anderson and Wallace spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1179.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1179 and the bill passed the House

by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2082, by Representatives Chandler, Wallace, Grant, Buri, Miloscia, Kretz and Newhouse**

**Establishing the field of dreams program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2082 was substituted for House Bill No. 2082 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2082 was read the second time.

Representative Conway moved the adoption of amendment (319):

On page 3, line 13, after "program," insert "including outreach to schools, community groups, and communities of color,"

Representatives Conway and Kenney spoke in favor of the adoption of the amendment.

Representatives Chandler, Chandler (again), Buri and Anderson spoke against the adoption of the amendment.

#### SPEAKER'S RULING

The Speaker (Representative Lovick presiding) reminded the members that floor debate was not to be used to request electronic roll calls.

The amendment was adopted.

Representative McIntire moved the adoption of amendment (323):

On page 4, line 16, after "2010," insert "December 1, 2012, and December 1, 2014,"

On page 4, line 17, after "The" strike all material through "is" and insert "reports shall include, but are"

On page 4, line 18, after "demographic" insert ", geographic,"

On page 4, after line 35, insert the following:  
"NEW SECTION. Sec. 7 This chapter expires December 31, 2013."

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

On page 5, at the beginning of line 3, insert "(1)"

On page 5, after line 7, insert the following:  
 "(2) This section expires December 31, 2013."

Correct the title.

On page 7, line 34, after "through" strike "6" and insert "7"

Representatives McIntire and Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Chandler, Wallace and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2082.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2082 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dickerson, Dunn, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Darneille and Dunshee - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2082, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT RESOLUTION NO. 4204, by Representatives Schual-Berke, Chase, Wallace, Hudgins, Sells, Kenney, Appleton, Pedersen, Ormsby, Hasegawa, Lovick, Haigh, Dunshee, Hunt, Simpson, Lantz, Hunter,**

**Williams, Linville, Goodman, Conway, Springer, Hurst, Campbell, P. Sullivan, Miloscia, Kelley, Moeller, Green, Rolfes, Eddy, Santos, Fromhold and Haler; by request of Governor Gregoire**

**Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.**

The joint resolution was read the second time.

Representative Schual-Berke moved the adoption of amendment (327):

On page 2, line 27, strike "A" and insert "Notwithstanding any other provision of this subsection, a"

On page 2, line 29, after "proposition" insert ", regardless of the number of voters voting on the proposition"

Representatives Schual-Berke, Strow and Haigh spoke in favor of the adoption of the amendment.

Representatives Buri and Ericksen spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (327) to House Joint Resolution No. 4204.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (327) to House Joint Resolution No. 4204, and the amendment was adopted by the following vote: Yeas - 59, Nays - 39, Absent - 0, Excused - 0.

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

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, P. Sullivan, Sump, Van De Wege, Walsh and Warnick - 39.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (327) to SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204.

PAT SULLIVAN, 47<sup>th</sup> District

Representative Buri moved the adoption of amendment (330):

On page 2, line 29, after "proposition" insert ". The state shall guarantee that no school district imposes a tax rate higher than the statewide average tax rate needed to collect a maintenance and

operations school levy at the maximum amount authorized by statute, by providing sufficient funding that, when added to the school district levy, is equal to the full amount of the levy authorized by statute"

Representatives Buri and DeBolt spoke in favor of the adoption of the amendment.

Representatives Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

The joint resolution was ordered engrossed.

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

Representatives Schual-Berke, Linville, Fromhold, Quall, Jarrett, Hurst, Hunt and Eickmeyer spoke in favor of passage of the joint resolution.

Representative Roach, Orcutt, Ahern, Schindler, Hailey and Kristiansen spoke against the passage of the joint resolution.

#### POINT OF ORDER

Representative Simpson: "Mr. Speaker, I fail to see where in this bill, we are mandating the local school boards to do anything."

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker believes the gentleman is stating his reason for opposing this legislation and the gentleman's point is not well taken."

Representatives Kristiansen (continued) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Joint Resolution No. 4204.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 4204 and the joint resolution passed the House by the following vote: Yeas - 79, Nays - 19, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Sequist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Roach, Ross, Schindler, Strow, Sump and Warnick - 19.

ENGROSSED HOUSE JOINT RESOLUTION NO. 4204, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2327, by Representatives P. Sullivan, Priest, Haler, Quall, Jarrett, Wallace, Kenney, McDermott, Sells, Santos, Wood and Ormsby**

**Regarding a system of standards, instruction, and assessments for mathematics and science.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2327 was substituted for House Bill No. 2327 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2327 was read the second time.

Representative Dunn moved the adoption of amendment (312):

On page 2, beginning on line 19, strike all of sections 2 through 6

On page 11, at the beginning on line 23, strike "Sec. 7." and insert "Sec. 2."

On page 13, beginning on line 1, strike all of sections 8 through 10 and insert the following:

**"NEW SECTION. Sec. 3.** The state board of education, in cooperation with the superintendent of public instruction, shall examine the possibility of using end-of-course assessments in lieu of the current Washington assessment of student learning or as an objective alternative assessment to the Washington assessment of student learning. The examination shall focus on end-of-course assessments in high school and for mathematics and science, but may include use of the tests at other grade levels and for other subjects. The examination shall include but not be limited to a detailed analysis of the experience of other states using end-of-course assessments, development and administration costs, effects on curriculum and instruction, and impact on improving student achievement. The state board of education shall report findings from the examination by January 15, 2008, to the education and fiscal committees of the senate and the house of representatives."

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

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

Representative P. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dunn moved the adoption of amendment (311):

On page 11, line 9, after "2013" insert ", if the state board of education finds the assessment to be an appropriate, valid, and reliable assessment of state learning standards for mathematics"

On page 11, line 14, after "2014" insert ", if the state board of education finds the assessments to be an appropriate, valid, and reliable assessment of state learning standards for mathematics"

On page 11, line 22, after "RCW 28A.655.061" insert ", if the state board of education finds the assessment to be an appropriate, valid, and reliable assessment of state learning standards for science"

On page 13, line 8, after "timelines" insert "for end of course assessments"

On page 13, line 8, after "act" insert "can provide appropriate accountability for student learning of state mathematics and science standards and"

One page 13, on line 21, after "cannot" insert "or should not"

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

Representative Quall spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives P. Sullivan, Priest, Haler, Quall, Jarrett, Anderson, Wallace and Hasegawa spoke in favor of passage of the bill.

Representatives Hunter and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2327.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2327 and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Alexander, Bailey, Chandler, Curtis, DeBolt, Dunn, Flannigan, Hunter, Kristiansen, McIntire, Miloscia, Moeller, Orcutt, Pearson and Strow - 15.

SECOND SUBSTITUTE HOUSE BILL NO. 2327, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 12, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5078,  
SENATE BILL NO. 5084,  
SUBSTITUTE SENATE BILL NO. 5085,  
SENATE BILL NO. 5134,  
SECOND SUBSTITUTE SENATE BILL NO. 5188,  
SENATE BILL NO. 5206,  
SUBSTITUTE SENATE BILL NO. 5207,  
SENATE BILL NO. 5208,  
SUBSTITUTE SENATE BILL NO. 5242,  
SUBSTITUTE SENATE BILL NO. 5250,  
SENATE BILL NO. 5313,  
SUBSTITUTE SENATE BILL NO. 5412,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,  
SENATE BILL NO. 5798,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5803,  
SUBSTITUTE SENATE BILL NO. 5937,  
SENATE BILL NO. 5979,  
SENATE BILL NO. 6014,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6099,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6120,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,  
SENATE BILL NO. 6129,  
SENATE JOINT RESOLUTION NO. 8212,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8405,  
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SECOND READING

**HOUSE BILL NO. 1002, by Representatives O'Brien, Orcutt, Kessler, Condotta, McIntire, Sommers, Kenney, McDonald, Haler, Simpson, Wallace and Warnick**

**Modifying the sales and use taxation of vessels.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1002 was substituted for House Bill No. 1002 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1002 was read the second time.

Representative Bailey moved the adoption of amendment (112):

On page 7, beginning on line 25, strike all of section 4

Correct the title.

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

Representatives O'Brien and Orcutt spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives O'Brien and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1002.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1002 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Dickerson, Green and Kagi - 3.

SUBSTITUTE HOUSE BILL NO. 1002, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1009, by Representatives Moeller, Wallace, Linville, Wood and Dickerson**

##### **Establishing work groups to periodically review and update the child support schedule.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1009 was substituted for House Bill No. 1009 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1009 was read the second time.

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

Representatives Moeller and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1009.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1009 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1151, by Representatives Pearson, Kretz, Dunshee, B. Sullivan, Kristiansen, Warnick and Haler**

##### **Prohibiting the state from establishing or participating in an animal identification system.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1151 was substituted for House Bill No. 1151 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1151 was read the second time.

With the consent of the House, amendments (176) and (109) were withdrawn.

Representative Kretz moved the adoption of amendment (132):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The director of the department of agriculture shall convene a livestock identification advisory committee.

(2)(a) In organizing and making appointments to the livestock identification advisory committee, the director shall consult with the broad range of stakeholders who may be impacted by implementation of a mandatory or voluntary national or state animal identification system, or components thereof.

(b) The director shall appoint to the advisory committee one or more members from each of the following livestock-related stakeholder groups: (i) The commercial livestock industry, including cattle feeders and producers of beef and dairy cattle, horses, sheep, poultry, and swine; (ii) noncommercial livestock owners, including those who raise animals as a hobby or as a source of supplemental income, barter, food for the family, or recreation; (iii) educational and recreational organizations such as horse-riding associations, community fairs, and youth groups; (iv) concerned citizens who have a stake in the issue; and (v) additional members as the director deems

necessary. The director shall invite one member from an Indian tribe to join the advisory committee.

(c) The advisory committee shall be convened by the director of the department of agriculture by July 1, 2007, chaired by the director or the director's designee, and staffed by the department.

(3) In conjunction with the department, the advisory committee shall:

(a) Review the recommendations made by the cattle identification advisory committee for implementation of a voluntary national animal identification system in Washington state; and

(b) Assess the impacts of such a system, whether federal or state only, on the commercial livestock industry, noncommercial livestock owners, livestock-related educational and recreational organizations, concerned citizens, and Indian tribes, in terms of costs, domestic commerce, international marketing and sales, animal health, privacy rights, and other potential impacts identified by the committee.

(4) The livestock identification advisory committee shall make recommendations to the department on whether and how to implement a voluntary animal identification system in Washington state.

(5) The department of agriculture, in conjunction with the livestock identification advisory committee, shall submit a written report of its findings and recommendations to appropriate committees of the legislature by January 1, 2008.

(6) This section expires June 30, 2008."

Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Pearson, B. Sullivan and Morris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1151.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1151 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1407, by Representatives Conway, Wood and Green; by request of Employment Security Department**

#### **Funding the administration of Title 50 RCW, unemployment compensation.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1407 was substituted for House Bill No. 1407 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1407 was read the second time.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1407.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1407 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 1407, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1506, by Representatives Haigh, Armstrong, Hunt and Ormsby**

#### **Changing alternative works provisions.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1506 was substituted for House Bill No. 1506 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1506 was read the second time.

Representative Bailey moved the adoption of amendment (272):

On page 48, beginning on line 20, strike all of section 512

Renumber the remaining section consecutively and correct the title.

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

Representative Haigh spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1506.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1506 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1506, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1513, by Representatives Kessler, Orcutt, Grant, Alexander, Blake, Van De Wege, Kretz, Takko, Linville and Ericks**

**Modifying provisions relating to the excise taxation of forest products businesses.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1513 was substituted for House Bill No. 1513 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1513 was read the second time.

With the consent of the House, amendments (090), (100) and (110) were withdrawn.

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

Representatives Kessler, Orcutt and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1513.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1513 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1513, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1525, by Representatives Chase, Kessler, Morris, Sump, B. Sullivan, Hunt and Hudgins**

**Reducing the impact of regulatory provisions on small businesses.**

The bill was read the second time.

Representative Chase moved the adoption of amendment (282):

On page 3, line 5, after "payroll," insert "Provided: That for the rules of the department of social and health services "minor cost" means cost per business that is less than fifty dollars of annual cost per client or other appropriate unit of service."

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

The amendment was adopted.

Representative Chase moved the adoption of amendment (281):

On page 4, after line 21, insert:

"(4) (a) All small business economic impact statements are subject to selective review by the joint administrative rules review committee pursuant to RCW 34.05.630.

(b) Any person affected by a proposed rule where there is small business economic impact statement may petition the joint administrative rules review committee for review pursuant to the procedure in RCW 34.05.655."

On page 5, beginning on line 24, strike all of Section 5

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

Representative Chandler spoke against the adoption of the amendment.

The amendment was adopted.

Representative Alexander moved the adoption of amendment (338):

On page 5, line 13, after "rule;" strike "and" and insert "~~(and)~~"

On page 5, line 17, after "apply" insert "; and

(d) The number of jobs that will be created or lost as the result of compliance with the proposed rule"

On page 5, line 20, after "committee" strike "under" and insert "~~(under)~~ to engage in negotiated rule making pursuant to"

Representatives Alexander and Chase spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Chase and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1525.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1525 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien,

Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

ENGROSSED HOUSE BILL NO. 1525, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1549, by Representatives Linville, Kristiansen, Ericksen, McCune and Dunn**

**Exempting wholesale sales of bulk unprocessed milk from the business and occupation tax.**

The bill was read the second time.

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

Representatives Linville and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1549.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1549 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 1549, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1583, by Representatives Moeller, Conway, Darneille, Wood, Green, Ormsby and Morrell**

**Requiring disclosure to customers of the percentage of automatic service charges paid to servers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1583 was substituted for House Bill No. 1583 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1583 was read the second time.

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

Representatives Moeller and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1583.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1583 and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Anderson, Bailey, Dunn, Ericksen, Schindler, Springer and Sump - 7.

SUBSTITUTE HOUSE BILL NO. 1583, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1624, by Representatives Kagi, Walsh, Appleton, Roberts and Haigh

**Reinstating parental rights for adolescents who are in state care and have not been adopted and providing immunity for department of social and health services representatives.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1624 was substituted for House Bill No. 1624 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1624 was read the second time.

Representative Kagi moved the adoption of amendment (292):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child must have been found to be a dependent child under this chapter;

(b) The child must be at least twelve years of age at the time the petition to reinstate parental rights is filed;

(c) At least three years have passed from the date of entry of an order for the termination of parental rights;

(d) The child's permanent plan is adoption and the child has not been adopted;

(e) The petition is signed by the child, unless the court finds good cause not to require the child's signature; and

(f) The petition alleges facts demonstrating the parent is fit and that reinstatement of parental rights is in the best interest of the child.

(2) Upon the filing of a petition to reinstate parental rights, the juvenile court shall order that a hearing be held. The court shall give prior notice, or cause prior notice to be given, to the department, the child's attorney, the child, the child's foster parent, and the child's tribe, if applicable. The court shall also order the department to give prior notice of the hearing to the child's former parent or parents whose parental rights were terminated and to any parent of the child whose parental rights were not terminated.

(3) The juvenile court shall conditionally grant the petition if it finds the following by clear and convincing evidence:

(a) The parental deficiencies which led to the termination of parental rights have been addressed to a degree that assures the court that the reinstatement of parental rights will not present a risk to the child's health, welfare, or safety;

(b) The parent is currently able to care for the child such that placement of the child with the parent will not present a risk to the child's health, welfare, or safety;

(c) The child is no longer likely to be adopted; and

(d) That reinstatement of parental rights is in the child's best interest.

(4)(a) If the court conditionally grants the petition under subsection (3) of this section, the case will be continued for one year. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification. The department shall provide transition services to the family as appropriate. The court shall conduct a minimum of two review hearings to determine the status of the case and the well-being of the child.

(b) If the child must be removed from the parent due to abuse or neglect allegations, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for one year, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency if the court finds that dismissal of the dependency is in the best interests of the child and will not present a risk to the child's health, welfare, or safety.

(5) A child seeking to petition under this section shall be provided counsel prior to the filing of the petition.

(6) The child's former parent or parents have the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court after the petition for reinstatement of parental rights has been filed. Unless waived in court, counsel shall be provided to the child's parent if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency.

(7) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

**NEW SECTION. Sec. 2** Sections 1 through 5 of this act are retroactive and apply to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

**Sec. 3** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 1 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

NEW SECTION. Sec. 4 A new section is added to chapter 43.20A RCW to read as follows:

The state or a person, individually or in a representative capacity for the state, who is involved in the delivery of child welfare services or child protective services through the children's administration of the department of social and health services, is not liable for selecting one of two or more alternative courses of action even though the course of action chosen results in a poor outcome if the person exercised reasonable care and skill in arriving at the judgment to follow the particular course of action.

NEW SECTION. Sec. 5 Nothing in sections 1 through 5 of this act may be construed to limit the application of other statutes specifying a liability standard for the state's employees and agents.

NEW SECTION. Sec. 6. The legislature recognizes that the 2005 Washington state court improvement project re-assessment found that Washington statutes fail to consistently address the health and safety of children in care. Statutory language does not stress the safety and welfare of the child as the paramount concerns. Additionally, the lack of clarity in the statutes undermines the effectiveness of the hearings and, ultimately, the safety and welfare of the child. The legislature intends to clarify the purpose of the court hearings and the roles and responsibilities of the parties.

The legislature finds that an investment of time into quality court hearings results in better decisions for children and their families and preserves the resources of the court and the child welfare system. The legislature intends to clearly state that court hearings should always strive to be independent, thorough, and timely inquiries into the status of the case to ensure the department of social and health services is responding to the needs of the family and child in a prompt manner and that the case is progressing appropriately. The legislature encourages the courts to develop clearer, stronger oversight and leadership roles within the courts to achieve safe, timely permanency for children. The court is encouraged to engage all parties to question whether the case is progressing and, if not, to assist in problem-solving to ensure progress is made towards permanency for the child.

Sec. 7. RCW 13.34.060 and 2002 c 52 s 4 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

~~((+))~~ (2) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a). The person must be willing and available to care for the child and be able to meet any special needs of the child. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court. If a child is not initially placed with a relative pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative pursuant to this section. Nothing within this subsection ~~((+))~~ (2) establishes an entitlement to services or a right to a particular placement.

~~((+))~~ (3) Whenever a child is taken into custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition and educational and developmental status, routine medical and dental examination and care, and all necessary emergency care. ~~((In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary.~~

~~(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.)~~

Sec. 8. RCW 13.34.062 and 2004 c 147 s 2 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by (~~RCW 13.34.060~~) this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure)

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

~~((2))~~ (3) If child protective services is not required to give notice under (~~RCW 13.34.060(2) and subsection (1) of~~) this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

~~((3))~~ (4) Reasonable efforts to advise and to give notice, as required in (~~RCW 13.34.060(2) and subsections (1) and (2) of~~) this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

~~((4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.~~

~~((5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.~~

~~((b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.~~

~~((c) The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.~~

~~((6) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.~~

~~((7) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.)~~

**Sec. 9.** RCW 13.34.065 and 2001 c 332 s 3 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The (juvenile court probation counselor) department of social and health services shall submit a recommendation to the court as to the further need for shelter care (unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department) in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090.

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether restraining orders, or orders expelling an allegedly abusive parent from the home, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed;

(k) The terms and conditions for parental and sibling visitation.

~~((2))~~ (5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

~~((a))~~ (i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

~~((b))~~ (ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

~~((c))~~ (B) The release of such child would present a serious threat of substantial harm to such child; or

~~((d))~~ (C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. ~~((The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.~~

~~((3))~~ If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

~~((4))~~ (8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

~~((5))~~ (b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

**Sec. 10.** RCW 13.34.136 and 2004 c 146 s 1 are each amended to read as follows:

(1) Whenever a child is ordered removed from the child's home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency charged with ~~((his or her))~~ care of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care whenever it is practical and in the best interest of the child.

(v) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for

the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

~~((2))~~ (3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~((3))~~ (5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 11.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first ~~((, at a))~~. The purpose of the hearing ~~((in which it))~~ shall be ~~((determined))~~ to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and his or her right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to the child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(c) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 ~~((3))~~ (1)(a) or 13.34.134. ~~((The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their~~

right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.)

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) ~~((Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered))~~ Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

~~((vii))~~ (vii) Whether ~~((the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and))~~ preference has been given to placement with the child's relatives;

~~((viii))~~ (viii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

~~((vi))~~ (vii) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((vii))~~ (viii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

~~((viii))~~ (ix) Whether terms of visitation need to be modified;

(x) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xi) Whether any additional court orders need to be made to move the case toward permanency; and

(xii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

~~((2))~~ (3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

~~((3))~~ (4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((4))~~ (5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

**Sec. 12.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read as follows:

(1) ~~((A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home:~~

~~((a))~~ Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

~~((b))~~ The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case:

~~((c))~~ Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order:

~~((d))~~ For purposes related to permanency planning:

~~((i))~~ "Guardianship" means a dependency guardianship, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe;

~~((ii))~~ "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW;

~~((iii))~~ "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe;

~~((2))~~ Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

~~((3))~~ The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the

child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

~~((4))~~ (b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in ~~((subsection (3) of))~~ this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

~~((5))~~ (c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

~~((6))~~ (3) At the permanency planning hearing, the court shall ~~((enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency))~~ conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138. ~~((If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.))~~

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((7))~~ (5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If a child is removed from home due to allegations of abuse or neglect, returned home, and subsequently removed and placed in out-of-home care, the court shall hold a permanency hearing no later than thirty days from the date of the removal to determine the appropriate action, including a change in the permanency plan or the filing of a termination petition. The best interests of the child shall be the primary consideration in determining the appropriate action.

(8) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

~~((8))~~ (9) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

~~((9))~~ (10) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection ~~((8))~~ (9) of this section are met.

~~((10))~~ Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((11))~~ Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.138, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~((12))~~ (11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((13))~~ (12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((14))~~ (13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

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

Correct the internal references accordingly. Correct the title.

Representative Kagi moved the adoption of amendment (304) to the amendment (292):

On page 27, after line 25 of the amendment, insert the following:

"**Sec. 13.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the

problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or

state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with the foster parent association of Washington state for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

**NEW SECTION. Sec. 14.** (1) The secretary of the department of social and health services shall work in conjunction with the University of Washington to study the need for and the feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent classification. The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington jointly shall facilitate a work group composed of: (a) One or more representatives from the Washington federation of state employees; (b) two or more representatives from the foster parent association of Washington state; (c) the director of the institute for children and families at the University of Washington; and (d) four or more child welfare professionals with subject matter expertise from the public, private, or academic communities.

(2) To promote the exchange of ideas and collaboration, the secretary and the director also shall convene at least two focused stakeholder meetings seeking input from a broad range of foster parents, social workers, and community members. To facilitate the exchange of ideas, the department of social and health services shall provide to the work group the contact information for licensed foster parents for the sole purpose of communicating with foster parents regarding issues relevant to foster parents. The work group shall keep the contact information confidential and shall develop guidelines for the use and maintenance of this contact information among work group members.

(3) The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington shall report the recommendations of the work group to the appropriate committees of the legislature by January 1, 2008.

**NEW SECTION. Sec. 15.** Section 14 of this act expires January 1, 2008."

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

Representatives Kagi and Haler spoke in favor of the adoption of amendment (304) to amendment (292).

Amendment (304) to amendment (292) adopted.

The question before the House is the adoption of amendment (292) as amended.

Representative Kagi spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

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

Representatives Kagi and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1624.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1624 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1637, by Representatives Hinkle, Cody, B. Sullivan, Moeller, Campbell, Williams, Green, Lovick, Upthegrove, Seaquist, Goodman, Simpson, Morrell, Linville, Ormsby and Rolfes**

### Creating the revised uniform anatomical gift act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1637 was substituted for House Bill No. 1637 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1637 was read the second time.

Representative Hinkle moved the adoption of amendment (198):

On page 16, beginning on line 19, strike all of section 21

Renumber the sections consecutively and correct any internal references accordingly.

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hinkle and Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1637.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1637 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1654, by Representatives Appleton, Haigh and Hunt**

##### **Modifying canvassing provisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1654 was substituted for House Bill No. 1654 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1654 was read the second time.

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

Representative Appleton spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1654.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1654 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 1654, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1843, by Representatives Conway, Condotta, Chandler and Moeller; by request of Department of Labor & Industries**

##### **Modifying provisions regulating contractors.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1843 was substituted for House Bill No. 1843 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1843 was read the second time.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1843.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1843 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman,

Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1843, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1892, by Representatives Goodman, Rodne, O'Brien, Jarrett, Lovick and Priest**

**Addressing the impoundment of vehicles parked on public streets by police officers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1892 was substituted for House Bill No. 1892 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1892 was read the second time.

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

Representatives Goodman and Ahern spoke in favor of passage of the bill.

Representative Darneille spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1892.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1892 and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Darneille, Dunn, Eickmeyer, Flannigan, Hinkle, Hudgins and Warnick - 8.

SUBSTITUTE HOUSE BILL NO. 1892, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1892.

STEVE KIRBY, 29<sup>th</sup> District

**SECOND READING**

**HOUSE BILL NO. 1897, by Representatives Williams and Hunt**

**Expressing the legislature's intent that public disclosure requirements do not allow attorney invoices to be exempt in their entirety.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1897 was substituted for House Bill No. 1897 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1897 was read the second time.

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

Representative Williams spoke in favor of passage of the bill.

Representatives Chandler and Pedersen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1897.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1897 and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McCune, McDermott, Miloscia, Morrell, Morris, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Chandler, Condotta, Crouse, Curtis, Dunn, Eickmeyer, Ericksen, Hinkle, Hunter, Kagi, Kretz, Kristiansen, Linville, McDonald, McIntire, Moeller, Newhouse, Orcutt, Pearson, Pedersen, Roach, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 33.

SUBSTITUTE HOUSE BILL NO. 1897, having received the necessary constitutional majority, was declared passed.

**MOTION TO RECONSIDER**

Representative Buri, having voted on the prevailing side, moved to reconsider the vote by which Substitute House Bill No. 1897 passed the House. The motion was adopted.

With the consent of the House, further action on SUBSTITUTE HOUSE BILL NO. 1897 was deferred.

**HOUSE BILL NO. 1916, by Representatives Conway, Ericksen, Moeller, Strow, Green, Haler, Appleton, Seaquist, Chase, Priest, McDermott, Walsh, Ormsby, Hasegawa, Fromhold, Kessler, Dunshee, Dunn, Sells, Wood, P. Sullivan, Kenney and Morrell**

**Applying interest arbitration to certain care providers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1916 was substituted for House Bill No. 1916 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1916 was read the second time.

Representative Kagi moved the adoption of amendment (342):

On page 3, beginning on line 3, strike all of subsection (ii) and insert the following:

"(ii) The state's interest in promoting, through education and training, a stable child care workforce to provide quality and reliable child care from all providers throughout the state; and"

On page 3, line 6, after "(iii)" insert "In addition,"

Representatives Kagi and Haler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1916.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1916 and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer,

Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Ross, Schindler, Skinner, Sump and Warnick - 23.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2152, by Representatives Appleton, Seaquist, Rolfes, Haigh, Eickmeyer, Lantz and Ormsby**

**Regarding election certification.**

The bill was read the second time.

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

Representatives Appleton and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2152.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2152 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

HOUSE BILL NO. 2152, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2176, by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman**

**Revising provisions involving court interpreters.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2176 was substituted for House Bill No. 2176 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2176 was read the second time.

Representative Lantz moved the adoption of amendment (306):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 2.43 RCW to read as follows:

(1) Each trial court organized under this title and Titles 3 and 35 RCW must develop a written language assistance plan to provide a framework for the provision of interpreter services for non-English-speaking persons accessing the court system in both civil and criminal legal matters. The language assistance plan must include, at a minimum, provisions addressing the following:

(a) Procedures to identify and assess the language needs of non-English-speaking persons using the court system;

(b) Procedures for the appointment of interpreters as required under RCW 2.43.030. Such procedures shall not require the non-English-speaking person to make the arrangements for the interpreter to appear in court;

(c) Procedures for notifying court users of the right to and availability of interpreter services. Such information shall be prominently displayed in the courthouse in the five foreign languages that census data indicates are predominate in the jurisdiction;

(d) A process for providing timely communication with non-English speakers by all court employees who have regular contact with the public and meaningful access to court services, including access to services provided by the clerk's office;

(e) Procedures for evaluating the need for translation of written materials, prioritizing those translation needs, and translating the highest priority materials. These procedures should take into account the frequency of use of forms by the language group, and the cost of orally interpreting the forms;

(f) A process for requiring and providing training to judges, court clerks, and other court staff on the requirements of the language assistance plan and how to effectively access and work with interpreters; and

(g) A process for ongoing evaluation of the language assistance plan and monitoring of the implementation of the language assistance plan.

(2) Each court, when developing its language assistance plan, must consult with judges, court administrators and court clerks, interpreters, and members of the community, such as domestic violence organizations, pro bono programs, courthouse facilitators, legal services programs, and/or other community groups whose members speak a language other than English.

(3) Each court must provide a copy of its language assistance plan to the interpreter commission established by supreme court rule for approval prior to receiving state reimbursement for interpreter costs under this chapter.

(4) Each court receiving reimbursement for interpreter costs under sections 2 or 3 of this act must provide to the administrative office of the courts by November 15, 2008, a report detailing an assessment of the need for interpreter services for non-English speakers in court-mandated classes or programs, the extent to which

interpreter services are currently available for court-mandated classes or programs, and the resources that would be required to ensure that interpreters are provided to non-English speakers in court-mandated classes or programs. The administrative office of the courts shall compile these reports and provide them to the appropriate committees of the legislature by December 15, 2008.

**Sec. 2.** RCW 2.42.120 and 1985 c 389 s 12 are each amended to read as follows:

(1) If a hearing impaired person is a party or witness at any stage of a judicial or quasi-judicial proceeding in the state or in a political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings, and any proceeding in which a hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(2) If the parent, guardian, or custodian of a juvenile brought before a court is hearing impaired, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(3) If a hearing impaired person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, or required as a condition of probation or parole, the appointing authority shall appoint and pay for a qualified interpreter to interpret exchange of information during the program or activity.

(4) If a law enforcement agency conducts a criminal investigation involving the interviewing of a hearing impaired person, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. Whenever a law enforcement agency conducts a criminal investigation involving the interviewing of a minor child whose parent, guardian, or custodian is hearing impaired, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(5) If a hearing impaired person is arrested for an alleged violation of a criminal law the arresting officer or the officer's supervisor shall, at the earliest possible time, procure and arrange payment for a qualified interpreter for any notification of rights, warning, interrogation, or taking of a statement. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(6) Where it is the policy and practice of a court of this state or of a political subdivision to appoint and pay counsel for persons who are indigent, the appointing authority shall appoint and pay for a qualified interpreter for hearing impaired persons to facilitate communication with counsel in all phases of the preparation and presentation of the case.

(7) Subject to the availability of funds appropriated for this purpose, the administrative office of the courts shall reimburse the appointing authority for one-half of the payment to the interpreter where a qualified interpreter is appointed for a hearing impaired person by a judicial officer in a proceeding before a court under subsection (1), (2), or (3) of this section in compliance with the provisions of RCW 2.42.130 and 2.42.170.

**Sec. 3.** RCW 2.43.040 and 1989 c 358 s 4 are each amended to read as follows:

(1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2) In all legal proceedings in which the non-English-speaking person is a party, or is subpoenaed or summoned by the appointing authority or is otherwise compelled by the appointing authority to appear, including criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other legal proceedings initiated by agencies of government, the cost of

providing the interpreter shall be borne by the governmental body initiating the legal proceedings.

(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.

(4) The cost of providing the interpreter is a taxable cost of any proceeding in which costs ordinarily are taxed.

(5) Subject to the availability of funds appropriated for this purpose, the administrative office of the courts shall reimburse the appointing authority for one-half of the payment to the interpreter where an interpreter is appointed by a judicial officer in a proceeding before a court at public expense and:

(a) The interpreter appointed is an interpreter certified by the administrative office of the courts or is a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter has been qualified by the judicial officer pursuant to this chapter;

(b) The court conducting the legal proceeding has an approved language assistance plan that complies with section 1 of this act; and

(c) The fee paid to the interpreter for services is in accordance with standards established by the administrative office of the courts.

**Sec. 4.** RCW 2.56.030 and 2005 c 457 s 7 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 1997, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21)(a) Administer and distribute amounts appropriated from the equal justice subaccount under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met.

(22) Subject to the availability of funds appropriated for the purposes of this act, assist courts in the development and implementation of language assistance plans required under section 1 of this act."

Correct the title.

Representatives Lantz and Warnick spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lantz, Rodne and Warnick spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2176.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2176 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2191, by Representatives Lantz, Warnick, Pedersen, Williams, Moeller, Seaquist, Morrell, Kelley, Simpson and Ormsby**

**Limiting deferred prosecution in domestic violence cases.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2191 was substituted for House Bill No. 2191 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2191 was read the second time.

Representative Lantz moved the adoption of amendment (257):

On page 2, after line 9, insert the following:

"(4) This section is not intended to limit the prosecuting attorney's ability to negotiate alternative dispositions."

Representatives Lantz and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2191.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2191 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191, having received the necessary constitutional majority, was declared passed.

#### MOTION TO RECONSIDER

On motion of Representative Buri, the House immediately reconsidered the vote on third reading by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916 passed the House.

#### RECONSIDERATION

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1916 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1916 on reconsideration, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen,

Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Hinkle, Kretz, Newhouse, Orcutt, Sump and Warnick - 10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916 on reconsideration, having received the necessary constitutional majority, was declared passed.

With the consent of the House, Rule 13c was suspended.

**HOUSE BILL NO. 1876, by Representatives Conway, Wood and Ormsby**

**Providing for the certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1876 was substituted for House Bill No. 1876 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1876 was read the second time.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1876.

#### MOTIONS

On motion of Representative Schindler, Representative Jarrett was excused. On motion of Representative Santos, Representative Hunter was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1876 and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew,

Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Kretz, Kristiansen, McCune, Pearson, Roach and Sump - 6.

Excused: Representatives Hunter and Jarrett - 2.

SUBSTITUTE HOUSE BILL NO. 1876, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2256, by Representatives Darneille, Haler, Morrell, Walsh, Pettigrew, Dickerson, Kenney, Schual-Berke, Kagi, P. Sullivan, Lantz, Hinkle, Upthegrove, Appleton, Williams, Seaquist, O'Brien, Hasegawa, Green, Linville, Simpson, Ormsby and Santos**

**Establishing the family prosperity act.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2256 was substituted for House Bill No. 2256 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2256 was read the second time.

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

Representatives Darneille and Dickerson spoke in favor of passage of the bill.

Representatives Bailey and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2256.

#### MOTION

On motion of Representative Santos, Representative Eickmeyer was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2256 and the bill passed the House by the following vote: Yeas - 61, Nays - 34, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Seaquist, Skinner, Strow, Sump and Warnick - 34.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2256, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1802, by Representatives Darneille, Kenney, Dickerson, Hankins, Linville, Cody, Roberts, Appleton, Schual-Berke, Walsh, Santos, Wallace, Haigh, Simpson, Green, Clibborn, Warnick, Rolfes, Morrell, Pettigrew, Bailey, Lantz, Eddy, Sommers, Kessler, Kagi, Skinner, McDonald, Chase, Hudgins, Hasegawa, Pedersen, Ericks, Goodman and Moeller**

**Providing information about the human papillomavirus disease and vaccine.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1802 was substituted for House Bill No. 1802 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1802 was read the second time.

Representative Hinkle moved the adoption of amendment (235):

On page 2, beginning on line 3, strike all of subsection (2)(a) and insert the following:

"(2)(a) Beginning with sixth grade entry, ~~((every public and private school in the state shall provide))~~ parents and guardians shall be provided with the following information at the beginning of every school year:

(i) By every public and private school in the state, information about meningococcal disease and its vaccine ((at the beginning of every school year)); and

(ii) By every public school in the state, information about human papillomavirus disease and its vaccine."

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

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (343):

On page 2, line 9, after "vaccine." insert "The information about the human papillomavirus disease and its vaccine must include a clear disclosure statement on the front of the distributed material in bold-face type, in a font size at least two points larger than other font sizes on the page, that reads: "The only sure way to prevent the human papillomavirus disease is to abstain from all sexual activity.""

Representatives Hinkle and Orcutt spoke in favor of the adoption of the amendment.

Representatives Cody and Green spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (344):

On page 2, line 9, after "vaccine." insert "The information about the human papillomavirus disease and its vaccine must include a clear disclosure statement on the front of the distributed material in bold-face type, in a font size at least two points larger than other font sizes on the page, that reads: "Long-term clinical trials of the human papillomavirus vaccine have not been conducted. The long-term effects of the vaccine and the length of vaccine protection (immunity) are unknown.""

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

#### POINT OF ORDER

Representative Darneille: "My point, Mr. Speaker, is the Center for Disease Control and the American Cancer Society do not consider this a fad."

Mr. Speaker (Representative Lovick presiding): "Does the lady have a point of order?"

Representative Darneille: "My point of order would be to speak to scientific fact, not fads."

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker does not take the lady's point well."

Representative Hinkle (continued) spoke in favor of the adoption of the amendment.

Representatives Darneille and Schual-Berke spoke against the adoption of the amendment.

Representatives Buri, Orcutt and DeBolt spoke in favor of the adoption of the amendment.

The amendment was not adopted.

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

Representatives Darneille and Morrell spoke in favor of passage of the bill.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1802.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1802 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haigh, Hailey, Hinkle, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Ross, Schindler, Sump and Warnick - 22.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

SUBSTITUTE HOUSE BILL NO. 1802, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1595, by Representatives Appleton, Jarrett, Hunt and Lantz**

**Expanding the protection of shellfish in Puget Sound.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1595 was substituted for House Bill No. 1595 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1595 was read the second time.

With the consent of the House, amendment (140) was withdrawn.

Representative Upthegrove moved the adoption of amendment (352):

On page 6, beginning on line 17, strike all of section 7 and insert the following:

"**NEW SECTION. Sec. 7.** If specific funding for the purposes of section 5 of this act, referencing section 5 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 5 of this act is null and void."

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

Representative Sump spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 59 - YEAS; 36 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Appleton spoke in favor of passage of the bill.

Representative Sump spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1595.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1595 and the bill passed the House by the following vote: Yeas - 65, Nays - 30, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Ormsby, Pearson, Roach, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 30.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1595, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1595.

TIMM ORMSBY, 3<sup>rd</sup> District

The Speaker assumed the chair.

### SECOND READING

**HOUSE BILL NO. 1649, by Representatives Fromhold, Conway, Bailey, Crouse, Sells, Moeller and Simpson**

**Authorizing the purchase of an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the teachers' retirement system.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1649 was substituted for House Bill No. 1649 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1649 was read the second time.

With the consent of the House, amendment (268) was withdrawn.

Representative Fromhold moved the adoption of amendment (347):

On page 3, line 14, after "for members of plan 2." insert "The member shall pay five percent of the salary earned for each month of service for which the higher benefit multiplier is being purchased, plus interest as determined by the director."

On page 4, line 19, after "sixty-six." insert "The member shall pay two and one-half percent of the salary earned for each month of service for which the higher benefit multiplier is being purchased, plus interest as determined by the director."

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

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1649.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1649 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1651, by Representatives Fromhold, Alexander, B. Sullivan, Walsh and Simpson

##### Creating the boating activities program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1651 was substituted for House Bill No. 1651 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1651 was read the second time.

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

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

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1651.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1651 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

SUBSTITUTE HOUSE BILL NO. 1651, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1741, by Representatives Hunt, Skinner and Conway

##### Transferring the oral history program from the secretary of state to the legislature.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1741 was substituted for House Bill No. 1741 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1741 was read the second time.

Representative Hunt moved the adoption of amendment (263):

On page 2, line 29, after "The" strike "tapes and tape transcripts" and insert "~~((tapes and tape transcripts))~~ manuscripts and publications"

On page 2, line 30, after "be" strike "indexed and" and insert "~~((indexed and))~~"

On page 2, line 31, after "The" strike "transcripts" and insert "~~((transcripts))~~ manuscripts"

On page 3, beginning on line 18, after "the committee" strike "shall be a legislator and"

On page 3, beginning on line 35, after "interviews" strike all material through "legislature" on line 36 and insert "~~((with subjects currently serving in the Washington state legislature))~~"

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hunt and Skinner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1741.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1741 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1746, by Representatives Orcutt, Santos, McIntire and Alexander**

#### **Exempting certain historic property leased to counties from property taxation.**

The bill was read the second time.

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

Representatives Orcutt and Hasegawa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1746.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1746 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

HOUSE BILL NO. 1746, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1761, by Representatives Linville, Hunter, Priest, Hunt, B. Sullivan, Upthegrove, Kessler, Sump, Hankins, Jarrett, Fromhold, Appleton, Rolfes, Darneille, Campbell, Conway, Green, O'Brien, Schual-Berke, Simpson, Ormsby and Chase**

#### **Accelerating the cleanup of Puget Sound and hazardous waste and waste sites in the state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1761 was substituted for House Bill No. 1761 and the second substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1761 was read the second time.

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

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

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1761.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1761 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

SUBSTITUTE HOUSE BILL NO. 1761, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1307, by Representatives Upthegrove, Lantz, Williams, O'Brien, Sells, McCoy, Appleton, Darneille, Lovick, Dunshee, Takko, Pedersen, Simpson, Dickerson, Moeller, McIntire, Schual-Berke, Quall, Springer and Morrell**

**Regarding freedom of speech and press for high school and college students.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1307 was substituted for House Bill No. 1307 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1307 was read the second time.

Representative Rodne moved the adoption of amendment (042):

On page 1, line 14, after "protections for" strike "both high school and"

Beginning on page 1, line 17, strike all of section 2

Renumber the remaining sections consecutively and correct the title.

Representatives Rodne and Sump spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 34 - YEAS; 61 -NAYS.

The amendment was not adopted.

Representative Pedersen moved the adoption of amendment (223):

On page 2, line 38, after "the school" strike "or" and insert "district nor the"

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

The amendment was adopted.

Representative Anderson moved the adoption of amendment (199):

On page 5, after line 8, insert the following:

**"NEW SECTION. Sec. 3.** The state shall reimburse a school district or public institution of higher education for any costs, including reasonable attorneys' fees, incurred by the school district or public institution of higher education in defending itself in a civil action brought under this act."

Renumber the remaining section and correct the title.

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

Representative Upthegrove spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (200):

On page 5, after line 8, insert the following:

**"NEW SECTION. Sec. 3.** A student of a public high school or public institution of higher education has no greater right to exercise freedom of speech and of the press in school-sponsored media than individual members of the house of representatives and senate have in legislative-sponsored media, whether or not such media is supported financially by the legislature, or by use of legislative facilities, or is produced in conjunction with a legislative event."

Renumber the remaining section and correct the title.

son, Ericksen, Chandler and Strow spoke in favor of the adoption of the amendment.

Representative Williams spoke against the adoption of the amendment.

### POINT OF ORDER

Representative Williams: "Mr. Speaker, please ask the gentleman to confine his remarks to the bill at hand."

### SPEAKER'S RULING

Mr. Speaker: "I would admonish all members to keep their remarks to the bill at hand."

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Upthegrove and Flannigan spoke in favor of passage of the bill.

Representatives Armstrong, Rodne, Priest, Orcutt, Roach, Ross, Hinkle, Ahern, Newhouse, Dunn and Buri spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1307.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1307 and the bill passed the House by the following vote: Yeas - 58, Nays - 37, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 37.

Excused: Representatives Eickmeyer, Hunter and Jarrett - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307, having received the necessary constitutional majority, was declared passed.

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

### REPORTS OF STANDING COMMITTEES

March 12, 2007

HB 1488 Prime Sponsor, Representative B. Sullivan:  
Enhancing the state's oil spill response program.  
Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

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

March 12, 2007

HB 2288 Prime Sponsor, Representative Hasegawa:  
Implementing weight-based taxation of moist snuff. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; McIntire and Santos.

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

March 12, 2007

HB 2352 Prime Sponsor, Representative Grant:  
Exempting persons engaged in farming and certain farming services from business and occupation taxation. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were placed on the Second Reading calendar.

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

With the consent of the House, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1139,  
HOUSE BILL NO. 1267,  
HOUSE BILL NO. 1383,  
HOUSE BILL NO. 1471,  
HOUSE BILL NO. 1597,  
HOUSE BILL NO. 1806,  
HOUSE BILL NO. 1181,  
HOUSE BILL NO. 2052,  
HOUSE BILL NO. 2106,  
HOUSE BILL NO. 2107,  
HOUSE BILL NO. 2113,  
HOUSE BILL NO. 2130,  
HOUSE BILL NO. 2203,  
HOUSE BILL NO. 2261,  
HOUSE BILL NO. 2284,  
HOUSE BILL NO. 2330,  
HOUSE BILL NO. 2357,  
HOUSE BILL NO. 2368,

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

There being no objection, the House adjourned until 10:00 a.m., March 13, 2007, the 65th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTY FIFTH DAY

House Chamber, Olympia, Tuesday, March 13, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lauren Hanson and Katy Payne. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Curtis Bidwell, First Baptist Church of Tumwater.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4641, by Representatives Pearson and Kristiansen

WHEREAS, It is the policy of the Washington state Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, High school wrestling has a long tradition of molding the student athlete of today into a leader of tomorrow and embraces the values of team and sacrifice, in addition to pride in the community and self; and

WHEREAS, In an example of excellence and camaraderie, the 2007 Sedro-Woolley High School wrestling team captured a state record-breaking sixth consecutive Class 3A Team State Championship and eleventh overall Team State Championship at the Washington Mat Classic; and

WHEREAS, The 2007 Sedro-Woolley wrestling team has, through great fortitude and ability, finished 13 1/2 points ahead of the nearest competitor, with 154 1/2 points; and

WHEREAS, The 2007 Sedro-Woolley team finished the Washington State Mat Classic with three first place victories; and

WHEREAS, The 2007 Sedro-Woolley High School Wrestling Championship Team members include Derek Crouter, Tyler Eaton, Jordan Frisbee, Derek Garcia, Shane Hunt, Michael Lomsdalen, Trent Morgan, Randal Nersten, Kevin O'Neil, Cody Pohren, Matt Zitkovich, Ryan Morgan, and Ian O'Bryan; and

WHEREAS, The 2007 Sedro-Woolley High School wrestling team was led by Head Coach Jay Breckenridge and Assistant Coaches Jack Hurd and Jaret Garcia; and

WHEREAS, The support and encouragement of families and the spirit shown by the school and the community were an integral part in this championship season;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the outstanding accomplishments of the Sedro-Woolley High School Wrestling Team in their record-breaking state championship season of 2006-2007 and congratulate the team members, coaches, families, students, and community that made such an accomplishment possible; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members and coaches of

the Sedro-Woolley High School wrestling team, Sedro-Woolley school district Superintendent Mark Venn, Athletic Director Todd Torgeson, and School Principal Mike Schweigert.

HOUSE RESOLUTION NO. 4641 was adopted.

HOUSE RESOLUTION NO. 2007-4642, by Representative DeBolt

WHEREAS, The Washington State House of Representatives recognizes excellence in all forms of endeavor; and

WHEREAS, The Chehalis W.F. West High School Wrestling Team exhibited excellence in winning the Washington State 2A Wrestling Championship at the Mat Classic XIX in the Tacoma Dome in February 2007; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Coach John Taylor said, "What a great feeling. It's hard to realize what we've done. The guys came ready to wrestle. This morning was big. It was huge. To get five of the six winning and moving on with three to the finals...it was big. We got on that roll and just kept it going"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Members John Capen and Derek Driscoll won individual state championships while four other Bearcats placed to hand W.F. West the team title; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Member John Capen captured his first state title, winning the 171-pound championship with a 13-9 win over Burlington-Edison's Kyle Knutson; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Member John Capen said, "This is what everybody dreams of...all the way from fourth grade. It might have looked impossible back then, but I always wanted it. It's as real as it gets right here"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Coach John Taylor said about Team Member John Capen, "It couldn't have happened to a better kid. He's a great kid. He's a hard worker, a guy you can always count on. He's there every day. We're so proud of him"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Member Derek Driscoll won his second straight 152-pound state title with a 10-7 victory over Ephrata's Dallas Hintz; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Member Derek Driscoll said, "This was a lot better because we got the state title as a team. This group of seniors has wrestled together since we were just little. All the work coming into this paid off"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Coach John Taylor said about Team Member Derek Driscoll, "Derek is one of the best wrestlers Chehalis has ever had...no doubt"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Members, Tim Denegar, Kirby White, Koltin DeKoker, and Ryan Apperson also contributed to the success of the Bearcats; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Assistant Coach Lawrence Costa promised the Bearcats that he would shave off the moustache he's been sporting for nearly 30 years if they could somehow bring home the state championship; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Assistant Coach Lawrence Costa said, "I've been part of the program for over 30 years. I wrestled for W.F. West. Early in the year, I made a promise to the kids if we end up winning the state title that I would shave my mustache off. It's kind of a joke, but it's neat for the kids to have something to work for"; and

WHEREAS, The W.F. West wrestling program was coached from 1960 to 1985 by Harry Gust, an inductee into the Washington State Wrestling Coaches Association Hall of Fame, who coached the Bearcats to 218 wins in 25 years and died March 28, 2006; and

WHEREAS, Chehalis W.F. West High School Wrestling Team members, coaches, family, friends, teachers, and neighbors all share in the outstanding success of the Bearcats;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the Chehalis W.F. West High School Wrestling Team Members and Coaches for their exceptional accomplishment in winning the Washington State 2A Wrestling Championship at the Mat Classic XIX in the Tacoma Dome in February 2007; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Bearcats Wrestling Team Coach John Taylor and the Chehalis W.F. West High School Principal Linda Smith.

HOUSE RESOLUTION NO. 4642 was adopted.

HOUSE RESOLUTION NO. 2007-4643, by Representative DeBolt

WHEREAS, The House of Representatives of the state of Washington recognizes excellence in all forms of endeavors; and

WHEREAS, On Saturday, March 3, 2007, the Mossyrock Vikings, lead by coach Gary Stamper, showed excellence by capturing the Class 2B Girls Basketball State Championship; and

WHEREAS, With just 1.9 seconds remaining, Lexi Belcher incredibly made two free throws, as the Mossyrock Vikings battled back from a nine-point halftime deficit to defeat the LaSalle Lightning 47-46 in the state championship game; and

WHEREAS, Four Mossyrock Vikings players scored in double-figures in the Vikings' potent offense, led by 19 points from 5'11" Viking guard Lexi Belcher; and

WHEREAS, As a team the Mossyrock Vikings made nine 3-pointers while the Waterville Shockers shot just 1-9 from a three-point land; and

WHEREAS, Waterville head coach Dick Stoddard said, "That Belcher girl is a player...the most athletic guard we've seen in two years (at the state championships). She's got great body control...she's the total package"; and

WHEREAS, Waterville head coach Dick Stoddard was also impressed with the rest of Mossyrock's core players too, saying, "They've got a well-balanced team...if you left anybody open, they were able to score"; and

WHEREAS, After cutting down the net, Mossyrock guard Sarah Petrino said, "It is a dream come true...we worked our entire lives for this and finally got it"; and

WHEREAS, When the clock ran out the crowd went wild with ecstatic Mossyrock fans chanting, "We're number one! We're number one!"; and

WHEREAS, The Mossyrock High School Vikings Basketball Team members, coaches, family, friends, teachers, and neighbors all share in the outstanding success of the Vikings;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor Mossyrock Vikings Team Members and Coaches for their exceptional accomplishment in winning the Class 2B Girls Basketball State Championship in March 2007; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Mossyrock Vikings team coach Gary Stamper and the Mossyrock High School Principal Jim Forrest.

HOUSE RESOLUTION NO. 4643 was adopted.

#### MESSAGE FROM THE SENATE

March 12, 2007

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5026,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,  
SUBSTITUTE SENATE BILL NO. 5503,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5528,  
SENATE BILL NO. 5685,  
SUBSTITUTE SENATE BILL NO. 5827,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862,  
SECOND SUBSTITUTE SENATE BILL NO. 5883,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,  
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Today is a sad day for me because I lose someone who is near and dear to my heart. David Castillo is leaving my caucus organization as Chief of Staff. David is heading back to Washington, D.C. to work for Homeland Security so he can tap all of our phones and do all those things that we hate so much. I want to take an opportunity to thank him because not only was he my Chief of Staff, but he was my first legislative assistant when I was first elected. Legislative Assistants are probably the most important thing that we have as relationships in Olympia. To give all that they give to us and they ask so little in return. And then to have him become my Chief of Staff I really appreciate all your hard work, David. You've been a friend but also you've been a great advisor. I am going to miss you dearly. I wish you all the best."

#### POINT OF PERSONAL PRIVILEGE

Representative Santos: "As we have heard on this House floor many times, especially this week, our participation here in this experiment in democracy in the legislative process often comes at a price – the price of the heavy duties that are borne by those we love at home, our family members. But also by our larger legislative family. I would like to take this moment to welcome back a member of our legislative family, your

attorney, Cathy Maynard, who we have missed terribly throughout this session but who has spent this time caring for her loved one leaving us to struggle on our own. But she was always a phone call away. We are delighted to have her steady hand and wise counsel because she is a member of our legislative family and I urge us to welcome her back home this day."

#### MESSAGE FROM THE SENATE

March 13, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5227,  
SUBSTITUTE SENATE BILL NO. 5320,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,  
SUBSTITUTE SENATE BILL NO. 5447,  
SUBSTITUTE SENATE BILL NO. 5511,  
SENATE BILL NO. 5526,  
SUBSTITUTE SENATE BILL NO. 5688,  
SECOND SUBSTITUTE SENATE BILL NO. 5806,  
SENATE BILL NO. 6090,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6128,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

#### SECOND READING

**HOUSE BILL NO. 2087, by Representatives Fromhold, Hinkle, Cody and Moeller**

**Regarding the certification and recertification of health care facilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2087 was substituted for House Bill No. 2087 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2087 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2087.

#### MOTIONS

On motion of Representative Morrell, Representative Eickmeyer is excused. On motion of Representative Schindler, Representative Curtis was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2087 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood, and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Curtis, and Eickmeyer - 2.

SUBSTITUTE HOUSE BILL NO. 2087, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1139, by Representatives McDermott, McIntire, Springer, Cody, Ericks, Santos, Hasegawa, Simpson, Pettigrew and Kenney**

**Modifying the provisions of the local sales and use tax that is credited against the state sales and use tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1139 was substituted for House Bill No. 1139 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1139 was read the second time.

With the consent of the House, amendment (307) was withdrawn.

Representative Hasegawa moved the adoption of amendment (378):

On page 4, after line 2, insert the following:

"(10) The tax shall cease to be distributed to a city imposing the tax under subsection (3)(b) of this section and any city receiving a twenty percent distribution under subsection (2) of this section, for the remainder of the fiscal year, if the total distributions to the city imposing the tax and any city receiving a twenty percent distribution exceed three million dollars for the fiscal year."

Renumber the remaining subsection consecutively

Representatives Hasegawa and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives McDermott and Hunter spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1139.

#### MOTION

On motion of Representative Santos, Representative Morris was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1139 and the bill passed the House by the following vote: Yeas - 63, Nays - 32, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Santos, Seaquist, Sells, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Goodman, Hailey, Haler, Hinkle, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Rolfes, Ross, Schindler, Schual-Berke, Simpson, Skinner, Sump, Upthegrove and Warnick - 32.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1139, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1267, by Representatives Wallace, Upthegrove, Lovick, Hankins and Dickerson; by request of Department of Licensing**

#### **Modifying commercial driver's license requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1267 was substituted for House Bill No. 1267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1267 was read the second time.

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

Representatives McDermott and Hunter spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1267.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1267 and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Crouse, DeBolt, Dunn, Ericksen, Hinkle, Kessler, Kretz, Kristiansen, Orcutt, Pearson, Sump, Van De Wege and Warnick - 14.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1267, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1376, by Representatives Ericks, Haler, Takko, Pettigrew, Buri, Walsh, Kretz, Grant, Linville, Chandler, Kessler, McDonald, Morrell, Armstrong, Warnick, Newhouse, P. Sullivan and Chase**

**Providing a sales and use tax exemption for the nonhighway use of propane by farmers.**

The bill was read the second time.

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

Representatives Wallace and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1376.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1376 and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCune, McDermott, McDonald, Miloscia, Moeller,

Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Anderson, Darneille, Flannigan, Hasegawa, Hudgins, McIntire, Roberts, Rolfes and Schual-Berke - 9.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

HOUSE BILL NO. 1376, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1488, by Representatives B. Sullivan, Upthegrove, Appleton, Dunshee, Hunt, Dickerson, Van De Wege, Campbell, Kessler, Eickmeyer, McCoy, Chase, Green, Sells, Kenney, Ericks, Roberts, Lantz, Goodman, Wood, Kagi, Moeller and Rolfes**

**Enhancing the state's oil spill response program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1488 was substituted for House Bill No. 1488 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1488 was read the second time.

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

Representatives B. Sullivan, Rolfes, Seaquist and Linville spoke in favor of passage of the bill.

Representatives Orcutt and Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1488.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1488 and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericks, Ericksen, Hailey, Haler, Hankins, Hinkle, Kelley, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Sump, Walsh and Warnick - 29.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1488, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1796, by Representatives Conway, Orcutt, Pettigrew, Ericks, Chase, Green, Haler, Dunn, Hankins, Hasegawa, Appleton, Kenney, Santos, Van De Wege, Simpson, Goodman, Morrell and Lantz**

**Providing a property tax exemption for nonprofit small business incubators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1796 was substituted for House Bill No. 1796 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1796 was read the second time.

Representative Orcutt moved the adoption of amendment (290):

On page 2, line 14, strike "and"

On page 2, line 16, after "areas" insert "; and

(e) is certified by the department of community, trade and economic development as a "qualified small business incubator" under Chapter 43.176 RCW that meets the requirements of this act"

On page 2, line 24, after "(4)" insert the following: "The department of revenue may revoke a small business incubator's property tax exemption under this section upon clear and convincing evidence that the small business incubator is not complying with the requirements of this section.

(5)"

On page 3, line 4, strike "(5)" and insert "(6)"

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

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1796.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1796 and the bill passed the House by the following vote: Yeas - 77, Nays - 18, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, DeBolt, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 77.

Voting nay: Representatives Anderson, Armstrong, Bailey, Condotta, Crouse, Darneille, Dickerson, Ericksen, Hudgins, Kristiansen, McDonald, Pearson, Priest, Roach, Rodne, Schindler, Strow and Sump - 18.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1833, by Representatives Conway, Pettigrew, Seaquist, Upthegrove, Morrell, Kessler, P. Sullivan, Williams, Kenney, Haler, Ericksen, Moeller, Sells, Dunn, Rolfes, Lantz, McCoy, Lovick, Jarrett, Strow, Hurst, Springer, Campbell, Goodman, Simpson, Pearson, Curtis, Rodne, Schual-Berke, McDermott, Ormsby and Chase**

**Expanding the presumption of occupational disease for firefighters.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1833 was substituted for House Bill No. 1833 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1833 was read the second time.

Representative Condotta moved the adoption of amendment (291):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares:

(1) By reason of their employment, firefighters are required to work in the midst of, and are subject to, smoke, fumes, infectious diseases, and toxic and hazardous substances;

(2) Firefighters enter uncontrolled environments to save lives, provide emergency medical services, and reduce property damage and are frequently not aware of the potential toxic and carcinogenic substances, and infectious diseases that they may be exposed to;

(3) Harmful effects caused by firefighters' exposure to hazardous substances, whether cancer, infectious disease, heart or respiratory disease, may develop very slowly, manifesting themselves years after exposure;

(4) Firefighters frequently and at unpredictable intervals perform job duties under strenuous physical conditions unique to their employment when engaged in firefighting activities; and

(5) Cardiovascular disease is exacerbated by firefighting duties and firefighting increases the incidence of cardiovascular disease and heart injuries in firefighters.

**Sec. 2.** RCW 51.32.185 and 2002 c 337 s 2 are each amended to read as follows:

(1) In the case of firefighters as defined in RCW 41.26.030(4) (a), (b), and (c) who are covered under Title 51 RCW and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, there shall exist a prima facie presumption that: (a) Respiratory disease; (b) ~~(heart problems that are experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances))~~ any heart problems, experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances, or experienced within twenty-four hours of strenuous physical exertion due to firefighting activities; (c) cancer; and (d) infectious diseases are occupational diseases under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence. Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumptions established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

(3) The presumption established in subsection (1)(c) of this section shall only apply to any active or former firefighter who has cancer that develops or manifests itself after the firefighter has served at least ten years and who was given a qualifying medical examination upon becoming a firefighter that showed no evidence of cancer. The presumption within subsection (1)(c) of this section shall only apply to prostate cancer diagnosed prior to the age of fifty, primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

(4) The presumption established in subsection (1)(d) of this section shall be extended to any firefighter who has contracted any of the following infectious diseases: Human immunodeficiency virus/acquired immunodeficiency syndrome, all strains of hepatitis, meningococcal meningitis, or mycobacterium tuberculosis.

(5) Beginning July 1, 2003, this section does not apply to a firefighter who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use. The department, using existing medical research, shall define in rule the extent of tobacco use that shall exclude a firefighter from the provisions of this section.

(6) For purposes of this section, "firefighting activities" means fire suppression, fire prevention, emergency medical services, rescue operations, hazardous materials response, aircraft rescue, and training and other assigned duties related to emergency response.

(7)(a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorney fees and witness fees, be paid to the firefighter or his or her beneficiary by the opposing party.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorney fees and witness fees, be paid to the firefighter or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(8) (a) If an employer requests reconsideration of a department order allowing benefits under this section and the firefighter's

medical provider has made a determination that the firefighter is terminally ill, temporary total disability compensation or medical aid benefits granted to the firefighter by the order under reconsideration must continue while the reconsideration is pending, subject to the requirements of RCW 51.32.240(4).

(b) If an employer appeals to the board of industrial insurance appeals a department order allowing benefits under this section and the firefighter's medical provider has made a determination that the firefighter is terminally ill temporary total disability compensation or medical aid benefits granted to the firefighter by the order under appeal must continue while the appeal is pending, subject to the requirements of RCW 51.32.240(4).

**Sec. 3.** RCW 51.52.120 and 2003 c 53 s 285 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director or the director's designee for services performed by an attorney for such worker or beneficiary, if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the department is communicated to the party making the application.

(2) If, on appeal to the board, the order, decision, or award of the department is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before the board if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the board is communicated to the party making the application. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by the director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney, worker, or beneficiary. The department or self-insured employer, as the case may be, shall be served a copy of the application and shall be entitled to appear and take part in the proceedings. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board.

(3) In an appeal to the board involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185.

(4) Any person who violates this section is guilty of a misdemeanor.

**Sec. 4.** RCW 51.52.130 and 1993 c 122 s 1 are each amended to read as follows:

(1) If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation, or if in an appeal by the department or employer the worker or beneficiary's right to relief is sustained, or

in an appeal by a worker involving a state fund employer with twenty-five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department. In the case of self-insured employers, the attorney fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

(2) In an appeal to the superior or appellate court involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185."

Correct the title.

Representative Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1833.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1833 and the bill passed the House by the following vote: Yeas - 83, Nays - 12, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Ahern, Buri, Chandler, Condotta, Dunn, Hailey, Hinkle, Kretz, Newhouse, Ross, Sump and Warnick - 12.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1891, by Representatives Linville, Orcutt, Quall, Cody, Hinkle, Hurst and Dunn**

**Providing a business and occupation tax deduction for the sale of certain prescription drugs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1891 was substituted for House Bill No. 1891 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1891 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Orcutt and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1891.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1891 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1891, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1980, by Representatives Kelley, Santos, Ormsby, Roach and Morrell**

**Regarding the financial literacy public-private partnership.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1980 was substituted for House Bill No. 1980 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1980 was read the second time.

With the consent of the House, amendment (264) was withdrawn.

Representative Bailey moved the adoption of amendment (173):

On page 3, beginning on line 25, strike all of section 5

Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kelley and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1980.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1980 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Schual-Berke - 1.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1980, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2338, by Representatives Fromhold and Kenney**

**Terminating the job development fund program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2338 was substituted for House Bill No. 2338 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2338 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks, McDonald and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2338.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2338 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 2338, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2352, by Representatives Grant, Linville, Simpson and Bailey**

**Exempting persons engaged in farming and certain farming services from business and occupation taxation.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2352 was substituted for House Bill No. 2352 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2352 was read the second time.

With the consent of the House, amendment (162) was withdrawn.

Representative Grant moved the adoption of amendment (350):

On page 1, beginning on line 9, after "farmer" strike all material through "related" on line 11 and insert ". To qualify under this subsection (1)(a):

(i) The person performing custom farming services must be: (A) a farmer; or (B) owned by a farmer who has at least a fifty percent interest in the person performing custom farming services; and

(ii) The principal place of business of the person performing custom farming services must be within fifty miles of the farmer receiving custom farming services"

Representatives Grant and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2352.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2352 and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Chase, Darneille, Hasegawa and Rolfes - 5.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1809, by Representatives Morrell, Campbell, Green, Kenney, Cody, Darneille, Hunt, Conway, Williams, Simpson, Moeller, Santos and Wood**

**Creating the Washington state patient safety act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1809 was substituted for House Bill No. 1809 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1809 was read the second time.

With the consent of the House, amendment (162) was withdrawn.

Representative Morrell moved the adoption of amendment (339):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Research demonstrates the critical role that registered nurses play in improving patient safety and quality of care;

(b) Greater numbers of registered nurses available to care for hospitalized patients are key to reducing errors, complications, and adverse patient care events;

(c) Higher nurse staffing levels result in improved staff safety and satisfaction and reduced incidences of workplace injuries;

(d) Health care professional, technical, and support staff comprise vital components of the patient care team, bringing their particular skills and services to ensuring quality patient care; and

(e) Addressing nurse staffing issues to meet patient care needs is an urgent public policy priority.

(2) Therefore, in order to protect patients and to support greater retention of registered nurses, to promote evidence-based nurse staffing, and to increase transparency of health care data and decision making, the legislature intends to establish a program for the development of evidence-based hospital staffing plans.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.41 RCW to read as follows:

(1) **DEFINITIONS.** The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Central nursing resource center" means the center established in RCW 18.79.202.

(b) "Hospital" has the same meaning as defined in RCW 70.41.020, except that "hospital" also includes the state hospitals as defined in RCW 72.23.010 and the psychiatric hospitals licensed under chapter 71.12 RCW.

(c) "Intensity" means the level of patient needs in terms of nursing care as determined by a registered nurse providing direct patient care, taking into account at least the following factors:

(i) Severity and urgency of the patient's condition;

(ii) Complexity of either planning or providing, or both, the care required by the patient;

(iii) Scheduled or anticipated procedures or events, including those that necessitate increased frequency of assessment or intervention;

(iv) Age and cognitive and functional ability of the patient, including ability to perform self-care activities;

(v) Availability of patient social supports including institutional, family, or community support;

(vi) Level of patient adherence or ability to comply with patient care;

(vii) Patient and family educational needs, including assessment of learning capabilities of patient and family;

(viii) Intactness of family unit, the availability of family to provide either emotional support or functional support, or both, and the ability of the family to participate in patient decision-making processes;

(ix) Communications skills of the patient; and

(x) Other needs identified by the patient and by the registered nurse.

(d) "Nursing personnel" means registered nurses, licensed practical nurses, and unlicensed assistive nursing personnel providing direct patient care.

(e) "Patient assignment standards" means the maximum number of patients that a hospital may assign to a registered nurse at any one time.

(f) "Patient care unit" means any unit or area of the hospital that provides patient care.

(g) "Skill mix" means the numbers and relative percentages of registered nurses, licensed practical nurses, and unlicensed assistive personnel among the total number of nursing personnel.

(h) "Staffing committee" means the committee established by a hospital under subsection (2) of this section.

(2) **HOSPITAL STAFFING COMMITTEES.** (a) By January 1, 2008, each hospital shall establish a staffing committee. At least one-half of the staffing committee members must be registered nurses currently providing direct patient care, unless another ratio of registered nurse members is required to be consistent with an applicable provision of a collective bargaining agreement between the hospital and its nursing staff. If registered nurses are represented by a collective bargaining representative, the committee's direct patient care registered nurse members must be selected by that collective bargaining representative.

(b) Participation in the staffing committee by a hospital employee shall be considered a part of the employee's regularly scheduled workweek.

(3) **PATIENT ASSIGNMENT STANDARDS RECOMMENDATION.** (a) By June 1, 2008, the central nursing resource center must forward recommendations to the department as required in this subsection. The recommendations must be evidence-based and must be developed by a task force convened by the central nursing resource center. Among its members, the task force must include representatives of organizations that represent hospitals, including rural hospitals. The recommendations must address:

(i) Patient assignment standards in hospitals; and

(ii) The development and implementation of hospital staffing plans, as the secretary may request.

(b) In developing its recommendations, the task force must consider:

(i) Current research findings regarding patient safety, outcomes of care, nurse staffing, and related areas;

(ii) Reports and recommendations issued by authoritative national and state bodies and agencies, including but not limited to the institute of medicine, the joint commission, the national quality forum, and the agency for healthcare research and quality;

(iii) Guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;

(iv) Relevant information regarding legislation or rules on nurse staffing considered or adopted in other states;

(v) Different levels of intensity, complexity, or need presented by patients in different types of patient care units; and

(vi) Availability of health care professional, technical, and support staff whose skills and services are essential to delivering quality patient care.

(c) The department must post the recommendations forwarded by the central nursing resource center on its web site and allow at least a thirty-day public comment period. By July 15, 2008, the department must publish final recommendations, to be posted on the department's web site and provided to the hospitals.

(d) On a biennial basis, a task force convened by the central nursing resource center pursuant to (a) of this subsection must review the considerations listed in (b) of this subsection and determine whether the final recommendations published under this subsection should be updated. New recommendations, if any, developed by the task force and forwarded to the department by the central nursing resource center must be posted for public comment as provided in (c) of this subsection, and the department must publish final recommendations within forty-five days of posting the central nursing resource center's recommendations.

(4) **HOSPITAL STAFFING PLANS.** (a)(i) By January 1, 2009, each hospital's staffing committee must develop, and the hospital implement, a staffing plan that sets the minimum number and skill mix of nursing personnel required on each shift in each patient care unit.

(ii) In establishing staffing levels for the staffing plan, the staffing committee must consider the patient assignment standards

recommended in the final recommendations published under subsection (3) of this section. If the staffing plan adopts staffing levels that provide lower staffing than the final recommendations published under subsection (3) of this section, the staffing plan must include an explanation of the reasons for the deviation.

(iii) Staffing plans must be based on at least the following additional criteria for each patient care unit:

(A) Census, including total numbers of patients on each shift at any one time and activity such as patient discharges, admissions, and transfers;

(B) Level of intensity of all patients and nature of the care to be delivered on each shift;

(C) Skill mix;

(D) Level of experience and specialty certification or training of nursing personnel providing care;

(E) The need for specialized or intensive equipment;

(F) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing station, medication preparation areas, and equipment; and

(G) Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations.

(iv) Staffing plans must at a minimum:

(A) Include appropriate limits on the use of agency and traveling nurses;

(B) Be consistent with the scopes of practice for registered nurses and licensed practical nurses and the scope of legally permissible duties of unlicensed assistive personnel;

(C) Include adequate staffing to allow for staff time off, illnesses, meal and break time, and educational, health, and other leaves;

(D) Include a process for review by the staffing committee that ensures compliance with the staffing plan, provides for the committee's review of incidents and staff concerns, and tracks staffing patterns, the number of patients and the patients' conditions, and the intensity of the patients' nursing care needs. These reviews must be performed at least semiannually; and

(E) Be updated at least annually.

(v) The staffing plan must not diminish other standards contained in law, rules, or the terms of an applicable collective bargaining agreement, if any, between the hospital and its nursing staff, and must be consistent with any such agreement.

(b) In implementing the staffing plan, each hospital shall:

(i) Assign nursing personnel to each patient care unit in accordance with its staffing plan. Shift-to-shift adjustments in staffing levels required by the plan may be made only if based upon assessment by a registered nurse providing direct patient care on the patient care unit, utilizing procedures specified by the staffing committee;

(ii) Make readily available the staffing plan and staffing levels to patients and visitors upon request; and

(iii) Make accessible to staff a process for reporting inadequate staffing or staffing at variance with the staffing plan. Any reports made under this subsection must be provided to the staffing committee and the hospital and be retained by the hospital for department review under subsection (5) of this section.

(5) HOSPITAL STAFFING PLAN REVIEW AND PUBLICATION. (a) Each hospital shall submit its staffing plan and any reports made under subsection (4)(b)(iii) for review by the department at least every eighteen months, which review may be in conjunction with any on-site licensing survey or inspection conducted by the department. The hospital may also submit any additional information related to staffing, including explanations of any staffing at variance with the adopted staffing plan and actions taken to resolve staffing issues.

(b) In collaboration with Washington state quality forum established in section 5, chapter . . . (House Bill No. 2098), Laws of 2007, the department must develop standards for comparing hospital staffing plans, and each hospital's adherence to its staffing plan in practice, with the final recommendations published under subsection (3) of this section. The department must rate the staffing plans according to the standards and provide the ratings to the Washington state quality forum to be disseminated, at a minimum, on its web site

as part of its research regarding health care quality, evidence-based medicine, and patient safety. If the Washington state quality forum is not established, the department shall perform the duties required under this section and post the staffing plan information on its web site.

(6) HOSPITAL STAFFING REPORTS. (a) Semiannually, hospitals shall collect and submit to the department information regarding nurse staffing. In addition to the skill mix of registered nurses, licensed practical nurses, unlicensed assistive nursing personnel, nurses supplied by temporary staffing agencies including traveling nurses, and nursing care hours per patient per day, such information must also include:

(i) Death among surgical inpatients with treatable serious complications (failure to rescue);

(ii) Prevalence of urinary tract infections;

(iii) Hospital-acquired pneumonia;

(iv) Incidence of patient falls; and

(v) Other measures to be established by the department.

(b) The information submitted under this subsection must be posted along with the ratings of staffing plans as provided in subsection (5)(b) of this section.

(7) RETALIATION PROHIBITED. A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with participation on the staffing committee; or

(b) An employee, patient, or other individual who notifies the staffing committee, the hospital administration, or the department that any schedule or nursing personnel assignment fails to comply with the staffing plan, or that the hospital has failed to develop or implement a staffing plan.

(8) COMPLAINTS. (a) The department must investigate complaints from hospital staff that a hospital has failed to comply with a staffing plan, has failed to develop or implement a staffing plan, or has violated subsection (7) of this section. If there is reasonable cause to believe that a violation has been or is occurring, the department must immediately endeavor to eliminate the violation by conference with the interested parties. If a resolution is not reached, the department must make a finding to that effect. Such findings must be posted along with the ratings of staffing plans as provided in subsection (5)(b) of this section.

(b) The department shall maintain a toll-free telephone number for patients to use to report the violations listed in (a) of this subsection. The department is not required to investigate such patient reports, but must disclose the report to the hospital and the hospital's staffing committee. In disclosing the report, the department shall not reveal identifying information about the patient.

(c) Information about complaints or reports under this subsection that does not warrant an investigation may not be disclosed except that the department must notify the hospital and the complainant when a complaint did not warrant an investigation.

**Sec. 3.** RCW 70.56.020 and 2006 c 8 s 106 are each amended to read as follows:

(1) The legislature intends to establish an adverse health events and incident reporting system that is designed to facilitate quality improvement in the health care system, improve patient safety and decrease medical errors in a nonpunitive manner. The reporting system shall not be designed to punish errors by health care practitioners or health care facility employees.

(2) Each medical facility shall notify the department of health regarding the occurrence of any adverse event and file a subsequent report as provided in this section. Notification must be submitted to the department within forty-eight hours of confirmation by the medical facility that an adverse event has occurred. A subsequent report must be submitted to the department within forty-five days after confirmation by the medical facility that an adverse event has occurred. The notification and report shall be submitted to the department using the internet-based system established under RCW 70.56.040(2).

(3) The notification and report shall be filed in a format specified by the department after consultation with medical facilities and the independent entity. The format shall identify the facility, but shall not include any identifying information for any of the health

care professionals, facility employees, or patients involved. This provision does not modify the duty of a hospital to make a report to the department of health or a disciplinary authority if a licensed practitioner has committed unprofessional conduct as defined in RCW 18.130.180. As soon as possible, but no later than July 1, 2008, hospitals shall revise their incident reporting procedures to include an evaluation of staffing as part of the incident review process. Hospitals shall also modify their incident form to include an area for the documentation of staffing considerations.

(4)(a) As part of the report filed under this section, the medical facility must:

(i) Include the following information:

(A) The number of patients, registered nurses, licensed practical nurses, and unlicensed assistive personnel present in the relevant patient care unit at the time that the reported adverse event occurred;

(B) The number of nursing personnel present at the time of the adverse event who have been supplied by temporary staffing agencies, including traveling nurses;

(C) The number of nursing personnel, if any, on the patient care unit working beyond their regularly scheduled number of hours or shifts at the time of the event and the number of consecutive hours worked by each such nursing personnel at the time of the adverse event; and

(ii) Conduct a root cause analysis of the event, describe the corrective action plan that will be implemented consistent with the findings of the analysis, or provide an explanation of any reasons for not taking corrective action. Hospitals shall consider staffing as a possible factor contributing to reportable incidents. Staffing considerations may include such factors as fatigue, training, communication, and adequacy.

(b) The department shall adopt rules, in consultation with medical facilities and the independent entity, related to the form and content of the root cause analysis and corrective action plan. In developing the rules, consideration shall be given to existing standards for root cause analysis or corrective action plans adopted by the joint commission on accreditation of health facilities and other national or governmental entities.

(c) For purposes of this subsection (4), "nursing personnel" and "patient care unit" have the same meaning as defined in section 2 of this act.

(5) If, in the course of investigating a complaint received from an employee of a medical facility, the department determines that the facility has not reported an adverse event or undertaken efforts to investigate the occurrence of an adverse event, the department shall direct the facility to report or to undertake an investigation of the event.

(6) The protections of RCW 43.70.075 apply to reports of adverse events that are submitted in good faith by employees of medical facilities.

**Sec. 4.** RCW 18.79.202 and 2005 c 268 s 4 are each amended to read as follows:

(1) In addition to the licensing fee for registered nurses and licensed practical nurses licensed under this chapter, the department shall impose an additional surcharge of five dollars per year on all initial licenses and renewal licenses for registered nurses and licensed practical nurses issued under this chapter. Advanced registered nurse practitioners are only required to pay the surcharge on their registered nurse licenses.

(2) The department, in consultation with the commission and the workforce training and education coordinating board, shall use the proceeds from the surcharge imposed under subsection (1) of this section to provide grants to a central nursing resource center. The grants may be awarded only to a not-for-profit central nursing resource center that is comprised of and led by nurses. The central nursing resource center will demonstrate coordination with relevant nursing constituents including professional nursing organizations, groups representing nursing educators, staff nurses, nurse managers or executives, and labor organizations representing nurses. The central nursing resource center shall have as its mission to contribute to the health and wellness of Washington state residents by ensuring that there is an adequate nursing workforce to meet the current and future health care needs of the citizens of the state of Washington.

The grants may be used to fund the following activities of the central nursing resource center:

(a) Maintain information on the current and projected supply and demand of nurses through the collection and analysis of data regarding the nursing workforce, including but not limited to education level, race and ethnicity, employment settings, nursing positions, reasons for leaving the nursing profession, and those leaving Washington state to practice elsewhere. This data collection and analysis must complement other state activities to produce data on the nursing workforce and the central nursing resource center shall work collaboratively with other entities in the data collection to ensure coordination and avoid duplication of efforts;

(b) Monitor and validate trends in the applicant pool for programs in nursing. The central nursing resource center must work with nursing leaders to identify approaches to address issues arising related to the trends identified, and collect information on other states' approaches to addressing these issues;

(c) Facilitate partnerships between the nursing community and other health care providers, licensing authority, business and industry, consumers, legislators, and educators to achieve policy consensus, promote diversity within the profession, and enhance nursing career mobility and nursing leadership development;

(d) Evaluate the effectiveness of nursing education and articulation among programs to increase access to nursing education and enhance career mobility, especially for populations that are underrepresented in the nursing profession;

(e) Provide consultation, technical assistance, data, and information related to Washington state and national nursing resources;

(f) Promote strategies to enhance patient safety and quality patient care, including encouraging a safe and healthy workplace environment for nurses and making recommendations pursuant to section 2 of this act; and

(g) Educate the public including students in K-12 about opportunities and careers in nursing.

(3) The nursing resource center account is created in the custody of the state treasurer. All receipts from the surcharge in subsection (1) of this section must be deposited in the account. Expenditures from the account may be used only for grants to an organization to conduct the specific activities listed in subsection (2) of this section and to compensate the department for the reasonable costs associated with the collection and distribution of the surcharge and the administration of the grant provided for in subsection (2) of this section. No money from this account may be used by the recipient towards administrative costs of the central nursing resource center not associated with the specific activities listed in subsection (2) of this section. No money from this account may be used by the recipient toward lobbying. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Grants will be awarded on an annual basis and funds will be distributed quarterly. The first distribution after awarding the first grant shall be made no later than six months after July 24, 2005. The central nursing resource center shall report to the department on meeting the grant objectives annually.

(4) The central nursing resource center shall submit a report of all progress, collaboration with other organizations and government entities, and activities conducted by the center to the relevant committees of the legislature by November 30, 2011. The department shall conduct a review of the program to collect funds to support the activities of a nursing resource center and make recommendations on the effectiveness of the program and whether it should continue. The review shall be paid for with funds from the nursing resource center account. The review must be completed by June 30, 2012.

(5) The department may adopt rules as necessary to implement chapter 268, Laws of 2005.

**NEW SECTION. Sec. 5.** A new section is added to chapter 71.12 RCW to read as follows:

Establishments licensed under this chapter shall establish a staffing committee and implement a staffing plan as required under section 2 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 72.23 RCW to read as follows:

State hospitals shall establish a staffing committee and implement a staffing plan as required under section 2 of this act.

**NEW SECTION. Sec. 7.** Section 4 of this act expires June 30, 2013.

**NEW SECTION. Sec. 8.** This act may be known and cited as the Washington state patient safety act."

Representatives Morrell and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morrell spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1809.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1809 and the bill passed the House by the following vote: Yeas - 70, Nays - 25, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Condotta, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Schual-Berke, Springer, Strow, Sump, Walsh and Warnick - 25.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1825, by Representatives Schual-Berke, Curtis, Dunshee, Moeller, Lovick, Morrell, Seaquist, McCoy, Clibborn, Barlow, Green, Appleton,**

**Pedersen, Darneille, P. Sullivan, Kenney, Rolfes, Simpson, McIntire, Roberts, Ormsby and Chase**

#### Providing dedicated funding for public health services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1825 was substituted for House Bill No. 1825 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1825 was read the second time.

With the consent of the House, amendment (354) was withdrawn.

Representative Schual-Berke moved the adoption of amendment (328):

On page 2, after line 16, insert the following:

"**Sec. 2.** RCW 82.24.020 and 2003 c 114 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette. Amounts appropriated for the purposes of this act from the receipts of this tax in the operating budget must be deposited into the local public health financing account created in section 3 of this act.

(2) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of five and one-fourth mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(4) Wholesalers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held."

Renumber remaining sections consecutively and correct internal references accordingly. Correct the title.

On page 2, line 21, after "(a)" strike all material through "amount" and insert "'Base year funding" means the 2007 budgeted amount of local funding"

On page 3, line 15, after "budget" insert "from the receipts of the tax in RCW 82.24.020(1)"

On page 3, line 19, after "section" insert ", except for such moneys appropriated to the department of health for the purpose of conducting its responsibilities under sections 3, 4, and 6 of this act"

On page 3, line 20, after "(3)" strike "Beginning January 1, 2008, and on the first business day" and insert "During the month of January 2008, and during the month"

On page 3, line 26, after "(4)" strike "Beginning January 1, 2008, and on the first business day" and insert "During the month of January 2008, and during the first month"

On page 4, line 11, after "exceeded" strike all material through "base year" on line 13 and insert "base year funding"

On page 4, line 18, after "year" insert "funding"

On page 4, line 26, after "year" insert "funding"

On page 5, line 29, after "adopt a" insert "prioritized"

On page 6, line 4, after "by the" insert "prioritized"

On page 6, after line 5, insert "(5) The department, in consultation with representatives of county governments, shall provide local jurisdictions with financial incentives to encourage and increase local investments in core public health functions. The local jurisdictions shall not supplant existing local funding with such state-incented resources."

Correct the title.

Representatives Schual-Berke and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Alexander moved the adoption of amendment (383):

On page 2, after line 16, insert the following:

"Sec. 2. RCW 82.24.020 and 2003 c 114 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette. An amount of the proceeds equal to the rate of five mills per cigarette shall be deposited into the local public health financing account created in section 3 of this act.

(2) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of five and one-fourth mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(4) Wholesalers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are

being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held."

Renumber remaining sections consecutively and correct internal references accordingly. Correct the title.

On page 3, line 15, after "treasury." strike all material through "this account" on line 17 and insert "A portion of the proceeds from taxes on cigarettes must be deposited into the account, as provided in RCW 82.24.020(1). Money in the account may be spent only after appropriation"

Representatives Alexander, Alexander (again), Buri and Hinkle spoke in favor of the adoption of the amendment.

Representatives Sommers and Schual-Berke spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 41 - YEAS; 54 -NAYS. The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Hinkle, Moeller, Alexander and Seaquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1825.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1825 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1825, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

### INTRODUCTION & FIRST READING

HB 2382 by Representative Fromhold

AN ACT Relating to state trust lands; amending RCW 79.13.010, 79.13.060, 79.13.110, and 79.17.200; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

SB 5011 by Senators Kohl-Welles, Parlette, Keiser and Rasmussen

AN ACT Relating to removing the expiration date on chapter 302, Laws of 2006; and amending 2006 c 302 s 14 (uncodified).

Referred to Committee on Commerce & Labor.

SSB 5053 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles and Kline)

AN ACT Relating to creating the office of the ombudsman for workers of industrial insurance self-insured employers; amending RCW 51.44.150; and adding new sections to chapter 51.14 RCW.

Referred to Committee on Commerce & Labor.

E2SSB 5070 by Senate Committee on Ways & Means (originally sponsored by Senators Carrell, Regala, Hargrove, Kline, Weinstein, Stevens, Brandland, Parlette, McCaslin, Kastama, Holmquist, Zarelli, Pridemore, Schoesler, Clements, Rasmussen, Swecker, Roach, Franklin, Delvin, Sheldon, Eide, Spanel, Hewitt, Hatfield, Keiser, Pflug, McAuliffe, Berkey, Haugen, Fairley, Murray, Tom, Kohl-Welles, Shin and Kilmer)

AN ACT Relating to reduction of offender recidivism; amending RCW 72.09.300, 72.09.015, 9.94A.728, 9.94A.737, 9.94A.850, 72.09.460, 72.09.480, 72.09.450, 72.09.111, 29A.04.079, 29A.08.520, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; adding new sections to chapter 4.24 RCW; adding new sections to chapter 72.09 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 35.82 RCW; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new sections; repealing RCW 10.64.021 and 29A.08.660; and providing expiration dates.

Referred to Committee on Human Services.

E2SSB 5115 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Kastama, Kauffman, Marr, Shin, Eide, Rasmussen and Regala; by request of Governor Gregoire)

AN ACT Relating to expanding competitive local infrastructure financing tools projects; amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.070, 39.102.090, 39.102.110, 39.102.120, 82.14.475, 39.102.140, 39.102.150, and 39.102.130; adding new sections to chapter 39.102 RCW; creating a new section; repealing RCW 39.102.180; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

2SSB 5122 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Swecker; by request of Office of Financial Management)

AN ACT Relating to preserving the current regulatory assistance program with cost reimbursement changes; amending RCW 43.42.005, 43.42.010, 43.42.020, 43.42.030, 43.42.040, 43.42.050, 43.42.060, 43.42.070, 43.42.080, 43.21A.690, 43.30.490, 43.70.630, 43.300.080, 70.94.085, 43.131.401, and 43.131.402; creating a new section; decodifying RCW 43.42.905; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

SB 5123 by Senators Hobbs, Kilmer, Roach, Jacobsen, Shin, Fairley, Marr, Prentice, Carrell, Murray, Rasmussen, Keiser, Berkey, Haugen, Franklin, Hatfield, Eide, Kauffman, Fraser and McAuliffe

AN ACT Relating to protecting persons with veteran or military status from discrimination; and amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and 49.60.225.

Referred to Committee on State Government & Tribal Affairs.

ESSB 5317 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Brandland, Hargrove, Stevens, Regala and McAuliffe)

AN ACT Relating to child care safety; amending RCW 43.215.005, 43.215.010, 43.215.200, 43.215.525, 43.215.530, and 43.215.535; adding new sections to chapter 43.215 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Early Learning & Children's Services.

ESSB 5372 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Swecker, Poulsen, Marr, Keiser, Shin, Kline, McAuliffe, Fraser, Kilmer and Murray; by request of Governor Gregoire)

AN ACT Relating to the Puget Sound partnership; amending RCW 90.71.060, 90.71.100, 43.17.010, 43.17.020, 42.17.2401, 77.85.090, 43.155.020, 43.155.070, 70.146.020, 70.146.070, and 90.50A.010; adding new sections to chapter 90.71 RCW; adding a new section to chapter 41.06 RCW;

adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 90.50A RCW; adding a new section to chapter 70.118 RCW; creating new sections; recodifying RCW 90.71.100; decodifying RCW 90.71.005, 90.71.902, and 90.71.903; repealing RCW 90.71.010, 90.71.015, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.070, 90.71.080, 90.71.900, and 90.71.901; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Select Committee on Puget Sound.

SB 5383 by Senators Hargrove, Poulsen, Hatfield, Rockefeller, Rasmussen and Kohl-Welles

AN ACT Relating to the energy freedom program; amending RCW 15.110.005, 15.110.010, 15.110.020, and 15.110.040; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

SB 5421 by Senators Fraser, Morton, Poulsen, Swecker, Marr, Regala, Rockefeller, Pridemore, Oemig, Honeyford, Rasmussen, Shin, Kohl-Welles and Kline

AN ACT Relating to environmental covenants; amending RCW 35.21.755, 69.50.511, 70.105D.020, 70.105D.030, and 70.105D.060; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

SSB 5443 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles and Keiser; by request of Department of Labor & Industries)

AN ACT Relating to the suppression of workers' compensation claims; amending RCW 51.28.010, 51.28.025, and 51.28.050; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 5533 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Pflug, Hargrove, Kline, Swecker, Delvin, Stevens, Holmquist, Parlette and Hewitt)

AN ACT Relating to procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior; amending RCW 71.05.020, 71.05.150, 71.05.157, 49.19.010, 71.34.600, 71.24.035, 71.05.160, and 71.05.360; reenacting and amending RCW 71.05.390; adding a new section to chapter 10.31 RCW; adding new sections to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; creating new sections; and repealing RCW 10.77.090.

Referred to Committee on Human Services.

SB 5572 by Senators Murray and Weinstein

AN ACT Relating to excise tax relief for certain limited purpose public corporations, commissions, and authorities; adding a new section to chapter 82.04 RCW; adding a new

section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

SB 5607 by Senator Pridemore

AN ACT Relating to exempting historical property owned by the United States government from leasehold excise taxation; and reenacting and amending RCW 82.29A.130.

Referred to Committee on Finance.

SB 5640 by Senators Kauffman, Fairley, Prentice, Swecker, Rockefeller, Fraser, Kohl-Welles, Shin, Rasmussen and Kline; by request of Health Care Authority

AN ACT Relating to authorizing tribal governments to participate in public employees' benefits board programs; amending RCW 41.05.011, 41.05.021, 41.05.050, 41.05.065, 41.05.080, and 41.05.195; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

ESB 5675 by Senators Franklin, Kohl-Welles, Keiser, Murray and Kline

AN ACT Relating to increasing minimum industrial insurance benefits; amending RCW 51.32.050 and 51.32.060; reenacting and amending RCW 51.32.090; and providing an effective date.

Referred to Committee on Commerce & Labor.

SSB 5676 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles, Murray, Prentice, Hatfield and Kline)

AN ACT Relating to temporary total disability; and reenacting and amending RCW 51.32.090.

Referred to Committee on Commerce & Labor.

SB 5711 by Senators Parlette, Delvin and Shin

AN ACT Relating to the offender score for offenses concerning the influence of intoxicating liquor or any drug; reenacting and amending RCW 9.94A.525; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SSB 5720 by Senate Committee on Judiciary (originally sponsored by Senator Marr)

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.

Referred to Committee on State Government & Tribal Affairs.

SSB 5721 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senator Kohl-Welles)

AN ACT Relating to allowing for financial arrangements between the holders of a sports/entertainment facility and manufacturers, importers, and distributors; reenacting and amending RCW 66.28.010; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 5732 by Senators Fraser, Swecker, Fairley, Haugen and Clements

AN ACT Relating to restrictions on the county treasurer regarding receipting current year taxes; and amending RCW 84.56.010 and 84.56.020.

Referred to Committee on Local Government.

SSB 5733 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Stevens and Jacobsen)

AN ACT Relating to flood protection; and amending RCW 77.55.021.

Referred to Committee on Agriculture & Natural Resources.

ESB 5738 by Senators Oemig and Swecker; by request of Secretary of State

AN ACT Relating to administering elections by mail; amending RCW 29A.44.090; and reenacting and amending RCW 29A.40.110 and 29A.60.165.

Referred to Committee on State Government & Tribal Affairs.

SSB 5839 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Benton, Stevens and Hargrove)

AN ACT Relating to nonmandatory reports of child abuse or neglect; amending RCW 26.44.060; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Early Learning & Children's Services.

SSB 5881 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen, Delvin, Regala and Fraser; by request of Department of Ecology)

AN ACT Relating to water power license fees; and amending RCW 90.16.050 and 90.16.090.

Referred to Committee on Agriculture & Natural Resources.

SSB 5895 by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Fraser, Swecker, Tom, Shin, Kline, McCaslin, Kilmer, Jacobsen, Delvin and Honeyford)

AN ACT Relating to seller disclosure of information concerning residential real property; amending RCW 64.06.005, 64.06.010, and 64.06.020; adding a new section to chapter 64.06 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 5898 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Clements, Keiser, Murray, McAuliffe and Honeyford)

AN ACT Relating to the use of a common carrier for the shipment of wine; and amending RCW 66.24.206 and 66.24.170.

Referred to Committee on Commerce & Labor.

SB 5902 by Senators Prentice, Kohl-Welles, Delvin and Kline

AN ACT Relating to requiring additional state liquor stores to engage in Sunday sales; amending RCW 66.08.166 and 66.08.190; and adding a new section to chapter 43.110 RCW.

Referred to Committee on Commerce & Labor.

ESSB 5915 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Honeyford, Clements, Kohl-Welles and Roach)

AN ACT Relating to unemployment and industrial insurance notices required to be posted by employers; amending RCW 51.28.020; adding a new section to chapter 50.12 RCW; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Commerce & Labor.

SB 5926 by Senators Kohl-Welles, Clements, Kastama, Weinstein, Fairley, Keiser, Marr, Tom, Murray, Oemig, Sheldon and Kline

AN ACT Relating to creating a joint legislative task force to review the underground economy in the construction industry; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 5953 by Senators Eide, Stevens, Delvin, Regala, Sheldon, Benton, Marr, Shin, Rasmussen and Holmquist; by request of Attorney General

AN ACT Relating to penalties for acts of violence by strangulation; amending RCW 9A.36.021 and 9A.04.110; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5987 by Senate Committee on Judiciary (originally sponsored by Senators Clements, Carrell, Marr, Holmquist, Schoesler and Rasmussen; by request of Attorney General)

AN ACT Relating to gang-related offenses; and creating new sections.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 6001 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Pridemore, Poulsen, Rockefeller, Brown, Eide, Oemig, Hargrove, Marr, Fraser, Kohl-Welles, Keiser, Regala, Franklin, Fairley, Jacobsen, Shin, Haugen, Berkey, Spanel, Kline and Weinstein)

AN ACT Relating to mitigating the impacts of climate change; adding a new section to chapter 43.19 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 54.04 RCW; adding new chapters to Title 43 RCW; adding a new chapter to Title 80 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

E2SSB 6117 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Poulsen, Rockefeller, Marr, Kohl-Welles and Kline)

AN ACT Relating to reclaimed water; amending RCW 90.46.005, 90.46.120, 90.46.130, 90.82.043, 90.54.020, and 90.54.180; amending 2006 c 279 s 3 (uncodified); adding a new section to chapter 58.17 RCW; adding new sections to chapter 90.46 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Housing was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5895, and the bill was referred to the Committee on Commerce and Labor.

#### MESSAGE FROM THE SENATE

March 13, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5224,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5292,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5339,  
SECOND SUBSTITUTE SENATE BILL NO. 5467,  
SENATE BILL NO. 5552,  
SUBSTITUTE SENATE BILL NO. 5566,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5726,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5797,  
SENATE BILL NO. 5879,  
SENATE BILL NO. 6075,  
SUBSTITUTE SENATE BILL NO. 6081,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**HOUSE BILL NO. 1289, by Representatives Clibborn, Campbell, Van De Wege, Dickerson, Moeller and Morrell; by request of Department of Licensing**

**Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1289 was substituted for House Bill No. 1289 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1289 was read the second time.

Representative Van De Wege moved the adoption of amendment (395):

On page 2, after line 36, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 46.20 RCW to read as follows:

The department shall develop and implement a statewide education campaign to educate Washington citizens about the border crossing initiative authorized by this act. The educational campaign must include information on the forms of travel for which the existing and enhanced driver's license can be used. The campaign must include information on the time frames for implementation of laws that impact identification requirements at the border with Canada."

Renumber the sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Van De Wege and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (238) was withdrawn.

Representative Buri moved the adoption of amendment (271):

On page 3, beginning on line 5, strike all of section 3

Correct the title.

Representative Buri spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Jarrett, Dunshee, Linville, Kristiansen and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1289.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1289 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Kessler and Van De Wege - 2.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1249, by Representatives Blake, Kretz, Orcutt, Takko and Haigh**

#### **Authorizing a one-year deferral of hunter education training.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1249 was substituted for House Bill No. 1249 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1249 was read the second time.

Representative Orcutt moved the adoption of amendment (062):

On page 2, line 12, after "commission" strike "may" and insert "shall"

On page 2, line 13, after "subsection" insert "to avoid potential fraud and abuse"

On page 3, line 29, after "department" strike "shall" and insert "may"

On page 3, line 30, after "tags and" insert "may"

On page 3, line 30, after "suspension of" insert "one or"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Blake spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1249.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1249 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1383, by Representatives Appleton, Campbell, Cody, Hinkle, Morrell, Walsh, Schual-Berke, Curtis, Green, Clibborn, Lantz, Moeller, Condotta, Hasegawa, Kagi and Santos**

#### **Regulating body piercing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1383.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1383 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Anderson, DeBolt and Dunn - 3.

Excused: Representatives Eickmeyer and Morris - 2.

HOUSE BILL NO. 1383, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1688, by Representatives Newhouse, Grant and Morrell

#### Concerning the marketing of fruits and vegetables.

The bill was read the second time.

Representative Hunt moved the adoption of amendment (332):

On page 2, line 17, after "under" strike all material through "RCW" on line 18 and insert "RCW 15.17.140(2) and 15.17.143 for certificates of compliance"

Representatives Hunt and Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Newhouse and Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1688.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1688 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED HOUSE BILL NO. 1688, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1858, by Representatives Fromhold, Curtis, Clibborn, Jarrett, Simpson, Springer and Moeller

#### Regarding the imposition of fees by transportation benefit districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1858 was substituted for House Bill No. 1858 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1858 was read the second time.

Representative Appleton moved the adoption of amendment (054):

On page 2, line 13, strike "improvement" and insert "vehicle fee"

On page 3, line 15, strike "improvement" and insert "vehicle fee"

Representatives Appleton and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold, Curtis, Springer and Jarrett spoke in favor of passage of the bill.

Representative Roach, Anderson, Schindler and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1858.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1858 and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Bailey, Barlow, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Walsh, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Blake, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Eddy, Ericksen, Hailey, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Skinner, Sump, Van De Wege, Wallace and Warnick - 35.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858.

BILL HINKLE, 13th District

#### SECOND READING

**HOUSE BILL NO. 1981, by Representatives Hunter, Conway, Orcutt, Anderson, Santos, Kessler, Jarrett, Condotta and McIntire**

**Concerning the excise taxation of electronically delivered financial information.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1981 was substituted for House Bill No. 1981 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1981 was read the second time.

Representative Hunter moved the adoption of amendment (386):

On page 1, line 14, strike "and RCW 82.04.460(2)"

Representatives Hunter and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1981.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1981 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Anderson, Hasegawa and Ormsby - 3.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2113, by Representatives Williams, Goodman, Green, Hunt and Simpson**

**Regarding objections by cities, towns, and counties to the issuance of liquor licenses.**

The bill was read the second time.

Representative Williams moved the adoption of amendment (396):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.010 and 2006 c 359 s 1 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, or the renewal of a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension (~~or~~), revocation, or renewal or denial thereof, of any license, the liquor control board may consider any prior criminal conduct of the applicant including an administrative violation history record with the board and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual

or individuals who filled out the forms. The board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. Subject to the provisions of this section, the board may, in its discretion, grant or ((refuse)) deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (8)(d) and (12) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority shall be adopted by rule. No retail license of any kind may be issued to:

(a) A person doing business as a sole proprietor who has not resided in the state for at least one month prior to receiving a license, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation or a limited liability company, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be.

(b) The board shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

(d) Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5)(a) At the time of the original issuance of a spirits, beer, and wine restaurant license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by rules adopted by the board. All conditions and restrictions imposed by the board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8)(a) Unless (b) of this subsection applies, before the board issues a new or renewal license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.

(b) If the application for a special occasion license is for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on property owned by the county but located within an incorporated city or town, the county legislative authority shall be the entity notified by the board under (a) of this subsection. The board shall send a duplicate notice to the incorporated city or town within which the fair is located.

(c) The incorporated city or town through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the new or renewal license is asked. The board may extend the time period for submitting written objections.

(d) The written objections shall include a statement of all facts upon which such objections are based, and in case written objections are filed, the city or town or county legislative authority may request and the liquor control board may in its discretion hold a hearing subject to the applicable provisions of Title 34 RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request and the board may in its discretion hold a hearing subject to the applicable provisions of Title 34 RCW. If such a hearing is held at the request of the applicant, liquor control board representatives shall present and defend the board's initial decision to deny a license or renewal.

(e) Upon the granting of a license under this title the board shall send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. When the license is for a special occasion license for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on county-owned property but located within an incorporated city or town, the written notification shall be sent to both the incorporated city or town and the county legislative authority.

(9)(a) Before the board issues any license to any applicant, it shall give (i) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (ii) written notice, with receipt verification, of the application to public institutions identified by the board as appropriate to receive such notice, churches, and schools within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license for either on-premises or off-premises consumption or wine retailer license for either on-premises or off-premises consumption or spirits, beer, and wine restaurant license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route

over or across established public walks, streets, or other public passageway from the main entrance of the school to the nearest public entrance of the premises proposed for license, and if, after receipt by the school of the notice as provided in this subsection, the board receives written objection, within twenty days after receiving such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. The board may extend the time period for submitting objections. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. For the purpose of this section, public institution shall mean institutions of higher education, parks, community centers, libraries, and transit centers.

(b) No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies.

(c) It is the intent under this subsection (9) that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license.

(10) The restrictions set forth in subsection (9) of this section shall not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation.

(11)(a) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or distributor license to an applicant to operate the retail or distributor premises during the period the application for the license is pending. The board may establish a fee for a temporary license by rule.

(b) A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for additional periods of sixty days upon payment of an additional fee and upon compliance with all conditions required in this section.

(c) Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 applies to temporary licenses.

(d) Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full.

(12) In determining whether to grant or deny a license or renewal of any license, the board shall give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of

any licensed premises as indicated by the reported statements of patrons to the Washington state patrol."

Correct the title.

Representatives Williams and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2113.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2113 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED HOUSE BILL NO. 2113, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2118, by Representatives Conway, Wood and Ormsby

**Transferring responsibilities related to mobile and manufactured home installation from the department of community, trade, and economic development to the department of labor and industries.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2118 was substituted for House Bill No. 2118 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2118 was read the second time.

Representative Bailey moved the adoption of amendment (276):

On page 8, beginning on line 30, strike all of section 13

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2118.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2118 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Dunn, Hinkle and Orcutt - 3.  
Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2118, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2130, by Representatives Goodman, Lantz, Moeller and Rodne**

**Providing a means to determine "prior offenses" to implement chapter 73, Laws of 2006, regarding driving under the influence.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2130 was substituted for House Bill No. 2130 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2130 was read the second time.

Representative Bailey moved the adoption of amendment (356):

Beginning on page 9, line 36, strike all of section 2

Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2130.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2130 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2130, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2164, by Representatives Dunshee, Morrell, Moeller and Ormsby**

**Requiring approval from state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2164 was substituted for House Bill No. 2164 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2164 was read the second time.

Representative Santos moved the adoption of amendment (085):

On page 1, at the beginning of line 12, after "by" strike "a state institution of higher education" and insert "the University of Washington"

On page 1, line 13, after "facilities" strike all material through "state" on line 14 and insert "for branch campuses authorized under RCW 28B.45.020"

On page 2, line 28, strike all of subsection (10)

Renumber remaining subsections consecutively and correct internal references accordingly.

Representatives Santos and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Bailey moved the adoption of amendment (278):

On page 3, beginning on line 27, strike all of section 3

Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Darneille spoke against the adoption of the amendment.

The amendment was not adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Hunter spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2164.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2164 and the bill passed the House by the following vote: Yeas - 74, Nays - 22, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen,

Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner and Sump - 22.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4011, by Representatives Kessler, Warnick, Haler, Kretz, Hinkle, Orcutt, Newhouse, Lantz, McCune, Kristiansen, Haigh, B. Sullivan and Dunn**

**Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands.**

The joint memorial was read the second time.

There being no objection, Substitute House Joint Memorial No. 4011 was substituted for House Joint Memorial No. 4011 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011 was read the second time.

Representative Kessler moved the adoption of amendment (136):

On page 2, line 14, after "full" insert "National Environmental Policy Act"

Representatives Kessler and Warnick spoke in favor of the adoption of the amendment.

The amendment was adopted. The joint memorial was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Kessler, Warnick and Haigh spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Joint Memorial No. 4011.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Memorial No. 4011 and the joint memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant,

Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2023, by Representatives Schual-Berke, Hinkle, Cody, Campbell, Darneille, Walsh, Morrell, Seaquist, Hunter, Hunt, Dunshee, Ericks, Haigh, Simpson, Ormsby and Sells**

**Establishing newborn screening fees.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2023 was substituted for House Bill No. 2023 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2023 was read the second time.

With the consent of the House, amendment (289) was withdrawn.

Representative Bailey moved the adoption of amendment (169):

On page 2, beginning on line 17, strike all of section 3

Correct the title.

Representatives Bailey and Schual-Berke spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schual-Berke moved the adoption of amendment (377):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other~~

~~responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect the following fees from the parents or other responsible party of each infant screened for heritable or metabolic disorders as defined by the state board of health under RCW 70.83.020:

(1) A fee for laboratory testing associated with newborn testing for the defined disorders; and

(2) A fee of three dollars and fifty cents to fund specialty clinics that provide treatment services for children with the defined disorders.

The fee may be collected through the facility where the screening specimen is obtained."

Correct the title.

Representative Schual-Berke spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2023.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2023 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1910, by Representatives Ormsby, Fromhold, Miloscia, Dunshee, Kenney, Appleton, Darneille, Hasegawa and Morrell**

**Modifying property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1910 was substituted for House Bill No. 1910 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1910 was read the second time.

Representative Jarrett moved the adoption of amendment (341):

On page 2, line 36, after "~~((thirty))~~" strike "fifteen" and insert "five"

Representative Jarrett spoke in favor of the adoption of the amendment.

Representative Miloscia spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (228) was withdrawn.

Representative Ormsby moved the adoption of amendment (358):

On page 3, line 9, after "households" strike all material through "located" on line 13

On page 3, line 17, strike "less than" and insert "at or below"

On page 3, line 18, after "income" strike ", except as provided in RCW 84.14.040,"

On page 3, line 20, after "located" insert ", as reported by the United States department of housing and urban development. For cities located in high-cost areas, "low-income household" means a household that has an income at or below one hundred percent of the median family income adjusted for family size, for the county where the project is located"

On page 3, line 22, after "whose" insert "adjusted"

On page 3, line 24, after "income" strike ", except as provided in RCW 84.14.040"

On page 3, line 25, after "located" insert ", as reported by the United States department of housing and urban development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located"

On page 3, line 26, after "where the" strike "fourth" and insert "third"

On page 7, line 31, after "procedures" insert "~~((—These guidelines may))~~"

On page 7, beginning on line 34, after "housing" strike all material through "also" on page 8, line 9, and insert "either within the project itself or within the jurisdiction that is affordable to both low and moderate-income households, except in the case of projects intended exclusively for owner occupancy, in which case the affordable housing requirement need only require that the project provide for mixed-income housing affordable to moderate-income households. In the development of affordable housing requirements, a city governing authority shall consider a variety of methods to achieve the affordable housing requirements of this section including, but not limited to, the possible method of mandating that a specific percentage of units be made available for specific income level populations, either within the property itself or located elsewhere within the jurisdiction. A city governing authority shall also consider potential components of its affordable housing requirements including, but not limited to:

(i) Establishing standards related to the comparative quality, size, location, and other characteristics of any affordable housing units relative to units not designated as affordable; and

(ii) Whether an equivalent financial contribution directed towards the production of affordable housing units within the jurisdiction can be made by a property owner in lieu of the physical creation of affordable housing units and, if so, how the amount of that equivalent financial contribution shall be calculated.

(6) The governing authority may adopt and implement additional standards and guidelines to be utilized in considering applications and making the determinations required under RCW 84.14.060, which may"

On page 8, line 10, strike "~~((~~+~~))~~ (A)" and insert "(a) Additional or more stringent affordable housing requirements than are required under state law;"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 15, line 25, after "**Sec. 13.**" strike all material through "act." on line 28, and insert "This act is applicable only to applications for tax exemption certificates submitted under this chapter after the effective date of this act, except for those applications approved on or before November 30, 2007."

Representative Ormsby spoke in favor of the adoption of the amendment.

Representative Dunn spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of passage of the bill.

Representatives Dunn, Orcutt and Roach spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1910.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1910 and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 35.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

## SECOND READING

**HOUSE BILL NO. 1414, by Representatives Cody, Green, Morrell, Moeller, Schual-Berke and Campbell**

### Licensing ambulatory surgical facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1414 was substituted for House Bill No. 1414 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1414 was read the second time.

Representative Cody moved the adoption of amendment (258):

On page 2, line 8, after "18.57 RCW," insert "or"

On page 2, line 9, after "18.22 RCW" strike ", or a dentist licensed under chapter 18.32 RCW"

On page 3, line 8, after "**Sec. 3.**" strike "After" and insert "Except as provided in section 4 of this act, after"

On page 3, line 19, after "(2)" insert "Applies to an office maintained for the practice of dentistry;  
(3)"

On page 3, at the beginning of line 23, strike "(3)" and insert "(4)"

On page 4, line 12, after "improvement" strike "plan" and insert "program"

On page 5, line 13, after "43.70.250." insert "The secretary shall consult with representatives of ambulatory surgical facilities when establishing fees."

On page 10, line 11, after "every" strike "three years prior to renewal of a license" and insert "eighteen months"

On page 10, line 27, after "department." insert "A survey performed pursuant to medicare certification or by an approved accrediting organization may substitute for a survey by the department if:

(a) The ambulatory surgical facility has satisfactorily completed a survey by the department in the previous eighteen months; and  
(b)"

On page 10, beginning on line 28, after "survey," strike all material through "provide" on line 30 and insert "the ambulatory surgical facility provides"

On page 11, line 3, after "submitted" insert "every"

On page 11, line 4, after "months" strike "after the issuance of each initial license or renewal license"

On page 15, line 12, after "of the" strike "hospital" and insert "ambulatory surgical facility"

On page 15, line 26, after "department's" strike "hospital" and insert "ambulatory surgical facility"

On page 28, after line 25, insert the following:

**Sec. 26.** RCW 18.71.017 and 2000 c 171 s 23 are each amended to read as follows:

(1) The commission may adopt such rules as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on July 1, 1994, unless otherwise repealed or rejected by this chapter or by the commission.

(2) The commission may adopt rules governing office based surgery performed by persons licensed under this chapter, including the administration of sedation and anesthesia, training, and equipment.

**Sec. 27.** RCW 18.57.005 and 1986 c 259 s 94 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

(3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;

(4) To adopt rules governing office based surgery performed by persons licensed under this chapter, including the administration of sedation and anesthesia, training, and equipment;

(5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

**Sec. 28.** RCW 18.22.015 and 1990 c 147 s 5 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatric physician and surgeon licenses;

(3) Examine and investigate all applicants for podiatric physician and surgeon licenses and certify to the secretary all applicants it judges to be properly qualified;

(4) Adopt any rules which it considers necessary or proper to carry out the purposes of this chapter;

(5) Adopt rules governing office based surgery performed by persons licensed under this chapter, including the administration of sedation and anesthesia, training, and equipment;

(6) Determine which schools of podiatric medicine and surgery will be approved."

Renumber the sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Cody and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Orcutt moved the adoption of amendment (399):

On page 3, line 22, after "anesthesia;" strike "or"

On page 3, line 23, after "(3)" insert "Requires an ambulatory surgical facility that has been certified as an ambulatory surgical facility by the medicare program to obtain a license or meet any of the requirements of this chapter; or"

(4)"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1414.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1414 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia,

Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Orcutt - 1.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1897, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Williams and Hunt)**

**Expressing the legislature's intent that public disclosure requirements do not allow attorney invoices to be exempt in their entirety.**

There being no objection, the rules were suspended and Substitute House Bill No. 1897 was returned to Second Reading for purpose of amendments.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1897, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Williams and Hunt)**

**Expressing the legislature's intent that public disclosure requirements do not allow attorney invoices to be exempt in their entirety.**

Representative Chandler moved adoption of amendment (348):

On page 1, line 10, after "theories," insert "witnesses, expert witnesses, legal research, work product,"

Representative Chandler spoke in favor of adoption of the amendment.

Representative Williams spoke against adoption of the amendment.

The amendment was not adopted.

Representative Williams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1897.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1897 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Appleton and Pedersen - 2.  
Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 1897, having received the necessary constitutional majority, was declared passed.

## SECOND READING

**HOUSE BILL NO. 1001, by Representatives Lovick, Priest, McCoy, Pearson, Kirby, Ross, Hunt, Skinner, Simpson, Newhouse, O'Brien, Armstrong, Ericks, Moeller, Miloscia, Grant, Sells, Green, Eickmeyer, Takko, Kelley, B. Sullivan, Hudgins, Cody, Haigh, Morrell, Chase, Ormsby, Kessler, Blake, Conway, Chandler, P. Sullivan, McDonald, Rodne, Haler, Jarrett, Roach, Walsh, Kristiansen, Wallace, McDermott, Condotta, Van De Wege, Dunshee, McCune, Kenney, Schual-Berke, Hinkle, Bailey, Lantz, Warnick, Upthegrove, Alexander, Campbell and Rolfes**

### Combating auto theft.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1001 was substituted for House Bill No. 1001 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1001 was read the second time.

Representative Priest moved the adoption of amendment (165):

On page 39, beginning on line 15, strike all of section 15 and insert the following:

**"NEW SECTION. Sec. 15.** A new section is added to chapter 13.40 RCW to read as follows:

(1) If a respondent is adjudicated of an offense involving theft of a motor vehicle as defined under section 2 of this act, possession of a stolen vehicle as defined under section 5 of this act, or taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than five days of home detention, forty-five hours of community restitution, and a two hundred dollar fine;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to standard range

sentence that includes no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks of confinement, seven days of home detention, four months of supervision, ninety hours of community restitution, and a four hundred dollar fine.

(2) If a respondent is adjudicated of an offense involving taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than one day of home detention, one month of supervision, fifteen hours of community restitution, and a fifty dollar fine;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, two days of home detention, two months of supervision, thirty hours of community restitution, and a one hundred fifty dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, seven days of home detention, three months of supervision, forty-five hours of community restitution, and a one hundred fifty dollar fine."

Representative Dickerson moved the adoption of amendment (351) to amendment (165):

On page 1, beginning on line 3 of the amendment, strike all material through page 2, line 11, and insert the following:

**"NEW SECTION. Sec. 15.** (1) The department of social and health services juvenile rehabilitation administration will convene a work group to review current practices in juvenile sentencing for vehicle theft-related offenses and make recommendations to the legislature for improvements in sentencing to reduce recidivism and the occurrence of new vehicle thefts.

(2) The work group shall include the following:

(a) A representative from the juvenile court administrators;

(b) A representative from the Washington association of prosecuting attorneys;

(c) A representative of the Washington association of sheriffs and police chiefs;

(d) An individual or representative of an organization representing juveniles in offender proceedings;

(e) A representative from the administrative office of the courts;

(f) A representative of the juvenile rehabilitation administration;

(g) An individual employed at a county detention facility or a representative of a county detention facility;

(h) A juvenile probation officer; and

(i) A juvenile parole officer.

(3) The work group may seek the assistance of experts as needed, including in the areas of substance abuse treatment, mental health treatment, offender treatment alternatives, and research in juvenile sentencing issues.

(4) The work group duties shall include:

(a) A review of the current laws for sentencing of offenses related to vehicle thefts;

(b) A review of the Washington data on vehicle thefts, arrests, and convictions for offenses related to vehicle thefts;

(c) A review of research, data, and best practices for sentencing in juvenile court;

(d) Development of recommendations to the legislature to improve the prosecution, adjudication, and dispositions for juveniles adjudicated of theft-related vehicle offenses that will reduce future offenses and recidivism.

(5) The work group shall report to the appropriate committees of the legislature by December 1, 2007."

Representatives Dickerson and Darneille spoke in favor of the adoption of amendment (351) to amendment (165).

Representatives Pearson and O'Brien spoke against the adoption of amendment (351) to amendment (165).

Amendment (351) to amendment (165) was not adopted.

The question before the House was the adoption of amendment (165).

Representatives Priest, Flannigan and O'Brien spoke in favor of the adoption of the amendment.

Representatives Dickerson and Kagi spoke against the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendments (389), (388), (337), (339), (390), (391) and (392) were withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Priest spoke in favor of passage of the bill.

Representative Roberts spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1001.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1001 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, and Mr. Speaker - 80.

Voting nay: Representatives Appleton, Chase, Darneille, Dickerson, Flannigan, Hasegawa, Kagi, Kenney, McCoy, McIntire, Pedersen, Pettigrew, Roberts, Schual-Berke, Sullivan, B. and Wood - 16.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

### HOUSE BILL NO. 1426, by Representatives Clibborn and Hankins; by request of Department of Licensing

#### Modifying the administration of fuel taxes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1426 was substituted for House Bill No. 1426 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1426 was read the second time.

Representative Ericksen moved the adoption of amendment (222):

Beginning on page 18, after line 30, strike all of section 18

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 32, after line 11, strike all of section 30

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (222) to Engrossed Substitute House Bill No. 1426.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (222) to Engrossed Substitute House Bill No. 1426, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 58, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericks, Ericksen, Hailey, Haler, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Moeller, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Upthegrove, Walsh and Warnick - 38.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 58.

Excused: Representatives Eickmeyer and Morris - 2.

Representative Ericksen moved the adoption of amendment (192):

On page 19, beginning on line 3, after "may" strike "enter into" and insert "negotiate"

On page 20, after line 8, insert the following:

"(7) New agreements may not go into effect without legislative approval."

On page 32, line 21, after "may" strike "enter into" and insert "negotiate"

On page 33, after line 25, insert the following:

"(7) New agreements may not go into effect without legislative approval."

Representatives Ericksen, Sump, Buri and Anderson spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment .

The amendment was not adopted.

Representative Jarrett moved the adoption of amendment (161):

On page 20, line 5, after "(5)" insert "If after the effective date of this act a new state/tribal fuel tax agreement is entered into by the parties to the agreement that results in an increase in the amount of fuel tax or an amount equivalent to the amount of the fuel tax, the tribe will be ineligible for state transportation funds on tribal reservation or trust property.

(6)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 33, line 21, after "(5)" insert "If after the effective date of this act a new state/tribal fuel tax agreement is entered into by the parties to the agreement that results in an increase in the amount of fuel tax or an amount equivalent to the amount of the fuel tax, the tribe will be ineligible for state transportation funds on tribal reservation or trust property.

(6)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Jarrett and Ericksen spoke in favor of the adoption of the amendment.

Representatives Clibborn, Flannigan and Clibborn (again) spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Buri moved the adoption of amendment (345):

On page 20, after line 8, insert the following:

"(7) The governor may not directly or indirectly accept a contribution from a party to an agreement or consent decree that has been negotiated within the prior four years or is currently under negotiation, if the party is authorized to negotiate with the governor pursuant to this act."

On page 33, after line 25, insert the following:

"(7) The governor may not directly or indirectly accept a contribution from a party to an agreement or consent decree that has been negotiated within the prior four years or is currently under negotiation, if the party is authorized to negotiate with the governor pursuant to this act."

Representatives Buri, Orcutt, Anderson and Ericksen spoke in favor of the adoption of the amendment.

Representatives Kessler, Pettigrew and Simpson spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (345) to Engrossed Substitute House Bill No. 1426.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (345) to Engrossed Substitute House Bill No. 1426, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 59, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Hurst, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sullivan, P., Sump, Walsh and Warnick - 37.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Excused: Representatives Eickmeyer and Morris - 2.

Representative Bailey moved the adoption of amendment (175):

On page 36, beginning on line 19, strike all of section 35

Correct the title.

Representatives Bailey and Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Jarrett, Hankins and Armstrong spoke in favor of passage of the bill.

Representatives Orcutt, Ericksen and Schindler spoke against the passage of the bill.

With the consent of the House, House Rule 13c was suspended.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1426.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1426 and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Alexander, Anderson, Buri, Condotta, Ericksen, Kretz, Kristiansen, McDonald, Orcutt, Pearson, Roach, Rodne, Schindler and Sump - 15.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2008, by Representatives Van De Wege, Kessler, Haigh, Takko and Ericks

#### Creating a cooperative agreement relating to the timber harvest excise taxation of timber harvests within the Quinault Indian Reservation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2008 was substituted for House Bill No. 2008 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2008 was read the second time.

Representative Buri moved the adoption of amendment (131):

On page 3, after line 12, insert the following:

"(13) The governor shall not directly or indirectly accept a contribution from a party to a compact, contract or agreement that has been negotiated within the prior four years or is currently under negotiation, if the party is authorized to negotiate with the governor pursuant to chapter ..., Laws of 2007 (House Bill 2008 or Senate Bill 5903)."

Renumber remaining subsection consecutively and correct internal references accordingly.

Representatives Buri, Sump and Ericksen spoke in favor of the adoption of the amendment.

Representative Kessler spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (131) to Substitute House Bill No. 2008.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (131) to Substitute House Bill No. 2008, and the amendment was not adopted by the following vote: Yeas - 36, Nays - 60, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 36.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Excused: Representatives Eickmeyer and Morris - 2.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van De Wege spoke in favor of passage of the bill.

Representatives Orcutt and Kretz spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2008.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2008 and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 33.

Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2008, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2212, by Representatives Blake, B. Sullivan and Newhouse**

**Addressing the application of the growth management act to certain agricultural activities occurring on agricultural lands.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2212 was substituted for House Bill No. 2212 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2212 was read the second time.

Representative Simpson moved the adoption of amendment (401):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the goal of preserving Washington's agricultural lands is shared by citizens throughout the state. The legislature recognizes that efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have proven difficult, but that good faith efforts to seek solutions have yielded successes. The legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.

(2) The legislature, therefore, intends this act, the temporary delays it establishes for amending or adopting provisions of certain critical area ordinances and implementing regulations, and the duties and requirements it prescribes for the William D. Ruckelshaus Center, to be expressions of progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals.

(3) The legislature fully expects the duties and requirements it is prescribing for the Ruckelshaus Center to be successful. If, however, the efforts of the center do not result in a consensus of how to best address the conflicts between agricultural activities and certain regulatory requirements as they apply to agricultural activities, the legislature intends, upon the expiration of the delay, to require jurisdictions that have delayed amending or adopting certain regulatory measures to promptly complete all regulatory amendments or adoptions necessary to comply with the growth management act.

(4) The legislature does not intend this act to reduce or otherwise diminish existing critical area ordinances and implementing regulations that protect critical areas that apply to agricultural activities during the deferral period established in section 2 of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Until July 1, 2009, counties and cities must defer amending or adopting critical area ordinances and implementing regulations

under RCW 36.70A.060(2) as they specifically apply to agricultural activities. Nothing in this section:

(a) Nullifies critical area ordinances and implementing regulations adopted by a county or city prior to January 1, 2007, to comply with RCW 36.70A.060(2);

(b) Limits or otherwise modifies the obligations of a county or city to comply with the requirements of this chapter pertaining to critical areas not associated with agricultural activities; or

(c) Limits the ability of a county or city to employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

(2) Counties and cities that defer amending or adopting critical area ordinances and implementing regulations under subsection (1) of this section must review and revise these ordinances and regulations as they specifically apply to agriculture activities to comply with the requirements of this chapter by July 1, 2010.

(3) For purposes of this section and sections 3, 4, and 6 of this act, "agricultural activities" means agricultural uses and practices currently existing or legally allowed, including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Nothing in this act limits or otherwise modifies the authority of a county or city to:

(a) Comply with an order from a growth management hearings board or a court;

(b) Implement a settlement in compliance with the requirements of this chapter; or

(c) Attempt to settle issues raised in litigation challenging critical area ordinances and implementing regulations under RCW 36.70A.060(2) as they specifically apply to agricultural activities.

**NEW SECTION. Sec. 4.** (1) Subject to the availability of amounts appropriated for this specific purpose, the William D. Ruckelshaus Center must conduct an examination of the conflicts between agricultural activities and critical area ordinances and implementing regulations adopted under chapter 36.70A RCW to protect critical areas. The examination required by this section must commence by July 1, 2007.

(2) In fulfilling the requirements of this section, the center must: (a) Work and consult with willing participants, including, but not limited to, agricultural, environmental, tribal, and local government interests; and (b) involve and apprise legislators and legislative staff of its efforts.

(3) The examination conducted by the center must be completed in two distinct phases in accordance with the following:

(a) In the first phase, the center must conduct fact-finding and stakeholder discussions with stakeholders identified in subsection (2) of this section. These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas, including, but not limited to: (i) Critical area ordinances and implementing regulations adopted under chapter 36.70A RCW to protect critical areas; (ii) acreage enrolled in the conservation reserve enhancement program; (iii) acreage protected by conservation easements; (iv) buffer widths; (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vi) compliance with water quality requirements. The center must issue a report of its fact-finding

efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2007; and

(b) In the second phase, the center must facilitate discussions between the stakeholders identified in subsection (2) of this section to identify policy and financial options or opportunities to address the issues identified by stakeholders in the first phase of the center's examination efforts. In particular, the center must examine innovative solutions, including, but not limited to, outcome based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. The center must work to achieve consensus among participating stakeholders on identified issues and to develop a coalition of diverse stakeholders that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2009 legislative session.

(4) The center must issue a final report of findings and legislative recommendations to the governor and the appropriate committees of the house of representatives and the senate by September 1, 2008.

**NEW SECTION. Sec. 5.** If specific funding for the purposes of section 4 of this act, referencing this act and section 4 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 6.** This act applies retroactively to any critical area ordinances and implementing regulations under RCW 36.70A.060(2) as they specifically apply to agricultural activities amended or adopted by a county or city on or after January 1, 2007.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 8.** This act expires July 1, 2010."

Correct the title.

Representatives Simpson and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake, Curtis, Simpson and Kretz spoke in favor of passage of the bill.

Representative Schindler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2212.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2212 and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler,

Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 79.

Voting nay: Representatives Alexander, Anderson, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Kristiansen, Newhouse, Pearson, Schindler, Strow and Warnick - 17.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2212, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1214, by Representatives McDonald and Morrell

#### Regarding the use of electronic wireless communications devices for text messaging while operating a moving motor vehicle.

The bill was read the second time.

Representative McDonald moved the adoption of amendment (307):

On page 1, line 9, after "sending a" insert "text"

Representatives McDonald and Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Clibborn moved the adoption of amendment (067):

On page 1, line 13, after "vehicle;" strike "or"

On page 1, after line 13, insert the following:

"(b) A moving motor vehicle who is also operating an amateur radio and who holds a current, valid amateur radio station license issued by the federal communications commission; or"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Clibborn and McDonald spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Curtis moved the adoption of amendment (070):

On page 2, after line 1, insert the following:

"(3) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense."

Representative Curtis spoke in favor of the adoption of the amendment.

Representatives Clibborn and McDonald spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald and Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1214.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1214 and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hailey, Haler, Hankins, Hunt, Jarrett, Kagi, Kelley, Kenney, Kessler, Kretz, Kristiansen, Lantz, Lovick, McCoy, McCune, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Skinner, Sommers, Springer, Strow, Sump, Takko, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 73.

Voting nay: Representatives Appleton, Blake, Chandler, Condotta, Curtis, Goodman, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Kirby, Linville, McDermott, McIntire, Pedersen, Roach, Schual-Berke, Simpson, B. Sullivan, P. Sullivan, Upthegrove and Van De Wege - 23.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED HOUSE BILL NO. 1214, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1733, by Representatives Conway, Kirby, Darneille and Chase

#### Modifying provisions relating to state community justice facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1733 was substituted for House Bill No. 1733 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1733 was read the second time.

With the consent of the House, amendment (234) was withdrawn.

Representative Conway moved the adoption of amendment (400):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.05.020 and 1998 c 269 s 2 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

(2) "Department" means the department of social and health services.

(3) "Equitable distribution" or "distribute equitably" means siting or locating community facilities in a manner that reasonably reflects the proportion of juveniles sentenced to the department from each county or rural multicounty geographic area designated by the department, and, to the extent practicable, the proportion of such juveniles residing in particular jurisdictions or communities within such counties or geographic areas. Equitable distribution is a policy goal, not a basis for any legal challenge to the siting, construction, occupancy, or operation of any facility anywhere in the state.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

~~((4))~~ (5) "Service provider" means the entity that operates a community facility.

NEW SECTION. Sec. 2. A new section is added to chapter 72.05 RCW to read as follows:

(1) The department shall prepare a projected list of counties and rural multicounty geographic areas in which community facilities need to be sited during the fiscal year beginning July 1, 2007, and every biennium thereafter starting with the biennium beginning July 1, 2008, and transmit the list to the office of financial management and the counties on the list. The list may be updated as needed. In preparing the list, the department shall make substantial efforts to provide for the equitable distribution of community facilities among counties. The department shall give great weight to the following factors in determining equitable distribution:

(a) The locations of existing community facilities owned or operated by, or operated under contract with, the department in each county;

(b) The number and proportion of juvenile offenders committed to the department residing in the county or rural multicounty geographic area; and

(c) The number of juvenile registered sex offenders classified as level II or III and juvenile sex offenders registered as homeless per thousand persons residing in the county.

(2) The department shall submit, along with the list required under subsection (1) of this section, the operational requirements for the facilities on the list to the office of financial management and the counties on the list.

(3) A county, and any county designated by the department within a rural multicounty geographic area, that is included on the list required under subsection (1) of this section planning under RCW 36.70A.040 shall, in cooperation with its cities, allow the siting of each projected community facility on the list within the county using its process for siting essential public facilities under RCW 36.70A.200 and section 6 of this act. The process shall allow the siting of a facility within twelve months of receiving notice that the county has been included on the list.

(4) A county, and any county designated by the department within a rural multicounty geographic area, that is included on the list required under subsection (1) of this section not planning under RCW 36.70A.040 shall, in cooperation with its cities, allow the siting of each projected community facility on the list within the county using the procedures established in section 7 of this act. The process shall allow the siting of a facility within twelve months of receiving notice that the county or city has been included on the list.

(5) The department shall, by rule, adopt facility criteria and shall consult with local governments in such rule making.

**Sec. 3.** RCW 72.65.010 and 1992 c 7 s 56 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

(1) "Department" (~~shall~~) means the department of corrections.

(2) "Equitable distribution" or "distribute equitably" means siting or locating work release facilities in a manner that reasonably reflects the proportion of offenders sentenced to the custody or supervision of the department by the courts of each county or rural multicounty geographic area designated by the department, and, to the extent practicable, the proportion of such offenders residing in particular jurisdictions or communities within such counties or rural multicounty geographic areas. Equitable distribution is a policy goal, not a basis for any legal challenge to the siting, construction, occupancy, or operation of any facility anywhere in the state.

(3) "Prisoner" means a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(4) "Secretary" (~~shall~~) means the secretary of corrections.

~~((3))~~ (5) "State correctional institutions" shall mean and include all state adult correctional facilities established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

~~((4))~~ "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

~~((5))~~ (6) "Superintendent" (~~shall~~) means the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

**NEW SECTION. Sec. 4.** A new section is added to chapter 72.65 RCW to read as follows:

(1) The department shall prepare a projected list of counties and rural multicounty geographic areas in which work release facilities need to be sited during the fiscal year beginning July 1, 2007, and every biennium thereafter starting with the biennium beginning July 1, 2008, and transmit the list to the office of financial management and the counties on the list. The list may be updated as needed. In preparing the list, the department shall make substantial efforts to provide for the equitable distribution of work release facilities among counties. The department shall give great weight to the following factors in determining equitable distribution:

(a) The locations of existing residential facilities owned or operated by, or operated under contract with, the department in each county;

(b) The number and proportion of adult offenders sentenced to the custody or supervision of the department by the courts of the county or rural multicounty geographic area; and

(c) The number of adult registered sex offenders classified as level II or III and adult sex offenders registered as homeless per thousand persons residing in the county.

(2) The department shall submit, along with the list required under subsection (1) of this section, the operational requirements for the facilities on the list to the office of financial management and the counties on the list.

(3) A county, and any county designated by the department within a rural multicounty geographic area, that is included on the list required under subsection (1) of this section planning under RCW 36.70A.040 shall, in cooperation with its cities, allow the siting of each projected work release facility on the list within the county using its process for siting essential public facilities under RCW 36.70A.200 and section 6 of this act.

(4) A county, and any county designated by the department within a rural multicounty geographic area, that is included on the list required under subsection (1) of this section not planning under RCW 36.70A.040 shall, in cooperation with its cities, allow the siting of each projected work release facility on the list within the county using the procedures established in section 7 of this act.

(5) The department shall, by rule, adopt facility criteria and shall consult with local governments in such rule making.

**Sec. 5.** RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) Within twelve months of receiving notice that the county has been included on the list of projected potential sites for a work release facility or community facility for juvenile offenders, each county, in cooperation with the cities located in whole or in part within the county, and each city planning under RCW 36.70A.040 shall, when it next amends its comprehensive plan, but in no case later than the deadline specified in RCW 36.70A.130, establish a process, or amend its existing process, for identifying and siting essential public facilities, and adopt or amend its development regulations as necessary to provide for the siting of community facilities as defined in RCW 72.05.020 and work release and other facilities operated by or under contract with the department of corrections. When siting a community facility under chapter 72.05 RCW or a work release facility under chapter 72.65 RCW, a county or city shall follow, in addition to requirements of the process for siting essential public facilities established under this section, the requirements established in section 6 of this act.

(5) The office of financial management shall maintain and by the first of each year, provide to counties and cities needing to site them, a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

~~((5))~~ (6) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

~~((6))~~ (7) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17.020, corporation, partnership, association, and limited liability entity.

~~((7))~~ (8) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

~~((8))~~ (9) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(2); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) When providing for the siting of an essential public facility that is a community facility under chapter 72.05 RCW, a county or city planning under this chapter shall:

(a) Involve the department of social and health services in the siting process;

(b) Make a substantial effort to provide for the equitable distribution of community facilities by giving great weight to the factors in section 2(1) (a) through (c) of this act; and

(c) Ensure that any location identified is consistent with the operational requirements established by the department of social and health services under section 2(2) of this act.

(2) When providing for the siting of an essential public facility that is a work release facility under chapter 72.65 RCW, a county or city planning under this chapter shall:

(a) Involve the department of corrections in the siting process;

(b) Make a substantial effort to provide for the equitable distribution of work release facilities by giving great weight to the factors in section 4(1) (a) through (c) of this act; and

(c) Ensure that any location identified is consistent with the operational requirements established by the department of corrections under section 4(2) of this act.

(3)(a) As part of the permitting process for a community facility under chapter 72.05 RCW, a county or city may not impose upon the department of social and health services any requirements beyond the operational requirements established under section 2(2) of this act and the facility criteria established under section 2(5) of this act.

(b) As part of the permitting process for a work release facility under chapter 72.65 RCW, a county or city may not impose upon the department of corrections any requirements beyond the operational requirements established under section 4(2) of this act and the facility criteria established under section 4(5) of this act.

(4) If the department of social and health services adheres to all responsibilities in section 2 of this act and RCW 72.05.400, and the department of corrections adheres to all responsibilities in RCW 72.65.010 and section 4 of this act, any conditional use permit, special use permit, or any other development application process necessary to site a community facility or work release facility may not exceed one hundred twenty days after submittal of a full and complete application, and must include an appeal process.

**NEW SECTION. Sec. 7.** A new section is added to chapter 36.70 RCW to read as follows:

(1) When providing for the siting of a community facility under chapter 72.05 RCW, a county or city planning under this chapter shall:

(a) Involve the department of social and health services in the siting process;

(b) Make a substantial effort to provide for the equitable distribution of community facilities by giving great weight to the factors in section 2(1) (a) through (c) of this act; and

(c) Ensure that any location identified is consistent with the operational requirements established by the department of social and health services under section 2(2) of this act.

(2) When providing for the siting of a work release facility under chapter 72.65 RCW, a county and city planning under this chapter shall:

(a) Involve the department of corrections in the siting process;

(b) Make a substantial effort to provide for the equitable distribution of work release facilities by giving great weight to the factors in section 4(1) (a) through (c) of this act; and

(c) Ensure that any location identified is consistent with the operational requirements established by the department of corrections under section 4(2) of this act.

(3)(a) As part of the permitting process for a community facility under chapter 72.05 RCW, a county or city may not impose upon the department of social and health services any requirements beyond the operational requirements established under section 2(2) of this act and the facility criteria established under section 2(5) of this act.

(b) As part of the permitting process for a work release facility under chapter 72.65 RCW, a county or city may not impose upon the department of corrections any requirements beyond the operational

requirements established under section 4(2) of this act and the facility criteria established under section 4(5) of this act.

(4) If the department of social and health services adheres to all responsibilities in section 2 of this act and RCW 72.05.400, and the department of corrections adheres to all responsibilities in RCW 72.65.010 and section 4 of this act, any conditional use permit, special use permit, or any other development application process necessary to site a community facility or work release facility may not exceed one hundred twenty days after submittal of a full and complete application, and must include an appeal process.

**NEW SECTION. Sec. 8.** A new section is added to chapter 36.70A RCW to read as follows:

(1) After twelve months have passed since the city or county receives notice that the county has been included on the list of projected potential sites for a work release facility or community facility for juvenile offenders, and the county and cities within have failed to establish a process for siting a work release facility or community facility for juvenile offenders, notwithstanding RCW 36.70A.103 or any other law, this section preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the department of corrections to site, construct, renovate, occupy, and operate a work release facility or to enable the department of social and health services to operate a community facility for juvenile offenders within the county.

(2) The department of corrections or department of social and health services determinations under subsection (1) of this section are final and are not subject to appeal under chapter 34.05 RCW or this chapter.

(3) Nothing in this section prohibits the department of corrections or department of social and health services from:

(a) Siting a work release or community facility for juvenile offenders in a city or county that has complied with the requirements of RCW 36.70A.200 with respect to these facilities, including a city that is located within a county that has been preempted. If the department sites a work release facility or community facility for juvenile offenders in such a city or county, the department shall use the process established by the city or county for siting such facilities; or

(b) Consulting with a city or county that has been preempted under this section regarding the siting of a secure community transition facility.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Conway spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and McDonald spoke in favor of passage of the bill.

Representatives Bailey and Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1733.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1733 and the bill passed the House by the following vote: Yeas - 75, Nays - 21, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Appleton, Barlow, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Alexander, Armstrong, Bailey, Blake, Chandler, Condotta, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Strow, Sump, and Warnick - 21.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1733, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2158, by Representatives Hasegawa, Fromhold, O'Brien, Orcutt, Condotta, Ormsby, Roach, Kristiansen, Ericks, Curtis, Kenney and Moeller**

**Concerning the sales of vehicles and associated services to nonresidents of Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2158 was substituted for House Bill No. 2158 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2158 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2158.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2158 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2158, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1471, by Representatives Kristiansen, O'Brien, Pettigrew, Haler, Pearson, Kretz, Lovick, Ericks, Sells, Rodne, Campbell, Moeller, Morrell, Goodman and Ross**

**Prohibiting the use of voluntary intoxication as a defense against a criminal charge.**

The bill was read the second time.

Representative Goodman moved the adoption of amendment (299):

On page 1, after line 19, insert the following:

"(3)(a) For the purposes of this section, "voluntary intoxication" does not include intoxication caused by a diagnosable disease if the disease: (i) results from the defendant's compulsive and chronic use of alcohol or a drug; and (ii) caused the defendant to be incapable of making a voluntary choice to ingest the alcohol or drug.

(b) The defendant must establish that his or her intoxication at the time of the crime was caused by a diagnosable disease under (a) of this subsection by objective, verifiable factors that include the following:

(i) A persistent and uncontrollable desire for the alcohol or drug;

(ii) The inability to stop or limit the use of the alcohol or drug;

(iii) The need to increase the amount of the alcohol or drug used in order to feel the effects of the alcohol or drug;

(iv) Continued and sustained use of the alcohol or drug despite adverse or negative consequences, including causing serious harm or injury to the property or person of the defendant or others while using the alcohol or drug;

(v) Serious physiological, emotional, mental, or psychological illness, disorder, or dysfunction; and

(vi) Ongoing treatment for alcohol or drug abuse by a physician or in an approved treatment program under chapter 70.96A RCW.

(c) The court shall not admit evidence under this subsection (3) unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case that the defendant intends to offer such evidence."

Representatives Goodman and Kristiansen spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kristiansen and Goodman spoke in favor of passage of the bill.

Representative Flannigan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1471.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1471 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Erickson, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Darneille, Flannigan, McDermott, Ormsby and Pedersen - 5.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED HOUSE BILL NO. 1471, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of further consideration the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1382,  
HOUSE BILL NO. 1404,  
HOUSE BILL NO. 1554,  
HOUSE BILL NO. 1883,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 14, 2007, the 66th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTY SIXTH DAY

House Chamber, Olympia, Wednesday, March 16, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cassandra Garvin and Brett Lundmark. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Other Chaplain Ron Brown, United States Navy, Region Northwest.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4646, by Representatives Bailey, Seaquist, Rolfes and Hankins

WHEREAS, May 14, 2007, marks a day of celebration for the United States Navy and its members here in Washington state; and

WHEREAS, The Washington State House of Representatives recognizes excellence in all forms of endeavor; and

WHEREAS, The Washington State House of Representatives has always acted to honor those who have served and are serving our country as members of the United States military; and

WHEREAS, The Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power capabilities promote stability for our friends and deters aggression from our foes; and

WHEREAS, Washington state is uniquely positioned, politically, economically, and geographically, to deal with the opportunities and challenges presented by Asia and the Pacific Rim countries; and

WHEREAS, Washington state naval bases consistently receive awards for the quality of life they provide to sailors and family members; and

WHEREAS, Washington state Navy installations have also received environmental stewardship awards from local, state, and federal agencies, and are recognized as models for other military facilities; and

WHEREAS, Washington state-based sailors are serving on the ground in Iraq, Afghanistan, and other areas around the globe; and

WHEREAS, The United States Navy fired the first missiles against the Taliban forces in the opening days of the war on terrorism; and

WHEREAS, Puget Sound is the United States Navy's third largest Fleet Concentration area with 2 aircraft carriers, 5 warships, 13 submarines, and 119 aircraft based in Washington state; and

WHEREAS, The United States Navy spends \$2.8 billion annually in the Pacific Northwest; and

WHEREAS, Washington-based Navy units were the first on-scene to provide relief services after the 2005 Tsunami in southern Asia; and

WHEREAS, Navy personnel donate millions of dollars and thousands of hours to local charities and community programs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the United States Navy and all its members for their sacrifices and accomplishments to protect both our freedoms and the freedoms for people around the world; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Commander of the Navy Region Northwest, RDML William French.

Representative Bailey moved the adoption of the resolution.

Representatives Bailey and Appleton spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4646 was adopted.

HOUSE RESOLUTION NO. 2007-4638, by Representatives Quall, Sells, P. Sullivan, Kenney, Pedersen, Haigh, Takko, Blake, Green, Hasegawa, Fromhold, Alexander, O'Brien, Roberts, Haler, Cody, Lovick, Bailey, McCoy, Curtis, Darneille, Dickerson, Condotta, Skinner, Anderson, Ericks, Kirby, Williams, Ahern, Upthegrove, Simpson, Rolfes, Van De Wege, Hudgins, Schindler, Flannigan, McIntire, Jarrett, Kristiansen, Crouse, Hailey, Newhouse, Hankins, Orcutt, Chase, Conway, Clibborn, Appleton, Moeller, Wallace, Kagi, Schual-Berke, Miloscia, Eddy, Dunshee, Pearson, Strow, Warnick, Roach, McDonald, Priest, Walsh, McCune and Rodne

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold, and unsafe; and

WHEREAS, Classified employees are the bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 buses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; and the custodian, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and, most importantly, all children receive the necessary support and services, while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the paraeducators who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide specialized services as nursing and interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education; and

WHEREAS, Classified school employees across the state are celebrating March 12 through 16, 2007, as classified school employee week;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor classified school employees during Classified School Employee Week, March 12 through 16, 2007, and urge all citizens to join in honoring, recognizing, and respecting the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Public School Employees of Washington, SEIU Local 1948 and SEIU Local 925.

Representative Quall moved the adoption of the resolution.

Representatives Quall and Alexander spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4638 was adopted.

#### MESSAGES FROM THE SENATE

March 13, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5100,  
SECOND SUBSTITUTE SENATE BILL NO. 5164,  
SENATE BILL NO. 5175,  
SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5315,  
SENATE BILL NO. 5429,  
SUBSTITUTE SENATE BILL NO. 5445,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,  
SECOND SUBSTITUTE SENATE BILL NO. 5455,  
SECOND SUBSTITUTE SENATE BILL NO. 5509,  
SUBSTITUTE SENATE BILL NO. 5517,  
SUBSTITUTE SENATE BILL NO. 5653,  
SUBSTITUTE SENATE BILL NO. 5702,  
SUBSTITUTE SENATE BILL NO. 5745,  
SUBSTITUTE SENATE BILL NO. 5910,  
SUBSTITUTE SENATE BILL NO. 5967,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 13, 2007

Mr. Speaker:

The Senate has passed the following bills:

SENATE BILL NO. 5014,  
SUBSTITUTE SENATE BILL NO. 5097,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098,  
SUBSTITUTE SENATE BILL NO. 5387,  
SENATE BILL NO. 5561,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5669,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5774,  
SUBSTITUTE SENATE BILL NO. 5844,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5909,  
SUBSTITUTE SENATE BILL NO. 5984,  
ENGROSSED SENATE BILL NO. 6018,  
SENATE BILL NO. 6119,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**HOUSE BILL NO. 1450, by Representatives Sells, Strow, Miloscia, Curtis, O'Brien, B. Sullivan, Roberts, Lovick, Appleton, Kenney, Ormsby and Hasegawa**

**Modifying provisions that exempt housing for very low-income households from taxation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sells spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1450.

#### MOTIONS

On motion of Representative Santos, Representative Morris was excused. On motion of Representative Schindler, Representative Curtis was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1450 and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Anderson, Chandler, Dunn, Ericksen, Kretz, Orcutt and Sump - 7.

Excused: Representatives Curtis and Morris - 2.

HOUSE BILL NO. 1450, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1580, by Representatives Takko, Orcutt, Lovick and Sells**

**Consolidating designated forest lands and open space timber lands for ease of administration.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1580 was substituted for House Bill No. 1580 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1580 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1580.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1580 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Curtis and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 1580, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1909, by Representatives Orcutt, B. Sullivan, Roach, Blake, Takko, Pearson, Kristiansen and Hinkle**

**Protecting from the theft of specialized forest products.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1909 was substituted for House Bill No. 1909 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1909 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1909.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1909 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Curtis and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 1909, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2105, by Representatives Conway, Condotta, Kenney, Simpson and Ormsby**

**Requiring payment of prescription drugs for industrial insurance medical aid claims for initial visits.**

The bill was read the second time.

Representative Conway moved the adoption of amendment (212):

On page 2, after line 32, insert the following:

"NEW SECTION. **Sec. 2.** By December 1, 2009, the department of labor and industries must report to the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee, or successor committees, on the implementation of this act."

Correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Conway moved the adoption of amendment (213):

On page 2, after line 32, insert the following:

"NEW SECTION. **Sec. 2.** This act takes effect January 1, 2008."

Correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2105.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2105 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Curtis and Morris - 2.

ENGROSSED HOUSE BILL NO. 2105, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2219, by Representatives Orcutt, B. Sullivan, Kessler and Kretz**

**Regarding forest practices regulations that apply to small forest landowners.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2219 was substituted for House Bill No. 2219 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2219 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2219.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2219 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Curtis and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2219, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1879, by Representatives Blake, B. Sullivan, Moeller, Kretz, Morris, Strow, Pettigrew, Orcutt, Armstrong, McCoy, Linville, Van De Wege, Takko, Lovick, Williams, Haigh, P. Sullivan, Sump, Kenney and Ormsby**

**Authorizing the department of natural resources to give nominally valuable materials to nonprofit organizations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1879 was substituted for House Bill No. 1879 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1879 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Representative Springer, Representative Clibborn was excused.

Representatives Blake and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1879.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1879 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Clibborn, Curtis and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1879, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1896, by Representative Hunt****Creating the legislative gift center committee.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1896 was substituted for House Bill No. 1896 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1896 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1896.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1896 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Clibborn, Curtis and Morris - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1896, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1968, by Representatives Simpson, Conway and Ormsby****Requiring certification for sprinkler fitters.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1968 was substituted for House Bill No. 1968 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1968 was read the second time.

Representative Simpson moved the adoption of amendment (411):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certificate" means a certificate of competency granted by the director under the terms of this chapter, and is valid within the state and all political subdivisions, and meets all of the requirements for license or certification that may be applied by the political subdivisions.

(2) "Contractor" means any person, corporation, or other entity, licensed under chapter 18.160 RCW, which performs any work covered by the provisions of this chapter.

(3) "Director" means the state director of fire protection.

(4) "Fire protection sprinkler fitting" means installing, altering, and repairing sprinkler, standpipe, hose, or other hazard systems for fire protection purposes that are an assembly of piping or conduit beginning at the connection to the primary water supply within a building, sprinkler tank heaters, air lines, and all tanks and pumps attached thereto.

(5) "Journey-level sprinkler fitter" means any person who has been issued a certificate by the director as provided by this chapter.

(6) "NFPA 13-D" means the standard in use by the national fire protection association for the installation of fire protection sprinkler systems in one and two-family dwellings and manufactured homes whenever the provisions of this chapter are applied.

(7) "NFPA 13-R" means the standard in use by the national fire protection association for the installation of fire protection sprinkler systems in residential dwellings up to and including four stories in height whenever the provisions of this chapter are applied.

(8) "Person" means a natural person, including an owner, manager, partner, officer, employee, or occupant.

(9) "Residential sprinkler fitter" means anyone who has been issued a certificate by the director limited to installation, maintenance, and repair of the fire protection sprinkler system of residential occupancies as defined by NFPA 13-D and NFPA 13-R.

(10) "Trainee" means anyone who has been issued a training certificate by the director who is learning the fire protection sprinkler fitting trade under the direct supervision of a journey-level sprinkler fitter or residential sprinkler fitter.

**NEW SECTION. Sec. 2.** (1) This chapter shall be administered by the director.

(2) The director may adopt rules necessary for the administration of this chapter.

**NEW SECTION. Sec. 3.** (1) No person may engage in the trade of fire protection sprinkler fitting without having a valid journey-level sprinkler fitter certificate, residential sprinkler fitter certificate, training certificate, or temporary certificate, with the exception of a certified plumber installing a residential fire protection sprinkler system connected to potable water requiring a plumbing certificate.

(2) No contractor may employ a person in violation of subsection (1) of this section to perform fire protection sprinkler fitting work.

(3) A person found by the director to have committed an infraction under this chapter shall be assessed a monetary penalty as set by rule.

(4) Each day in which a person engages in the trade of fire protection sprinkler fitting in violation of subsection (1) of this section or employs a person in violation of subsection (2) of this section is considered a separate infraction.

**NEW SECTION. Sec. 4.** The director shall adopt a written examination to be administered to applicants for certificates.

**NEW SECTION. Sec. 5.** (1) Every applicant for a certificate shall pay an examination fee and satisfactorily pass an examination as provided by rule.

(2) Every applicant for a certificate shall apply to the director on an application form provided by the director and pay the application fee as provided by rule.

(3)(a) Every applicant for a journey-level sprinkler fitter certificate shall provide evidence to the director on a form provided by the director of at least eight thousand hours of trade-related fire protection sprinkler fitting experience.

(b) Every applicant for a residential sprinkler fitter certificate shall provide evidence to the director on a form provided by the director of at least four thousand hours of trade-related fire protection sprinkler fitting or residential sprinkler fitting experience.

(4) Every applicant for a training certificate shall provide evidence to the director on a form provided by the director of trade-related employment by a contractor.

(5)(a) The director shall grant a journey-level sprinkler fitter certificate without examination to any applicant who, during the ninety days following the effective date of this section, submits an application for such certification and evidence of his or her employment as a journey-level sprinkler fitter for a period of not less than eight thousand hours.

(b) The director shall grant a residential sprinkler fitter certificate without examination to any applicant who, during the ninety days following the effective date of this section, submits an application for such certification and evidence of his or her employment as a journey-level sprinkler fitter or a residential sprinkler fitter for a period of not less than four thousand hours.

(6) The director may grant a certificate without examination to any applicant who is a journey-level sprinkler fitter or residential sprinkler fitter from a state whose requirements for certification are

at least substantially equivalent to the requirements of this state, and which extends the same privileges of reciprocity to journey-level sprinkler fitters or residential sprinkler fitters from this state.

**NEW SECTION. Sec. 6.** (1) A certificate expires on December 31st.

(2) The certificate shall be renewed every other year.

(3) Before the expiration date of the certificate, every applicant shall reapply to the director on an application form provided by the director and pay the application fee as provided by rule.

(4) If a certificate is not renewed before its expiration date, an applicant must:

(a) Apply to the director on an application form provided by the director;

(b) Pay an application fee to the director as provided by rule;

(c) Pay an examination fee as provided by rule; and

(d) Successfully pass the written examination required by this chapter.

**NEW SECTION. Sec. 7.** All receipts from fees and charges or from the money generated by the rules adopted under this chapter shall be deposited into the fire protection contractor license fund created in RCW 18.160.050 and used for the purposes authorized under this chapter.

**NEW SECTION. Sec. 8.** An authorized representative of the director may investigate alleged violations of this chapter. Upon request of an authorized representative, a person performing fire protection sprinkler fitting or residential sprinkler fitting work must produce evidence of a certificate issued by the director in accordance with this chapter. Failure to produce such evidence is an infraction as provided by section 3 of this act.

**NEW SECTION. Sec. 9.** A person wishing to appeal a determination of infraction under this chapter must file an appeal within twenty days of the date of the notice of infraction in accordance with chapter 34.05 RCW.

**NEW SECTION. Sec. 10.** The director shall immediately suspend any certificate issued under this chapter if the holder has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

**NEW SECTION. Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 12.** This act takes effect January 1, 2009."

Correct the title.

Representatives Simpson and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendments (373), (374), (375) and (376) were withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1968.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1968 and the bill passed the House by the following vote: Yeas - 74, Nays - 21, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Anderson, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Priest, Ross, Schindler, Skinner, Walsh and Warnick - 21.

Excused: Representatives Clibborn, Curtis and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2353, by Representatives McDermott, Cody and Appleton

#### Regarding passenger-only ferry service.

The bill was read the second time.

Representative Bailey moved the adoption of amendment (280):

Beginning on page 2, line 35, strike all of section 2

Correct the title.

Representative Bailey and DeBolt spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McDermott spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2353.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2353 and the bill passed the House by the following vote: Yeas - 75, Nays - 20, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Anderson, Chandler, Crouse, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Rodne, Schindler, Sump and Warnick - 20.

Excused: Representatives Clibborn, Curtis and Morris - 3.

HOUSE BILL NO. 2353, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2366, by Representatives Dunshee, Jarrett, Ormsby, Hunter and Kenney

#### Requiring oversight of state agency housing decisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2366 was substituted for House Bill No. 2366 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2366 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2366.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2366 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green,

Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Clibborn, Curtis and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 2366, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1667, by Representatives Green, Cody, Morrell, Ormsby, Moeller and Simpson**

**Regarding fairness and equity in health professions licensing fees.**

The bill was read the second time.

Representative Green moved the adoption of amendment (305):

On page 1, line 9, after "members of" strike "~~(that)~~ every" and insert "that"

On page 2, beginning on line 3, after "(2)" strike all material through "programs," on line 17, and insert "For all credentials issued after January 1, 2008, in addition to the credentialing fee, the secretary shall impose an annual surcharge of one dollar and fifty cents on all credentialed health professionals operating under the health professions account created under RCW 43.70.320. The surcharge shall be placed in the health professions account and used to reduce the fee when the annual base renewal fee for any credentialed health profession exceeds five hundred dollars per year to conduct core credentialing and disciplinary activities. Annual base renewal fees do not include special surcharges that may also be collected at the time of the credential renewal. This provision does not apply to regulated business entities whose funds reside with the health professions account.

**NEW SECTION. Sec. 2.** The department of health shall review the effectiveness of the equity surcharge established in RCW 43.70.250 with respect to eliminating inequities in the level of credentialing fees paid by health care providers regulated by the department of health. The review shall specifically consider the effect of the surcharge in reducing credentialing fees for professions with high fees and increasing the number of health care providers in those professions. The review shall provide any recommendations that would increase administrative efficiency and provide greater equity in credentialing fee amounts. The department of health shall submit its report to the legislature by November 15, 2010.

**NEW SECTION. Sec. 3.** This act expires on July 1, 2011."

Correct the title.

Representatives Green and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Campbell spoke in favor of passage of the bill.

Representatives Hinkle, Ahern and Buri spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1667.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1667 and the bill passed the House by the following vote: Yeas - 71, Nays - 24, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Anderson, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Rodne, Ross, Schindler, Skinner, Sump, Walsh, and Warnick - 24.

Excused: Representatives Clibborn, Curtis and Morris - 3.

ENGROSSED HOUSE BILL NO. 1667, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2261, by Representatives Campbell, Hudgins, Morrell, Hunt and Ormsby**

**Providing for the evaluation of additional measures to reduce wood smoke emissions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2261 was substituted for House Bill No. 2261 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2261 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell, Newhouse, Hudgins and Sump spoke in favor of passage of the bill.

Representative Orcutt, Pearson, Schindler and Ahern spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2261.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2261 and the bill passed the House by the following vote: Yeas - 64, Nays - 31, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Campbell, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Roach, Ross, Schindler, Skinner, Strow, Sump, Takko, Van De Wege, Walsh, and Warnick - 31.

Excused: Representatives Clibborn, Curtis and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 2261, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2357, by Representatives McIntire and Fromhold****Allowing a school district to transfer certain revenue into the district's capital projects account.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2357.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2357 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove,

Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Curtis and Morris - 2.

HOUSE BILL NO. 2357, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1404, by Representatives Wallace, Hinkle, Condotta, O'Brien, Fromhold, Ahern, McCune and Warnick****Providing a sales tax exemption for certain trail grooming services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1404.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1404 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Curtis and Morris - 2.

HOUSE BILL NO. 1404, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1883, by Representatives Wallace, Anderson, Chase, Jarrett, Moeller, McDermott, Priest, Haigh, Kagi, Roberts, Kenney and Conway****Modifying the higher education coordinating board.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1883 was substituted for House Bill No. 1883 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1883 was read the second time.

Representative Wallace moved the adoption of amendment (217):

On page 3, beginning on line 21, strike all of section 104

Correct the title

Representative Wallace spoke in favor of the adoption of the amendment.

Representative Anderson spoke against the adoption of the amendment.

The amendment was adopted.

Representative Bailey moved the adoption of amendment (413):

Beginning on page 8, line 34, strike all of section 302

Correct the title.

Representatives Bailey and Anderson spoke in favor of the adoption of the amendment.

Representative Wallace spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Andersen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1883.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1883 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Uptegrove, Van De

Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Orcutt - 1.

Excused: Representatives Curtis and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 14, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5248,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5836,  
SENATE BILL NO. 5918,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923,  
SECOND SUBSTITUTE SENATE BILL NO. 6016,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

#### SECOND READING

**HOUSE BILL NO. 2286, by Representatives Simpson, Kirby, Williams, Kelley and Hunt**

**Regulating interstate branching.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2286 was substituted for House Bill No. 2286 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2286 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2286.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2286 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-

Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Curtis and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2286, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2107, by Representatives Schual-Berke, B. Sullivan, Blake, Newhouse, Dickerson, Strow, Kagi, Orcutt, McCoy, Cody and Van De Wege**

**Authorizing the use of innovative settlement agreements in lieu of appeal for violations of chapters 90.48 and 90.56 RCW.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2107 was substituted for House Bill No. 2107 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2107 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2107.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2107 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darnelle, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Curtis and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2107, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1765, by Representatives Lantz, Springer, Williams, Rodne and Moeller**

#### **Changing provisions concerning limitation of claims under a construction contract.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1765 was substituted for House Bill No. 1765 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1765 was read the second time.

Representative Lantz moved the adoption of amendment (394):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

(1) Subject to the other provisions of this section, any clause in a construction contract that purports to waive, release, or extinguish the claim rights of a contractor, subcontractor, or supplier to damages or an equitable adjustment based on failure to submit claim notice or claim-related documentation in a specified time frame or form is enforceable if the clause includes the following provisions:

(a) Initial notice of an event giving rise to a claim is required to be submitted:

(i) Within seven calendar days following the occurrence of the event;

(ii) In writing; and

(iii) To the party, as specified in the contract, to whom the claim is being made.

(b) Documentation of the claim, as specified in subsection (1)(c) below, is required to be provided:

(i) Within thirty calendar days following the occurrence of the event giving rise to the claim;

(ii) In writing; and

(iii) To the party, as specified in the contract, to whom the claim is being made.

(c) Documentation of the claim is required to be submitted by the claiming party that provides the following information, in sufficient detail and in a format to allow the party to whom the claim is being made to understand the claim and respond:

(i) A detailed factual description of the claim and the bases for the claim, providing all necessary dates, locations, and items of work affected by the claim;

(ii) A description of the specific provisions of the contract that support the claim;

(iii) Identification and copies of any documents that support the claim and a description of any oral communications that support the claim;

(iv) An estimated dollar cost, if any, of the claim and how that estimate was determined; and

(v) An analysis of the progress schedule showing the schedule change or disruption if the party submitting the claim is asserting a schedule change or disruption.

(d) If the claim is continuing, the party to whom the claim is being made may request the information identified above be supplemented.

(2) If a contractor, subcontractor, or supplier fails to meet the notice and documentation requirements of subsection (1), the contractor shall nonetheless be deemed to have complied with those requirements if:

(a) The required initial notice and documentation are given and provided within fifteen days and forty-five days, respectively, following the occurrence of the event giving rise to the claim; and

(b) The party pursuing the claim proves by a preponderance of the evidence that the party receiving the notice or documentation was not prejudiced by the later receipt of the notice or documentation.

(3) Any clause in a construction contract that purports to waive, release, or extinguish the claim rights of a contractor, subcontractor,

or supplier to damages or an equitable adjustment based on failure to submit claim notice or claim-related documentation pursuant to provisions that obligate the party pursuing the claim to provide more information than described in subsection (1) above, or provide such information earlier than the time specified in subsection (1) of this section, is enforceable against a contractor, subcontractor, or supplier only if the party to whom the claim is being made is prejudiced as a result of the failure. The party failing to provide such timely notice or documentation has the burden to prove, by a preponderance of the evidence, that the party failing to receive such timely notice or documentation was not prejudiced by such failure. For the purpose of this subsection, "prejudiced" means being deprived of the opportunity to mitigate cost, time, or both cost and time impacts caused by the event or combination of events giving rise to the claim.

(4) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, all claims for damages or an equitable adjustment must be submitted within thirty calendar days of a project's substantial completion, as defined in the construction contract.

(5) Subsections (3) and (4) of this section do not apply to any contractual requirement that a formal claim be submitted within a certain time frame or contain specified documentation following the completion or termination of a contract as a condition precedent to seeking mediation, arbitration, or judicial relief.

(6) For purposes of this section, "construction contract" has the same meaning as the term is defined in RCW 4.24.370.

**Sec. 2.** RCW 4.24.370 and 1979 ex.s. c 264 s 2 are each amended to read as follows:

"Construction contract" for purposes of RCW 4.24.360 and section 1 of this act means any contract or agreement for the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith.

**Sec. 3.** RCW 4.24.380 and 1979 ex.s. c 264 s 3 are each amended to read as follows:

(1) The provisions of RCW 4.24.360 shall apply to contracts or agreements entered into after September 1, 1979.

(2) This act applies to contracts or agreements entered into on or after January 1, 2008.

Representatives Lantz and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Rodne and Kristiansen spoke in favor of passage of the bill.

Representative Haigh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1765.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1765 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Haigh - 1.

Excused: Representatives Curtis and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1181, by Representatives Ericks, O'Brien, Lovick, Ormsby, McDonald, Haler and Wallace**

**Modifying the powers and funding of the forensic investigations council.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ericks spoke in favor of passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1181.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1181 and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Ahern, Alexander, Bailey, Condotta, Crouse, DeBolt, Dunn, Ericksen, Kristiansen, Newhouse, Pearson, Roach and Schindler - 13.

Excused: Representatives Curtis and Morris - 2.

HOUSE BILL NO. 1181, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2056, by Representatives Lantz, Goodman, Sells, McCoy, Hunt and Simpson**

**Requiring recycling receptacles at official gatherings and sports facilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2056 was substituted for House Bill No. 2056 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2056 was read the second time.

Representative Ericksen moved the adoption of amendment (414):

On page 2, line 15, after "limited to" strike "fairs."

On page 2, line 18, after "cans," insert "Official gathering does not include rodeos, draft horse plough shows, or agricultural fairs included in RCW 15.76.120."

Representatives Ericksen and Hailey spoke in favor of the adoption of the amendment.

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (219):

On page 3, after line 22, strike all material through "vendor." on line 34 and insert the following:

"(1) A recycling program is encouraged at official gatherings and at sports facilities in communities where there is an established curbside service and where recycling service is available to businesses.

(2) A recycling program includes provision of receptacles or reverse vending machines, and provisions to transport and recycle the collected materials. Facility managers or event coordinators are encouraged to work with vendors to coordinate the recycling program. The recycling receptacles or reverse vending machines should be clearly marked, and should be provided for the aluminum, glass, or plastic bottles or cans that contain the beverages sold at the official gathering or sports facility."

Representatives Orcutt, Ericksen and Orcutt (again) spoke in favor of the adoption of the amendment.

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Orcutt and Simpson spoke in favor of passage of the bill.

Representatives Hinkle and Schindler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2056.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2056 and the bill passed the House by the following vote: Yeas - 71, Nays - 25, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Pearson, Roach, Ross, Schindler, Skinner, Strow, Sump, and Warnick - 25.

Excused: Representatives Curtis and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2056, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1873, by Representatives Ormsby, Haler, Pedersen, Wood, Van De Wege, Campbell, Flannigan, Kessler, Williams and Lantz**

**Changing the requirements for, and recoveries under, a wrongful injury or death cause of action.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1873 was substituted for House Bill No. 1873 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1873 was read the second time.

Representative Lantz moved the adoption of amendment (407):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.20.020 and 1985 c 139 s 1 are each amended to read as follows:

Every ((such)) action under RCW 4.20.010 shall be for the benefit of the ((wife, husband, child)) spouse or children, including

stepchildren, of the person whose death shall have been so caused. If there ~~((be))~~ is no ~~((wife or husband))~~ spouse or ~~((such))~~ child ~~((or children, such)),~~ the action may be maintained for the benefit of the parents, sisters, or brothers~~((:))~~ who are dependent upon the deceased person for support ~~((and who are resident within the United States at the time of his death)).~~

In every such action the jury may ~~((give such))~~ award economic and noneconomic damages as~~((:))~~ under all circumstances of the case~~((:))~~ may to them seem just.

**Sec. 2.** RCW 4.20.046 and 1993 c 44 s 1 are each amended to read as follows:

(1) All causes of action by a person or persons against another person or persons shall survive to the personal representatives of the former and against the personal representatives of the latter, whether such actions arise on contract or otherwise, and whether or not such actions would have survived at the common law or prior to the date of enactment of this section~~((PROVIDED, HOWEVER, That)).~~

(2) In addition to recovering economic losses, the personal representative ~~((shall only be))~~ is entitled to recover on behalf of those beneficiaries identified under RCW 4.20.020 any noneconomic damages for pain and suffering, anxiety, emotional distress, loss of enjoyment of life, shortened life expectancy, or humiliation, personal to ~~((and suffered by a))~~ the deceased ~~((on behalf of those beneficiaries enumerated in RCW 4.20.020, and such))~~ in such amounts as determined by a jury to be just under all the circumstances of the case. Damages under this section are recoverable regardless of whether or not the death was occasioned by the injury that is the basis for the action.

(3) The liability of property of a husband and wife held by them as community property and subject to execution in satisfaction of a claim enforceable against such property so held shall not be affected by the death of either or both spouses; and a cause of action shall remain an asset as though both claiming spouses continued to live despite the death of either or both claiming spouses.

~~((2))~~ (4) Where death or an injury to person or property, resulting from a wrongful act, neglect or default, occurs simultaneously with or after the death of a person who would have been liable therefor if his death had not occurred simultaneously with such death or injury or had not intervened between the wrongful act, neglect or default and the resulting death or injury, an action to recover damages for such death or injury may be maintained against the personal representative of such person.

**Sec. 3.** RCW 4.20.060 and 1985 c 139 s 2 are each amended to read as follows:

(1) No action for a personal injury to any person occasioning death shall abate, nor shall such right of action ~~((determine))~~ terminate, by reason of ~~((such))~~ the death~~((:))~~ if ~~((such))~~ the person has a surviving ~~((spouse or child living, including stepchildren, or leaving no surviving spouse or such children, if there is dependent upon the deceased for support and resident within the United States at the time of decedent's death, parents, sisters or brothers, but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator))~~ beneficiary in whose favor the action may be brought under subsection (2) of this section.

(2) An action under this section may be brought by the personal representative of the deceased~~((:))~~ in favor of ~~((such))~~ the surviving spouse~~((, or in favor of the surviving spouse))~~ and ~~((such))~~ children~~((, or if)).~~ If there is no surviving spouse~~((, in favor of such child))~~ or children, ~~((or if no surviving spouse or such child or children, then))~~ the action may be brought in favor of the decedent's parents, sisters or brothers who ~~((may be))~~ are dependent upon ~~((such person))~~ the decedent for support~~((, and resident in the United States at the time of decedent's death)).~~

(3) In addition to recovering economic losses, the persons identified in subsection (2) of this section are entitled to recover any noneconomic damages personal to the decedent including, but not limited to, damages for the decedent's pain and suffering, anxiety, emotional distress, loss of enjoyment of life, shortened life expectancy, or humiliation, in such amounts as determined by a jury to be just under all the circumstances of the case.

**Sec. 4.** RCW 4.24.010 and 1998 c 237 s 2 are each amended to read as follows:

(1) A ~~((mother or father, or both,))~~ parent who has regularly contributed to the support of his or her ~~((minor))~~ child who is under the age of twenty-six, ~~((and the mother or father, or both, of a child on whom either, or both, are))~~ or a parent who is dependent on a child for support may maintain or join ~~((as a party))~~ an action as plaintiff for the injury or death of the child.

(2) Each parent, separately from the other parent, is entitled to recover for his or her own loss regardless of marital status, even though this section creates only one cause of action~~((but if the parents of the child are not married, are separated, or not married to each other damages may be awarded to each plaintiff separately, as the trier of fact finds just and equitable)).~~

(3) If one parent brings an action under this section and the other parent is not named as a plaintiff, notice of the institution of the suit, together with a copy of the complaint, shall be served upon the other parent: PROVIDED, That notice shall be required only if parentage has been duly established.

Such notice shall be in compliance with the statutory requirements for a summons. Such notice shall state that the other parent must join as a party to the suit within twenty days or the right to recover damages under this section shall be barred. Failure of the other parent to timely appear shall bar such parent's action to recover any part of an award made to the party instituting the suit.

(4) In ~~((such))~~ an action under this section, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just."

Correct the title.

Representative Walsh moved the adoption of amendment (440) to amendment (407):

On page 1, beginning on line 8 of the amendment, after "so caused," strike all matter through "death)." on line 12 and insert the following:

"If there ~~((be))~~ is no ~~((wife or husband))~~ spouse or ~~((such))~~ child ~~((or children, such)),~~ the action may be maintained for the benefit of the deceased person's: (1) parents~~((:))~~ who are dependent upon the deceased person for support; (2) parents who have regularly contributed to the support of the deceased person if the deceased person had a developmental disability as defined in RCW 71A.10.020; or (3) sisters or brothers~~((:))~~ who ~~((may be))~~ are dependent upon the deceased person for support ~~((and who are resident within the United States at the time of his death))."~~

Beginning on page 2, line 38 of the amendment, after "~~((or if))~~," strike all material through "death)." on page 3, line 5 and insert the following:

"If there is no surviving spouse~~((, in favor of such child))~~ or children, ~~((or if no surviving spouse or such child or children, then))~~ the action may be brought in favor of the decedent's: (1) parents~~((:))~~ who are dependent upon the decedent for support; (2) parents who have regularly contributed to the support of the decedent if the decedent had a developmental disability as defined in RCW 71A.10.020; or (3) sisters or brothers who ~~((may be))~~ are dependent upon ~~((such person))~~ the decedent for support~~((, and resident in the United States at the time of decedent's death))."~~

On page 3, beginning on line 15 of the amendment, strike all of subsection (1) and insert the following:

"(1) A ~~((mother or father, or both,))~~ parent who has regularly contributed to the support of his or her ~~((minor))~~ child who is under the age of twenty-six or his or her child with a developmental disability as defined in RCW 71A.10.020, ~~((and the mother or father, or both, of a child on whom either, or both, are))~~ or a parent who is dependent upon a child for support may maintain or join ~~((as a party))~~ an action as plaintiff for the injury or death of the child."

Representatives Walsh and Lantz spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

With the consent of the House, amendments (404) and (331) were withdrawn.

The question before the House was the adoption of amendment (407) as amended.

Representatives Lantz and Rodne spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of passage of the bill.

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1873.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1873 and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schual-Berke, Skinner, Strow, Sump, Walsh and Warnick - 32.

Excused: Representatives Curtis and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1873, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2111, by Representatives Williams, Conway, Wood, Green, Moeller, Darneille, Miloscia, Dickerson, P. Sullivan, Morrell, McDermott, Grant, Hudgins, Simpson and Ormsby**

#### **Making the governor the public employer of adult family home providers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2111 was substituted for House Bill No. 2111 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2111 was read the second time.

Representative Williams moved the adoption of amendment (410):

On page 2, beginning on line 4, strike all of subsections (a) and (b) and insert the following:

"(a) A statewide unit of all adult family home providers is the only unit appropriate for purposes of collective bargaining under RCW 41.56.060.

(b) The exclusive bargaining representative of adult family home providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070."

Representatives Williams and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendments (403), (428), (367), (368), (369), (370), (371) and (380) were adopted.

Representative Condotta moved the adoption of amendment (372):

On page 2, line 13, after "exists." insert the following:

"Neither the commission nor the department of social and health services shall, either directly or indirectly, give a prospective bargaining representative access to lists of home mailing addresses for providers."

Representatives Condotta and Chandler spoke in favor of the adoption of the amendment.

Representative Williams spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (372) to Engrossed Substitute House Bill No. 2111.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (372) to Engrossed Substitute House Bill No. 2111, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 59, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Chase, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Hunter, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne,

Ross, Schindler, Skinner, Strow, Sump, Walsh, and Warnick - 37.

Voting nay: Representatives Appleton, Barlow, Blake, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Excused: Representatives Curtis and Morris - 2.

Representative Williams moved the adoption of amendment (441):

On page 2, after line 29, insert the following:

"Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section shall be exempt from disclosure under chapter 42.56 RCW."

Representatives Williams and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Williams spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2111.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2111 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 80.

Voting nay: Representatives Ahern, Anderson, Armstrong, Condotta, Crouse, Eickmeyer, Ericksen, Kretz, Kristiansen, McCune, McDonald, Orcutt, Pearson, Schindler, Sump and Warnick - 16.

Excused: Representatives Curtis and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 14, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5318,  
SENATE BILL NO. 5389,  
SENATE BILL NO. 5551,  
SUBSTITUTE SENATE BILL NO. 5554,  
SUBSTITUTE SENATE BILL NO. 5585,  
SUBSTITUTE SENATE BILL NO. 5619,  
ENGROSSED SENATE BILL NO. 5723,  
SUBSTITUTE SENATE BILL NO. 5869,  
SENATE BILL NO. 5927,  
SUBSTITUTE SENATE BILL NO. 5972,  
SUBSTITUTE SENATE BILL NO. 6053,  
SENATE BILL NO. 6059,  
SUBSTITUTE SENATE BILL NO. 6100,  
SUBSTITUTE SENATE BILL NO. 6141,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House reverted to the fourth order of business.

### INTRODUCTION & FIRST READING

HB 2383 by Representatives Sells, Conway, Kenney, Appleton, Green, Chase, Campbell, Dunshee, Cody, Ormsby, Wood, Van De Wege, Hasegawa, McDermott, Simpson, Hudgins, Blake, Darneille, Moeller, Hurst, Morrell, Pettigrew, Dickerson, Kirby, Hunt, B. Sullivan, Ericks, Schual-Berke and Williams

AN ACT Relating to prohibiting employers from requiring employees to participate in certain communications about political, religious, or labor organizing matters; adding new sections to chapter 49.44 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2384 by Representatives Seaquist and Appleton

AN ACT Relating to limiting the fee of a small loan to ten percent and the amount of a small loan to five hundred dollars; and amending RCW 31.45.073.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2385 by Representatives Green and Appleton

AN ACT Relating to small loan rollovers; and amending RCW 31.45.010 and 31.45.073.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2386 by Representative Kristiansen

AN ACT Relating to prohibiting the use of voluntary intoxication as a defense against a criminal charge; and amending RCW 9A.16.090 and 9A.08.010.

Referred to Committee on Judiciary.

**HB 2387** by Representatives Sells, Green, Simpson and Appleton

AN ACT Relating to mandatory participation in communications about political, religious, or labor organizing matters; and creating a new section.

Referred to Committee on Commerce & Labor.

**HB 2388** by Representatives Alexander, P. Sullivan and Hunter

AN ACT Relating to financing regional centers with seating capacities less than ten thousand that are acquired, constructed, financed, or owned by a public facilities district; amending RCW 35.57.010, 35.57.040, 36.100.010, 36.100.020, 36.100.030, and 82.14.390; and adding a new section to chapter 35.57 RCW.

**HB 2389** by Representatives Clibborn, Jarrett, Eddy and Goodman

AN ACT Relating to the state route number 520 bridge replacement and HOV project; adding new sections to chapter 47.01 RCW; and creating new sections.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2388 which was placed on the Second Reading calendar.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2388, by Representatives Alexander, P. Sullivan and Hunter**

**Financing regional centers with seating capacities less than ten thousand that are acquired, constructed, financed, or owned by a public facilities district.**

The bill was read the second time.

Representative Hunter moved the adoption of amendment (439):

On page 8, line 11, after "35.57" insert "or 36.100"

Representatives Hunter and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2388.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2388 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Chandler, Chase, Clibborn, Cody, Condotta, Conway, DeBolt, Dunn, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Kretz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 80.

Voting nay: Representatives Buri, Campbell, Crouse, Darneille, Dickerson, Dunshee, Flannigan, Kelley, Kristiansen, Lantz, McCune, Morrell, Pearson, Roach, Seaquist, and Van De Wege - 16.

Excused: Representatives Curtis and Morris - 2.

ENGROSSED HOUSE BILL NO. 2388, having received the necessary constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 2388.

CHRISTOPHER HURST, 31<sup>st</sup> District

## SECOND READING

**HOUSE JOINT MEMORIAL NO. 4020, by Representatives Seaquist, Morrell, Bailey, Ericks, Kelley, Roach, Kessler, Green, Campbell, Williams, McDonald, Van De Wege, Hudgins, Chase, Hunt, Dunn, McCune, Buri, Haler, Priest, Kretz, Goodman, Cody, P. Sullivan, Sommers, Hasegawa, Rolfes, Pedersen, Miloscia, Simpson, Sells, Roberts, Lovick, Hunter, Darneille, McCoy, Hurst, Clibborn, Conway, Linville, Kenney, Ormsby, Springer and Santos**

**Requesting the Washington Air and Army National Guard not be federalized.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Seaquist, Rodne, Kelley, Morrell, Buri and Campbell spoke in favor of passage of the joint memorial.

Representative Chandler spoke against the passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4020.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4020 and the joint memorial passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Ahern, Chandler and Ross - 3.

Excused: Representatives Curtis and Morris - 2.

HOUSE JOINT MEMORIAL NO. 4020, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Cody informed the gentlemen of the chamber that March 15<sup>th</sup> was Washington State Prostate Cancer Awareness Day and there would be an opportunity to have a screening done.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 15, 2007, the 67th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE  
SIXTIETH LEGISLATURE - REGULAR SESSION

**SIXTY SEVENTH DAY**

House Chamber, Olympia, Thursday, March 15, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5089, and the bill was placed on the Second Reading calendar.

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2390 by Representatives Kristiansen and Pearson

AN ACT Relating to reprioritizing transportation funding for state route number 2; and amending RCW 46.68.290.

Referred to Committee on Transportation.

SB 5014 by Senator Pridemore; by request of Office of the State Actuary

AN ACT Relating to the process for adopting contribution rates for the actuarial funding of the state retirement systems; amending RCW 41.45.030, 41.45.060, 41.45.0604, 41.45.061, 41.45.0631, and 41.45.110; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5026 by Senators Murray and Sheldon

AN ACT Relating to a sales and use tax exemption for recovered wood waste boiler equipment used in steam production; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

SSB 5078 by Senate Committee on Transportation (originally sponsored by Senators Honeyford and Kline)

AN ACT Relating to approaching stationary emergency, roadside assistance, or police vehicles; and amending RCW 46.61.212, 46.61.100, and 46.61.120.

Referred to Committee on Transportation.

SB 5084 by Senators Murray, Swecker, Haugen and Delvin

AN ACT Relating to rail transit safety plans; and amending RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, 81.112.180, and 81.104.115.

Referred to Committee on Transportation.

SSB 5085 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Murray)

AN ACT Relating to increasing the proportionate share of earnings from surplus balance investments that are deposited in transportation-related accounts; and reenacting and amending RCW 43.84.092.

Referred to Committee on Appropriations.

SSB 5097 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, McAuliffe, Swecker, Kastama, Regala, Weinstein, Eide, Oemig, Pridemore, Kohl-Welles, Keiser, Shin, Berkey, Murray, Kline and Rasmussen)

AN ACT Relating to safe schools; amending RCW 28A.320.125; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Education.

E2SSB 5098 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Keiser, Weinstein, Fairley, Marr, Murray, Kastama, Kohl-Welles, Rasmussen, McAuliffe, Kauffman, Kilmer, Tom and Shin)

AN ACT Relating to the Washington college bound scholarship program; amending RCW 28B.95.020; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

ESSB 5100 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, Regala, Fairley, Shin, Weinstein, Murray, Keiser, Prentice, Kline, Spanel, Fraser, Tom, Kohl-Welles and Rasmussen)

AN ACT Relating to information for students regarding health insurance; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Education.

SB 5134 by Senators Haugen, Swecker, Rasmussen and Delvin; by request of Washington State Patrol,

Department of Licensing and Washington Traffic Safety Commission

AN ACT Relating to authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses; and amending RCW 46.55.113.

Referred to Committee on Transportation.

2SSB 5164 by Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen, Hobbs, Shin, Rasmussen, Kilmer and Franklin)

AN ACT Relating to expanding the veterans conservation corps program; amending RCW 43.60A.150; amending 2005 c 257 s 1 (uncodified); adding new sections to chapter 43.60A RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SB 5175 by Senators Pridemore, Schoesler, Fraser, Fairley, McAuliffe, Shin, Jacobsen, Prentice, Franklin and Rasmussen; by request of Select Committee on Pension Policy

AN ACT Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount; amending RCW 41.40.197 and 41.32.489; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 5188 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen, Prentice, Fairley, Kline, Marr, Kohl-Welles, Tom, Murray, Keiser and Rasmussen)

AN ACT Relating to a wildlife rehabilitation program; amending RCW 46.16.606; adding new sections to chapter 77.12 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

SB 5206 by Senators Haugen and Swecker

AN ACT Relating to tires with retractable studs; and amending RCW 46.04.272, 46.37.420, 46.37.4215, and 46.37.4216.

Referred to Committee on Transportation.

SSB 5207 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Murray and Spanel)

AN ACT Relating to a study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors; creating the freight congestion relief account; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.68 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

SB 5208 by Senators Swecker, Marr and Haugen

AN ACT Relating to bond amounts for department of transportation highway contracts; and amending RCW 39.08.030.

Referred to Committee on Transportation.

SSB 5219 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senator Jacobsen)

AN ACT Relating to the Northwest weather and avalanche center; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5224 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Rockefeller and Kilmer; by request of Office of Financial Management)

AN ACT Relating to the salmon recovery office; amending RCW 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.090, 77.85.150, and 43.41.270; adding a new section to chapter 77.85 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

SSB 5227 by Senate Committee on Judiciary (originally sponsored by Senators Tom, Kline, Carrell, Rasmussen, Stevens, Shin, Roach, McAuliffe, Weinstein, Jacobsen, Kohl-Welles and Kilmer)

AN ACT Relating to animal abandonment; amending RCW 16.52.207 and 16.52.011; and prescribing penalties.

Referred to Committee on Judiciary.

SSB 5242 by Senate Committee on Transportation (originally sponsored by Senators Hobbs, Hewitt, Haugen, Kastama, Fairley, Shin, Kline, Clements, Kohl-Welles, Keiser, Tom, Brandland, Murray, Roach, Spanel, Kauffman, Rockefeller, Regala, Jacobsen, McAuliffe, Berkey, Carrell, Sheldon, Kilmer, Rasmussen, Holmquist and Honeyford)

AN ACT Relating to an internship program for wounded combat veterans; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SSB 5248 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist)

AN ACT Relating to preserving the viability of agricultural lands; amending RCW 36.70A.060; and creating a new section.

Referred to Committee on Local Government.

SSB 5250 by Senate Committee on Transportation (originally sponsored by Senators Swecker, Haugen, Kilmer, Kline, Rockefeller and Shin)

AN ACT Relating to transferring motor vehicle ownership; and amending RCW 46.12.101 and 46.12.170.

Referred to Committee on Transportation.

ESSB 5292 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Roach, Kohl-Welles, Keiser and Parlette)

AN ACT Relating to physical therapist assistants; amending RCW 18.74.010, 18.74.020, 18.74.030, 18.74.035, 18.74.040, 18.74.060, 18.74.070, 18.74.073, 18.74.090, 18.74.120, 18.74.130, 18.74.150, 18.74.160, 18.74.170, and 48.43.045; adding new sections to chapter 18.74 RCW; and providing effective dates.

Referred to Committee on Health Care & Wellness.

ESSB 5312 by Senate Committee on Judiciary (originally sponsored by Senators Tom, Holmquist, Kline, Roach, Kilmer, Marr, Sheldon, Morton, Pridemore, McCaslin, Berkey, Delvin, Shin, Rasmussen, Parlette and Stevens)

AN ACT Relating to protecting and recovering property owned by utilities, telecommunications companies, railroads, state agencies, political subdivisions of the state, construction firms, and other parties; adding a new chapter to Title 19 RCW; creating a new section; repealing RCW 9.91.110; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 5313 by Senators Haugen, Schoesler, Kilmer, Hatfield, Shin and Rasmussen

AN ACT Relating to establishing the retirement age for members of the Washington state patrol retirement system; amending RCW 43.43.250; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5315 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Schoesler, Rasmussen, Holmquist, Sheldon, Honeyford, Stevens, Clements, Morton, Delvin, Hatfield, Kilmer, Shin and Roach)

AN ACT Relating to property access during forest fires; amending RCW 47.48.040; adding a new section to chapter 36.28A RCW; adding a new section to chapter 47.48 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SSB 5318 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Poulsen and Jacobsen)

AN ACT Relating to wildlife conservation in Washington's portion of the Yukon to Yellowstone Rocky mountain ecosystem; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SSB 5320 by Senate Committee on Judiciary (originally sponsored by Senators Franklin, McCaslin, Kline, Stevens, Prentice, Parlette, Regala, Hargrove, Rasmussen, Murray, Jacobsen, Hewitt, Keiser and Roach)

AN ACT Relating to creating an office of public guardianship as an independent agency of the judiciary; and adding a new chapter to Title 2 RCW.

Referred to Committee on Judiciary.

ESSB 5339 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Kilmer, Kastama, Rockefeller and Rasmussen)

AN ACT Relating to authorizing the acquisition and operation of tourism-related facilities by port districts; amending RCW 53.08.255; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Local Government.

ESSB 5373 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Prentice, Keiser, Franklin and Kline; by request of Employment Security Department)

AN ACT Relating to reporting, penalty, and corporate officer provisions of the unemployment insurance system; amending RCW 50.12.070, 50.29.021, 50.12.220, 50.04.165, 50.04.310, 50.24.160, 50.20.070, 50.04.245, 50.24.170, 50.04.080, and 50.04.090; adding new sections to chapter 50.04 RCW; adding new sections to chapter 50.12 RCW; adding a new section to chapter 50.29 RCW; adding new sections to chapter 50.24 RCW; creating new sections; prescribing penalties; and providing effective dates.

Referred to Committee on Commerce & Labor.

SSB 5387 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Kilmer, Kauffman and Shin)

AN ACT Relating to promoting economic development through commercialization of technologies; and amending RCW 28B.20.297.

Referred to Committee on Community & Economic Development & Trade.

SB 5389 by Senator Hewitt

AN ACT Relating to importing a simulcast race of regional or national interest on horse race days; amending RCW 67.16.200; and declaring an emergency.

Referred to Committee on Commerce & Labor.

ESSB 5403 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Brandland and Jacobsen)

AN ACT Relating to certifying animal massage practitioners; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5412 by Senate Committee on Transportation (originally sponsored by Senators Murray, Swecker, Marr, Clements and Haugen)

AN ACT Relating to clarifying goals, objectives, and responsibilities of certain transportation agencies; amending RCW 47.01.011, 47.01.012, 47.01.071, 47.01.075, 47.05.030, 47.05.035, 47.06.020, 47.06.050, and 47.06.140; adding a new section to chapter 47.04 RCW; creating a new section; recodifying RCW 47.01.012; and repealing RCW 47.01.370, 47.05.051, and 47.06.030.

Referred to Committee on Transportation.

SB 5429 by Senators Franklin and Kohl-Welles

AN ACT Relating to deductions from moneys received by an inmate; and amending RCW 72.09.480.

Referred to Committee on Human Services.

SSB 5445 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Jacobsen, Morton and Rasmussen)

AN ACT Relating to cost-reimbursement agreements; and amending RCW 43.30.490.

Referred to Committee on Technology, Energy & Communications.

SSB 5447 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Hatfield, Jacobsen, Honeyford, Hargrove, Poulsen, Benton and Rasmussen)

AN ACT Relating to ensuring a sustainable coastal Dungeness crab fishery; adding a new section to chapter 77.12 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5452 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Rockefeller)

AN ACT Relating to providing for reunification after termination of parental rights; amending RCW 13.34.200; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Judiciary.

2SSB 5455 by Senate Committee on Ways & Means (originally sponsored by Senators Morton and Rasmussen)

AN ACT Relating to community revitalization partnerships in distressed counties; adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

2SSB 5467 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Pflug, Parlette, Kastama, Franklin, Fairley, Weinstein, Marr, Tom, Brown, Hargrove, Zarelli, McAuliffe, Regala, Clements, Kilmer, Oemig, Pridemore, Rasmussen, Kohl-Welles, Benton, Kline and Roach)

AN ACT Relating to creating the individual and family services program for people with developmental disabilities; adding a new section to chapter 71A.12 RCW; and creating new sections.

Referred to Committee on Human Services.

SSB 5503 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Marr, Keiser, Brown, Brandland, Fairley, Schoesler, Berkey, Shin, Delvin, Kohl-Welles and McAuliffe)

AN ACT Relating to athletic trainers; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

2SSB 5509 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Pflug, Kohl-Welles, Keiser, Parlette, Carrell, Regala and Franklin)

AN ACT Relating to disciplinary actions for health care providers regulated under chapter 18.130 RCW; amending RCW 18.130.080, 18.130.180, and 18.130.020; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5511 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Sheldon, Kastama, Clements, Rasmussen and Shin)

AN ACT Relating to requiring state agencies to allow volunteer firefighters to respond when called to duty; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 5517 by Senate Committee on Ways & Means (originally sponsored by Senators Berkey, Kauffman, Haugen, Eide, Kastama, Schoesler, Shin, Hatfield, Keiser, Rasmussen, Kline and Regala)

AN ACT Relating to increasing the personal needs allowance for persons receiving state-financed care; adding a new section to chapter 74.09 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5526 by Senators Hargrove, Regala, Prentice and Shin; by request of Department of Labor & Industries

AN ACT Relating to modifying the definition of criminal act; and amending RCW 7.68.020.

Referred to Committee on Public Safety & Emergency Preparedness.

E2SSB 5528 by Senate Committee on Ways & Means (originally sponsored by Senators Pflug, Holmquist, Zarelli, Swecker, Clements, Stevens, Roach, Hewitt, Delvin and Parlette)

AN ACT Relating to mathematics education; adding new sections to chapter 28A.305 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 5551 by Senators Prentice, Kohl-Welles, Clements and Rasmussen; by request of Liquor Control Board

AN ACT Relating to enforcement of liquor and tobacco laws; amending RCW 82.26.105; adding a new section to chapter 66.08 RCW; and adding a new section to chapter 82.24 RCW.

Referred to Committee on Commerce & Labor.

SB 5552 by Senators Rockefeller, Spanel, Regala, Kohl-Welles, Kline and Oemig

AN ACT Relating to discharges of oil; amending RCW 90.48.366, 90.48.368, and 90.56.330; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SSB 5554 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators McAuliffe, Clements and Kohl-Welles)

AN ACT Relating to self-service storage facilities; and amending RCW 19.150.010, 19.150.040, 19.150.060, 19.150.070, 19.150.080, and 19.150.100.

Referred to Committee on Commerce & Labor.

SB 5561 by Senators Oemig, Fairley, Hobbs, Brown, Spanel, Franklin, Kline, Jacobsen and McAuliffe

AN ACT Relating to allowing voter registration up to and on election day; amending RCW 29A.08.145 and 29A.08.820; reenacting and amending RCW 29A.04.611; and adding a new section to chapter 29A.08 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 5566 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Franklin and Kohl-Welles)

AN ACT Relating to providing for privacy protection for certain voter registration information; and amending RCW 29A.40.091.

Referred to Committee on State Government & Tribal Affairs.

SSB 5585 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Tom, Keiser, Weinstein, Oemig, Kohl-Welles, Marr, Fraser, Prentice and Franklin)

AN ACT Relating to parent and child health services provided by the department of health; amending RCW 43.70.080 and 43.70.010; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5619 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Pflug, Keiser, Parlette, Marr, Weinstein, Fairley, Kastama, Kline and Kohl-Welles)

AN ACT Relating to modifying unwarranted variation in health care; amending RCW 7.70.060; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SSB 5653 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Kauffman, Kastama, Brown, Berkey, Rockefeller, Keiser, Franklin, Kohl-Welles and Shin)

AN ACT Relating to the establishment of a self-employment assistance program; amending RCW 50.20.095; adding a new section to chapter 50.20 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

E2SSB 5659 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Kohl-Welles, Fairley, Franklin, Brown and Kline)

AN ACT Relating to family and medical leave insurance; amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 49 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

ESB 5669 by Senators Holmquist, Poulsen, Rasmussen, Pflug, Oemig, Swecker, Clements, Schoesler, Roach, Rockefeller and Kilmer

AN ACT Relating to implementing renewable fuel standards; adding a new section to chapter 43.21C RCW; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

SB 5685 by Senators Tom, Schoesler, Zarelli, Oemig, Regala, Kilmer, Kohl-Welles, Rasmussen and Roach; by request of Department of Revenue

AN ACT Relating to the business and occupation tax credit for high technology research and development spending; amending RCW 82.04.4452; and providing an effective date.

Referred to Committee on Finance.

SSB 5688 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Keiser and Kline)

AN ACT Relating to allowing industrial insurance claimants to designate a representative to receive the claimants' notices, orders, or warrants; and amending RCW 51.04.080.

Referred to Committee on Commerce & Labor.

SSB 5702 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Benton, Keiser, Swecker, Kohl-Welles and Roach)

AN ACT Relating to notice to certain employees of a claim of exemption from paying unemployment insurance taxes; amending RCW 50.44.040; and adding new sections to chapter 50.44 RCW.

Referred to Committee on Commerce & Labor.

ESB 5723 by Senators Rasmussen, Clements, Hatfield, Roach, Shin, Morton, Kline, Schoesler, Haugen, Sheldon, Hargrove, Kohl-Welles, Fairley, Honeyford, Franklin, Keiser, Berkey, Kauffman, Kilmer, Jacobsen, Kastama, Benton, Zarelli and Parlette

AN ACT Relating to creating the community agricultural worker safety grant program; adding a new section to chapter 15.04 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

ESSB 5726 by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Weinstein, Kline and Franklin)

AN ACT Relating to creating the insurance fair conduct act; amending RCW 48.30.010; adding a new section to chapter 48.30 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5731 by Senate Committee on Higher Education (originally sponsored by Senators Shin, Delvin, Berkey, Sheldon, Tom, Oemig, Rasmussen, Pridemore, Roach, Jacobsen and Kohl-Welles)

AN ACT Relating to educating students in high demand fields; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SSB 5745 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Brown and Kohl-Welles)

AN ACT Relating to use of solid fuel burning devices during impaired air quality conditions; amending RCW 70.94.473; and creating a new section.

Referred to Committee on Select Committee on Environmental Health.

ESSB 5770 by Senate Committee on Higher Education (originally sponsored by Senators Shin, Schoesler and Kilmer)

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350 and 28B.50.330.

Referred to Committee on State Government & Tribal Affairs.

ESSB 5774 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Kohl-Welles, Brandland and Shin; by request of Department of Social and Health Services)

AN ACT Relating to revising background check processes; amending RCW 26.33.190, 26.44.030, and 43.43.842; reenacting and amending RCW 74.15.030; adding a new section to chapter 43.43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

ESSB 5788 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Brandland and Kohl-Welles)

AN ACT Relating to the licensing of home inspectors; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

ESSB 5797 by Senate Committee on Transportation (originally sponsored by Senators Clements, Haugen, Holmquist, Murray, Delvin, Sheldon, Shin, Benton and Tom)

AN ACT Relating to motorcycle endorsement verification; amending RCW 46.16.010 and 46.20.505; and creating a new section.

Referred to Committee on Transportation.

SB 5798 by Senators Swecker and Haugen

AN ACT Relating to design-build construction for transportation projects; and amending RCW 47.20.780.

Referred to Committee on Transportation.

ESSB 5803 by Senate Committee on Transportation (originally sponsored by Senators Murray, Haugen, Swecker, Kastama and Kohl-Welles)

AN ACT Relating to authorizing the creation of regional transportation commissions; amending RCW 47.80.020, 47.80.060, 81.112.080, 47.56.030, 47.80.040, 82.14.430, 82.80.010, 82.80.030, 82.80.100, 82.80.110, 82.80.120, 81.100.030, 47.56.075, 82.32.470, 82.14.050, 82.80.080, and 81.112.030; reenacting and amending RCW 81.100.060; adding a new section to chapter 47.01 RCW; adding a new chapter to Title 36 RCW; creating new sections; repealing RCW 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.045, 36.120.050, 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110, 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170, 36.120.180, 36.120.190, 36.120.200, 36.120.210, 36.120.900, 36.120.901, and 82.44.135; and providing an effective date.

Referred to Committee on Transportation.

2SSB 5806 by Senate Committee on Ways & Means (originally sponsored by Senators Schoesler, Shin, Berkey, Delvin, Murray and Kohl-Welles)

AN ACT Relating to higher education costs; adding new sections to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

ESSB 5827 by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Hobbs, Weinstein, Oemig, Fairley, Pridemore, Keiser, Regala, Kohl-Welles, Prentice, Kline and Rasmussen)

AN ACT Relating to consumer privacy; and amending RCW 19.182.020.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

ESSB 5836 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Roach, Kline and Pridemore)

AN ACT Relating to the determination of boundaries for taxing districts; amending RCW 35.13.270, 35A.14.801, and 84.09.030; and adding a new section to chapter 35.13 RCW.

Referred to Committee on Local Government.

SSB 5844 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Roach, Jacobsen, Rockefeller, Rasmussen and Sheldon)

AN ACT Relating to specialized forest products and specialty wood; amending RCW 76.48.130; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

E2SSB 5859 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Prentice, Clements and Murray; by request of Liquor Control Board)

AN ACT Relating to retail liquor licenses; amending RCW 66.24.375, 66.08.150, 66.24.244, 66.24.240, 66.44.310, 66.24.400, 66.08.180, 66.08.220, 66.20.010, 66.20.310, 66.24.410, and 66.24.440; reenacting and amending RCW 66.28.010, 66.24.244, 66.24.240, 66.24.420, 66.24.320, 66.04.010, and 66.24.420; adding a new section to chapter 66.24 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce & Labor.

E2SSB 5862 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Rockefeller, Poulsen, Kohl-Welles and Kline)

AN ACT Relating to passenger-only ferry service; amending RCW 36.57A.220, 47.01.350, 47.60.662, 36.54.110, 47.60.658, 82.08.0255, and 82.12.0256; amending 2006 c 332 s 2 (uncodified); reenacting and amending RCW 47.60.120; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5869 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Fairley, Franklin and Keiser)

AN ACT Relating to the collection of personally identifiable information by state agencies; and amending RCW 43.105.020 and 43.105.052.

Referred to Committee on State Government & Tribal Affairs.

SB 5879 by Senators Fairley, Roach, Benton, Kohl-Welles, Murray, Swecker, Kline, Keiser, Schoesler, Fraser, Jacobsen and Rockefeller

AN ACT Relating to payroll deductions for retiree organization dues; and amending RCW 41.04.230.

Referred to Committee on State Government & Tribal Affairs.

2SSB 5883 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Swecker, Hargrove, Stevens, Morton, Jacobsen, Rockefeller, Rasmussen and Franklin)

AN ACT Relating to the conversion of forest land to nonforestry uses; amending RCW 76.09.060, 76.09.070, 76.09.067, and 76.09.240; and adding new sections to chapter 76.09 RCW.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5909 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Rasmussen, Roach, Regala, Eide, McAuliffe, Kilmer, Hargrove, Kastama, Tom, Shin, Kohl-Welles, Stevens, Carrell, Franklin and Kline)

AN ACT Relating to supporting the needs of children who have been in foster care; reenacting and amending RCW 74.13.031; adding a new section to chapter 70.190 RCW; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

SSB 5910 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Weinstein and Parlette)

AN ACT Relating to prefiling notice of intent to commence a medical malpractice action; and amending RCW 7.70.100.

Referred to Committee on Judiciary.

SB 5918 by Senators Fraser and Delvin; by request of Board For Judicial Administration

AN ACT Relating to retirement benefits for judges; and amending RCW 2.14.100 and 2.14.110.

Referred to Committee on Appropriations.

E2SSB 5923 by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen and Sheldon)

AN ACT Relating to aquatic invasive species enforcement and control; amending RCW 43.43.400, 77.12.879, 77.15.253, 77.15.290, 77.120.010, 77.120.020, 77.120.030, 77.120.070, 90.48.020, and 90.48.030; amending 2004 c 227 s 2 (uncodified); adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.120 RCW; repealing RCW 77.120.060, 77.120.080, and 77.120.090; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SB 5927 by Senator Delvin

AN ACT Relating to independent auditor reports and financial statements of licensees regulated by the gambling commission; reenacting and amending RCW 42.56.270 and 42.56.270; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

SSB 5937 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Murray and Kauffman)

AN ACT Relating to the creation and distribution of funds for additional patrols along high-accident corridors; amending RCW 46.20.293, 46.29.050, and 46.52.130; adding a new section to chapter 46.68 RCW; and providing an effective date.

Referred to Committee on Transportation.

SSB 5967 by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Zarelli, Berkey, Schoesler, Eide, Marr, Parlette, Sheldon, Tom, Hobbs, Carrell, Hatfield, Honeyford, Roach, Shin and Benton)

AN ACT Relating to the sales of vehicles and associated services to nonresidents of Washington; amending RCW 82.08.0264 and 82.08.0273; and prescribing penalties.

Referred to Committee on Finance.

SSB 5972 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Swecker, Rockefeller, Poulsen, Rasmussen, Hargrove and Shin)

AN ACT Relating to the surface mining reclamation act; amending RCW 78.44.190 and 78.44.210; and adding new sections to chapter 78.44 RCW.

Referred to Committee on Agriculture & Natural Resources.

SB 5979 by Senators Murray, Swecker, Haugen, Pflug, Marr and Kohl-Welles

AN ACT Relating to modifying transportation innovative partnerships provisions; and amending RCW 47.29.010, 47.29.030, 47.29.060, 47.29.070, 47.29.140, 47.29.160, 47.29.180, 47.29.250, 47.29.280, and 47.29.290.

Referred to Committee on Transportation.

SSB 5984 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Murray and Clements)

AN ACT Relating to performing engineering services on significant structures; amending RCW 18.43.040 and 18.43.020; and providing an effective date.

Referred to Committee on Commerce & Labor.

SB 6014 by Senators Swecker, Haugen, Keiser, Hatfield, Zarelli, Benton, Hewitt, Stevens, Shin, Marr, Rasmussen, Oemig and Sheldon

AN ACT Relating to industrial development on reclaimed surface coal mine sites; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

2SSB 6016 by Senate Committee on Ways & Means (originally sponsored by Senators Regala and Kohl-Welles)

AN ACT Relating to good cause reasons for failure to participate in WorkFirst program components; and amending RCW 74.08A.270.

Referred to Committee on Early Learning & Children's Services.

ESB 6018 by Senator Brandland

AN ACT Relating to detention of persons with a mental disorder or a chemical dependency; amending RCW 70.96B.050; adding a new section to chapter 70.96B RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

ESSB 6023 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe and Rasmussen)

AN ACT Relating to the Washington assessment of student learning; amending RCW 28A.655.061, 28A.655.065, and 28A.155.045; adding new sections to chapter 28A.655 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Education.

ESSB 6032 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, McCaslin, Kline, Regala and Keiser)

AN ACT Relating to medical use of marijuana; amending RCW 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.060, and 69.51A.070; and creating a new section.

Referred to Committee on Health Care & Wellness.

E2SSB 6044 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Swecker)

AN ACT Relating to derelict vessels; amending RCW 79.100.010, 79.100.040, 79.100.100, 82.49.030, 88.02.050, and 88.02.050; adding a new section to chapter 79.100 RCW; adding new sections to chapter 88.02 RCW; creating a new

section; providing an effective date; and providing expiration dates.

Referred to Committee on Agriculture & Natural Resources.

SSB 6053 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Spanel, Jacobsen, Haugen, Hargrove, Hatfield, Morton, Murray, Fairley and Kohl-Welles)

AN ACT Relating to studying the structure of the department of fish and wildlife; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SB 6059 by Senators Carrell, Kline and Roach

AN ACT Relating to allowing attorneys to recover actual costs for service of process; amending RCW 4.84.010; and adding a new section to chapter 18.180 RCW.

Referred to Committee on Judiciary.

SB 6075 by Senator Haugen

AN ACT Relating to increasing competitive bid limits for the purchase of materials, equipment, or supplies; and reenacting and amending RCW 36.32.245.

Referred to Committee on Local Government.

SSB 6081 by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Poulsen, Honeyford and Rasmussen)

AN ACT Relating to outdoor burning in urban growth areas of certain small cities; and amending RCW 70.94.743.

Referred to Committee on Select Committee on Environmental Health.

SB 6090 by Senators Delvin, Zarelli and McCaslin

AN ACT Relating to persons who perform crowd management or guest services; and amending RCW 18.170.010 and 18.170.020.

Referred to Committee on Commerce & Labor.

ESSB 6099 by Senate Committee on Transportation (originally sponsored by Senator Murray)

AN ACT Relating to the state route number 520 bridge replacement and HOV project; adding a new section to chapter 47.01 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SSB 6100 by Senate Committee on Judiciary (originally sponsored by Senators Kline and Brandland)

AN ACT Relating to charitable donations; adding a new section to chapter 10.01 RCW; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Judiciary.

SB 6119 by Senators Eide, Keiser, Marr, Jacobsen, Franklin, Benton and Rasmussen

AN ACT Relating to changing the distribution to and allocation of the fire service training account; and amending RCW 43.43.944.

Referred to Committee on Appropriations.

ESSB 6120 by Senate Committee on Transportation (originally sponsored by Senators Marr, Swecker, Oemig, Haugen, Rockefeller, Kauffman, Berkey, Murray, Spanel, Eide, Kilmer, Poulsen, Delvin, Regala, Jacobsen, Fraser, Kohl-Welles and Rasmussen)

AN ACT Relating to rail and freight infrastructure; amending RCW 47.06A.020 and 47.76.240; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

ESSB 6127 by Senate Committee on Transportation (originally sponsored by Senators Spanel, Swecker, Kilmer, Haugen, Marr and Kohl-Welles)

AN ACT Relating to state ferries; amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; creating a new section; repealing RCW 47.60.150 and 47.60.326; and providing expiration dates.

Referred to Committee on Transportation.

ESB 6128 by Senators Keiser and Kohl-Welles

AN ACT Relating to persons authorized to make expenditures on behalf of a candidate or committee; amending RCW 42.17.020, 42.17.040, and 42.17.070; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

SB 6129 by Senators Murray and Haugen

AN ACT Relating to funding for the state patrol highway account; amending RCW 46.16.045 and 46.70.180; and providing an effective date.

Referred to Committee on Transportation.

SSB 6141 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen and Morton)

AN ACT Relating to forest health; amending RCW 76.06.140, 76.06.020, 76.06.030, 76.06.040, 76.09.220, 76.09.060, 76.04.005, and 76.04.660; adding new sections to

chapter 76.06 RCW; and repealing RCW 76.06.050, 76.06.060, 76.06.070, 76.06.080, 76.06.090, and 76.06.110.

Referred to Committee on Agriculture & Natural Resources.

SJR 8212 by Senators Hargrove, Carrell, Regala and Stevens

Revising limitations on use of inmate labor.

Referred to Committee on Human Services.

SSCR 8405 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Murray and Rasmussen)

Providing for the study of legislative and financial issues regarding the Columbia River Crossing Project.

Referred to Committee on Transportation.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 16, 2007, the 68th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTY EIGHTH DAY

House Chamber, Olympia, Friday, March 16, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alexandra Webster and Matt Luedtke. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Bishop Carlos Sevilla, Diocese of Yakima.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4645, by Representatives Dickerson, Sommers, Dunshee, Darneille, Haigh, Ormsby, Takko, Roberts, Conway, Hunt and Flannigan

WHEREAS, Citizens of character, intelligence, courage, initiative, and compassion have made significant contributions to the growth and development of the State of Washington; and

WHEREAS, Walt C. Crowley is representative of these qualities and contributions; and

WHEREAS, Walt C. Crowley, of Seattle, is cofounder, President, and Executive Director of HistoryLink and HistoryLink.org, the free online encyclopedia of Washington state history and the nation's first encyclopedia of community history created expressly for the Internet; and

WHEREAS, HistoryLink now serves more than two million annual visitors, one-third of whom are K-12 teachers and students, and has earned a National Certificate of Commendation from the American Association for State and Local History, the State Historic Preservation Officer's award, and numerous other national, regional, and local honors; and

WHEREAS, Walt C. Crowley is the author of more than fifteen books on local and regional history and earned the Pacific Northwest Historians Guild 2007 Northwest History Award for HistoryLink and his personal scholarship; and

WHEREAS, Walt C. Crowley was named "Citizen of the Year 2007" by the Municipal League of King County; and

WHEREAS, Walt C. Crowley served the State of Washington in an exemplary manner as a major contributor to the community and the political life of the Northwest Region; and

WHEREAS, Now is an appropriate time to recognize the contributions of Walt C. Crowley and the trustees and staff of HistoryLink in Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Walt C. Crowley's and HistoryLink's contributions to Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Walt C. Crowley and to HistoryLink.

HOUSE RESOLUTION NO. 4645 was adopted.

**POINT OF PERSONAL PRIVILEGE**

Representative Strow: "Mr. Speaker, yesterday in the early afternoon, my friend and former boss – I think we all know that when you say friend and boss in the same sentence it is not always the case – Jack Metcalf, former Congressman, former State Senator and former State Representative passed away.

I would like to share just a moment about why I am here and how he was related to that and then a little bit about his career. I am here because as a student at The Evergreen State College in 1990 I was selected for the State Senate Intern Program. At least according to the Senate Intern Coordinator at the time I was the first Evergreen student who checked the Republican only box for whom they wanted to work for. Apparently none of the Senators particularly wanted an Evergreen student at that time except for my home district Senator and it was their policy at the time not to place people with their home district Senators in case they had to get rid of them. Jack Metcalf wanted an Evergreen student and that was how I first got to know him.

A public school teacher for thirty years, a state Representative for four years, a state Senator for twenty years and by the way all three of those were in contiguous districts, the 38<sup>th</sup> District and the only member of his party since the Great Depression to serve in the House from that district. The 21<sup>st</sup> District, he was a state Senator for eight years and for twelve years, he was state Senator from the 10<sup>th</sup> District – the district I represent today. He served in Congress from 1994 until 2000. He was a champion of fiscal conservatism, environmental stewardship and conservation but probably more than anything he was known as 'Gentleman Jack' for his decency and civility in the way he treated people inside the legislative process. And that is something I have always tried very hard to keep to that lesson. I watched him when he was in Congress in the House Banking Committee, rise and go sit with his two best friends on that committee, Bernie Sanders and Maxine Waters and cook up amendments to banking bills that made all the majority party nervous. I watched him author legislation with Dennis Kucinich – one of his great friends in Congress which again made many people very nervous. The ability to poke institutions and power and yet maintain his conservative principles at the time were things that I thought were great because at times everyone needs to be held accountable to understand that we are merely equals in this institution in the way we represent our constituents. I also found him to be forward looking – many said he was "the nineteenth century politician" and yet the issues he championed often did not come to fruition until ten or fifteen years later.

So with that I would like to say thank you for listening today about my dear friend. I will close with one last story because in some way it captures the humanity of the man more than any other. In his first or second year as a public school teacher in the Everett School District, Jack and Norma did not have quite enough money to make ends meet and Jack said he

was going to take on a second job selling pots and pans door to door. After two days, Norma made him quit. Well, that's what he said. The reason was he had given away three sets to needy families but had sold absolutely none. That was who Jack was – he would proverbially give you the shirt off his back, he was that decent a human being. I hope we remember him for his humanity. I hope we remember him for all the issues he championed and with that thank you."

#### POINT OF PERSONAL PRIVILEGE

Representative Sells: "Thank you, Mr. Speaker. I do not think I can do as nice a job as the gentleman from the 10<sup>th</sup> District has done but I can tell you after thirty years of working with Congressman Metcalf – my politics and his politics were obviously very different – I always felt treated with civility and respect by the Congressman. In fact, Congressman Metcalf or whether he was a state Senator or Representative, always went out of his way when I was working the labor movement to call and say 'I would like to come talk to you' even though he might have voted against you the day before or been against you on a particular issue, he went out of his way to come and talk. He was unafraid to do that kind of thing. During election time, he would call up and say 'Mike, when are you guys having interviews down at the Labor Movement; I want to come and talk to you.' Jack never sought out just the comfort of those that might have been like-minded. He challenged himself and he challenged those around him on a variety of issues and it made him a true maverick in so many different ways. I don't know how many of you know he pushed an initiative to cap interest rates in this State much to the chagrin I think of probably of his own party caucus at that time. Jack stood up in Congress for unions' right for payroll deductions. Jack practiced a form of populism we know simply as 'looking out for the little guy.' He once said to me 'I'm concerned about the amount of power of corporations in this country and we need something to balance that out.' It was Jack's prime directive to stand up for the little person.

I would like to leave you with just one little note. I keep thinking of a line from a movie – I don't often use movies as anecdotes – 1776 in which Dickinson had been arguing long and hard against John Adams around the issue of independence. Dickinson being the conservative, Adams being the radical in this case. In the end, he walks out of the Continental Congress because he wouldn't sign the Declaration but he made extremely powerful arguments. Adams immediately stands up and says 'gentlemen of the Continental Congress, I give you John Dickinson' and everyone stood up and said 'here, here'.

I don't know if I can get the 'here, here' but ladies and gentlemen of this House, I give you Jack Metcalf."

The Chamber: "Here, here."

#### POINT OF PERSONAL PRIVILEGE

Representative Pearson: "Mr. Speaker, for six years I had the privilege and honor – I was very blessed – to work for Congressman Jack Metcalf. In my position, I was Jack's Special Assistant which meant I worked the District for Jack. When he came home, I'd pick him up at the airport and we would go to meetings all throughout the State. I will never forget a lot of the times Jack shared with me his vision and he shared with me stories that happened here in the Capitol – a lot of institutional memories. But what I was most impressed

with about Jack and especially watching him with people, was how civil Jack was. Being a congressman, never went to Jack's head, he just liked being called Jack. He was a common man but he was much more. He was a great man. He had a very tender heart towards people. He was a man who grew up during the Great Depression and he told me a story about one time his father, at the dinner table, pulled up a nickel and said 'this is our last nickel, kids.' This was in the depths of the depression. But what Jack learned from that was that the family pulled together through such a difficult time.

Jack was a school teacher for many years. He served in the Everett School District for about thirty one years. I used to get a kick out of town hall meetings when these people would come up to Jack – people who looked really a lot older than Jack – and say 'Mr. Metcalf, remember me – I was in your Junior High class at North Middle School.' We would take off and Jack would say to me 'Boy, I feel old looking at those folks.'

He had a true heart for the people. I've never heard him say anything nasty about anyone. So all I can say is that people like Jack are last of a generation of great people who served here in the Capitol, very civil, great statesman and I know someday I'll be seeing him.

So God bless you, Jack."

#### POINT OF PERSONAL PRIVILEGE

Representative B. Sullivan: "Mr. Speaker, of course I go actually way back with the Metcalf family. The family had settled in Mukilteo in the early sixties. I was raised and went to school with Bev Metcalf, Jack's daughter. Norma, Jack's wife was the school secretary in my junior high school. I was one of the geeks who were always going to the Principal's Office to talk about volunteering or doing some recycling program. Norma and I chatted every day so I've known Jack Metcalf and the family all my life. Jack had actually been in and out of my life for many years, of course, when I was very young in grade school, junior and high schools.

When I went to work for Senator Vognild in the early eighties I sat in the gallery and watched Jack Metcalf give one of the best floor speeches opposed to gambling. It happened to be the Washington State Lottery. He spoke very eloquently about his beliefs and family, friends and his belief in God and the evils of gambling. It was quite a moving speech. Of course, he lost that vote unfortunately for him. Nonetheless, a great representative.

Then I was elected the mayor of Mukilteo. We had many federal issues related to Mukilteo – federal tank farm properties, some of you are familiar with – and I couldn't get my city council to give me an airline ticket so I paid my own way to Washington DC and spent many days in Jack Metcalf's office where I received an incredible amount of help in moving the Federal Government. It was a service plus organization – that the best I can say. Jack hired the best people. That where I formed a very strong bond and relationship with the gentleman from the 10<sup>th</sup> and the gentleman from the 39<sup>th</sup> who I have known for many years. I can honestly say Jack was a great man who served his community well. In Congress, Jack voted his conscience and he voted his district, and then maybe he voted his party. But a great man. A great loss to not only our State but to our nation

Thank you, Mr. Speaker for allowing me to speak."

#### SPEAKER'S PRIVILEGE

Mr. Speaker (Representative Lovick presiding): "The Speaker would like to thank the members for their kind remarks."

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5089, by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Zarelli, Eide, Shin, Franklin, Keiser, Rockefeller, Weinstein, Pridemore, Marr, Hobbs, Rasmussen, Murray, Prentice, Fairley, Fraser, Spanel, Berkey, Tom, Kohl-Welles, McAuliffe and Kline; by request of Governor Gregoire)**

**Conforming Washington's tax structure to the streamlined sales and use tax agreement.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (442):

Beginning on page 64, line 25, strike all of sections 1103 and 1104

Correct any internal references accordingly and correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (443):

On page 75, after line 38, insert the following:

**"Sec. 1303.** RCW 82.08.020 and 2006 c 1 s 3 are each amended to read as follows:

(1)(a) There is levied and there shall be collected a tax on each retail sale in this state equal to ~~((six and five-tenths percent of))~~ the selling price multiplied by the rate determined under this subsection.

(b) The rate of tax under this subsection for taxable events occurring during a calendar year is six and five-tenths percent multiplied by a fraction. The numerator of the fraction is the baseline sales and use tax collections for the previous fiscal year. The denominator of the fraction is all sales and use tax collections for the previous fiscal year. The rate shall be rounded down to the nearest tenth of a percent. The department shall calculate the rate in effect for each calendar year by the preceding October 1.

(c) The following definitions apply for the purposes of this subsection.

(i) "Baseline sales and use tax collections" means all sales and use tax collections, less the amount of sales and use tax collections attributable to remote sellers.

(ii) "Sales and use tax collections" means revenues, penalties, and interest actually collected for credit to the fiscal year under this subsection (1) and RCW 82.12.020.

(iii) "Previous fiscal year" means the year ending on the June 30 preceding the date the rate is calculated.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price.

The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under this subsection (1) of this section shall be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection shall be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**NEW SECTION. Sec. 1304.** A new section is added to chapter 82.14 RCW to read as follows:

Any local jurisdiction that imposes a tax under this chapter or under RCW 81.104.170 must adjust the tax rate on January 1 of each year by multiplying the rate that is otherwise imposed by the jurisdiction but for the limitations of this section by the fraction described in RCW 82.08.020(1)(b). The department must publish the fraction on its web site as of the preceding October 1. The local jurisdiction must round down the adjusted rate to the nearest tenth of a percent."

On page 90, line 13, after "1302" insert "through 1304"

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (444):

On page 90, after line 9, strike all of sections 1704 through 1707 and insert the following:

**"NEW SECTION. Sec. 1704.** Sections 101 through 105, 201, 202, 401, 501 through 503, 601, 701 through 703, 801, 802, 901 through 905, 1001, 1002, 1004, 1005, 1007 through 1013, 1015 through 1017, 1019 through 1024, 1101 through 1104, 1201 through 1203, 1302, 1401 through 1403, 1501, 1502, and 1601 of this act take effect when Oregon ceases to impose income tax on Washington residents.

**NEW SECTION. Sec. 1705.** (1) Section 302 of this act takes effect on the date that is the latter of the dates described in (a) and (b) of this subsection.

(a) Oregon ceases to impose income tax on Washington residents; and

(b)(i) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or

(ii) It is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

(2) The department of revenue shall provide notice to affected taxpayers, the legislature, and others as deemed appropriate by the department, if either of the contingencies in this section occurs.

NEW SECTION. Sec. 1706. Section 1301 of this act expires July 1, 2008.

NEW SECTION. Sec. 1707. Sections 1003, 1006, 1014, and 1018 of this act take effect the later of: The date chapter 67, Laws of 2002, becomes null and void; or July 1, 2008; or the date Oregon ceases to impose income tax on Washington residents."

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (445):

On page 90, after line 9, strike all of sections 1704 through 1707 and insert the following:

"NEW SECTION. Sec. 1704. Sections 101 through 105, 201, 202, 401, 501 through 503, 601, 701 through 703, 801, 802, 901 through 905, 1001, 1002, 1004, 1005, 1007 through 1013, 1015 through 1017, 1019 through 1024, 1101 through 1104, 1201 through 1203, 1302, 1401 through 1403, 1501, 1502, and 1601 of this act take effect when Oregon, Idaho, and California become member states of the streamlined sales and use tax agreement.

NEW SECTION. Sec. 1705. (1) Section 302 of this act takes effect on the date that is the latter of the dates described in (a) and (b) of this subsection.

(a) Oregon, Idaho, and California become member states of the streamlined sales and use tax agreement; and

(b)(i) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or

(ii) It is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

(2) The department of revenue shall provide notice to affected taxpayers, the legislature, and others as deemed appropriate by the department, if either of the contingencies in this section occurs.

NEW SECTION. Sec. 1706. Section 1301 of this act expires on the date that section 1302 of this act takes effect.

NEW SECTION. Sec. 1707. Sections 1003, 1006, 1014, and 1018 of this act take effect the later of: The date chapter 67, Laws of 2002, becomes null and void; or July 1, 2008; or the date Oregon, Idaho, and California become member states of the streamlined sales and use tax agreement."

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire, Ericks, Condotta and Hunter spoke in favor of passage of the bill.

Representatives Orcutt, Roach and Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5089.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5089 and the bill passed the House by the following vote: Yeas - 76, Nays - 15, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Barlow, Campbell, Chandler, Dunn, Green, Hurst, Kelley, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach and Seaquist - 15.

Excused: Representatives Crouse, Curtis, Kenney, Morris, Ormsby, Schindler and Sump - 7.

SUBSTITUTE SENATE BILL NO. 5089, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Hunter: "Thank you, Mr. Speaker. With your permission, I would like to thank the nonpartisan staff who had worked on this bill, several of whom who have numerous children in the time they have been working on this bill. Rick Peterson, Mark Matteson and Jeff Mitchell from our nonpartisan staff and Greg Potegal from the Department of Revenue have worked on this bill and I would urge the members' appreciation of their quality work."

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 19, 2007, the 71st Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

**SEVENTY FIRST DAY**

House Chamber, Olympia, Monday, March 19, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathryn Hanson and Trevor Morris. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Lonnie Scott, Submarine Group Nine, U.S. Navy.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTION & FIRST READING**

HB 2391 by Representatives Fromhold, Conway and Moeller

AN ACT Relating to retirement system gain-sharing and alternate benefits; amending RCW 41.31A.020, 41.32.765, 41.32.835, 41.32.875, 41.35.420, 41.35.610, 41.35.680, 41.40.630, and 41.40.820; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating new sections; repealing RCW 41.31.010, 41.31.020, 41.31.030, 41.31A.010, 41.31A.020, 41.31A.030, and 41.31A.040; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2392 by Representatives Kelley and Green

AN ACT Relating to the terms of repayment plans for small loans; and amending RCW 31.45.084.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2393 by Representatives Pearson, Ahern, Ross, Warnick, Bailey, Kristiansen, Walsh, Ericks, Newhouse, McCune, Haler, Dunn, Roach, Orcutt and Skinner

AN ACT Relating to improving public safety by improving state supervision of felony offenders in the community; amending RCW 9.94A.737, 9.94A.631, and 9.94A.728; adding a new section to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; adding a new section to chapter 4.24 RCW; creating a new section; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Human Services.

HJM 4022 by Representatives Strow, Pearson, Sells, B. Sullivan, Ericksen, Bailey, Schindler, Kretz, Kristiansen, Linville, Quall, Chandler, Kenney, Kelley, Dunn and Skinner

Requesting the Clinton ferry terminal be named the "Jack Metcalf Ferry Terminal."

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 20, 2007, the 72nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SEVENTY SECOND DAY

House Chamber, Olympia, Tuesday, March 20, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelsea Payne and Jack Richards. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Dr. Muhammad Ayub, Islamic Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 19, 2007

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 5089, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 2394 by Representatives Clibborn, Jarrett, Kenney and Moeller

AN ACT Relating to requesting the issuance and sale of general obligation bonds for transportation improvements; and amending RCW 47.10.812, 47.10.813, 47.10.861, 47.10.873, 47.10.877, and 47.26.420.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

March 16, 2007

SB 5247 Prime Sponsor, Senator Spanel: Modifying provisions relating to superior court judicial positions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen and Ross.

Passed to Committee on Appropriations.

March 15, 2007

SSB 5263 Prime Sponsor, Senate Committee On Financial Institutions & Insurance: Modifying medical malpractice closed claim reporting requirements. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 15, 2007

SSB 5715 Prime Sponsor, Senate Committee On Financial Institutions & Insurance: Concerning persons selling, soliciting, or negotiating insurance. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Santos.

Passed to Committee on Rules for second reading.

March 15, 2007

ESSB 5717 Prime Sponsor, Senate Committee On Financial Institutions & Insurance: Establishing a program of market conduct oversight within the office of the insurance commissioner. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

**SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 5089,

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Health Care & Wellness was relieved of further consideration of ENGROSSED SENATE BILL NO. 6018, and the bill was referred the Committee on Human Services.

There being no objection, the Committee on Judiciary was relieved of further consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, and the bill was referred to the Committee on Early Learning and Children's Services.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 21, 2007, the 73rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SEVENTY THIRD DAY

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by Boy Scouts and Venturers from around the State. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Dr. Muhammad Ayub, Islamic Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4649, by Representative Lovick

WHEREAS, Marilyn Quincy has been an employee of the Washington State Employment Security Department (ESD) for 36 years; and

WHEREAS, Quincy most recently served as the Service Coordinator of the Employment Security Department WorkFirst program for the Arlington, Everett, and Monroe offices; and

WHEREAS, Quincy received Outstanding Employee of the Year in the Employment Security Department in 1990; and

WHEREAS, Quincy served for 15 years as a commissioner for the Snohomish County Housing Authority; and

WHEREAS, In 1993 Quincy was a founding member of the Snohomish County Black Heritage Committee; and

WHEREAS, The County Black Heritage Committee created the Nubian Jam Festival; and

WHEREAS, Quincy chaired the Nubian Jam Festival event several years in a row; and

WHEREAS, Quincy also served on the board of directors for the following organizations: M2 Job Therapy, YWCA Pathways for Women, and the Juvenile Justice Committee; and

WHEREAS, Quincy has been exceedingly active in her church and other community service organizations for over 50 years; and

WHEREAS, Quincy worked with Life Changes Ministry as a copresenter; and

WHEREAS, Quincy traveled to Cahoma, Mississippi, to help build homes with Habitat for Humanity on three different occasions; and

WHEREAS, In 2004 a community center in Marysville, formerly the Westwood Crossing Apartments, was renamed The Marilyn Quincy Community Center;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Marilyn Quincy as a hero in her community, applaud her outstanding achievements in her career in the Employment Security Department, and praise her lasting contributions to the quality of life in Snohomish County and Washington State.

House Chamber, Olympia, Wednesday, March 21, 2007

HOUSE RESOLUTION NO. 4649 was adopted.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 20, 2007

SB 5142 Prime Sponsor, Senator Fraser: Modifying the disbursement of funds by air pollution control agencies. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase; Hailey; Hunt; Morrell and Wood.

Passed to Committee on Rules for second reading.

March 19, 2007

SB 5332 Prime Sponsor, Senator Roach: Creating a statewide automated victim information and notification system. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Referred to Committee on Appropriations.

March 19, 2007

SB 5953 Prime Sponsor, Senator Eide: Increasing penalties for acts of domestic violence involving strangulation. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 22, 2007, the 74th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SEVENTY FOURTH DAY

House Chamber, Olympia, Thursday, March 22, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 21, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2007-4644, by Representatives Kagi, Dickerson, Simpson, Sells, B. Sullivan, O'Brien, Moeller, Morrell, Takko, Ericks, Hunt, McDermott, Goodman, Appleton, Conway, Chase, Eickmeyer, Lantz, McIntire, Van De Wege, Springer, Green, Haler, Dunn, Kirby, Eddy, Roberts, Miloscia, Quall, Hinkle, McCoy, Williams, Blake, Dunshee, Kelley and Hunter

WHEREAS, There are 8,000 children in foster care on any given day in Washington State; and

WHEREAS, The basic, medical, and therapeutic needs of foster children are provided by the budget of the children's administration of the department of social and health services; and

WHEREAS, Their normal childhood needs and desires for extracurricular activities, like team sports, music, and art lessons, field trips and summer camp, and tangible needs like ASB cards, school yearbooks, and prom tickets have no public funding source; and

WHEREAS, Social science research and common sense dictate that these experiences are important to successful growth and development and can reduce the negative effects of abuse and neglect;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the importance of supporting foster children and their participation in extracurricular activities not paid for by the state, and proudly sponsor the June Leonard Memorial Golf Tournament.

HOUSE RESOLUTION NO. 4644 was adopted.

HOUSE RESOLUTION NO. 2007-4647, by Representatives Schual-Berke, Rolfes, Chase, Moeller, McDermott, Barlow, O'Brien, Darneille, Blake, Morris, Appleton, Cody, Kirby, Springer, McCoy, Wallace, Miloscia, Takko, Hunt, Van De Wege, Eickmeyer, Hudgins, Williams, Lantz, Quall, Hunter, Eddy and Ericks

WHEREAS, The First Amendment of the United States Constitution guarantees all Americans the right to freely

practice their beliefs, and the right to be free from the establishment of a state religion; and

WHEREAS, April 2nd commemorates the Exodus, which has extended beyond the Jewish faith to symbolize the larger principle that people of all faiths, as well as people of no faith, are entitled to freedom from persecution; and

WHEREAS, The world is aghast at the perverted, dehumanizing logic behind the Holocaust, and any other acts of systematic genocide on the basis of one's choice of doctrine or creed; and

WHEREAS, The grievous tragedy of September 11th emphasized the need for moderation and tolerance between faiths, be that tolerance used to solve the religious strife between Muslims and Jews in the Middle East, the persecution that some Muslims have endured in the United States, the persecution that Christians have endured in Sudan, the recurring instances of anti-Semitism and Islamophobia in Europe, or any other regional or international religious conflict; and

WHEREAS, People of all nations regret the needless loss of life that resulted from the religious and ethnic conflict of the Indian Partition, and condemn all other actions of the colonialist era that have led to the arbitrary division of one people against another; and

WHEREAS, Courageous men and women of faith such as Dr. Martin Luther King, Jr., Mahatma Ghandi, Archbishop Desmond Tutu, and the Dalai Lama, through their visionary leadership and measureless compassion, nonviolently advocated and struggled for equity and justice, becoming international icons for all those who revere the inherent dignity of humanity, and who strive for peace;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives pause to honor the sacrifices of those who dedicated or lost their lives in defense of religious liberty for all, and acknowledge the crucial role that this liberty fills in the continuance of any democratic society.

HOUSE RESOLUTION NO. 4647 was adopted.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 20, 2007

HB 1094 Prime Sponsor, Representative Clibborn: Making transportation appropriations for 2007-2009. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Curtis; Dickerson; Eddy; Hankins; Hudgins; Lovick; Sells; Simpson; Springer; B. Sullivan; Takko; Uptegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Ericksen; Hailey and Kristiansen.

March 21, 2007

HB 1128 Prime Sponsor, Representative Sommers: Making operating appropriations for 2007-2009. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

March 20, 2007

HB 2394 Prime Sponsor, Representative Clibborn: Requesting the issuance and sale of general obligation bonds for transportation improvements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Curtis; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Ericksen; Hailey and Kristiansen.

March 20, 2007

ESB 5166 Prime Sponsor, Senator Shin: Designating Korean-American day. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott and Ormsby.

Passed to Committee on Rules for second reading.

March 20, 2007

SSB 5193 Prime Sponsor, Senate Committee On Judiciary: Authorizing donation of unclaimed personal property to nonprofit charitable organizations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

March 20, 2007

SB 5253 Prime Sponsor, Senator Kilmer: Creating a list of and decal for veteran-owned businesses. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott and Ormsby.

Passed to Committee on Rules for second reading.

March 20, 2007

SB 5408 Prime Sponsor, Senator Fairley: Modifying provisions on primary election ballots. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott and Ormsby.

Passed to Committee on Rules for second reading.

March 20, 2007

SB 5620 Prime Sponsor, Senator Fairley: Clarifying the authority of the civil service commissions for sheriffs' offices. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

March 20, 2007

SSB 5674 Prime Sponsor, Senate Committee On Government Operations & Elections: Authorizing registered voters who reside outside of, but own land in, a water district to be elected as a water district commissioner. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 57.12 RCW to read as follows:

If the district has fewer than one hundred residents, and if the filing period is reopened for a district commissioner under RCW 29A.24.171 or 29A.24.181 due to a void in candidacy, any person who is a qualified elector of the state of Washington and who holds title or evidence of title to land in the district may file as a candidate for and serve as a district commissioner.

NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.24 RCW to read as follows:

A void in candidacy in a water-sewer district with fewer than one hundred residents may be filled in accordance with section 1 of this act."

Correct the title.

Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated except for the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1094,  
HOUSE BILL NO. 1128,  
HOUSE BILL NO. 2394,

**SIGNED BY THE SPEAKER**

The Speaker signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 23, 2007, the 75th Day of the Regular Session.

FRANK CHOPP, Speaker  
RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SEVENTY FIFTH DAY

House Chamber, Olympia, Friday, March 23, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Molly Reich and Collin Woods. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Dr. Muhammad Ayub, Islamic Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4636, by Representatives Hunt, Hankins, Skinner, Haler, Walsh, Newhouse, Armstrong, Grant, Linville, Conway and McDermott

WHEREAS, Don Brazier has possessed a lifelong passion for the history of the American West, with Washington State in particular; and

WHEREAS, Don Brazier has incredible firsthand experience in government, serving with distinction as a Deputy Prosecuting Attorney, an Assistant United States Attorney, a member and Mayor Pro-Tem of the Yakima City Council, Chief Deputy Attorney General, chairman of the Utilities and Transportation Commission, chairman of the Public Disclosure Commission, and a member of the Washington State House of Representatives; and

WHEREAS, Don Brazier's History of the Washington Legislature provides an invaluable historical record that has been described as "lively, entertaining, and easily readable"; and

WHEREAS, Don Brazier has mastered the art of reading microfilm for longer periods of time than any other historian; and

WHEREAS, Don Brazier delights anyone who listens to him about wonderful and poignant facts about the history of the Legislature; and

WHEREAS, Don Brazier can trace the development of long, drawn-out causes to momentous effects, from the unrest of some House Democrats to the election of Dan Evans as governor; and

WHEREAS, Don Brazier communicates his enthusiasm, knowledge, and respect for the institution of the State Legislature with such verve as to be contagious and impress his listeners with like enthusiasm and thereby increases the interest in the history of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge and honor the unmistakable personality and encyclopedic knowledge of Don Brazier by recognizing him as the official House Historian.

Representative Conway moved the adoption of the resolution.

Representatives Conway and Skinner spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4636 was adopted.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 22, 2007  
HB 1092 Prime Sponsor, House Fromhold: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

March 22, 2007  
HB 1138 Prime Sponsor, House Fromhold: Concerning general obligation bonds. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Goodman; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

March 20, 2007  
ESB 5063 Prime Sponsor, Senator Kohl-Welles: Removing gender references. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, **Sec. 1**. It is the intent of the legislature to make technical changes throughout chapters 41.08, 41.12, 41.16, and 41.18 RCW with regard to gender-specific terminology. The legislature finds that gender-neutral terms must be used in accordance with RCW 44.04.210. This act is technical in nature and no substantive legal changes are intended or implied.

**Sec. 2.** RCW 41.08.020 and 1935 c 31 s 2 are each amended to read as follows:

If any of the cities or towns referred to in RCW 41.08.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for (~~(firemen)~~) firefighters as referred to in RCW 41.08.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the fire department.

**Sec. 3.** RCW 41.08.030 and 1935 c 31 s 3 are each amended to read as follows:

There is hereby created in every city, town or municipality except those referred to in RCW 41.08.010, having a full paid fire department a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with power and authority to select, appoint, or employ the chief of a fire department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he or she resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: PROVIDED, HOWEVER, That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party.

**Sec. 4.** RCW 41.08.075 and 1972 ex.s. c 37 s 4 are each amended to read as follows:

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.08.010 to reside within the limits of such municipal corporation as a condition of employment, or to discriminate in any manner against any such person because of his or her residence outside of the limits of such city, town, or municipality.

**Sec. 5.** RCW 41.08.080 and 1935 c 31 s 8 are each amended to read as follows:

The tenure of every one holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself or herself; or any willful

violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

**Sec. 6.** RCW 41.08.090 and 1935 c 31 s 9 are each amended to read as follows:

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his or her removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith (~~(for)~~) for cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his or her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he or she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: PROVIDED, HOWEVER, That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

**Sec. 7.** RCW 41.08.100 and 1935 c 31 s 11 are each amended to read as follows:

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him or her, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him or her unfit or unsatisfactory for service in the department. Whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

**Sec. 8.** RCW 41.08.150 and 1935 c 31 s 16 are each amended to read as follows:

No commissioner or any other person(;) shall, by himself or herself, or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination or registration or application or request to be examined or registered.

**Sec. 9.** RCW 41.08.220 and 1935 c 31 s 24 are each amended to read as follows:

As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid fire department.

The term "full paid fire department" means that the officers and (~~firemen~~) firefighters employed in such are paid regularly by the city and devote their whole time to firefighting.

**Sec. 10.** RCW 41.12.020 and 1937 c 13 s 2 are each amended to read as follows:

If any of the cities or towns referred to in RCW 41.12.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for (~~police men~~) police officers as referred to in RCW 41.12.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the police department.

**Sec. 11.** RCW 41.12.030 and 1937 c 13 s 3 are each amended to read as follows:

There is hereby created in every city, town or municipality except those referred to in RCW 41.12.010, having fully paid (~~police men~~) police officers a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with the power and authority to select, appoint, or employ the chief of a police department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he or she resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: PROVIDED, HOWEVER, That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party.

**Sec. 12.** RCW 41.12.075 and 1972 ex.s. c 37 s 5 are each amended to read as follows:

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.12.010 to reside within the limits of such municipal corporation as a condition of employment or to discriminate in any manner against any such person because of his or her residence outside of the limits of such city, town, or municipality.

**Sec. 13.** RCW 41.12.080 and 1937 c 13 s 8 are each amended to read as follows:

The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of

vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself or herself; or any willful violation of the provisions of this chapter or the rules and regulation to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

**Sec. 14.** RCW 41.12.090 and 1937 c 13 s 9 are each amended to read as follows:

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his or her removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith (~~(for)~~) for cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement (~~(of for)~~) or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, (~~(find)~~) in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his or her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he or she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such

court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: PROVIDED, HOWEVER, That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

**Sec. 15.** RCW 41.12.100 and 1937 c 13 s 11 are each amended to read as follows:

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him or her, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him or her unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

**Sec. 16.** RCW 41.12.150 and 1937 c 13 s 16 are each amended to read as follows:

No commissioner or any other person(;) shall, by himself or herself, or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination or registration of application or request to be examined or registered.

**Sec. 17.** RCW 41.12.220 and 1937 c 13 s 24 are each amended to read as follows:

As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, invested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid police department.

The term "full paid police department" means that the officers and ~~((policemen))~~ police officers employed in such are paid regularly by the city and devote their whole time to police duty: PROVIDED, "full paid police department" whenever used in this chapter shall also mean "full paid ~~((policemen-:))~~ police officers."

**Sec. 18.** RCW 41.16.010 and 2003 c 30 s 1 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a ~~((fireman))~~ firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased ~~((fireman))~~ firefighter under this chapter.

(2) "Board" shall mean the municipal ~~((firemen's))~~ firefighters' pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of ~~((firemen))~~ firefighters and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) ~~((Fireman-or))~~ "Firefighter" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for ~~((fireman))~~ firefighter and who is actively employed as a ~~((fireman))~~ firefighter; and shall include any "prior ~~((fireman))~~ firefighter."

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of ~~((firemen))~~ firefighters of the municipality.

(8) "Fund" shall mean the ~~((firemen's))~~ firefighters' pension fund created herein.

(9) "Municipality" shall mean every city and town having a regularly organized full time, paid, fire department employing ~~((firemen))~~ firefighters.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of ~~((firemen))~~ firefighters and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior ~~((fireman))~~ firefighter" shall mean a ~~((fireman))~~ firefighter who was actively employed as a ~~((fireman))~~ firefighter of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired ~~((fireman))~~ firefighter" shall mean and include a person employed as a ~~((fireman))~~ firefighter and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife or husband of a retired ~~((fireman))~~ firefighter who was retired on account of length of service and who was lawfully married to such ~~((fireman))~~ firefighter; and whenever that term is used with reference to the wife or former wife or husband or former husband of a retired ~~((fireman))~~ firefighter who was retired because of disability, it shall mean his or her lawfully married wife or husband on the date he or she sustained the injury or contracted the illness that resulted in his or her

disability. Said term shall not mean or include a surviving wife or husband who by process of law within one year prior to the retired ~~((fireman's))~~ firefighter's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children.

**Sec. 19.** RCW 41.16.020 and 2003 c 30 s 2 are each amended to read as follows:

There is hereby created in each city and town a municipal ~~((firemen's))~~ firefighters' pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or a designated representative who shall be an elected official of the city, who shall be ~~((chairman))~~ chairperson of the board, the city comptroller or clerk, the ~~((chairman))~~ chairperson of finance of the city council, or if there is no ~~((chairman))~~ chairperson of finance, the city treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of those employed and retired firefighters who are subject to the jurisdiction of the board. The members to be elected by the firefighters shall be elected annually for a two year term. The two firefighters elected as members shall, in turn, select a third eligible member who shall serve as an alternate in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the ~~((chairman))~~ chairperson to act, the board may select a ~~((chairman))~~ chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the ~~((chairman))~~ chairperson. A majority of the members of the board shall constitute a quorum and have power to transact business.

**Sec. 20.** RCW 41.16.030 and 2002 c 15 s 1 are each amended to read as follows:

The board shall meet at least once quarterly, the date to be fixed by regulation of the board, at such other regular times as may be fixed by a regulation of the board; and at any time upon call of the ~~((chairman))~~ chairperson, of which due advance notice shall be given the other members of the board.

**Sec. 21.** RCW 41.16.040 and 1992 c 89 s 1 are each amended to read as follows:

The board shall have such general powers as are vested in it by the provisions of this chapter, and in addition thereto, the power to:

(1) Generally supervise and control the administration of this chapter and the ~~((firemen's))~~ firefighters' pension fund created hereby.

(2) Pass upon and allow or disallow all applications for pensions or other benefits provided by this chapter.

(3) Provide for payment from said fund of necessary expenses of maintenance and administration of said pension system and fund.

(4) Invest the moneys of the fund in a manner consistent with the investment policies outlined in RCW 35.39.060. Authorized investments shall include investment grade securities issued by the United States, state, municipal corporations, other public bodies, corporate bonds, and other investments authorized by RCW 35.39.030, 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130, 39.60.010, 39.60.020, 68.52.060, 68.52.065, and 72.19.120.

(5) Employ such agents, employees and other personnel as the board may deem necessary for the proper administration of this chapter.

(6) Compel witnesses to appear and testify before it, in the same manner as is or may be provided by law for the taking of depositions in the superior court. Any member of the board may administer oaths to witnesses who testify before the board of a nature and in a similar manner to oaths administered by superior courts of the state of Washington.

(7) Issue vouchers approved by the ~~((chairman))~~ chairperson and secretary and to cause warrants therefor to be issued and paid from said fund for the payment of claims allowed by it.

(8) Keep a record of all its proceedings, which record shall be public; and prepare and file with the city treasurer and city clerk or comptroller prior to the date when any payments are to be made from the fund, a list of all persons entitled to payment from the fund, stating the amount and purpose of such payment, said list to be certified to and signed by the ((chairman)) chairperson and secretary of the board and attested under oath.

(9) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same.

(10) Appoint one or more duly licensed and practicing physicians who shall examine and report to the board upon all applications for relief and pension under this chapter. Such physicians shall visit and examine all sick firefighters and ((disabled firemen)) firefighters who are disabled when, in their judgment, the best interests of the relief and pension fund require it or when ordered by the board. They shall perform all operations on such sick and injured ((firemen)) firefighters and render all medical aid and care necessary for the recovery of such ((firemen)) firefighters on account of sickness or disability received while in the performance of duty as defined in this chapter. Such physicians shall be paid from said fund, the amount of said fees or salary to be set and agreed upon by the board and the physicians. No physician not regularly appointed or specially appointed and employed, as hereinafter provided, shall receive or be entitled to any fees or compensation from said fund as attending physician to a sick or injured ((fireman)) firefighter. If any sick or injured ((fireman)) firefighter refuses the services of the appointed physicians, or the specially appointed and employed physician, he or she shall be personally liable for the fees of any other physician employed by him or her. No person shall have a right of action against the board or the municipality for negligence of any physician employed by it. The board shall have the power and authority to select and employ, besides the regularly appointed physician, such other physician, surgeon or specialist for consultation with, or assistance to the regularly appointed physician, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services from said fund. Said board shall hear and decide all applications for such relief or pensions under this chapter, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board.

**Sec. 22.** RCW 41.16.050 and 1999 c 117 s 3 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the ((firemen's)) firefighters' pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments, or donations given or paid thereto; (2) twenty-five percent of all moneys received by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firefighters as provided for herein. The moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firefighters in the city, town, or fire protection district bears to the total number of paid firefighters throughout the state to be ascertained in the following manner: The secretary of the ((firemen's)) firefighters' pension board of each city, town, and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firefighters in the fire department in such city, town, or fire protection district. For any city or town annexed by a fire protection district at any time before, on, or after June 9, 1994, the city or town shall continue to certify to the state treasurer the number of paid firefighters in the city or town fire department immediately before annexation until all obligations against the ((firemen's)) firefighters' pension fund in the city or town have been satisfied. For the purposes of the calculation in this section, the state treasurer shall subtract the number certified by the annexed city or town from the number of paid firefighters certified by an annexing fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town, and fire protection district coming under the

provisions of this chapter his or her warrant, payable to each city, town, or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town, or fire protection district shall place the amount thereof to the credit of the ((firemen's)) firefighters' pension fund of such city, town, or fire protection district.

**Sec. 23.** RCW 41.16.070 and 1947 c 91 s 7 are each amended to read as follows:

(1) Every ((fireman)) firefighter employed on and after January 1, 1947, shall contribute to the fund and there shall be deducted from his or her pay and placed in the fund an amount in accordance with the following table:

(( <u>Fireman</u> )) <u>Firefighter</u> whose age at last birthday at time of entry of service was:	Contributions and deductions from salary
21 and under. . . . .	5.00%
22 . . . . .	5.24%
23 . . . . .	5.50%
24 . . . . .	5.77%
25 . . . . .	6.07%
26 . . . . .	6.38%
27 . . . . .	6.72%
28 . . . . .	7.09%
29 . . . . .	7.49%
30 and over. . . . .	7.92%

(2) Every ((fireman)) firefighter employed prior to January 1, 1947, and continuing active employment shall contribute to the fund and there shall be deducted from his or her salary and placed in the fund, five percent of his or her salary.

(3) Every ((fireman)) firefighter actively employed and eligible for retirement and not retired shall contribute to the fund and there shall be deducted from his or her salary and placed in the fund, four percent of his or her salary.

**Sec. 24.** RCW 41.16.080 and 1959 c 5 s 2 are each amended to read as follows:

Any ((fireman)) firefighter employed in a fire department on and before the first day of January, 1947, hereinafter in this section and RCW 41.16.090 to 41.16.190 inclusive, referred to as (("fireman")) "firefighter," and who shall have served twenty-five or more years and having attained the age of fifty-five years, as a member of the fire department, shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement any ((fireman)) firefighter shall be paid a pension based upon the average monthly salary drawn for the five calendar years before retirement, the number of years of his or her service and a percentage factor based upon his or her age on entering service, as follows:

Entrance age at last birthday	Salary percentage factor
20 and under. . . . .	1.50%
21 . . . . .	1.55%
22 . . . . .	1.60%
23 . . . . .	1.65%
24 . . . . .	1.70%
25 . . . . .	1.75%
26 . . . . .	1.80%
27 . . . . .	1.85%
28 . . . . .	1.90%
29 . . . . .	1.95%
30 and over. . . . .	2.00%

Said monthly pension shall be in the amount of his or her average monthly salary for the five calendar years before retirement, times the number of years of service, times the applicable percentage factor.

**Sec. 25.** RCW 41.16.100 and 1973 1st ex.s. c 154 s 62 are each amended to read as follows:

The widow or widower, child, children or beneficiary of any ((fireman)) firefighter retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually: PROVIDED, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or widower, child, children or beneficiary: PROVIDED FURTHER, That the amount paid shall not be less than one thousand dollars.

**Sec. 26.** RCW 41.16.110 and 1959 c 5 s 5 are each amended to read as follows:

Whenever any ((fireman)) firefighter shall die while eligible to retirement on account of years of service, and shall not have been retired, benefits shall be paid in accordance with RCW 41.16.100.

**Sec. 27.** RCW 41.16.120 and 1973 1st ex.s. c 154 s 63 are each amended to read as follows:

Whenever any active ((fireman)) firefighter or ((fireman)) firefighter retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased ((fireman's)) firefighter's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the ((fireman's)) firefighter's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children.

**Sec. 28.** RCW 41.16.130 and 1959 c 5 s 7 are each amended to read as follows:

(1) Any ((fireman)) firefighter who shall become disabled as a result of the performance of his or her duty or duties as defined in this chapter, may be retired at the expiration of six months from the date of his or her disability, upon his or her written request filed with his or her retirement board. The board may upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his or her duties in the fire department, the board may refuse to recommend his or her retirement.

(2) If the board deems it for the good of the fire department or the pension fund, it may recommend the applicant's retirement without any request therefor by him or her, after giving him or her a thirty days' notice. Upon his or her retirement he or she shall be paid a monthly disability pension in amount equal to one-half of his or her monthly salary at date of retirement, but which shall not exceed one hundred fifty dollars a month. If he or she recovers from his or her disability he or she shall thereupon be restored to active service, with the same rank he or she held when he or she retired.

(3) If the ((fireman)) firefighter dies during disability and not as a result thereof, RCW 41.16.160 shall apply.

**Sec. 29.** RCW 41.16.140 and 1973 1st ex.s. c 154 s 64 are each amended to read as follows:

Any ((fireman)) firefighter who has served more than fifteen years and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such ((fireman)) firefighter shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his or her

contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased.

**Sec. 30.** RCW 41.16.145 and 1975-'76 2nd ex.s. c 44 s 1 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 (~~as now or hereafter amended;~~) shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and firefighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term "Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

**Sec. 31.** RCW 41.16.150 and 1973 1st ex.s. c 154 s 65 are each amended to read as follows:

(1) Any ((fireman)) firefighter who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his or her average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The ((fireman)) firefighter shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then his or her child or children shall receive only his or her contribution, plus accrued compounded interest. In the event he or she elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then child or children shall receive his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such ((fireman)) firefighter during his or her lifetime.

(2) Any ((fireman)) firefighter who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest.

**Sec. 32.** RCW 41.16.160 and 1973 1st ex.s. c 154 s 66 are each amended to read as follows:

Whenever any ((fireman)) firefighter, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability,

his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries.

**Sec. 33.** RCW 41.16.170 and 1973 1st ex.s. c 154 s 67 are each amended to read as follows:

Whenever a ~~((fireman))~~ firefighter dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary.

**Sec. 34.** RCW 41.16.180 and 1959 c 5 s 12 are each amended to read as follows:

Upon the death of any active firefighter, ~~((disabled))~~ firefighter who is disabled, or retired ~~((fireman))~~ firefighter, the board shall pay from the fund the sum of two hundred dollars to assist in defraying the funeral expenses of such ~~((fireman))~~ firefighter.

**Sec. 35.** RCW 41.16.190 and 1959 c 5 s 13 are each amended to read as follows:

No ~~((fireman))~~ firefighter disabled in the performance of duty shall receive a pension until six months has elapsed after such disability was sustained. Therefore, whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a ~~((fireman))~~ firefighter has been disabled while in the performance of his or her duties, it shall declare him or her inactive. For a period of six months from the time he or she became disabled, he or she shall continue to draw full pay from his or her municipality and in addition thereto he or she shall, at the expense of the municipality, be provided with such medical, hospital and nursing care as the retirement board deems proper. If the board finds at the expiration of six months that the ~~((fireman))~~ firefighter is unable to return to and perform his or her duties, then he or she shall be retired as herein provided.

**Sec. 36.** RCW 41.16.200 and 1947 c 91 s 9 are each amended to read as follows:

The board shall require all ~~((firemen))~~ firefighters receiving disability pensions to be examined every six months. All such examinations shall be made by physicians duly appointed by the board. If a ~~((fireman))~~ firefighter shall fail to submit to such examination within ten days of having been so ordered in writing by said retirement board all pensions or benefits paid to said ~~((fireman))~~ firefighter under this chapter, shall immediately cease and the disbursing officer in charge of such payments shall issue no further payments to such ~~((fireman))~~ firefighter. If such ~~((fireman))~~ firefighter fails to present himself or herself for examination within thirty days after being ordered so to do, he or she shall forfeit all rights under this chapter. If such ~~((fireman))~~ firefighter, upon examination as aforesaid, shall be found fit for service, he or she shall be restored to duty in the same rank held at the time of his or her retirement, or if unable to perform the duties of said rank, then, at his or her request, in such other rank, the duties of which he or she is then able to perform. The board shall thereupon so notify the ~~((fireman))~~ firefighter and shall require him or her to resume his or her duties as a member of the fire department. If, upon being so notified, such member shall fail to report for employment within ten days, he or she shall forfeit all rights to any benefits under this chapter.

**Sec. 37.** RCW 41.16.210 and 1947 c 91 s 10 are each amended to read as follows:

(1) Funds or assets on hand in the ~~((firemen's))~~ firefighters' relief and pension fund of any municipality established under the provisions of chapter 50, Laws of 1909, as amended, after payment of warrants drawn upon and payable therefrom, shall, by the city treasurer, be transferred to and placed in the ~~((firemen's))~~ firefighters'

pension fund created by this chapter; and the ~~((firemen's))~~ firefighters' pension fund created by this chapter shall be liable for and there shall be paid therefrom in the order of their issuance any and all unpaid warrants drawn upon said ~~((firemen's))~~ firefighters' relief and pension fund.

(2) Any moneys loaned or advanced by a municipality from the general or any other fund of such municipality to the ~~((firemen's))~~ firefighters' relief and pension fund created under the provisions of chapter 50, Laws of 1909, as amended, and not repaid shall be an obligation of the ~~((firemen's))~~ firefighters' pension fund created under this chapter, and shall at such times and in such amounts as is directed by the board be repaid.

**Sec. 38.** RCW 41.16.220 and 1969 ex.s. c 269 s 7 are each amended to read as follows:

Any person who was a member of the fire department and within the provisions of chapter 50, Laws of 1909, as amended, at the time he or she entered, and who is a veteran, as defined in RCW 41.04.005, shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter as computed under this chapter his or her period of war service in such armed forces upon payment by him or her of his or her contribution for the period of his or her absence, at the rate provided by chapter 50, Laws of 1909, as amended, for other members: PROVIDED, HOWEVER, Such accredited service shall not in any case exceed five years.

**Sec. 39.** RCW 41.16.230 and 1973 1st ex.s. c 154 s 68 are each amended to read as follows:

Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: PROVIDED, That the repeal of said laws shall not affect any (~~"prior fireman";~~) "prior firefighter;" his widow, her widower, child or children, any ~~((fireman))~~ firefighter eligible for retirement but not retired, his widow, her widower, child or children, or the rights of any retired ~~((fireman))~~ firefighter, his widow, her widower, child or children, to receive payments and benefits from the ~~((firemen's))~~ firefighters' pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed.

**Sec. 40.** RCW 41.16.250 and 1963 c 63 s 1 are each amended to read as follows:

If all or any portion of a fire protection district is annexed to or incorporated into a city or town, or is succeeded by a metropolitan municipal corporation or county fire department, no full time paid ~~((fireman))~~ firefighter affected by such annexation, incorporation or succession shall receive a reduction in his or her retirement and job security rights: PROVIDED, That this section shall not apply to any retirement and job security rights authorized under chapter 41.24 RCW.

**Sec. 41.** RCW 41.18.010 and 1973 1st ex.s. c 154 s 69 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Beneficiary" shall mean any person or persons designated by a ~~((fireman))~~ firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased ~~((fireman))~~ firefighter under this chapter.

(2) (~~"Fireman";~~) "Firefighter" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for ~~((fireman))~~ firefighters and who is actively employed as a ~~((fireman))~~ firefighter or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department,

and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a ((fireman)) firefighter or as a member of the fire department as a ((fireman)) firefighter or fire dispatcher.

(3) "Retired ((fireman)) firefighter" means and includes a person employed as a ((fireman)) firefighter and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired ((fireman)) firefighter at the date of his or her retirement, without regard to extra compensation which such ((fireman)) firefighter may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow or widower" means the surviving spouse of a ((fireman)) firefighter and shall include the surviving wife or husband of a ((fireman)) firefighter, retired on account of length of service, who was lawfully married to him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife or husband of a ((fireman)) firefighter, retired on account of disability, who was lawfully married to him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband of an active or retired ((fireman)) firefighter.

(6) "Child" or "children" means a ((fireman's)) firefighter's child or children under the age of eighteen years, unmarried, and in the legal custody of such ((fireman)) firefighter at the time of his death or her death.

(7) "Earned interest" means and includes all annual increments to the ((firemen's)) firefighters' pension fund from income earned by investment of the fund. The earned interest payable to any ((fireman)) firefighter when he or she leaves the service and accepts his or her contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual ((fireman's)) firefighter's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual ((firemen's)) firefighters' accounts as of January 1st of each year.

(8) "Board" shall mean the municipal ((firemen's)) firefighters' pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of ((firemen)) firefighters and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a ((fireman)) firefighter.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of ((firemen)) firefighters of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing ((firemen)) firefighters.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of ((firemen)) firefighters and shall include services of an emergency nature normally rendered while off regular duty.

**Sec. 42.** RCW 41.18.015 and 1992 c 6 s 1 are each amended to read as follows:

There is hereby created in each fire protection district which qualifies under this chapter, a ((firemen's)) firefighters' pension board to consist of the following five members, the ((chairman)) chairperson of the fire commissioners for said district who shall be ((chairman)) chairperson of the board, the county auditor, county treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of the employed and retired firefighters. Retired members who are subject to the jurisdiction of the pension board have both the right to elect and the right to be

elected under this section. The first members to be elected by the firefighters shall be elected annually for a two-year term. The two firefighter elected members shall, in turn, select a third eligible member who shall serve in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighter or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the ((chairman)) chairperson to act, the board may select a ((chairman)) chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the ((chairman)) chairperson. A majority of the members of said board shall constitute a quorum and have power to transact business.

**Sec. 43.** RCW 41.18.020 and 1955 c 382 s 2 are each amended to read as follows:

The board, in addition to such general and special powers as are vested in it by the provisions of chapter 41.16 RCW, which powers the board shall have with respect to this chapter shall have power to:

(1) Generally supervise and control the administration of this chapter;

(2) Pass upon and allow or disallow applications for pensions or other benefits provided by this chapter;

(3) Provide for payment from the ((firemen's)) firefighters' pension fund of necessary expenses of maintenance and administration required by the provisions of this chapter;

(4) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same;

(5) Require the physicians appointed under the provisions of chapter 41.16 RCW, to examine and report to the board upon all applications for relief and pensions under this chapter; and

(6) Perform such acts, receive such compensation and enjoy such immunity as provided in RCW 41.16.040.

**Sec. 44.** RCW 41.18.030 and 1961 c 255 s 2 are each amended to read as follows:

Every ((fireman)) firefighter to whom this chapter applies shall contribute to the ((firemen's)) firefighters' pension fund a sum equal to six percent of his or her basic salary which shall be deducted therefrom and placed in the fund.

**Sec. 45.** RCW 41.18.040 and 1973 1st ex.s. c 154 s 70 are each amended to read as follows:

Whenever any ((fireman)) firefighter, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter, and shall have attained the age of fifty years, he or she shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement such ((fireman)) firefighter shall be paid a monthly pension which shall be equal to fifty percent of the basic salary now or hereafter attached to the same rank and status held by the said ((fireman)) firefighter at the date of his or her retirement: PROVIDED, That a ((fireman)) firefighter hereafter retiring who has served as a member for more than twenty-five years, shall have his or her pension payable under this section increased by two percent of the basic salary per year for each full year of such additional service to a maximum of five additional years.

Upon the death of any such retired ((fireman)) firefighter, his or her pension shall be paid to his widow or her widower, at the same monthly rate that the retired ((fireman)) firefighter would have received had he or she lived, if such widow or widower was his wife or her husband for a period of five years prior to the time of his or her retirement. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first.

**Sec. 46.** RCW 41.18.045 and 1973 1st ex.s. c 154 s 71 are each amended to read as follows:

Upon the death of a ((fireman)) firefighter who is eligible to retire under RCW 41.18.040 as now or hereafter amended, but who has not retired, a pension shall be paid to his widow or her widower at the same monthly rate that he or she was eligible to receive at the time of his or her death, if such widow or widower was his wife or her husband for a period of five years prior to his or her death. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows or widowers and survivors of ((firemen)) firefighters who died after January 1, 1967, if such ((firemen)) firefighters were otherwise eligible to retire on the date of death.

**Sec. 47.** RCW 41.18.050 and 1955 c 382 s 5 are each amended to read as follows:

Every ((fireman)) firefighter who shall become disabled as a result of the performance of duty may be retired at the expiration of six months from the date of his or her disability, upon his or her written request filed with his or her retirement board. The board may, upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his or her duties in the fire department, the board may refuse to recommend his or her retirement. If, after the expiration of six months from the date of his or her disability, the board deems it for the good of the fire department or the pension fund it may recommend the retirement of a ((fireman)) firefighter disabled as a result of the performance of duty without any request for the same by him or her, and after having been given by the board a thirty days' written notice of such recommendation he or she shall be retired.

**Sec. 48.** RCW 41.18.060 and 1992 c 22 s 1 are each amended to read as follows:

Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a firefighter has been disabled while in the performance of his or her duties it shall declare the firefighter inactive. For a period of six months from the time of the disability the firefighter shall draw from the pension fund a disability allowance equal to his or her basic monthly salary and, in addition, shall be provided with medical, hospital and nursing care as long as the disability exists. The board may, at its discretion, elect to reimburse the ((disabled)) firefighter who is disabled for premiums the firefighter has paid for medical insurance that supplements medicare, including premiums the firefighter has paid for medicare part B coverage. If the board finds at the expiration of six months that the firefighter is unable to return to and perform his or her duties, the firefighter shall be retired at a monthly sum equal to fifty percent of the amount of his or her basic salary at any time thereafter attached to the rank which he or she held at the date of retirement: PROVIDED, That where, at the time of retirement hereafter for disability under this section, the firefighter has served honorably for a period of more than twenty-five years as a member, in any capacity of the regularly constituted fire department of a municipality, the firefighter shall have his or her pension payable under this section increased by two percent of his or her basic salary per year for each full year of additional service to a maximum of five additional years.

**Sec. 49.** RCW 41.18.080 and 1973 1st ex.s. c 154 s 72 are each amended to read as follows:

Any ((fireman)) firefighter who has completed his or her probationary period and has been permanently appointed, and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, may request to be retired by filing a written request with his or her retirement board within sixty days from the date of his or her disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the ((fireman)) firefighter capable of performing his or her duties, it may refuse to recommend retirement and order the ((fireman)) firefighter back to

duty. If no request for retirement has been received after the expiration of sixty days from the date of his or her disability, the board may recommend retirement of the ((fireman)) firefighter. The board shall give the ((fireman)) firefighter a thirty-day written notice of its recommendation, and he or she shall be retired upon expiration of said notice. Upon retirement he or she shall receive a pension equal to fifty percent of his or her basic salary. For a period of ninety days following such disability the ((fireman)) firefighter shall receive an allowance from the fund equal to his or her basic salary. He or she shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the ((fireman)) firefighter was gainfully employed or engaged for compensation in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any ((fireman)) firefighter shall die as a result of a disability sustained not in the line of duty, his widow or her widower shall receive a monthly pension equal to one-third of his or her basic salary until remarried; if such widow or widower has dependent upon her or him for support a child or children of such deceased ((fireman)) firefighter, he or she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary; two children, one-seventh; three or more children, one-sixth. If there be no widow or widower, monthly payments equal to one-third of the deceased ((fireman's)) firefighter's basic salary shall be made to his or her child or children. The widow or widower may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, he or she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children.

**Sec. 50.** RCW 41.18.090 and 1955 c 382 s 15 are each amended to read as follows:

The board shall require all ((firemen)) firefighters receiving disability pensions to be examined every six months: PROVIDED, That no such examinations shall be required if upon certification by physicians the board shall formally enter upon its records a finding of fact that the disability is and will continue to be of such a nature that return to active duty can never reasonably be expected. All examinations shall be made by physicians duly appointed by the board. If a ((fireman)) firefighter shall willfully fail to present himself or herself for examination, within thirty days after being ordered so to do, he or she shall forfeit all rights under this chapter. If such ((fireman)) firefighter, upon examination as aforesaid, shall be found fit for service, he or she shall be restored to duty in the same rank held at the time of his or her retirement, or if unable to perform the duties of said rank then, at his or her request, in such other like or lesser rank as may be or become open and available, the duties of which he or she is then able to perform. The board shall thereupon so notify the ((fireman)) firefighter and shall require him or her to resume his or her duties as a member of the fire department. If, upon being so notified, such member shall willfully fail to report for employment within ten days, he or she shall forfeit all rights to any benefit under this chapter.

**Sec. 51.** RCW 41.18.100 and 1975 1st ex.s. c 178 s 4 are each amended to read as follows:

In the event a ((fireman)) firefighter is killed in the performance of duty, or in the event a ((fireman)) firefighter retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a ((fireman)) firefighter is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a ((fireman)) firefighter who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired ((fireman)) firefighter was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child

or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such ~~((fireman's))~~ firefighter's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries: PROVIDED, That no pension payable under the provisions of this section shall be less than that specified under RCW 41.18.200.

**Sec. 52.** RCW 41.18.102 and 1969 ex.s. c 209 s 32 are each amended to read as follows:

The provisions of RCW 41.18.040 and 41.18.100 shall be applicable to all ~~((firemen))~~ firefighters employed prior to March 1, 1970, but shall not apply to any former ~~((fireman))~~ firefighter who has terminated his or her employment prior to July 1, 1969.

**Sec. 53.** RCW 41.18.130 and 1969 ex.s. c 209 s 31 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who shall have served for a period of less than twenty-five years, or who shall be less than fifty years of age, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his or her contributions to the fund plus earned interest: PROVIDED, That in the case of any ~~((fireman))~~ firefighter who has completed twenty years of service, such ~~((fireman))~~ firefighter, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his or her contributions as herein provided, to be classified as a vested ~~((fireman))~~ firefighter in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such ~~((fireman's))~~ firefighter's termination;

(2) During the period between the date of his or her termination and the date upon which he or she becomes a retired ~~((fireman))~~ firefighter as hereinafter provided, such vested ~~((fireman))~~ firefighter and his or her spouse or dependent children shall be entitled to all benefits available under chapter 41.18 RCW to a retired ~~((fireman))~~ firefighter and his or her spouse or dependent children with the exception of the service retirement allowance as herein provided for: PROVIDED, That any claim for medical coverage under RCW 41.18.060 shall be attributable to service connected illness or injury;

(3) Any ~~((fireman))~~ firefighter electing to become a vested ~~((fireman))~~ firefighter shall be entitled at such time as he or she otherwise would have completed twenty-five years of service had he or she not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary attached to the position held by the vested ~~((fireman))~~ firefighter for the year preceding the date of his or her termination, for each year of service rendered prior to the date of his or her termination.

**Sec. 54.** RCW 41.18.140 and 1961 c 255 s 7 are each amended to read as follows:

The board shall pay from the ~~((firemen's))~~ firefighters' pension fund upon the death of any active or retired ~~((fireman))~~ firefighter the sum of five hundred dollars, to assist in defraying the funeral expenses of such ~~((fireman))~~ firefighter.

**Sec. 55.** RCW 41.18.150 and 1955 c 382 s 14 are each amended to read as follows:

Every person who was a member of the fire department at the time he or she entered and served in the armed forces of the United States in time of war, whether as a draftee, or inductee, and who shall have been discharged from such armed forces under conditions other than dishonorable, shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter his or her period of war or peacetime service in the armed forces: PROVIDED, That such added and accredited service shall not as to any individual exceed five years.

**Sec. 56.** RCW 41.18.160 and 1955 c 382 s 17 are each amended to read as follows:

Every ~~((fireman))~~ firefighter as defined in this chapter heretofore employed as a member of a fire department, whether or not as a prior ~~((fireman))~~ firefighter as defined in chapter 41.16 RCW, who desires to make the contributions and avail himself or herself of the pension and other benefits of said chapter 41.16 RCW, can do so by handing to and leaving with the ~~((firemen's))~~ firefighters' pension board of his or her municipality a written notice of such intention within sixty days of the effective date of this chapter, or if he or she was on disability retirement under chapter 41.16 RCW, at the effective date of this chapter and has been recalled to active duty by the retirement board, shall give such notice within sixty days of his or her return to active duty, and not otherwise.

**Sec. 57.** RCW 41.18.165 and 1959 c 69 s 1 are each amended to read as follows:

Every person who was a member of a fire-fighting organization operated by a private enterprise, which fire-fighting organization shall be hereafter acquired before September 1, 1959, by a municipality as its fire department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such fire-fighting organization, shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter his or her period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such fire-fighting organization at the time of its acquisition by the municipality and who remain in the service of that municipality until this chapter shall become applicable to such persons.

No such person shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter his or her period of service with said private enterprise unless he, she, or a third party shall pay to the municipality his or her contribution for the period of such service with the private enterprise at the rate provided in RCW 41.18.030, or, if he or she shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he or she agrees at the time of his or her employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of those private pension or retirement benefits received. For the purposes of RCW 41.18.030, the date of entry of service shall be deemed the date of entry into service with the private enterprise, which service is accredited by this section, and the amount of contributions for the period of accredited service shall be based on the wages or salary of such person during that added and accredited period of service with the private enterprise.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations.

**Sec. 58.** RCW 41.18.170 and 1955 c 382 s 16 are each amended to read as follows:

The provisions of this chapter governing contributions, pensions, and benefits shall have exclusive application (1) to ~~((firemen))~~ firefighters as defined in this chapter hereafter becoming members of a fire department, (2) to ~~((firemen))~~ firefighters as defined in this chapter heretofore employed in a department who have not otherwise elected as provided for in RCW 41.18.160, and (3) to ~~((firemen))~~ firefighters on disability retirement under chapter 41.16 RCW, at the effective date of this chapter, who thereafter shall have been returned to active duty by the retirement board, and who have not otherwise elected as provided for in RCW 41.18.160 within sixty days after return to active duty.

**Sec. 59.** RCW 41.18.180 and 1961 c 255 s 12 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who has made contributions under any prior act may elect to avail himself or herself of the benefits provided by this chapter or under such prior act by filing written notice with the board within sixty days from the effective date of this

1961 amendatory act: PROVIDED, That any ((fireman)) firefighter who has received refunds by reason of selecting the benefits of prior acts shall return the amount of such refunds as a condition to coverage under this 1961 amendatory act.

**Sec. 60.** RCW 41.18.190 and 1969 ex.s. c 209 s 41 are each amended to read as follows:

Any ((fireman)) firefighter as defined in RCW 41.18.010 who has prior to July 1, 1969 been employed as a member of a fire department and who desires to make contributions and avail himself or herself of the pension and other benefits of chapter 41.18 RCW as now law or hereafter amended, may transfer his or her membership from any other pension fund, except the Washington law enforcement officers' and firefighters' retirement system, to the pension fund provided in chapter 41.18 RCW: PROVIDED, That such ((fireman)) firefighter transmits written notice of his or her intent to transfer to the pension board of his or her municipality prior to September 1, 1969.

**Sec. 61.** RCW 41.18.210 and 1974 ex.s. c 148 s 1 are each amended to read as follows:

Any former employee of a department of a city of the first class, who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the fire department of such city, may transfer his or her former membership credit from the city employees' retirement system to the ((fireman's)) firefighter's pension system created by chapters 41.16 and 41.18 RCW by filing a written request with the board of administration and the municipal ((fireman's)) firefighters' pension board, respectively.

Upon the receipt of such request, the transfer of membership to the city's ((fireman's)) firefighter's pension system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration shall transmit to the municipal ((fireman's)) firefighters' pension board a record of service credited to such member which shall be computed and credited to such member as a part of his or her period of employment in the city's ((fireman's)) firefighter's pension system. For the purpose of the transfer contemplated by this section, those affected individuals who have formerly withdrawn funds from the city employees' retirement system shall be allowed to restore contributions withdrawn from that retirement system directly to the ((fireman's)) firefighter's pension system and receive credit in the ((fireman's)) firefighter's pension system for their former membership service in the prior system.

Any employee so transferring shall have all the rights, benefits, and privileges that he or she would have been entitled to had he or she been a member of the city's ((fireman's)) firefighter's pension system from the beginning of his or her employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon such service with the city.

The right of any employee to file a written request for transfer of membership as set forth in this section shall expire December 31, 1974.

**Sec. 62.** RCW 9.40.130 and 1971 ex.s. c 302 s 5 are each amended to read as follows:

RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by ((firemen)) firefighters, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section.

**Sec. 63.** RCW 9A.48.020 and 1981 c 203 s 2 are each amended to read as follows:

(1) A person is guilty of arson in the first degree if he or she knowingly and maliciously:

- (a) Causes a fire or explosion which is manifestly dangerous to any human life, including ((firemen)) firefighters; or
  - (b) Causes a fire or explosion which damages a dwelling; or
  - (c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime; or
  - (d) Causes a fire or explosion on property valued at ten thousand dollars or more with intent to collect insurance proceeds.
- (2) Arson in the first degree is a class A felony.

**Sec. 64.** RCW 19.09.100 and 1994 c 287 s 2 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) A charitable organization, whether or not required to register pursuant to this chapter, that directly solicits contributions from the public in this state shall make the following clear and conspicuous disclosures at the point of solicitation:

- (a) The name of the individual making the solicitation;
- (b) The identity of the charitable organization and the city of the principal place of business of the charitable organization;
- (c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary.

(2) A commercial fund raiser shall clearly and conspicuously disclose at the point of solicitation:

- (a) The name of the individual making the solicitation;
- (b) The name of the entity for which the fund raiser is an agent or employee and the name and city of the charitable organization for which the solicitation is being conducted; and

(c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary. The disclosure must be made during an oral solicitation of a contribution, and at the same time at which a written request for a contribution is made.

(3) A person or organization soliciting charitable contributions by telephone shall make the disclosures required under subsection (1) or (2) of this section in the course of the solicitation but prior to asking for a commitment for a contribution from the solicitee, and in writing to any solicitee that makes a pledge within five working days of making the pledge. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in subsection (1) or (2) of this section, whichever is applicable.

(4) In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it shall be clearly and conspicuously disclosed in the body of the solicitation material that:

- (a) The solicitation is conducted by a named commercial fund raiser, if it is;
- (b) The notice of solicitation required by the charitable solicitation act is on file with the secretary's office; and
- (c) The potential donor can obtain additional financial disclosure information at a published number in the office of the secretary.

(5) A container or vending machine displaying a solicitation must also display in a clear and conspicuous manner the name of the charitable organization for which funds are solicited, the name, business address, and telephone number of the individual and any commercial fund raiser responsible for collecting funds placed in the containers or vending machines, and the following statement: "This charity is currently registered with the secretary's office under the charitable solicitation act, registration number . . ."

(6) A commercial fund raiser shall not represent that tickets to any fund raising event will be donated for use by another person unless all the following requirements are met:

- (a) The commercial fund raiser prior to conducting a solicitation has written commitments from persons stating that they will accept donated tickets and specifying the number of tickets they will accept;
- (b) The written commitments are kept on file by the commercial fund raiser for three years and are made available to the secretary, attorney general, or county prosecutor on demand;

(c) The contributions solicited for donated tickets may not be more than the amount representing the number of ticket commitments received from persons and kept on file under (a) of this subsection; and

(d) Not later than seven calendar days prior to the date of the event for which ticket donations are solicited, the commercial fund raiser shall give all donated tickets to the persons who made the written commitments to accept them.

(7) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by a commercial fund raiser.

(8) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government. This subsection does not apply to a foundation or other charitable organization that is organized, operated, or controlled by or in connection with a registered public charity, including any governmental agency or unit, from which it derives its name.

(9) No person may, in conducting any solicitation, use the name "police," "sheriff," "fire fighter," (~~"firemen,"~~) "firefighters," or a similar name unless properly authorized by a bona fide police, sheriff, or fire fighter organization or police, sheriff, or fire department. A proper authorization shall be in writing and signed by two authorized officials of the organization or department and shall be filed with the secretary.

(10) A person may not, in conducting any solicitation, use the name of a federally chartered or nationally recognized military veterans' service organization as determined by the United States veterans' administration unless authorized in writing by the highest ranking official of that organization in this state.

(11) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(12) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.

(13) Solicitations shall not be conducted by a charitable organization or commercial fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

(14) No charitable organization or commercial fund raiser subject to this chapter may use or exploit the fact of registration under this chapter so as to lead the public to believe that registration constitutes an endorsement or approval by the state, but the use of the following is not deemed prohibited: "Currently registered with the Washington state secretary of state as required by law. Registration number . . ."

(15) No entity may engage in any solicitation for contributions for or on behalf of any charitable organization or commercial fund raiser unless the charitable organization or commercial fund raiser is currently registered with the secretary.

(16) No entity may engage in any solicitation for contributions unless it complies with all provisions of this chapter.

(17)(a) No entity may place a telephone call for the purpose of charitable solicitation that will be received by the solicitee before eight o'clock a.m. or after nine o'clock p.m.

(b) No entity may, while placing a telephone call for the purpose of charitable solicitation, engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(18) Failure to comply with subsections (1) through (17) of this section is a violation of this chapter.

**Sec. 65.** RCW 35.17.100 and 1965 c 7 s 35.17.100 are each amended to read as follows:

Every member of the city commission, before qualifying, shall give a good and sufficient bond to the city in a sum equivalent to five times the amount of his or her annual salary, conditioned for the faithful performance of the duties of his or her office. The bonds must be approved by a judge of the superior court for the county in which the city is located and filed with the clerk thereof. The commission, by resolution, may require any of its appointees to give bond to be fixed and approved by the commission and filed with the mayor.

**Sec. 66.** RCW 35A.11.020 and 1993 c 83 s 8 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for (~~firemen~~) firefighters and (~~police~~) police officers which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for (~~firemen~~) firefighters and chapter 41.12 RCW for (~~police~~) police officers now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for (~~firemen~~) firefighters or (~~police~~) police officers which provides different pensions or retirement benefits than are provided by general law for such classes.

Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty, but no act which is a state crime may be made a civil violation.

The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns.

In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, 82.36.440, 48.14.020, and 48.14.080.

**Sec. 67.** RCW 35.27.240 and 1987 c 3 s 13 are each amended to read as follows:

The department of police in a town shall be under the direction and control of the marshal subject to the direction of the mayor. He or she may pursue and arrest violators of town ordinances beyond the town limits.

((His)) The marshal's lawful orders shall be promptly executed by deputies, police officers and ((watchmen)) watchpersons. Every citizen shall lend him or her aid, when required, for the arrest of offenders and maintenance of public order. He or she may appoint, subject to the approval of the mayor, one or more deputies, for whose acts he and his ((bondsmen)) or her bondspersons shall be responsible, whose compensation shall be fixed by the council. With the concurrence of the mayor, ((he)) the marshal may appoint additional ((policemen)) police officers for one day only when necessary for the preservation of public order.

((He)) The marshal shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

((He)) The marshal shall execute and return all process issued and directed to him or her by any legal authority and for his or her services shall receive the same fees as are paid to constables. ((He)) The marshal shall perform such other services as the council by ordinance may require.

**Sec. 68.** RCW 35.66.040 and 1965 c 7 s 35.66.040 are each amended to read as follows:

A police matron must be paid such compensation for her services as shall be fixed by the city council and at such time as may be appointed for the payment of ((policemen)) police officers.

**Sec. 69.** RCW 35.75.050 and 1965 c 7 s 35.75.050 are each amended to read as follows:

The city or town council shall by ordinance provide that the whole amount or any amount not less than seventy-five percent of all license fees, penalties or other moneys collected under the authority of this chapter shall be paid into and placed to the credit of a special fund to be known as the "bicycle road fund." The moneys in the bicycle road fund shall not be transferred to any other fund and shall be paid out for the sole purpose of building and maintaining bicycle paths and roadways authorized to be constructed and maintained by this chapter or for special ((policemen)) police officers, bicycle tags, stationery and other expenses growing out of the regulating and licensing of the riding of bicycles and other vehicles and the construction, maintenance and regulation of the use of bicycle paths and roadways.

**Sec. 70.** RCW 35.88.020 and 1965 c 7 s 35.88.020 are each amended to read as follows:

Every city and town may by ordinance prescribe what acts shall constitute offenses against the purity of its water supply and the punishment or penalties therefor and enforce them. The mayor of each city and town may appoint special ((policemen)) police officers, with such compensation as the city or town may fix, who shall, after taking oath, have the powers of constables, and who may arrest with or without warrant any person committing, within the territory over which any city or town is given jurisdiction by this chapter, any offense declared by law or by ordinance, against the purity of the water supply, or which violate any rule or regulation lawfully promulgated by the state board of health for the protection of the

purity of such water supply. Every special ((policeman)) police officer whose appointment is authorized herein may take any person arrested for any such offense or violation before any court having jurisdiction thereof to be proceeded with according to law. Every such special ((policeman)) police officer shall, when on duty wear in plain view a badge or shield bearing the words "special police" and the name of the city or town by which he or she has been appointed.

**Sec. 71.** RCW 41.44.060 and 1951 c 275 s 3 are each amended to read as follows:

((Policemen)) Police officers in first class cities and all city ((firemen)) firefighters shall be excluded from the provisions of this chapter, except those employees of the fire department who are not eligible to the benefits of any ((firemen's)) firefighters' pension system established by or pursuant to state law, and who shall be included in the miscellaneous personnel.

**Sec. 72.** RCW 41.48.030 and 1971 ex.s. c 257 s 19 are each amended to read as follows:

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that--

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218(c)(3)(C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to

the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(h) Law enforcement officers and (~~firemen~~) firefighters of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d)(3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the institutions of higher learning, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: PROVIDED HOWEVER, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: PROVIDED, That any city or town affiliated with the statewide city employees retirement system organized under chapter 41.44 RCW may at its option agree to a plan submitted by the board of trustees of said statewide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: PROVIDED FURTHER, That the teachers' retirement system be considered one system for the purpose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218(d)(3)(C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030(1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d)(3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1)(i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health, education, and welfare of such termination of the agreement entered into under this section with respect to said coverage group.

**Sec. 73.** RCW 46.37.185 and 1987 c 330 s 709 are each amended to read as follows:

(~~Firemen~~) Firefighters, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

**Sec. 74.** RCW 81.28.080 and 1973 1st ex.s. c 154 s 117 are each amended to read as follows:

No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to (~~firemen~~) lineworkers of telegraph and telephone companies; to railway mail service employees, post office inspectors, customs

inspectors and immigration inspectors; to ~~((newsboys))~~ newspaper delivery persons on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: PROVIDED, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: AND PROVIDED, FURTHER, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: PROVIDED, FURTHER, That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the surviving spouses prior to remarriage and minor children during minority, of persons who died while in the service of any such common carrier: AND PROVIDED, FURTHER, That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: AND PROVIDED, FURTHER, That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or ~~((policemen))~~ police officers or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Common carriers subject to the provisions of this title may carry, store or handle, free or at reduced rates, property for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Nothing in this title shall be construed to prohibit the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies.

**Sec. 75.** RCW 35.23.121 and 1995 c 301 s 36 are each amended to read as follows:

The city clerk shall keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by the state auditor. The city clerk shall record all ordinances, annexing thereto his or her certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding.

The city clerk shall be custodian of the seal of the city and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment.

The city clerk may appoint a deputy for whose acts he or she and his or her ~~((bondsmen))~~ bondspersons shall be responsible, and he or she and his or her deputy shall have authority to take all

necessary affidavits to claims against the city and certify them without charge.

The city clerk shall perform such other duties as may be required by statute or ordinance.

**Sec. 76.** RCW 35.27.220 and 1965 c 7 s 35.27.220 are each amended to read as follows:

The town clerk shall be custodian of the seal of the town. ~~((He))~~ The town clerk may appoint a deputy for whose acts he or she and his ~~((bondsmen))~~ or her bondspersons shall be responsible~~((+he))~~. The town clerk and his or her deputy may administer oaths or affirmations and certify to them, and may take affidavits and depositions to be used in any court or proceeding in the state.

~~((He))~~ The town clerk shall make a quarterly statement in writing showing the receipts and expenditures of the town for the preceding quarter and the amount remaining in the treasury.

At the end of every fiscal year ~~((he))~~ the town clerk shall make a full and detailed statement of receipts and expenditures of the preceding year and a full statement of the financial condition of the town which shall be published.

~~((He))~~ The town clerk shall perform such other services as may be required by statute or by ordinances of the town council.

~~((He))~~ The town clerk shall keep a full and true account of all the proceedings of the council.

**Sec. 77.** RCW 59.12.110 and 1905 c 86 s 4 are each amended to read as follows:

The plaintiff or defendant at any time, upon two days' notice to the adverse party, may apply to the court or any judge thereof for an order raising or lowering the amount of any bond in this chapter provided for. Either party may, upon like notice, apply to the court or any judge thereof for an order requiring additional or other surety or sureties upon any such bond. Upon the hearing or any application made under the provisions of this section evidence may be given. The judge after hearing any such application shall make such an order as shall be just in the premises. The ~~((bondsmen))~~ bondspersons may be required to be present at such hearing if so required in the notice thereof, and shall answer under oath all questions that may be asked them touching their qualifications as ~~((bondsmen))~~ bondspersons, and in the event the ~~((bondsmen))~~ bondspersons shall fail or refuse to appear at such hearing and so answer such questions the bond shall be stricken. In the event the court shall order a new or additional bond to be furnished by defendant, and the same shall not be given within twenty-four hours, the court shall order the sheriff to forthwith execute the writ. In the event the defendant shall file a second or additional bond and it shall also be found insufficient after hearing, as above provided, the right to retain the premises by bond shall be lost and the sheriff shall forthwith put the plaintiff in possession of the premises.

**Sec. 78.** RCW 82.38.230 and 1998 c 176 s 77 are each amended to read as follows:

Whenever any licensee is delinquent in the payment of any obligation imposed hereunder, and such delinquency continues after notice and demand for payment by the department, the department shall proceed to collect the amount due from the licensee in the following manner: The department shall seize any property subject to the lien of said excise tax, penalty, and interest and thereafter sell it at public auction to pay said obligation and any and all costs that may have been incurred on account of the seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent licensee and to all persons appearing of record to have an interest in such property. The notice shall be given in writing at least ten days before the date set for the sale by enclosing it in an envelope addressed to the licensee at the licensee's address as the same appears in the records of the department and, in the case of any person appearing of record to have an interest in such property, addressed to such person at his or her last known residence or place of business, and depositing such envelope in the United States mail, postage prepaid. In addition, the notice shall be published for at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper of general circulation in such

county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the property to be sold, together with a statement of the amount due under this chapter, the name of the licensee and the further statement that unless such amount is paid on or before the time fixed in the notice the property will be sold in accordance with law.

The department shall then proceed to sell the property in accordance with the law and the notice, and shall deliver to the purchaser a bill of sale or deed which shall vest title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state under this chapter from the delinquent licensee, the excess shall be returned to the licensee and the licensee's receipt obtained for the excess. If any person having an interest in or lien upon the property has filed with the department prior to such sale, notice of such interest or lien, the department shall withhold payment of any such excess to the licensee pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the licensee is not available, the department shall deposit such excess with the state treasurer as trustee for the licensee or the licensee's heirs, successors, or assigns: PROVIDED, That prior to making any seizure of property as provided for in this section, the department may first serve upon the licensee's ((bondsman)) bondsperson a notice of the delinquency, with a demand for the payment of the amount due.

**Sec. 79.** RCW 87.03.020 and 1988 c 127 s 40 are each amended to read as follows:

For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall contain the following:

(1) A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which said lands are situated.

(2) The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.

(3) A general statement of the probable source or sources of water supply and a brief outline of the plan of improvement, which may be in the alternative, contemplated by the organization of the district.

(4) A statement of the number of directors, either three or five, desired for the administration of the district and of the name by which the petitioners desire the district to be designated.

(5) Any other matter deemed material.

(6) A prayer requesting the board to take the steps necessary to organize the district.

The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the ((bondsmen)) bondspersons will pay all of the cost in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks (three issues) before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice signed by the clerk of the board of county commissioners stating the time of the meeting at which the same will be presented. There shall also be published a notice of the hearing on said petition in a newspaper published at Olympia, Washington, to be designated by the director of ecology from year to year, which said notice shall be published for at least two weeks (three issues) prior to the date of said meeting and shall contain the name of the county or counties and the number of each township and range in which the lands embraced within the boundaries of the proposed district are situated, also the time, place and purpose for said meeting, which said notice shall be signed by the petitioner whose name first appears upon the said petition. If any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be

published for the time above provided in one newspaper printed and published in each of said counties. The said notice, together with a map of the district, shall also be served by registered mail at least thirty days before the said hearing upon the state director of ecology at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' ((bondsmen)) bondspersons, make such investigation of the sufficiency of the source and supply of water for the purposes of the proposed district, as he or she may deem necessary, and file a report of his or her findings, together with a statement of his or her costs, with the board of county commissioners at or prior to the time set for said hearing. When the petition is presented, the board of county commissioners shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall establish and define the boundaries of the district along such lines as in the judgment of the board will best reclaim the lands involved and enter an order to that effect: PROVIDED, That said board shall not modify the boundaries so as to except from the operation of the district any territory within the boundaries outlined in the petition, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited, be included within such district; any lands included within any district, which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: AND PROVIDED FURTHER, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district.

At said hearing the board shall also give the district a name and shall order that an election be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this act and for the purpose of electing directors.

The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks (three issues) prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District--Yes," and "Irrigation District--No," and also the names of persons to be voted for as directors of the district: PROVIDED, That where in this act publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

**Sec. 80.** RCW 87.84.020 and 1961 c 226 s 3 are each amended to read as follows:

A petition to convert an existing irrigation district to an irrigation and rehabilitation district shall be signed by at least fifty holders of title or evidence of title to land within the district. The petition shall contain the following:

(1) The legal description of the property to be served.

(2) The signature and address of each petitioner, together with the legal description of the lands within the district owned by each.

(3) Any other matter deemed material.

The petition shall be accompanied by a bond, to be approved by the board, in double the amount of the probable cost of organizing the district, and conditioned that the ((bondsman)) bondsperson will pay all the costs if the organization is not effected.

**Sec. 81.** RCW 19.29.010 and 1989 c 12 s 3 are each amended to read as follows:

It shall be unlawful from and after the passage of this chapter for any officer, agent, or employee of the state of Washington, or of any county, city or other political subdivision thereof, or for any other person, firm or corporation, or its officers, agents or employees, to run, place, erect, maintain, or use any electrical apparatus or construction, except as provided in the rules of this chapter.

Rule 1. No wire or cable, except the neutral, carrying a current of less than seven hundred fifty volts of electricity within the corporate limits of any city or town shall be run, placed, erected, maintained or used on any insulator the center of which is less than thirteen inches from the center line of any pole. And no such wire, except the neutral, shall be run past any pole to which it is not attached at a distance of less than thirteen inches from the center line thereof. This rule shall not apply to any wire or cable where the same is run from under ground and placed vertically on the pole; nor to any wire or cable where the same is attached to the top of the pole; nor to a pole top fixture as between it and the same pole; nor to any wire or cable between the points where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure and the point of attachment to such building or structure; nor to any jumper wire or cable carrying a current or connected with a transformer or other appliance on the same pole; nor to bridle or jumper wires on any pole which are attached to or connected with signal wires on the same pole; nor to any aerial cable as between such cable and any pole upon which it originates or terminates; nor to exclusive telephone or telegraph toll lines; nor to aerial cables containing telephone, telegraph, or signal wires, or wires continuing from same, where the cable is attached to poles on which no wires or cables other than the wires continuing from said cable are maintained, provided, that electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said aerial cable is placed.

Rule 2. No wire or cable used to carry a current of over seven hundred fifty volts of electricity within the incorporate limits of any city or town shall be run, placed, erected, maintained or used on any insulator the center of which is nearer than twenty-four inches to the center line of any pole. And no such wire or cable shall be run past any pole to which it is not attached at a distance of less than twenty-four inches from the center line thereof. PROVIDED, That this shall not apply to any wire or cable where the same is run from under ground and placed vertically on the pole; nor to any wire or cable where the same is attached to the top of the pole; nor to a pole top fixture, as between it and the same pole; nor to any wire or cable between the points where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure, and the point of attachment to said building or structure; nor to any jumper wire or cable carrying a current or connected with transformers or other appliances on the same pole: PROVIDED FURTHER, That where said wire or cable is run vertically, it shall be rigidly supported and where possible run on the ends of the cross-arms.

Rule 3. No wire or cable carrying a current of more than seven hundred fifty volts, and less than seventy-five hundred volts of electricity, shall be run, placed, erected, maintained or used within three feet of any wire or cable carrying a current of seven hundred fifty volts or less of electricity; and no wire or cable carrying a current of more than seventy-five hundred volts of electricity shall be run, placed, erected, maintained, or used within seven feet of any wire or cable carrying less than seventy-five hundred volts: PROVIDED, That the foregoing provisions of this paragraph shall not apply to any wire or cable within buildings or other structures; nor where the same are run from under ground and placed vertically upon the pole; nor to any service wire or cable where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure, and the point of attachment to said building or structure; nor to any jumper wire or cable carrying a current or connected with a transformer or other appliance on the same pole: PROVIDED, That where run vertically, wires or cables shall be rigidly supported, and where possible run on the ends of the cross-arms: PROVIDED FURTHER, That as between any two wires or cables mentioned in Rules 1, 2 and 3 of this section, only the wires or cables last in point of time so run, placed, erected or maintained, shall be held to be in violation of the provisions thereof.

Rule 4. No wire or cable used for telephone, telegraph, district messenger, or call bell circuit, fire or burglar alarm, or any other similar system, shall be run, placed, erected, maintained or used on any pole at a distance of less than three feet from any wire or cable carrying a current of over three hundred volts of electricity; and in all cases (except those mentioned in exceptions to Rules 1, 2 and 3) where such wires or cables are run, above or below, or cross over or under electric light or power wires, or a trolley wire, a suitable method of construction, or insulation or protection to prevent contact shall be maintained as between such wire or cable and such electric light, power or trolley wire; and said methods of construction, insulation or protection shall be installed by, or at the expense of the person owning the wire last placed in point of time: PROVIDED, That telephone, telegraph or signal wires or cables operated for private use and not furnishing service to the public, may be placed less than three feet from any line carrying a voltage of less than seven hundred and fifty volts.

Rule 5. Transformers, either single or in bank, that exceed a total capacity of over ten K.W. shall be supported by a double cross-arm, or some fixture equally as strong. No transformer shall be placed, erected, maintained or used on any cross-arm or other appliance on a pole upon which is placed a series electric arc lamp or arc light: PROVIDED, This shall not apply to a span wire supporting a lamp only. All aerial and underground transformers used for low potential distribution shall be subjected to an insulation test in accordance with the standardized rules of the American Institute of Electrical Engineers. In addition to this each transformer shall be tested at rated line voltage prior to each installation and shall have attached to it a tag showing the date on which the test was made, and the name of the person making the test.

Rule 6. No wire or cable, other than ground wires, used to conduct or carry electricity, shall be placed, run, erected, maintained or used vertically on any pole without causing such wire or cable to be at all times sufficiently insulated the full length thereof to insure the protection of anyone coming in contact with said wire or cable.

Rule 7. The neutral point or wire of all transformer secondaries strung or erected for use in low potential distributing systems shall be grounded in all cases where the normal maximum difference of potential between the ground and any point in the secondary circuit will not exceed one hundred and fifty volts. When no neutral point or wire is accessible one side of the secondary circuit shall be grounded in the case of single phase transformers, and any one common point in the case of interconnected polyphase bank or banks of transformers. Where the maximum difference of potential between the ground and any point in the secondary circuit will, when grounded, exceed one hundred fifty volts, grounding shall be permitted. Such grounding shall be done in the manner provided in Rule 30.

Rule 8. In all cases where a wire or cable larger than No. 14 B.W.G. originates or terminates on insulators attached to any pin or other appliance, said wire or cable shall be attached to at least two insulators: PROVIDED HOWEVER, That this section shall not apply to service wires to buildings; nor to wires run vertically on a pole; nor to wires originating or terminating on strain insulators or circuit breakers; nor to telephone, telegraph or signal wires outside the limits of any incorporated city or town.

Rule 9. Fixtures placed or erected for the support of wires on the roofs of buildings shall be of sufficient strength to withstand all strains to which they may be subjected, due to the breaking of all wires on one side thereof, and except where insulated wires or cables are held close to fire walls by straps or rings, shall be of such height and so placed that all of the wires supported by such fixtures shall be at least seven feet above any point of roofs less than one-quarter pitch over which they pass or may be attached, and no roof fixtures or wire shall be so placed that they will interfere with the free passage of persons upon, over, to or from the roofs.

Rule 10. No guy wire or cable shall be placed, run, erected, maintained or used within the incorporate limits of any city or town on any pole or appliance to which is attached any wire or cable used to conduct electricity without causing said guy wire or cable to be efficiently insulated with circuit breakers at all times at a distance of not less than eight feet nor more than ten feet measured along the line of said guy wire or cable from each end thereof: PROVIDED, No

circuit breaker shall be required at the lower end of the guy wire or cable where the same is attached to a ground anchor, nor shall any circuit breaker be required where said guy wire or cable runs direct from a grounded messenger wire to a grounded anchor rod.

Rule 11. In all span wires used for the purpose of supporting trolley wires or series arc lamps there shall be at least two circuit breakers, one of which shall at all times be maintained no less than four feet nor more than six feet distant from the trolley wire or series arc lamp, and in cases where the same is supported by a building or metallic pole, the other circuit breaker shall be maintained at the building or at the pole: PROVIDED, That in span wires which support two or more trolley wires no circuit breaker shall be required in the span wire between any two of the trolley wires: PROVIDED FURTHER, That in span wires supporting trolley wires attached to wooden poles only the circuit breaker adjacent to the trolley wire shall be required.

Rule 12. At all points where in case of a breakdown of trolley span wires, the trolley wire would be liable to drop within seven feet of the ground, there shall be double span wires and hangers placed at such points.

Rule 13. All energized wires or appliances installed inside of any building or vault, for the distribution of electrical energy, shall be sufficiently insulated, or so guarded, located, or arranged as to protect any person from injury.

Rule 14. The secondary circuit of current transformers, the casings of all potential regulators and arc light transformers, all metal frames of all switch boards, metal oil tanks used on oil switches except where the tank is part of the conducting system, all motor and generator frames, the entire frame of the crane and the tracks of all traveling cranes and hoisting devices, shall be thoroughly grounded, as provided in Rule 30.

Rule 15. All generators and motors having a potential of more than three hundred volts shall be provided with a suitable insulated platform or mat so arranged as to permit the attendant to stand upon such platform or mat when working upon the live parts of such generators or motors.

Rule 16. Suitable insulated platforms or mats shall be provided for the use of all persons while working on any live part of switchboards on which any wire or appliance carries a potential in excess of three hundred volts.

Rule 17. Every generator, motor, transformer, switch or other similar piece of apparatus and device used in the generation, transmission or distribution of electrical energy in stations or substations, shall be either provided with a name plate giving the capacity in volts and amperes, or have this information stamped thereon in such a manner as to be clearly legible.

Rule 18. When lines of seven hundred fifty volts or over are cut out at the station or substation to allow employees to work upon them, they shall be short-circuited and grounded at the station, and shall in addition, if the line wires are bare, be short-circuited, and where possible grounded at the place where the work is being done.

Rule 19. All switches installed with overload protection devices, and all automatic overload circuit breakers must have the trip coils so adjusted as to afford complete protection against overloads and short circuits, and the same must be so arranged that no pole can be opened manually without opening all the poles, and the trip coils shall be instantly operative upon closing.

Rule 20. All feeders for electric railways must, before leaving the plant or substation, be protected by an approved circuit breaker which will cut off the circuit in case of an accidental ground or short circuit.

Rule 21. There shall be provided in all distributing stations a ground detecting device.

Rule 22. There shall be provided in all stations, plants, and buildings herein specified warning cards printed on red cardboard not less than two and one-quarter by four and one-half inches in size, which shall be attached to all switches opened for the purpose of (~~timemen~~) lineworkers or other employees working on the wires. The person opening any line switch shall enter upon said card the name of the person ordering the switch opened, the time opened, the time line was reported clear and by whom, and shall sign his own name.

Rule 23. No manhole containing any wire carrying a current of over three hundred volts shall be less than six feet from floor to inside of roof; if circular in shape it shall not be less than six feet in diameter; if square it shall be six feet from wall to wall: PROVIDED HOWEVER, That this paragraph shall not apply to any manhole in which it shall not be required that any person enter to perform work: PROVIDED FURTHER, That the foregoing provisions of this paragraph shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with this law within the space or location designated by the proper authorities.

Rule 24. All manholes containing any wires or appliances carrying electrical current shall be kept in a sanitary condition, free from stagnant water or seepage or other drainage which is offensive or dangerous to health, either by sewer connection or otherwise, while any person is working in the same.

Rule 25. No manhole shall have an opening to the outer air of less than twenty-six inches in diameter, and the cover of same shall be provided with vent hole or holes equivalent to three square inches in area.

Rule 26. No manhole shall have an opening which is, at the surface of the ground, within a distance of three feet at any point from any rail of any railway or street car track: PROVIDED, That this shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with the provisions of this paragraph: PROVIDED, That in complying with the provisions of this rule only the construction last in point of time performed, placed or erected shall be held to be in violation thereof.

Rule 27. Whenever persons are working in any manhole whose opening to the outer air is less than three feet from the rail of any railway or street car track, a (~~watchman~~) watchperson or attendant shall be stationed on the surface at the entrance of such manhole at all times while work is being performed therein.

Rule 28. All persons employed in manholes shall be furnished with insulated platforms so as to protect the workers while at work in the manholes: PROVIDED, That this paragraph shall not apply to manholes containing only telephone, telegraph or signal wires or cables.

Rule 29. No work shall be permitted to be done on any live wire, cable or appliance carrying more than seven hundred fifty volts of electricity by less than two competent and experienced persons, who, at all times while performing such work shall be in the same room, chamber, manhole or other place in which, or on the same pole on which, such work is being done: PROVIDED, That in districts where only one competent and experienced person is regularly employed, and a second competent and experienced person cannot be obtained without delay at prevailing rate of pay in said district, such work shall be permitted to be done by one competent and experienced person and a helper who need not be on the same pole on which said work is being done.

No work shall be permitted to be done in any manhole or subway on any live wire, cable or appliance carrying more than three hundred volts of electricity by less than two competent and experienced persons, who at all times while performing such work shall be in the same manhole or subway in which such work is being done.

Rule 30. The grounding provided for in these rules shall be done in the following manner: By connecting a wire or wires not less than No. 6 B.&S. gauge to a water pipe of a metallic system outside of the meter, if there is one, or to a copper plate one-sixteenth inch thick and not less than three feet by six feet area buried in coke below the permanent moisture level, or to other device equally as efficient. The ground wire or wires of a direct current system of three or more wires shall not be smaller than the neutral wire at the central station, and not smaller than a No. 6 B.&S. gauge elsewhere: PROVIDED, That the maximum cross section area of any ground wire or wires at the central station need not exceed one million circular mils. The ground wires shall be carried in as nearly a straight line as possible, and kinks, coils and short bends shall be avoided: PROVIDED, That the provisions of this rule shall not apply as to size to ground wires run from instrument transformers or meters.

**Sec. 82.** RCW 81.40.095 and 1961 c 14 s 81.40.095 are each amended to read as follows:

The utilities and transportation commission shall adopt and enforce rules and regulations relating to sanitation and adequate shelter as it affects the health of all railroad employees, including but not limited to railroad (~~(trainmen, enginemen, yardmen)~~) workers, maintenance of way employees, highway crossing (~~(watchmen)~~) watchpersons, clerical, platform, freight house and express employees.

**Sec. 83.** RCW 19.28.261 and 2003 c 399 s 302 are each amended to read as follows:

(1) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units.

(2) Nothing in RCW 19.28.161 through 19.28.271 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade.

(3) RCW 19.28.161 through 19.28.271 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(4) Nothing in RCW 19.28.161 through 19.28.271 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems.

(5) The licensing provisions of RCW 19.28.161 through 19.28.271 shall not apply to:

(a) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease;

(b) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.091 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside (~~(lineman)~~) lineworker apprenticeship course that is recognized by the department and that qualifies a person to perform such work;

(c) Any work exempted under RCW 19.28.091(6); and

(d) Certified plumbers, certified residential plumbers, or plumber trainees meeting the requirements of chapter 18.106 RCW and performing exempt work under RCW 19.28.091(8).

(6) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations.

(7) Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

**Sec. 84.** RCW 19.28.321 and 2001 c 211 s 21 are each amended to read as follows:

The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall appoint a chief electrical inspector and may appoint other electrical inspectors as the director deems necessary to assist the director in the performance of the director's duties. The chief electrical inspector, subject to the review of the director, shall be responsible for providing the final interpretation of adopted state electrical standards, rules, and policies for the department and its inspectors, assistant inspectors, electrical plan examiners, and other individuals supervising electrical program personnel. If a dispute arises within the department regarding the interpretation of adopted state electrical standards, rules, or policies, the chief electrical inspector, subject to the review of the director, shall provide the final interpretation of the disputed standard, rule, or policy. All electrical inspectors appointed by the director of labor and industries shall have not less than: Four years experience as (~~(journeyman)~~) journeyperson electricians in the electrical construction trade installing and maintaining electrical wiring and equipment, or two years electrical training in a college of electrical engineering of recognized standing and four years continuous practical electrical experience in installation work, or four years of electrical training in a college of electrical engineering of recognized standing and two years continuous practical electrical experience in electrical installation work; or four years experience as a (~~(journeyman)~~) journeyperson electrician performing the duties of an electrical inspector employed by the department or a city or town with an approved inspection program under RCW 19.28.141, except that for work performed in accordance with the national electrical safety code and covered by this chapter, such inspections may be performed by a person certified as an outside (~~(journeyman lineman)~~) journeyperson lineworker, under RCW 19.28.261(~~((2))~~) (5)(b), with four years experience or a person with four years experience as a certified outside (~~(journeyman lineman)~~) journeyperson lineworker performing the duties of an electrical inspector employed by an electrical utility. Such state inspectors shall be paid such salary as the director of labor and industries shall determine, together with their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. As a condition of employment, inspectors hired exclusively to perform inspections in accordance with the national electrical safety code must possess and maintain certification as an outside (~~(journeyman lineman)~~) journeyperson lineworker. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries.

**Sec. 85.** RCW 50.04.240 and 1945 c 35 s 25 are each amended to read as follows:

The term "employment" shall not include service as a (~~(newsboy)~~) newspaper delivery person selling or distributing newspapers on the street or from house to house.

**Sec. 86.** RCW 28B.07.020 and 1985 c 370 s 47 are each amended to read as follows:

As used in this chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

(1) "Authority" means the Washington higher education facilities authority created under RCW 28B.07.030 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the authority issued under this chapter.

(3) "Bond resolution" means any resolution of the authority, adopted under this chapter, authorizing the issuance and sale of bonds.

(4) "Higher education institution" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, which is open to residents of the state, which

neither restricts entry on racial or religious grounds, which provides programs of education beyond high school leading at least to the baccalaureate degree, and which is accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education coordinating board.

(5) "Participant" means a higher education institution which, under this chapter, undertakes the financing of a project or projects or undertakes the refunding or refinancing of obligations, mortgages, or advances previously incurred for a project or projects.

(6) "Project" means any land or any improvement, including, but not limited to, buildings, structures, fixtures, utilities, machinery, excavations, paving, and landscaping, and any interest in such land or improvements, and any personal property pertaining or useful to such land and improvements, which are necessary, useful, or convenient for the operation of a higher education institution, including but not limited to, the following: Dormitories or other multi-unit housing facilities for students, faculty, officers, or employees; dining halls; student unions; administration buildings; academic buildings; libraries; laboratories; research facilities; computer facilities; classrooms; athletic facilities; health care facilities; maintenance, storage, or utility facilities; parking facilities; or any combination thereof, or any other structures, facilities, or equipment so related.

(7) "Project cost" means any cost related to the acquisition, construction, improvement, alteration, or rehabilitation by a participant or the authority of any project and the financing of the project through the authority, including, but not limited to, the following costs paid or incurred: Costs of acquisition of land or interests in land and any improvement; costs of contractors, builders, laborers, ~~((materialmen))~~ material suppliers, and suppliers of tools and equipment; costs of surety and performance bonds; fees and disbursements of architects, surveyors, engineers, feasibility consultants, accountants, attorneys, financial consultants, and other professionals; interest on bonds issued by the authority during any period of construction; principal of and interest on interim financing of any project; debt service reserve funds; depreciation funds, costs of the initial start-up operation of any project; fees for title insurance, document recording, or filing; fees of trustees and the authority; taxes and other governmental charges levied or assessed on any project; and any other similar costs. Except as specifically set forth in this definition, the term "project cost" does not include books, fuel, supplies, and similar items which are required to be treated as a current expense under generally accepted accounting principles.

(8) "Trust indenture" means any agreement, trust indenture, or other similar instrument by and between the authority and one or more corporate trustees.

**Sec. 87.** RCW 39.04.155 and 2001 c 284 s 1 are each amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations,

bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government, other than a port district, that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement ~~((project [projects]))~~ projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from

a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, ((materialmen)) material suppliers, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

**Sec. 88.** RCW 39.08.010 and 1989 c 145 s 1 are each amended to read as follows:

Whenever any board, council, commission, trustees, or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county, or municipality, or other public body, city, town, or district, such board, council, commission, trustees, or body shall require the person or persons with whom such contract is made to make, execute, and deliver to such board, council, commission, trustees, or body a good and sufficient bond, with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, and subcontractors and ((materialmen)) material suppliers, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond in cases of cities and towns shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: PROVIDED, HOWEVER, That the provisions of RCW 39.08.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: PROVIDED FURTHER, That on contracts of twenty-five thousand dollars or less, at the option of the contractor the respective public entity may, in lieu of the bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the department of revenue and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later: PROVIDED FURTHER, That for contracts of one hundred thousand dollars or less, the public entity may accept a full payment and performance bond from an individual surety or sureties: AND PROVIDED FURTHER, That the surety must agree to be bound by the laws of the state of Washington and subjected to the jurisdiction of the state of Washington.

**Sec. 89.** RCW 39.08.030 and 2003 c 301 s 4 are each amended to read as follows:

(1) The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsection (2) of this section, and shall be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: PROVIDED, The same shall not be for a less amount than twenty-five percent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: PROVIDED, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or ((materialman)) material supplier, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or ((materialman)) material supplier, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of . . . . . dollars (here insert the amount) against the bond taken from . . . . . (here insert the name of the principal and surety or sureties upon such bond) for the work of . . . . . (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed) . . . . .

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

(2) Under the job order contracting procedure described in RCW 39.10.130, bonds will be in an amount not less than the dollar value of all open work orders.

**Sec. 90.** RCW 47.28.030 and 1999 c 15 s 1 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right

of way purposes may be repaired or renovated pending the use of such right of way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof ~~((is are))~~ are less than fifty thousand dollars and effective July 1, 2005, sixty thousand dollars: PROVIDED, That when delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses, and minority, and women contractors to effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. The rules adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, ~~((materialmen))~~ material suppliers, mechanics, and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

**Sec. 91.** RCW 60.28.010 and 1986 c 181 s 6 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or ~~((materialman))~~ material supplier who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body; (a) at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor: PROVIDED, That the contractor

may request that retainage be reduced to one hundred percent of the value of the work remaining on the project; and (b) thirty days after completion and acceptance of all contract work other than landscaping, may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed. When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(4) With the consent of the public body the contractor may submit a bond for all or any portion of the amount of funds retained by the public body in a form acceptable to the public body. Such bond and any proceeds therefrom shall be made subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(5) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

(6) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, the department may release and pay in full the amounts retained in connection with

the construction of such vessel subject to the provisions of RCW 60.28.020: PROVIDED, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the ((materialmen)) material suppliers and laborers filing claims.

(7) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations shall not be subject to subsections (1) through (6) of this section.

**Sec. 92.** RCW 60.28.011 and 2003 c 301 s 7 are each amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these

requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the ((materialmen)) material suppliers and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW 39.10.061. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or materialperson who performs labor or provides

materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.020.

**Sec. 93.** RCW 60.28.020 and 1975 1st ex.s. c 104 s 2 are each amended to read as follows:

After the expiration of the thirty day period, and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of ~~((materialmen))~~ material suppliers and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body shall pay to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

**Sec. 94.** RCW 60.28.021 and 1992 c 223 s 3 are each amended to read as follows:

After the expiration of the forty-five day period for giving notice of lien provided in RCW 60.28.011(2), and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of ~~((materialmen))~~ material suppliers and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body may withhold from the remaining retained amounts for claims the public body may have against the contractor and shall pay the balance, if any, to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

**Sec. 95.** RCW 85.28.130 and Code 1881 s 2517 are each amended to read as follows:

Persons owning or desiring to improve contiguous tracts of tide marsh or swampy lands exposed to the overflow of the tide and capable of being made dry, may separate their respective tracts by a dike or ditch, which shall make and designate their common boundary. In all such cases said dike or ditch shall be constructed at the equal cost and expense of the respective parties, and either party failing to pay his or her contributive share of such expense shall be liable to the party constructing the dike or ditch for such contributive share, or so much thereof as may remain due and unpaid, to be recovered in a civil action in a court of competent jurisdiction and the party constructing such dike shall also be entitled to a lien upon the tract of the party failing to pay his or her contributive share for the construction of said dike, or so much thereof as shall be due, which lien shall be secured and enforced as liens of ~~((materialmen))~~ material suppliers and mechanics are now by law enforced.

**Sec. 96.** RCW 85.28.140 and Code 1881 s 2518 are each amended to read as follows:

Any person or persons who may hereafter take a tract of tide land or marsh and shall desire to adopt as his or her boundary line

any dike or ditch heretofore constructed upon and entirely within the boundary line of a neighboring contiguous tract he or she may join on to said tract and adopt said dike as his or her boundary by paying to the owner of the tract upon which said dike is constructed one-half of the cost and expense of the construction thereof, and any person so adopting the dike or ditch of another without contributing his or her half share of the cost or expense thereof shall be liable for his or her said half share, which may be recovered in a civil action in any court of competent jurisdiction, or the owner of the dike or ditch so used may secure a lien upon the tract of land bounded by said dike for the amount due for the use of said dike in accordance with the provisions of the law securing a lien to ~~((materialmen))~~ material suppliers and mechanics: PROVIDED ALWAYS, That when such dike has become the common boundary ~~((of two adjacent tracts, it shall be and remain the common boundary))~~ of two adjacent tracts, it shall be and remain the common boundary and the persons owning the said tracts shall be mutually liable for the expense of keeping it in repair, share and share alike.

**NEW SECTION. Sec. 97.** The code reviser must recommend legislation correcting gender-specific references in all existing statutes by December 1, 2007, and advise the legislature of gender-specific language changes that would result in substantive changes to the law."

Correct the title.

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 22, 2007

SSB 5153 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Encouraging employers to be infant-friendly. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta and Curtis.

Referred to Committee on Appropriations.

March 20, 2007

SSB 5231 Prime Sponsor, Senate Committee On Government Operations & Elections: Revising provisions relating to water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

March 22, 2007

SB 5490 Prime Sponsor, Senator Brandland: Adding a law enforcement representative to the adult family home advisory committee. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

March 20, 2007

SB 5525 Prime Sponsor, Senator Oemig: Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

March 21, 2007

SSB 5625 Prime Sponsor, Senate Committee On Human Services & Corrections: Authorizing counties and cities to contract for jail services with counties and cities in adjacent states. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

March 21, 2007

SSB 5718 Prime Sponsor, Senate Committee On Human Services & Corrections: Imposing penalties for engaging in the commercial sexual abuse of minors. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.001 and 1984 c 262 s 1 are each amended to read as follows:

The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.

The legislature further finds that the protection of children from sexual exploitation can be accomplished without infringing on a constitutionally protected activity. The definition of "sexually explicit conduct" and other operative definitions demarcate a line

between protected and prohibited conduct and should not inhibit legitimate scientific, medical, or educational activities.

The legislature further finds that children engaged in sexual conduct for financial compensation are frequently the victims of sexual abuse. Approximately eighty to ninety percent of children engaged in sexual activity for financial compensation have a history of sexual abuse victimization. It is the intent of the legislature to encourage these children to engage in prevention and intervention services and to hold those who pay to engage in the sexual abuse of children accountable for the trauma they inflict on children.

**Sec. 2.** RCW 9.68A.100 and 1999 c 327 s 4 are each amended to read as follows:

(1) A person is guilty of ((patronizing a juvenile prostitute)) commercial sexual abuse of a minor if ((that person engages or agrees or offers));

(a) He or she pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;

(b) He or she pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or

(c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee ((, and is guilty of)).

(2) Commercial sexual abuse of a minor is a class C felony punishable under chapter 9A.20 RCW.

(3) In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of ((patronizing a juvenile prostitute)) commercial sexual abuse of a minor is subject to the provisions under RCW 9A.88.130 and 9A.88.140.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**Sec. 3.** RCW 9.68A.110 and 1992 c 178 s 1 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040 ((or)), 9.68A.090, section 4 of this act, or section 5 of this act, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

(4) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, it shall be an affirmative defense that the defendant was a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor, or that the defendant was providing individual case treatment as a recognized medical facility or as a psychiatrist or psychologist licensed under Title 18 RCW.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim.

NEW SECTION. **Sec. 4.** A new section is added to chapter 9.68A RCW to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse of a minor or profits from a minor engaged in sexual conduct.

(2) Promoting commercial sexual abuse of a minor is a class B felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 9.68A RCW to read as follows:

(1) A person commits the offense of promoting travel for commercial sexual abuse of a minor if he or she knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in this state.

(2) Promoting travel for commercial sexual abuse of a minor is a class C felony.

(3) For purposes of this section, "travel services" has the same meaning as defined in RCW 19.138.021.

**Sec. 6.** RCW 19.138.340 and 2006 c 250 s 3 are each amended to read as follows:

(1) No seller of travel shall engage in any of the following:

(a) Promoting travel for prostitution or promoting travel for commercial sexual abuse of a minor;

(b) Selling, advertising, or otherwise offering to sell travel services or facilitate travel:

(i) For the purposes of engaging in a commercial sex act;

(ii) That consists of tourism packages or activities using and offering sexual acts as an enticement for tourism; or

(iii) That provides, purports to provide access to, or facilitates the availability of sex escorts or sexual services.

(2) For the purposes of this section:

(a) "Commercial sex act" means any sexual contact, as defined in chapter 9A.44 RCW, for which anything of value is given to or received by any person.

(b) "Sexual act" means any sexual contact as defined in chapter 9A.44 RCW.

**NEW SECTION. Sec. 7.** A new section is added to chapter 9.68A RCW to read as follows:

(1) A person is guilty of permitting commercial sexual abuse of a minor if, having possession or control of premises which he or she knows are being used for the purpose of commercial sexual abuse of a minor, he or she fails without lawful excuse to make reasonable effort to halt or abate such use and to make a reasonable effort to notify law enforcement of such use.

(2) Permitting commercial sexual abuse of a minor is a gross misdemeanor.

**Sec. 8.** RCW 9A.88.140 and 1999 c 327 s 3 are each amended to read as follows:

(1) Upon an arrest for a suspected violation of patronizing a prostitute or (~~patronizing a juvenile prostitute~~) commercial sexual

abuse of a minor, the arresting law enforcement officer may impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; (b) the person arrested is the owner of the vehicle; and (c) the person arrested has previously been convicted of patronizing a prostitute, under RCW 9A.88.110, or (~~patronizing a juvenile prostitute~~) commercial sexual abuse of a minor, under RCW 9.68A.100.

(2) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW.

**Sec. 9.** RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum

for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after the effective date of this act, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to

the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**NEW SECTION. Sec. 10.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for a violation of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, or an anticipatory offense for a violation of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, committed on or after the effective date of this act, the prosecuting attorney may file a special allegation that the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in return for a fee, when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective factfinder that the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in return for a fee.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in return for a fee. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in exchange for a fee. If no jury is had, the court shall make a finding of fact as to whether the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in exchange for a fee.

(3) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact as defined in chapter 9A.44 RCW.

**Sec. 11.** RCW 9.68A.105 and 1995 c 353 s 12 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9.68A.100 or a comparable county or municipal ordinance shall be assessed a ~~((two))~~ five hundred fifty dollar fee.

(b) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100 or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.

(3) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 12.** RCW 9A.88.120 and 1995 c 353 s 13 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010, 9A.88.030, and 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a one hundred fifty dollar fee.

(c) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a three hundred dollar fee.

(2) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(3) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.

(5) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 13.** RCW 9A.88.070 and 1975 1st ex.s. c 260 s 9A.88.070 are each amended to read as follows:

(1) A person is guilty of promoting prostitution in the first degree if he or she knowingly(~~(~~

~~(a))~~ advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force(~~(~~

~~(b) Advances or profits from prostitution of a person less than eighteen years old).~~

(2) Promoting prostitution in the first degree is a class B felony.

**Sec. 14.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN  
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)

	Trafficking 1 (RCW 9A.40.100(1))		Theft of Ammonia (RCW 69.55.010)
XIII	Malicious explosion 2 (RCW 70.74.280(2))		Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
	Malicious placement of an explosive 1 (RCW 70.74.270(1))		
XII	Assault 1 (RCW 9A.36.011)	VII	Burglary 1 (RCW 9A.52.020)
	Assault of a Child 1 (RCW 9A.36.120)		Child Molestation 2 (RCW 9A.44.086)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))		Civil Disorder Training (RCW 9A.48.120)
	Rape 1 (RCW 9A.44.040)		Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Rape of a Child 1 (RCW 9A.44.073)		Drive-by Shooting (RCW 9A.36.045)
	Trafficking 2 (RCW 9A.40.100(2))		Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
XI	Manslaughter 1 (RCW 9A.32.060)		Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Rape 2 (RCW 9A.44.050)		
	Rape of a Child 2 (RCW 9A.44.076)		Introducing Contraband 1 (RCW 9A.76.140)
X	Child Molestation 1 (RCW 9A.44.083)		Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))		Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	Kidnapping 1 (RCW 9A.40.020)		Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
	Leading Organized Crime (RCW 9A.82.060(1)(a))		Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
	Malicious explosion 3 (RCW 70.74.280(3))		Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
	Sexually Violent Predator Escape (RCW 9A.76.115)		Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)	VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
	Assault of a Child 2 (RCW 9A.36.130)		Bribery (RCW 9A.68.010)
	Criminal Mistreatment 1 (RCW 9A.42.020)		Incest 1 (RCW 9A.64.020(1))
	Explosive devices prohibited (RCW 70.74.180)		Intimidating a Judge (RCW 9A.72.160)
	Hit and Run--Death (RCW 46.52.020(4)(a))		Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)		Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))		Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)
	Malicious placement of an explosive 2 (RCW 70.74.270(2))		Rape of a Child 3 (RCW 9A.44.079)
	Robbery 1 (RCW 9A.56.200)		Theft of a Firearm (RCW 9A.56.300)
	Sexual Exploitation (RCW 9.68A.040)		Unlawful Storage of Ammonia (RCW 69.55.020)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	V	Abandonment of Dependent Person 2 (RCW 9A.42.070)
VIII	Arson 1 (RCW 9A.48.020)		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)		
	Manslaughter 2 (RCW 9A.32.070)		
	<u>Promoting Commercial Sexual Abuse of a Minor (section 4 of this act)</u>		
	Promoting Prostitution 1 (RCW 9A.88.070)		

- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))

- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- ~~((Patronizing a Juvenile Prostitute (RCW 9-68A-100)))~~
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- ~~((Retail))~~ Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(10)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- ~~((Retail))~~ Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

**NEW SECTION. Sec. 15.** If funds are specifically appropriated to the prostitution prevention and intervention account as provided in RCW 43.63A.720 for the purposes provided in this section, the department of community, trade, and economic development shall prioritize such funds to provide minors who have a history of engaging in sexual conduct for a fee or are the victims of commercial sexual abuse of a minor with (1) residential treatment and services; (2) counseling services including mental health and substance abuse services and intensive case management; (3) services to engage the minors in school or vocational training; and (4) health care services.

**NEW SECTION. Sec. 16.** If funds are specifically appropriated to the prostitution prevention and intervention account as provided in RCW 43.63A.720 for the purposes provided in this section, the department of community, trade, and economic development shall prioritize such funds for training of law enforcement and community outreach and education on minors who have a history of engaging in sexual conduct for a fee or are the victims of commercial sexual abuse of a minor, including awareness training regarding the availability of services for minors under chapter 13.32A RCW."

On page 1, line 2 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 9.68A.001, 9.68A.100, 9.68A.110, 19.138.340, 9A.88.140, 9.68A.105, 9A.88.120, and 9A.88.070; reenacting and amending RCW 9.94A.533 and 9.94A.515; adding new sections to chapter 9.68A RCW; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties."

Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

March 20, 2007

**SB 5732** Prime Sponsor, Senator Fraser: Revising restrictions on the county treasurer regarding receipting current year taxes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross and B. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Takko.

Passed to Committee on Rules for second reading.

March 21, 2007

**SB 5759** Prime Sponsor, Senator Schoesler: Including the boards of trustees of technical colleges in the definition of "executive state officer." Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 21, 2007

**SB 5957** Prime Sponsor, Senator Kohl-Welles: Revising provisions relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 20, 2007

**SJM 8008** Prime Sponsor, Senator Prentice: Asking that the federal government provide veterans' benefits owed to Filipino veterans. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott and Ormsby.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated except for the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1092,  
HOUSE BILL NO. 1138,

#### MESSAGES FROM THE SENATE

March 22, 2007

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 23, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1460, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., March 26, 2007, the 79th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SEVENTY EIGHTH DAY

House Chamber, Olympia, Monday, March 26, 2007

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rose Dahl and Prescott Ridenour. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Carol Johnson-Sorenson, Pastoral Counselor with Pacific Pastoral Counseling Services.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 22, 2007

SSB 5032 Prime Sponsor, Senate Committee On Government Operations & Elections: Concerning the Vancouver national historic reserve. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Strow.

Referred to Committee on Appropriations.

March 21, 2007

SB 5036 Prime Sponsor, Senator Eide: Repealing the application of the sunset act to the intermediate driver's license program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 21, 2007

SB 5086 Prime Sponsor, Senator Haugen: Increasing the population threshold for state highway maintenance responsibility in cities and towns. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 22, 2007

SSB 5236 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Concerning the management of public lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse and Strow.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt.

Passed to Committee on Rules for second reading.

March 22, 2007

SB 5259 Prime Sponsor, Senator Jacobsen: Modifying provisions governing the sale of unneeded park land. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Strow.

Passed to Committee on Rules for second reading.

March 22, 2007

ESB 5261 Prime Sponsor, Senator Keiser: Granting the insurance commissioner the authority to review individual health benefit plan rates. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Schual-Berke and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representatives Hinkle, Ranking Minority

Member; Alexander, Assistant Ranking Minority Member; Condotta; Curtis and Pedersen.

Passed to Committee on Rules for second reading.

March 21, 2007

SB 5264 Prime Sponsor, Senator Haugen: Authorizing the transportation commission to name or rename state transportation facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 22, 2007

ESSB 5297 Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Regarding providing medically and scientifically accurate sexual health education in schools. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Campbell; Condotta and Curtis.

Passed to Committee on Appropriations.

March 21, 2007

ESB 5385 Prime Sponsor, Senator Shin: Providing the Washington higher education facilities authority the ability to originate and purchase educational loans and to issue student loan revenue bonds. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Roberts.

Passed to Committee on Rules for second reading.

March 22, 2007

SB 5398 Prime Sponsor, Senator Marr: Licensing specialty hospitals. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta; Curtis and Schual-Berke.

Passed to Committee on Rules for second reading.

March 21, 2007

SB 5402 Prime Sponsor, Senator Kilmer: Establishing additional requirements for private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Roberts.

Referred to Committee on Appropriations.

March 22, 2007

SSB 5447 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Regarding the coastal Dungeness crab fishery. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Strow.

Referred to Committee on Appropriations.

March 22, 2007

SSB 5461 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Strow.

Referred to Committee on Appropriations.

March 22, 2007

SSB 5463 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Modifying forest fire protection assessments. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse and Strow.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on Appropriations.

March 22, 2007

2SSB 5597 Prime Sponsor, Senate Committee On Ways & Means: Concerning contracts with chiropractors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta.

Referred to Committee on Appropriations.

March 22, 2007

SSB 5634 Prime Sponsor, Senate Committee On Human Services & Corrections: Revising corrections personnel training provisions. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

March 22, 2007

2SSB 5883 Prime Sponsor, Senate Committee On Ways & Means: Concerning conversion of forest land to nonforestry uses. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Strow.

Passed to Committee on Rules for second reading.

March 22, 2007

SSB 6141 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Regarding forest health. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Strow.

Referred to Committee on Appropriations.

March 21, 2007

SCR 8404 Prime Sponsor, Senator Shin: Approving the 2006 update to the state comprehensive plan for workforce training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Roberts.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 1094, by Representatives Clibborn, Jarrett and O'Brien; by request of Governor Gregoire**

**Making transportation appropriations for 2007-2009.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1094 was substituted for House Bill No. 1094 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1094 was read the second time.

Representative Ericksen moved the adoption of amendment (459):

On page 5, line 12, increase the motor vehicle account--state appropriation by \$250,000

On page 6, after line 31, insert the following:  
"(5) \$250,000 of the motor vehicle account--state appropriation is provided solely for a study of how the state could implement a partnership with a private entity to conduct all the necessary study, planning, design, construction, operation, and maintenance of the Interstate 5 corridor from the southern border of Skagit county to the northern border of Whatcom county. The joint transportation committee shall complete the draft report on or before December 15, 2007. A final report shall be delivered to the standing committees on transportation prior to the 2008 legislative session."

Representatives Ericksen and Ericksen (again) spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (462):

On page 5, line 12, increase the motor vehicle account--state appropriation by \$250,000

On page 6, after line 31, insert the following:

"(5) \$250,000 of the motor vehicle account--state appropriation is provided solely for a study of how the state could implement a partnership with a private entity to conduct all the necessary study, planning, design, construction, operation, and maintenance of the Interstate 5 corridor from the southern border of Skagit county to the northern border of Whatcom county. The joint transportation committee shall complete the draft report on or before December 15, 2007. A final report shall be delivered to the standing committees on transportation prior to the 2008 legislative session."

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (464):

On page 10, line 22, decrease the highway safety account--state appropriation by \$13,000

On page 10, line 27, decrease the total appropriation by \$13,000

On page 11, beginning on line 37, strike all of subsection (6)

On page 12, line 12, decrease the highway safety account--state appropriation by \$7,000

On page 12, line 17, decrease the total appropriation by \$7,000

On page 13, beginning on line 22, strike all of subsection (6)

Re-number remaining sections consecutively

On page 14, line 22, decrease the highway safety account--state appropriation by \$180,000

On page 14, line 24, decrease the total appropriation by \$180,000

On page 15, beginning on line 18, strike all of subsection (4)

On page 32, after line 4, insert:  
"Highway safety account--state appropriation.....\$200,000"

On page 32, line 5, increase the total appropriation by \$200,000

On page 36, after line 7, insert the following:

"(23) \$200,000 of the highway safety account--state appropriation is provided solely to the department for an eight point access study for an interchange on interstate ninety at Green Acres. The department shall examine existing conditions and provide necessary analysis to determine what improvements will be required. The legislature finds that planning and future improvements for this segment are critical, as there is limited access to areas with strong economic development potential. This project seeks to enhance the regional transportation system by improving traffic safety and increasing productivity."

Representatives Schindler and Ericksen spoke in favor of the adoption of the amendment.

Representative Hudgins spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Jarrett moved the adoption of amendment (446):

On page 21, line 16, increase the state appropriation to the motor vehicle account by \$75,000

On page 21, line 24, increase the total appropriation by \$75,000

On page 22, after line 14 insert:

"(4) \$75,000 of the motor vehicle account -- state appropriation is provided solely for the Puget Sound Regional Council to conduct a pilot program for multimodal concurrency analysis. This pilot program must analyze total trip needs for a regional growth center based on adopted land use plans; identify the number of trips which can be accommodated by planned roadway, transit service, and non-motorized investments; identify gaps for trips that cannot be served, and strategies to fill those gaps. The purpose of this pilot program is to demonstrate how this type of multimodal concurrency analysis can be used to broaden and strengthen local concurrency programs."

Representatives Jarrett and Priest spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clibborn moved the adoption of amendment (449):

On page 28, after line 17, insert "(5) Within the appropriation, the department shall add a position within the freight office to provide expertise regarding the trucking aspects of the state's freight system."

Representatives Clibborn and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Clibborn moved the adoption of amendment (450):

On page 31, line 32, strike "\$76,284,000" and insert "\$76,354,000"

On page 31, line 33, strike "\$400,642,000" and insert "\$403,644,000"

On page 32, line 5, strike "\$2,978,647,000" and insert "\$2,981,719,000"

On page 32, beginning on line 29, strike all of subsection (4)

Re-number remaining sections consecutively

On page 33, line 22, after "section," strike "\$12,278,000" and insert "\$2,803,000"

On page 33, beginning on line 24, strike "\$11,004,443" and insert "\$9,187,000"

On page 33, line 26, after "section:" strike all material through "HOV" on line 27 and insert "I-90/Two Way Transit-Transit and HOV Improvements - Stage 1"

On page 36, line 12, strike "\$68,527,000" and insert "\$71,591,000"

On page 36, line 13, strike "\$424,938,000" and insert "\$425,159,000"

On page 36, line 18, strike "\$746,616,000" and insert "\$749,901,000"

On page 48, line 7, after ""under" strike "chapters 41.80, 41.56, and 47.64" and insert "chapter 41.80"

On page 54, after line 5, insert the following:

**"NEW SECTION. Sec. 519. COLLECTIVE BARGAINING AGREEMENT--IFPTE.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007."

Representatives Clibborn and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Warnick moved the adoption of amendment (466):

On page 32, after line 4, insert the following:

"One Washington Road Fund--State Appropriation..... \$1,050,000,000"

On page 32, line 5, increase the total by \$1,050,000,000

On page 36, after line 7, insert the following:

"(23) \$1,050,000,000 from the one Washington road fund--state appropriation is provided solely for the following projects:

(a) \$250,000,000 for the North South Freeway in Spokane;

(b) \$250,000,000 for the Columbia River Crossing;

(c) \$250,000,000 for United States highway 2;

(d) \$250,000,000 for interchange and highway improvements in northwest Washington in Whatcom and Skagit counties; and

(e) \$50,000,000 for state route no. 17 widening from Ephrata to Moses Lake.

(24) The one Washington road fund--state appropriation includes up to \$1,050,000,000 in proceeds from the sale of bonds authorized in Senate House Bill No. 2394 (bonds for transportation)."

On page 65, after line 28, insert the following:

**"NEW SECTION. Sec. 617.** A new section is added to chapter 43.79 RCW to read as follows:

(1) The one Washington road fund is created in the state treasury. All receipts from taxes imposed under RCW 82.08.020 and 82.12.020 on materials, labor, equipment, contracts, and components used for constructing any state transportation project must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to pay for bonds authorized in section 8, chapter ..., Laws of 2007 (Substitute House Bill No. 2394).

(2) The department of revenue shall provide the state treasurer with the information regarding the amount of sales and use taxes available for deposit into the account on a quarterly basis. The department of revenue shall report annually on the account balance to the transportation committees of the legislature by March 1st."

Correct the title.

Representatives Warnick, Armstrong, Kristiansen, Schindler and Ericksen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (463):

On page 32, line 15, after "March 19, 2007" insert ", except for: \$2,400,667,000 from the SR99/Alaskan Way Viaduct - Replacement project shall be reallocated to the following project:

(a) Improvements in the interstate 405 corridor between interstate 5 and interstate 90, including but not limited to general purpose lane improvements, state route 167 and interstate 405 interchange improvements, and other improvements to improve safety and mobility in the corridor"

Representatives Anderson and Sump spoke in favor of the adoption of the amendment.

Representative Hudgins spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (461):

On page 35, on line 28, after "(21)" strike all material through "construction" on page 36, line 7 and insert the following:

"If, by June 30, 2007, no decision is reached regarding the preferred alternative design for the Alaskan Way viaduct and seawall replacement project, the legislature shall reprioritize allocations of transportation partnership account funding from the Alaskan Way viaduct project to other projects so that complete and functioning transportation projects can be constructed in a reasonable time"

Representatives Schindler and Schindler (again) spoke in favor of the adoption of the amendment.

Representatives Dickerson and Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clibborn moved the adoption of amendment (447):

On page 36, after line 7, insert the following:

"(23) Within the amounts provided in this section, \$11,039,945 of the transportation 2003 account (nickel)--state appropriation, \$11,798,042 of the transportation partnership account--state appropriation, and \$3,986,249 of the motor vehicle account--federal appropriation are provided for project 152219A as identified in the LEAP transportation document in subsection (2) of this section: SR 522/University of Washington Bothell - Build Interchange. If Substitute House Bill No. 1092 (capital budget) is enacted without new appropriations for this project, increases in cost for this project shall be eligible for a transfer from the management reserve."

Representatives Clibborn and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Pearson moved the adoption of amendment (455):

On page 36, after line 7, insert "(23) The department shall contract for an independent study conducted by a recognized expert in the field to determine if cable barriers are appropriate for use on Washington highways. The department shall not construct or install any cable barriers until this study is reviewed, approved, and, if necessary, implemented by the legislature."

Representative Pearson spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rolfes moved the adoption of amendment (457):

On page 38, line 23, after "of this act." insert the following "The department may use funds from systemwide projects in the LEAP transportation document 2007-1, dated March 19, 2007, for productive community conversations regarding terminal improvement projects."

Representatives Rolfes and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ericksen moved the adoption of amendment (460):

On page 57, beginning on line 9, strike all of section 605

Renumber the remaining sections consecutively and correct an internal references accordingly

Representatives Ericksen, Schindler spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (465):

On page 65, after line 28, insert the following:

**"NEW SECTION. Sec. 617.** (1) For the period from July 1, 2007, until June 30, 2009, the amount of \$500,000 is appropriated from the motor vehicle account and \$500,000 is appropriated from the transportation partnership account and \$500,000 is appropriated from the transportation 2003 account (nickel account) and \$500,000 is appropriated from the multimodal account to the state auditor's office for the purposes of subsections (2) through (9) of this section.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so that citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For the purposes of this section:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, the traffic safety commission, the Washington state patrol, the department of licensing, and the transportation commission are considered transportation-related agencies.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that includes generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs including, but not limited to, environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report must include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the transportation performance audit board, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan must provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes that action is not required, then the action plan must include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings."

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Jarrett, Sells, Flannigan and Dunn spoke in favor of passage of the bill.

### COLLOQUY

Representative Curtis: "Madame Chair, does the additional \$17 million in funding for SR 14 contained in the LEAP list require a roundabout?"

Representative Clibborn: "No. The additional funding helps cover cost increases and enable the state, port and cities affected by the project to continue working on the design of the project."

Representatives Ericksen and Sump spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1094.

### MOTION

On motion of Representative Schindler, Representative Ahern was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1094 and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Armstrong, Bailey, Buri, Condotta, Crouse, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Pearson, Schindler, Strow, Sump and Warnick - 16.

Excused: Representative Ahern - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, having received the necessary constitutional majority, was declared passed.

### RESOLUTION

HOUSE RESOLUTION NO. 2007-4648, by Representatives B. Sullivan, Lovick, Sells, Hudgins, Springer, Williams, Walsh, Pearson, O'Brien, Warnick, Lantz, Takko, Dunshee, P. Sullivan and Conway

WHEREAS, March 31, 2007, is the 74th anniversary of the signing by President Franklin D. Roosevelt of the law historically known as the Emergency Conservation Work Act, a precursor of the 1937 law that established the Civilian Conservation Corps (CCC) and helped alleviate some of the horrific unemployment of the Great Depression; and

WHEREAS, Between 1933 and 1942, the CCC provided employment and vocational training nationwide in the conservation and development of natural resources, the protection of forests, and the construction and maintenance of military reservations to more than 3,000,000 men, including unemployed youths, more than 250,000 veterans of the Spanish-American War and World War I, and more than 80,000 Native Americans; and

WHEREAS, The CCC spent more than \$76 million in Washington and provided work for 73,300 men, including 51,300 Washington state residents; and

WHEREAS, The CCC left the nation a legacy in the form of 3,000,000,000 new trees, 800 state parks, 8,452 improved beaches, and 405,037 signs, markers, and monuments; and

WHEREAS, The CCC constructed 125,000 miles of road and strung 89,000 miles of telephone line; and

WHEREAS, The CCC restored and improved the natural environment with the revegetation of 814,000 acres of range,

the stocking of 972 million fish, and mosquito control on 248,000 acres of land; and

WHEREAS, The CCC performed 8 million days of firefighting with Camp North Bend in Washington state among those camps developing an excellent reputation for fighting forest fires; and

WHEREAS, The CCC contributed to the creation or improvement of 11 state parks in Washington such as Deception Pass, Beacon Rock, Ginkgo Petrified Forest, and Saltwater State Park, and Governor Christine Gregoire will proclaim Civilian Conservation Corps Day in Washington state on March 31, 2007;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize how the work of the Civilian Conservation Corps has benefited succeeding generations in Washington and express appreciation for the rich heritage left to those who enjoy the outdoor life in our state.

Representative B. Sullivan moved the adoption of the resolution.

Representatives B. Sullivan and Haler spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4648 was adopted.

## SECOND READING

**HOUSE BILL NO. 2394, by Representatives Clibborn, Jarrett, Kenney and Moeller**

**Requesting the issuance and sale of general obligation bonds for transportation improvements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2394 was substituted for House Bill No. 2394 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2394 was read the second time.

With the consent of the House, amendment (467) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2394.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2394 and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt,

Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Armstrong, Bailey, Buri, Condotta, Crouse, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Pearson, Schindler, Sump and Warnick - 15.

Excused: Representative Ahern - 1.

SUBSTITUTE HOUSE BILL NO. 2394, having received the necessary two-thirds majority, was declared passed.

**HOUSE BILL NO. 1128, by Representative Sommers; by request of Governor Gregoire**

**Making operating appropriations for 2007-2009.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1128 was substituted for House Bill No. 1128 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1128 was read the second time.

With the consent of the House, amendments (451), (458), (448) and (456) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers, Dunshee, Eickmeyer, Campbell and Kessler spoke in favor of passage of the bill.

Representatives Alexander, Armstrong, Walsh, Priest and DeBolt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1128.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1128 and the bill passed the House by the following vote: Yeas - 62, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Simpson, Skinner, Strow, Sump, Walsh and Warnick - 35.

Excused: Representative Ahern - 1.

SUBSTITUTE HOUSE BILL NO. 1128, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1092, by Representatives Fromhold, McDonald, Ormsby, Blake, Moeller and Wallace; by request of Governor Gregoire**

**Making appropriations and authorizing expenditures for capital improvements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1092 was substituted for House Bill No. 1092 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1092 was read the second time.

With the consent of the House, amendment (452) was withdrawn.

Representative McDonald moved the adoption of amendment (468):

On page 20, line 2, reduce the state taxable building construction account--state appropriation by \$10,000,000

On page 20, line 5, correct the total

On page 70, after line 10, insert  
**"NEW SECTION, Sec. 2095. FOR THE DEPARTMENT OF CORRECTIONS**  
Local Criminal Justice Facilities (08-4-850)

**Appropriation:**

State Building Construction Account--State. . . .	\$10,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
Total . . . . .	\$10,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to local governments for jail capacity expansion projects. These may include modifications and improvements to existing facilities that result in increasing capacity as well as design and construction of new facilities. Grants provided in this section shall be limited to up to \$1,000,000 per jurisdiction.

(2) The department of corrections, in consultation with the Washington association of sheriffs and police chiefs, shall develop criteria for allocating moneys appropriated in this section to local governments."

ReNUMBER remaining sections consecutively

Correct title and internal references accordingly

Representative McDonald spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (468) to Substitute House Bill No. 1092.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (468) to Substitute House Bill No. 1092, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Goodman, Green, Hailey, Haler, Hankins, Hinkle, Hurst, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Seaquist, Skinner, Strow, Van De Wege, Wallace, Walsh and Warnick - 44.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Williams, Wood and Mr. Speaker - 53.

Excused: Representative Ahern - 1.

Representative Pedersen moved the adoption of amendment (453):

On page 235, line 20, after "2007." strike everything through the end of line 21.

Representatives Pedersen and Fromhold spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Pearson moved the adoption of amendment (454):

On page 120, beginning on line 5, insert "(4) \$388,000 of the appropriation for the Mt. St. Helens/Toutle River enhancement is contingent upon the department of fish and wildlife issuing permits for hydraulic project approvals for flood control projects on private property in water resources inventory areas 3, 4, 5, and 7, which are substantially equivalent in both average and miles of stream bank protected."

Representative Pearson spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold, McDonald, Newhouse, Schual-Berke and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1092.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1092 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Dunn, Kretz, Kristiansen and Sump - 4.

Excused: Representative Ahern - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1138, by Representatives Fromhold, McDonald, Ormsby and Moeller; by request of Office of Financial Management**

#### Concerning general obligation bonds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1138 was substituted for House Bill No. 1138 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1138 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1138.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1138 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Dunn, Kretz, Kristiansen and Sump - 4.

Excused: Representative Ahern - 1.

SUBSTITUTE HOUSE BILL NO. 1138, having received the necessary constitutional majority, was declared passed.

#### SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED HOUSE BILL NO. 1460,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 27, 2007, the 79th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SEVENTY NINTH DAY

House Chamber, Olympia, Tuesday, March 27, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTION & FIRST READING**

HB 2395 by Representatives Fromhold, McDonald and Morrell

AN ACT Relating to leasing state lands and development rights on state lands to public agencies; amending RCW 79.13.010, 79.13.060, and 79.13.110; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

March 23, 2007

SB 5011 Prime Sponsor, Senator Kohl-Welles: Removing the expiration date on the 2006 beer and wine distribution bill. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2007

SB 5079 Prime Sponsor, Senator Marr: Including supreme court and court of appeals commissioners to solemnize marriages. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 26, 2007

SSB 5228 Prime Sponsor, Senator Committee On Judiciary: Revising provisions concerning actions under the consumer protection act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 23, 2007

SSB 5244 Prime Sponsor, Senate Committee On Human Services & Corrections: Implementing the deficit reduction act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

March 23, 2007

ESSB 5290 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Establishing industrial insurance medical and chiropractic advisory committees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 51.36 RCW to read as follows:

(1) The department shall establish an industrial insurance medical advisory committee. The industrial insurance medical advisory committee shall advise the department on matters related to the provision of safe, effective, and cost-effective treatments for injured workers, including but not limited to the development of practice guidelines and coverage criteria, review of coverage decisions and technology assessments, review of medical programs, and review of rules pertaining to health care issues. The industrial insurance medical advisory committee may provide peer review and advise and assist the department in the resolution of controversies, disputes, and problems between the department and the providers of medical care. The industrial insurance medical advisory committee must consider the best available scientific evidence and expert opinion of committee members. The department may hire any expert or service or create an ad hoc committee, group, or subcommittee it deems necessary to fulfill the purposes of the industrial insurance medical advisory committee. In addition, the industrial insurance medical advisory committee may consult nationally recognized experts in evidence-based health care on particularly controversial issues.

(2) The industrial insurance medical advisory committee is composed of up to fourteen members appointed by the director. The director shall select twelve members from the nominations provided by statewide clinical groups, specialties, and associations, including

but not limited to the following: Family or general practice, orthopedics, neurology, neurosurgery, general surgery, physical medicine and rehabilitation, psychiatry, internal medicine, osteopathic, pain management, and occupational medicine. At least two members must be physicians who are recognized for expertise in evidence-based medicine. The director may choose up to two additional members, not necessarily from the nominations submitted, who have expertise in occupational medicine.

(3) The industrial insurance medical advisory committee shall choose its chair from among its membership.

(4) The members of the industrial insurance medical advisory committee, including hired experts and any ad hoc group or subcommittee: (a) Are immune from civil liability for any official acts performed in good faith to further the purposes of the industrial insurance medical advisory committee; and (b) may be compensated for participation in the work of the industrial insurance medical advisory committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the industrial insurance medical advisory committee.

(5) The members of the industrial insurance medical advisory committee shall disclose all potential financial conflicts of interest including contracts with or employment by a manufacturer, provider, or vendor of health technologies, drugs, medical devices, diagnostic tools, or other medical services during their term or for eighteen months before their appointment. As a condition of appointment, each person must agree to the terms and conditions regarding conflicts of interest as determined by the director.

(6) The industrial insurance medical advisory committee shall meet at the times and places designated by the director and hold meetings during the year as necessary to provide advice to the director. Meetings of the industrial insurance medical advisory committee are subject to chapter 42.30 RCW, the open public meetings act.

(7) The industrial insurance medical advisory committee shall coordinate with the state health technology assessment program and state prescription drug program as necessary. As provided by RCW 70.14.100 and 70.14.050, the decisions of the state health technology assessment program and those of the state prescription drug program hold greater weight than decisions made by the department's industrial insurance medical advisory committee under Title 51 RCW.

(8) Neither the industrial insurance medical advisory committee nor any group is an agency for purposes of chapter 34.05 RCW.

(9) The department shall provide administrative support to the industrial insurance medical advisory committee and adopt rules to carry out the purposes of this section.

(10) The chair and ranking minority member of the house of representatives commerce and labor committee or the chair and ranking minority member of the senate labor, commerce, research and development committee, or successor committees, may request that the industrial insurance medical advisory committee review a medical issue related to industrial insurance and provide a written report to the house of representatives commerce and labor committee and the senate labor, commerce, research and development committee, or successor committees. The industrial insurance medical advisory committee is not required to act on the request.

(11) The workers' compensation advisory committee may request that the industrial insurance medical advisory committee consider specific medical issues that have arisen multiple times during the work of the workers' compensation advisory committee. The industrial insurance medical advisory committee is not required to act on the request.

**NEW SECTION. Sec. 2.** A new section is added to chapter 51.36 RCW to read as follows:

(1) The department shall establish an industrial insurance chiropractic advisory committee. The industrial insurance chiropractic advisory committee shall advise the department on matters related to the provision of safe, effective, and cost-effective chiropractic treatments for injured workers. The industrial insurance chiropractic advisory committee may provide peer review and advise and assist the department in the resolution of controversies, disputes,

and problems between the department and the providers of chiropractic care.

(2) The industrial insurance chiropractic advisory committee is composed of up to nine members appointed by the director. The director must consider nominations from recognized statewide chiropractic groups such as the Washington state chiropractic association. At least two members must be chiropractors who are recognized for expertise in evidence-based practice or occupational health.

(3) The industrial insurance chiropractic advisory committee shall choose its chair from among its membership.

(4) The members of the industrial insurance chiropractic advisory committee and any ad hoc group or subcommittee: (a) Are immune from civil liability for any official acts performed in good faith to further the purposes of the industrial insurance chiropractic advisory committee; and (b) may be compensated for participation in the work of the industrial insurance chiropractic advisory committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the industrial insurance chiropractic advisory committee.

(5) The members of the industrial insurance chiropractic advisory committee shall disclose all potential financial conflicts of interest including contracts with or employment by a manufacturer, provider, or vendor of health technologies, drugs, medical devices, diagnostic tools, or other medical services during their term or for eighteen months before their appointment. As a condition of appointment, each person must agree to the terms and conditions regarding conflicts of interest as determined by the director.

(6) The industrial insurance chiropractic advisory committee shall meet at the times and places designated by the director and hold meetings during the year as necessary to provide advice to the director. Meetings of the industrial insurance chiropractic advisory committee are subject to chapter 42.30 RCW, the open public meetings act.

(7) The industrial insurance chiropractic advisory committee shall coordinate with the state health technology assessment program and state prescription drug program as necessary. As provided by RCW 70.14.100 and 70.14.050, the decisions of the state health technology assessment program and those of the state prescription drug program hold greater weight than decisions made by the department's industrial insurance chiropractic advisory committee under Title 51 RCW.

(8) Neither the industrial insurance chiropractic advisory committee nor any group is an agency for purposes of chapter 34.05 RCW.

(9) The department shall provide administrative support to the industrial insurance chiropractic advisory committee and adopt rules to carry out the purposes of this section.

(10) The chair and ranking minority member of the house of representatives commerce and labor committee or the chair and ranking minority member of the senate labor, commerce, research and development committee, or successor committees, may request that the industrial insurance chiropractic advisory committee review a medical issue related to industrial insurance and provide a written report to the house of representatives commerce and labor committee and the senate labor, commerce, research and development committee, or successor committees. The industrial insurance chiropractic advisory committee is not required to act on the request.

(11) The workers' compensation advisory committee may request that the industrial insurance chiropractic advisory committee consider specific medical issues that have arisen multiple times during the work of the workers' compensation advisory committee. The industrial insurance chiropractic advisory committee is not required to act on the request.

**NEW SECTION. Sec. 3.** The director, the industrial insurance medical advisory committee, and the industrial insurance chiropractic advisory committee shall report to the appropriate committees of the legislature on the following:

(1) A summary of the types of issues reviewed by the industrial insurance medical advisory committee and the industrial insurance chiropractic advisory committee and decisions in each matter;

(2) Whether the industrial insurance medical advisory committee or the industrial insurance chiropractic advisory committee became involved in the resolution of any disputes or controversies and the results of those disputes or controversies as a result of the involvement of the industrial insurance medical advisory committee or the industrial insurance chiropractic advisory committee;

(3) The extent to which the industrial insurance medical advisory committee and the industrial insurance chiropractic advisory committee conducted any peer reviews and the results of those reviews;

(4) The extent of any practice guidelines or coverage criteria developed by the industrial insurance medical advisory committee or the industrial insurance chiropractic advisory committee and the success of those developments; and

(5) The extent to which the industrial insurance medical advisory committee and the industrial insurance chiropractic advisory committee provided advice on coverage decisions and technology assessments.

The report is due no later than June 30, 2011, and must contain a recommendation about whether the industrial insurance medical advisory committee and the industrial insurance chiropractic advisory committee should continue as originally configured or whether any changes are needed."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2007

SSB 5336 Prime Sponsor, Senate Committee On Government Operations & Elections: Protecting individuals in domestic partnerships by granting certain rights and benefits. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Passed to Committee on Rules for second reading.

March 23, 2007

SSB 5340 Prime Sponsor, Senate Committee On Judiciary: Defining disability in the Washington law against discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 5, strike all of section 1

Renumber the remaining sections accordingly

Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member;

Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Passed to Committee on Rules for second reading.

March 23, 2007

SB 5382 Prime Sponsor, Senator Kauffman: Authorizing record checks for employees and applicants for employment at bureau of Indian affairs-funded schools. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 23, 2007

SSB 5405 Prime Sponsor, Senate Committee On Judiciary: Providing procedures for judicial orders concerning distraint of personal property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 23, 2007

SB 5635 Prime Sponsor, Senator Brandland: Revising provisions relating to limitations on polygraph tests. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2007

SSB 5639 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Authorizing a caterer's endorsement for licensed microbreweries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.244 and 2006 c 302 s 3 and 2006 c 44 s 2 are each reenacted and amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery (~~license~~) licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Any microbrewery licensed under this section may act as a distributor for beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any

microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) The board may issue a license allowing a microbrewery to operate a spirits, beer, and wine restaurant under RCW 66.24.420.

(4) The board may issue ~~((an endorsement to this))~~ a license to a microbrewery allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. ~~((Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.~~

~~(4))~~ The microbrewer ~~((obtaining such endorsement))~~ must determine, at the time the ~~((endorsement))~~ license is issued, whether the licensed premises will be operated ~~((either))~~ as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5) A microbrewery that holds a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320 and 66.24.420.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection ~~((5))~~ (6) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ~~((5))~~ (6) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((5))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection ~~((5))~~ (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

**Sec. 2.** RCW 66.24.244 and 2006 c 44 s 2 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery ~~((license))~~ licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) The board may issue a license allowing a microbrewery to operate a spirits, beer, and wine restaurant under RCW 66.24.420.

(4) The board may issue ~~((an endorsement to this))~~ a license to a microbrewery allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. ~~((Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.~~

~~(4))~~ The microbrewer ~~((obtaining such endorsement))~~ must determine, at the time the ~~((endorsement))~~ license is issued, whether the licensed premises will be operated ~~((either))~~ as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5) A microbrewery that holds a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320 and 66.24.420.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this

title. The approved locations under an endorsement granted under this subsection ((5)) (6) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ((5)) (6) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ((5)) (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection ((5)) (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

**Sec. 3.** RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business;

nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor. Nothing in this section shall prohibit a microbrewery holding a beer and/or wine restaurant license under RCW 66.24.320 from holding the same privileges and endorsements attached to the beer and/or wine restaurant license.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW. Nothing in this section shall prohibit a microbrewery holding a spirits, beer, and wine restaurant license under RCW 66.24.420 from holding the same privileges and endorsements attached to the spirits, beer, and wine restaurant license.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such

facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered as a 501(c)(3) under the internal revenue code and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from jointly producing brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.

(h) Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

**NEW SECTION. Sec. 4.** Section 1 of this act expires June 30, 2008.

**NEW SECTION. Sec. 5.** Section 2 of this act takes effect June 30, 2008."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2007

E2SSB 5659 Prime Sponsor, Senate Committee On Ways & Means: Establishing family and medical leave insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS.** The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of family care, children and family health, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child, and workers to care for seriously ill family members; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for family members while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current existing state and federal family and medical leave laws.

**NEW SECTION. Sec. 2. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family and medical leave insurance benefits and, thereafter, the twelve-month period beginning with the first day of the calendar week in which the individual next files an application for family and medical leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Average weekly wage" means the same as in RCW 50.04.355.

(3) "Calendar quarter" means the same as in RCW 50.04.050.

(4) "Child," "department," "director," "health care provider," "parent," "serious health condition," and "spouse" mean the same as in RCW 49.78.020.

(5) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(6) "Employment" has the meaning provided in RCW 50.04.100.

(7) "Family and medical leave" means leave for a family member's serious health condition and leave for the birth or placement of a child as these types of leave are defined in RCW 49.78.020 and described in RCW 49.78.220.

(8) "Family and medical leave insurance benefits" means the benefits payable under sections 6 and 7 of this act.

(9) "Family member" means a child, spouse, or the parent of the individual, or a person involved in a legal relationship governed by Title 26 RCW.

(10) "Federal family and medical leave act" means the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6).

(11) "Premium" or "premiums" means payments required by this chapter to be made to the department for the family and medical leave insurance account under section 20 of this act.

(12) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

(13) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of the individual's qualifying year in which total wages were highest.

**NEW SECTION. Sec. 3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.** (1) The department shall establish and administer a family and medical leave insurance program and pay family and medical leave insurance benefits as specified in this chapter.

(2) The department shall establish procedures and forms for filing claims for benefits under this chapter. The department shall notify the employer within five business days of a claim being filed under section 4 of this act.

(3) The department may require that a claim for benefits under this chapter be supported by a certification issued by the health care provider providing health care to the individual's family member.

(4) The department shall use information sharing and integration technology to facilitate the disclosure of relevant information or records by the employment security department, so long as an individual consents to the disclosure as required under section 4(4) of this act.

(5) Information contained in the files and records pertaining to an individual under this chapter are confidential and not open to public inspection, other than to public employees in the performance of their official duties. However, the individual or an authorized representative of an individual may review the records or receive specific information from the records on the presentation of the signed authorization of the individual. An employer or the employer's duly authorized representative may review the records of an individual employed by the employer in connection with a pending claim. At the department's discretion, other persons may review records when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this chapter.

(6) The department shall develop and implement an outreach program to ensure that individuals who may be eligible to receive family and medical leave insurance benefits under this chapter are made aware of these benefits. Outreach information shall explain, in an easy to understand format, eligibility requirements, the claims process, weekly benefit amounts, maximum benefits payable, notice and medical certification requirements, reinstatement and nondiscrimination rights, confidentiality, and the relationship between employment protection, leave from employment, and wage replacement benefits under this chapter and other laws, collective bargaining agreements, and employer policies. Outreach information shall be available in English and other primary languages as defined in RCW 74.04.025.

**NEW SECTION. Sec. 4. ELIGIBILITY FOR BENEFITS.** Beginning October 1, 2009, family and medical leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family and medical leave if the individual:

(1) Files a claim for benefits in each week in which the individual is on family and medical leave, and as required by rules adopted by the director;

(2) Has been employed for at least six hundred eighty hours in employment during the individual's qualifying year;

(3) Establishes an application year. An application year may not be established if the qualifying year includes hours worked before establishment of a previous application year;

(4) Consents to the disclosure of information or records deemed private and confidential under chapter 50.13 RCW. Initial disclosure of this information and these records by the employment security department to the department is solely for purposes related to the

administration of this chapter. Further disclosure of this information or these records is subject to sections 3(4) and 14(2)(b) of this act;

(5) Discloses whether or not he or she owes child support obligations as defined in RCW 50.40.050;

(6) Documents that he or she has provided the employer from whom family and medical leave is to be taken with written notice of the individual's intention to take family and medical leave in the same manner as an employee is required to provide notice in RCW 49.78.250; and

(7) Provides a document authorizing the family member's health care provider to disclose the family member's health care information in the form of the certification of a serious health condition. To be valid, the disclosure authorization must satisfy the requirements set forth in RCW 70.02.030.

**NEW SECTION. Sec. 5. DISQUALIFICATION FROM BENEFITS.** An individual is disqualified from family and medical leave insurance benefits beginning with the first day of the calendar week, and continuing for the next fifty-two consecutive weeks, in which the individual willfully made a false statement or misrepresentation regarding a material fact, or willfully failed to report a material fact, to obtain benefits under this chapter.

**NEW SECTION. Sec. 6. DURATION OF BENEFITS.** (1) The maximum number of weeks during which family and medical leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family and medical leave taken in an application year with respect to a particular type of family and medical leave, whether the first seven calendar days of family and medical leave are employer paid or unpaid.

(2)(a) The first payment of benefits must be made to an individual within two weeks after the claim is filed or the family and medical leave began, whichever is later, and subsequent payments must be made semimonthly thereafter.

(b) The payment of benefits under this chapter shall not be considered a binding determination of the obligations of the department under this chapter. The acceptance of compensation by the individual shall likewise not be considered a binding determination of his or her rights under this chapter. Whenever any payment of benefits under this chapter has been made and timely appeal therefrom has been made where the final decision is that the payment was improper, the individual shall repay it and recoupment may be made from any future payment due to the individual on any claim under this chapter. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(c) If an individual dies before he or she receives a payment of benefits, the payment shall be made to the surviving spouse or the person with whom the individual is involved in a legal relationship governed by Title 26 RCW, or to the child or children if there is no surviving spouse or person with whom the individual is involved in a legal relationship governed by Title 26 RCW. If there is no surviving spouse or person with whom the individual is involved in a legal relationship governed by Title 26 RCW, and no child or children, the payment shall be made by the department and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

**NEW SECTION. Sec. 7. AMOUNT OF BENEFITS.** The amount of family and medical leave insurance benefits shall be determined as follows:

(1) For weeks of family and medical leave beginning before July 1, 2010, the weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week. By June 30, 2010, and by each subsequent June 30th, the department shall calculate to the nearest dollar an adjusted maximum weekly benefit to account for inflation using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve completed calendar months before each June 30th as calculated by the United States department of

labor. The adjusted maximum weekly benefit takes effect for weeks of family and medical leave beginning after the relevant June 30th.

(2) If an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week is on family and medical leave for less than thirty-five hours but at least eight hours in a week, the individual's weekly benefit shall be .025 times the maximum weekly benefit times the number of hours of family and medical leave taken in the week. Benefits are not payable for less than eight hours of family and medical leave taken in a week.

(3) For an individual who at the time of beginning family and medical leave was regularly working less than thirty-five hours per week, the department shall calculate a prorated schedule for a weekly benefit amount and a minimum number of hours of family and medical leave that must be taken in a week for benefits to be payable, with the prorated schedule based on the amounts and the calculations specified under subsections (1) and (2) of this section.

(4) If an individual discloses that he or she owes child support obligations under section 4 of this act and the department determines that the individual is eligible for benefits, the department shall notify the applicable state or local child support enforcement agency and deduct and withhold an amount from benefits in a manner consistent with RCW 50.40.050.

(5) If the internal revenue service determines that family and medical leave insurance benefits under this chapter are subject to federal income tax and an individual elects to have federal income tax deducted and withheld from benefits, the department shall deduct and withhold the amount specified in the federal internal revenue code in a manner consistent with section 8 of this act.

**NEW SECTION. Sec. 8. FEDERAL INCOME TAX.** (1) If the internal revenue service determines that family and medical leave insurance benefits under this chapter are subject to federal income tax, the department must advise an individual filing a new claim for family and medical leave insurance benefits, at the time of filing such claim, that:

(a) The internal revenue service has determined that benefits are subject to federal income tax;

(b) Requirements exist pertaining to estimated tax payments;

(c) The individual may elect to have federal income tax deducted and withheld from the individual's payment of benefits at the amount specified in the federal internal revenue code; and

(d) The individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from benefits must remain in the family and medical leave insurance account until transferred to the federal taxing authority as a payment of income tax.

(3) The director shall follow all procedures specified by the federal internal revenue service pertaining to the deducting and withholding of income tax.

**NEW SECTION. Sec. 9. ADJUSTMENT TO BENEFITS.** If family and medical leave insurance benefits are paid erroneously or as a result of willful misrepresentation, or if a claim for family and medical leave benefits is rejected after benefits are paid, RCW 51.32.240 shall apply, except that appeals are governed by section 15 of this act, penalties are paid into the family and medical leave insurance account, and the department shall seek repayment of benefits from the recipient.

**NEW SECTION. Sec. 10. LEAVE AND EMPLOYMENT PROTECTION.** (1) During a period in which an individual receives family and medical leave insurance benefits or earns waiting period credits under this chapter, the individual is entitled to family and medical leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.

(2) The individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual if:

(a) The employer from whom the individual takes family and medical leave employs more than twenty-five employees; and

(b) The individual has been employed for at least twelve months by that employer, and for at least one thousand two hundred fifty hours of service with that employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

**NEW SECTION. Sec. 11. EMPLOYMENT BY SAME EMPLOYER.** If spouses or people involved in a legal relationship governed by Title 26 RCW entitled to leave under this chapter are employed by the same employer, the employer may require that spouses or people involved in a legal relationship governed by Title 26 RCW not take such leave concurrently, if such leave is taken: (1) For the birth or placement of a child; or (2) for a parent's serious health condition.

**NEW SECTION. Sec. 12. ELECTIVE COVERAGE.** (1) An employer of individuals not covered by this chapter or a self-employed person, including a sole proprietor, partner, or joint venturer, may elect coverage under this chapter for all individuals in its employ for an initial period of not less than three years or a subsequent period of not less than one year immediately following another period of coverage. The employer or self-employed person must file a notice of election in writing with the director, as required by the department. The election becomes effective on the date of filing the notice.

(2) An employer or self-employed person who has elected coverage may withdraw from coverage within thirty days after the end of the three-year period of coverage, or at such other times as the director may prescribe by rule, by filing written notice with the director, such withdrawal to take effect not sooner than thirty days after filing the notice. Within five days of filing written notice of the withdrawal with the director, an employer must provide written notice of the withdrawal to all individuals in the employer's employ.

(3) The department may cancel elective coverage if the employer or self-employed person fails to make required payments or reports. The department may collect due and unpaid premiums and may levy an additional premium for the remainder of the period of coverage. The cancellation shall be effective no later than thirty days from the date of the notice in writing advising the employer or self-employed person of the cancellation. Within five days of receiving written notice of the cancellation from the director, an employer must provide written notice of the cancellation to all individuals in the employer's employ.

**NEW SECTION. Sec. 13. AMOUNT OF PREMIUMS.** (1) Beginning January 1, 2009, for each individual, each employer shall pay a premium of two cents per hour worked, up to a maximum of forty hours per week, to the department. Each employer shall deduct from the pay of each individual the full amount that the employer is required to pay for the individual.

(2) Payments shall be made in the manner and at such intervals as the department directs for deposit in the family and medical leave insurance account. In the payment of premiums, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) By December 1, 2009, and by each subsequent December 1st, the director shall adjust the amount of the premium to ensure that the amount is the lowest rate necessary to pay family and medical leave insurance benefits and administrative costs, and maintain actuarial solvency in accordance with recognized insurance principles, of the family and medical leave insurance program on a current basis, and to repay loaned funds from the supplemental pension fund, if any, as required in section 23 of this act. The adjusted amount of the premium takes effect for the calendar year beginning after the relevant December 1st.

**NEW SECTION. Sec. 14. REPORTING AND RECORDKEEPING.** (1) In the form and at the times specified by the director, an employer shall make reports, furnish information, and remit premiums as required by section 13 of this act to the

department. If the employer is a temporary help company that provides employees on a temporary basis to its customers, the temporary help company is considered the employer for purposes of this section. However, if the temporary help company fails to remit the required premiums, the customer to whom the employees were provided is liable for paying the premiums.

(2)(a) An employer must keep at his or her place of business a record of employment from which the information needed by the department for purposes of this chapter may be obtained. This record shall at all times be open to the inspection of the director or department employees designated by the director.

(b) Information obtained from employer records under this chapter is confidential and not open to public inspection, other than to public employees in the performance of their official duties. However, an interested party shall be supplied with information from employer records to the extent necessary for the proper presentation of the case in question. An employer may authorize inspection of its records by written consent.

(3) The requirements relating to the assessment and collection of family and medical leave insurance premiums are the same as the requirements relating to the assessment and collection of industrial insurance premiums under Title 51 RCW, including but not limited to penalties, interest, and department lien rights and collection remedies. These requirements apply to:

(a) An employer that fails under this chapter to make the required reports, or fails to remit the full amount of the premiums when due;

(b) An employer that willfully makes a false statement or misrepresentation regarding a material fact, or willfully fails to report a material fact, to avoid making the required reports or remitting the full amount of the premiums when due under this chapter;

(c) A public entity that engages in work or lets a contract for work, in the manner specified in RCW 51.12.050;

(d) A person, firm, or corporation who lets a contract for work, in the manner specified in RCW 51.12.070;

(e) A successor, as defined in RCW 51.08.177, in the manner specified in RCW 51.16.200; and

(f) An officer, member, manager, or other person having control or supervision of payment and/or reporting of family and medical leave insurance, or who is charged with the responsibility for the filing of returns, in the manner specified in RCW 51.48.055.

(4) Notwithstanding subsection (3) of this section, appeals are governed by section 15 of this act.

**NEW SECTION. Sec. 15. APPEALS.** (1) A person aggrieved by a decision of the department under this chapter must file a notice of appeal with the director, by mail or personally, within thirty days after the date on which a copy of the department's decision was communicated to the person. Upon receipt of the notice of appeal, the director shall request the assignment of an administrative law judge in accordance with chapter 34.05 RCW to conduct a hearing and issue a proposed decision and order. The hearing shall be conducted in accordance with chapter 34.05 RCW.

(2) The administrative law judge's proposed decision and order shall be final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party petitions for review by the director. If the director's review is timely requested, the director may order additional evidence by the administrative law judge. On the basis of the evidence before the administrative law judge and such additional evidence as the director may order to be taken, the director shall render a decision affirming, modifying, or setting aside the administrative law judge's decision. The director's decision becomes final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party files a petition for judicial review as provided in chapter 34.05 RCW. The director is a party to any judicial action involving the director's decision and shall be represented in the action by the attorney general.

(3) If, upon administrative or judicial review, the final decision of the department is reversed or modified, the administrative law judge or the court in its discretion may award reasonable attorneys' fees and costs to the prevailing party. Attorneys' fees and costs owed

by the department, if any, are payable from the family and medical leave insurance account.

**NEW SECTION. Sec. 16. PROHIBITED ACTS.** An employer, temporary help company, employment agency, employee organization, or other person may not discharge, expel, or otherwise discriminate against a person because he or she has filed or communicated to the employer an intent to file a claim, a complaint, or an appeal, or has testified or is about to testify or has assisted in any proceeding, under this chapter, at any time, including during the waiting period described in section 6 of this act and the period in which the person receives family and medical leave insurance benefits under this chapter. This section shall be enforced as provided in RCW 51.48.025.

**NEW SECTION. Sec. 17. COORDINATION WITH OTHER LAWS, AGREEMENTS, AND POLICIES.** (1) Employment protection under other laws. If an individual is entitled to employment protection under this chapter and under the federal family and medical leave act, chapter 49.78 RCW, or other applicable federal, state, or local law, the individual is entitled to employment protection under the other applicable law most favorable to the individual.

(2) Leave from employment under other laws. Except as provided in this subsection, if an individual is entitled to family and medical leave under this chapter and under the federal family and medical leave act, chapter 49.78 RCW, or other applicable federal, state, or local law, the employer may require that leave under this chapter be taken concurrently with leave under other applicable laws. The employer must give individuals in its employ written notice of this requirement. An individual may not increase the duration of his or her leave from employment by tacking on leave under this chapter to leave under other applicable laws. Leave from employment under this chapter is in addition to leave from employment during which benefits are paid or are payable under Title 51 RCW or other applicable federal or state industrial insurance laws.

(3) Wage replacement benefits under other laws. In any week in which an individual is earning waiting period credits or receiving benefits under chapter 7.68 RCW, Title 50 RCW, or Title 51 RCW, or other applicable federal or state crime victims' compensation, unemployment compensation, industrial insurance, or disability insurance laws, the individual is disqualified from receiving family leave insurance benefits under this chapter.

(4) Collective bargaining agreements and employer policies. (a) Except as provided in this section, this chapter does not prohibit an employer from negotiating a collective bargaining agreement or adopting employer policies, as applicable, to coordinate existing benefits with leave from employment and wage replacement benefits required under this chapter.

(b) This chapter does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater employment protection, leave from employment, or wage replacement benefits than under this chapter.

(c) An individual's rights to employment protection, leave from employment, and wage replacement benefits under this chapter may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this chapter is void as against public policy.

(d) If an employer provides wage replacement benefits to an individual while on family and medical leave through disability insurance or any other means, the individual may elect whether first to receive such benefits or receive family and medical leave insurance benefits under this chapter. An individual may not be required to receive the individual's wage replacement benefits, if any, before receiving family and medical leave insurance benefits under this chapter. In no case shall the individual's weekly benefit exceed the individual's average weekly wage.

**NEW SECTION. Sec. 18. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT.** This chapter does

not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this chapter at any time, and a benefit or other right granted under this chapter exists subject to the legislature's power to amend or repeal this chapter. There is no vested private right of any kind against such amendment or repeal.

**NEW SECTION. Sec. 19. RULES.** The director may adopt rules as necessary to implement this chapter. In adopting rules, the director shall maintain consistency with the rules adopted to implement the federal family and medical leave act, and chapter 49.78 RCW, to the extent such rules are not in conflict with this chapter.

**NEW SECTION. Sec. 20. ACCOUNT.** The family and medical leave insurance account is created in the custody of the state treasurer. All receipts from the premium imposed under section 13 of this act or the penalties imposed under section 14 of this act must be deposited in the account. Expenditures from the account may be used only for the purposes of the family and medical leave insurance program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments.

**NEW SECTION. Sec. 21. INVESTMENT OF FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT.** Whenever, in the judgment of the state investment board, there shall be in the family and medical leave insurance account funds in excess of that amount deemed by the state investment board to be sufficient to meet the current expenditures properly payable therefrom, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired with such excess funds in the manner prescribed by RCW 43.84.150, and not otherwise.

**Sec. 22.** RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2

expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 23. LOANS.** If necessary to ensure that money is available in the family and medical leave insurance account for the initial administration of the family and medical leave insurance program and the payment of benefits under this chapter, the director of labor and industries may, from time to time before July 1, 2009, lend funds from the supplemental pension fund to the family and medical leave insurance account. These loaned funds may be expended solely for the purposes of administering the program and paying benefits under this chapter. The director of labor and industries shall repay the supplemental pension fund, plus its proportionate share of earnings from investment of moneys in the supplemental pension fund during the loan period, from the family and medical leave insurance account within two years of the date of the loan. This section expires October 1, 2011.

**Sec. 24.** RCW 51.44.033 and 1975 1st ex.s. c 224 s 16 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. ~~((Said))~~ The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title and the loans therefrom authorized in section 23 of this act.

**NEW SECTION. Sec. 25. REPORTS TO THE LEGISLATURE.** Beginning September 1, 2010, the department shall report to the legislature by September 1st of each year on projected and actual program participation, premium rates, fund balances, and outreach efforts.

**NEW SECTION. Sec. 26.** A new section is added to chapter 82.04 RCW to read as follows:

**TAX CREDIT.** In computing the tax imposed under this chapter, a credit is allowed for an employer that hires a replacement worker to replace an employee who has taken family or medical leave under chapter 49.-- RCW (sections 1 through 21, 25, 27, and 28 of this act). The credit is equal to one thousand two hundred dollars for each replacement worker hired on or after October 1, 2009. To qualify for the credit, fewer than fifty employees shall be employed by the employer at the time the replacement worker is hired. The credit shall not exceed the tax otherwise due under this chapter for the tax reporting period. Unused credit may not be carried over to be credited against taxes incurred in subsequent tax reporting periods. No refunds shall be granted for credits under this section.

**NEW SECTION. Sec. 27. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 28. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 29. CODIFICATION.** Sections 1 through 21, 25, 27, and 28 of this act constitute a new chapter in Title 49 RCW."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Passed to Committee on Appropriations.

March 23, 2007

SSB 5720 Prime Sponsor, Senate Committee On Judiciary: Conforming legal notice broadcast requirements to current practice. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 23, 2007

SB 5879 Prime Sponsor, Senator Fairley: Authorizing payroll deductions for retiree organization dues. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 23, 2007

SSB 5895 Prime Sponsor, Senate Committee On Consumer Protection & Housing: Regarding sellers' disclosures for residential real property sales. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2007

SSB 5898 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Authorizing the use of a common carrier for the

shipment of wine. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2007

SB 5926 Prime Sponsor, Senator Kohl-Welles: Creating a joint legislative task force to review the underground economy in the construction industry. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Green; Moeller and Williams.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Lovick presiding) called upon Representative O'Brien to preside.

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 26, 2007

HB 1871 Prime Sponsor, Representative Santos: Regarding education system benchmarks and monitoring. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Haler, Assistant Ranking Minority Member; Anderson; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Hinkle; Kretz; McDonald; Priest and Walsh.

March 27, 2007

HB 1882 Prime Sponsor, Representative Wallace: Implementing Washington learns higher education recommendations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking

Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kretz; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Conway; Darneille; Dunn; Kessler and Linville.

March 26, 2007

HB 1906 Prime Sponsor, Representative Hunter:  
Improving mathematics and science education.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Hunt.

March 27, 2007

HB 2262 Prime Sponsor, Representative Barlow:  
Providing salary bonuses for individuals  
certified by the national board for professional  
teaching standards. Reported by Committee on  
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were placed on the Second Reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 28, 2007, the 80th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTIETH DAY

House Chamber, Olympia, Wednesday, March 28, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lashonda Hunt and Gordon Watkins. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Cleric Rheo Aieta, Olympia Eckenkar Center.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTION & FIRST READING**

HB 2396 by Representatives Fromhold and McDonald

AN ACT Relating to investment of moneys in the permanent common school fund; amending RCW 28A.515.300 and 43.84.170; adding a new section to chapter 43.84 RCW; and adding a new section to chapter 28A.515 RCW.

Referred to Committee on Capital Budget.

HB 2397 by Representatives Hasegawa, Chase, Appleton, Roberts, Green and Kenney

AN ACT Relating to raising revenue by restricting or eliminating tax exemptions, deductions, and credits; amending RCW 82.04.4281, 82.04.4282, 82.08.037, and 82.12.037; creating new sections; repealing RCW 82.04.062, 82.04.315, 82.04.317, 82.04.4292, and 82.04.44525; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

March 26, 2007

HB 1907 Prime Sponsor, Representative P. Sullivan: Regarding educator preparation, professional development, and compensation. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle;

Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 26, 2007

SB 5014 Prime Sponsor, Senator Pridemore: Amending the process for adopting contribution rates for the state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 26, 2007

SB 5113 Prime Sponsor, Senator Schoesler: Authorizing the application of barley straw to waters of the state. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

March 26, 2007

SSB 5315 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Regarding access to property during a forest fire. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

March 26, 2007

SB 5351 Prime Sponsor, Senator Kline: Changing travel reimbursement provisions affecting judges of the court of appeals. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Bailey, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Chandler.

Passed to Committee on Rules for second reading.

March 27, 2007

SB 5572 Prime Sponsor, Senator Murray: Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 23, 2007

E2SSB 5828 Prime Sponsor, Senate Committee On Ways & Means: Regarding early child development and learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

March 23, 2007

SSB 5830 Prime Sponsor, Senate Committee On Human Services & Corrections: Providing home visitation services for families. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Referred to Committee on Appropriations.

March 26, 2007

SB 5918 Prime Sponsor, Senator Fraser: Revising retirement benefits for judges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 23, 2007

SSB 5952 Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Correcting provisions for the department of early learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

March 26, 2007

ESB 6018 Prime Sponsor, Senator Brandland: Changing provisions concerning detention of persons with a mental disorder or chemical dependency. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## RESOLUTION

HOUSE RESOLUTION NO. 2007-4650, by Representatives Kenney, Pettigrew, Haler, Bailey, Chase, P. Sullivan, Darneille, B. Sullivan, Ormsby, Springer, Dickerson, Hunt, Flannigan, Hunter, Takko, Fromhold, Moeller, Goodman, Sells, Hasegawa, Alexander, Anderson, Green, Sommers, Wood, McDonald, Cody, Haigh, Miloscia, Kessler, Hinkle, Hankins, Skinner, Buri and Conway

WHEREAS, The state of Washington is widely regarded as the most trade-intensive state in the nation, with one out of every three or four jobs dependent on international trade; and

WHEREAS, The volume of Washington's trade continues to increase greatly, with exports of \$38 billion in 2005 and exports valued at \$45 billion estimated in 2006; and

WHEREAS, The state of Washington trades with nations all over the world and new markets continue to emerge constantly; and

WHEREAS, The benefit from Washington's interactions with the rest of the world is much more than economic, and also provides great cultural and educational enrichment to our citizens; and

WHEREAS, The Washington state residents' primary formal connection to other nations and economies is through the foreign official representatives serving in the state; and

WHEREAS, The foreign official representatives work tirelessly to act as a conduit between the state of Washington and the region they represent - educating and assisting Washington constituents and promoting the two regions to each other; and

WHEREAS, The foreign consuls in the state of Washington, who are accredited by the United States Department of State, are members of the Consular Corps, as defined under the Vienna Convention on Consular Relations of 1963, which is currently composed of 36 head-of-post members; and

WHEREAS, The Consular Association of Washington was formed in 1997 as a voluntary membership organization for members of the Consular Corps of Washington, foreign trade organizations, and others; and

WHEREAS, The membership of the Consular Association is currently the 36 member countries of the Consular Corps plus the Taipei Economic and Cultural Office, in addition to emeritus and ex officio members; and

WHEREAS, The Consular Association facilitates its membership to meet to discuss questions of mutual interest, develop and maintain friendships, and foster contact with regional United States authorities at the federal, state, and city levels, with other local organizations, and with the community at large; and

WHEREAS, The foreign official representatives in the state of Washington build strong connections between the communities of Washington state and the communities in their regions by developing educational, medical, and cultural exchange programs, increased tourism, and trade and goodwill missions; and

WHEREAS, The foreign official representatives provide great benefit to the citizens and businesses of the state of Washington with their unflagging efforts to strengthen the bonds between our regions;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the economic, cultural, and other contributions of the foreign official representatives in the state of Washington and the unique and beneficial nature of the functions they serve; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members of the Consular Association of Washington State.

Representative Kenney moved the adoption of the resolution.

Representatives Kenney and Bailey spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4650 was adopted.

## SECOND READING

**HOUSE BILL NO. 1871, by Representative Santos**

**Regarding education system benchmarks and monitoring.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1871 was substituted for House Bill No. 1871 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1871 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Hunter spoke in favor of passage of the bill.

Representatives Priest and Buri spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1871.

## MOTION

On motion of Representative Schindler, Representative Haler was excused.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1871 and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Armstrong, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Ross, Schindler, Skinner, Springer, Sump and Warnick - 29.

Excused: Representative Haler - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1871, having received the necessary constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE HOUSE BILL NO. 1871.

BARBARA BAILEY, 10<sup>th</sup> District

## STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE HOUSE BILL NO. 1871.

CHRIS STROW, 10<sup>th</sup> District

### SECOND READING

**HOUSE BILL NO. 1906, by Representatives Hunter, Anderson, Wallace, Seaquist, Eddy, P. Sullivan, McDermott, Ormsby, McIntire, Pedersen, Rolfes, Barlow, Goodman, Rodne, O'Brien, Kenney, McDonald, Morrell, Newhouse, Hurst, Skinner, Wood and Bailey**

#### Improving mathematics and science education.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1906 was substituted for House Bill No. 1906 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1906 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Anderson spoke in favor of passage of the bill.

Representative Schindler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1906.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1906 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Ahern, Ericksen, Kretz, Kristiansen, Roberts, Schindler and Sump - 7.

Excused: Representative Halder - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1906, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2262, by Representatives Barlow, McCoy, Hunter, Seaquist, Eddy, Fromhold, Ormsby, Sells and Morrell**

**Providing salary bonuses for individuals certified by the national board for professional teaching standards.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2262 was substituted for House Bill No. 2262 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2262 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barlow and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2262.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2262 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Orcutt and Santos - 2.

Excused: Representative Halder - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2262, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 29, 2007, the 81st Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTY FIRST DAY

House Chamber, Olympia, Thursday, March 29, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 27, 2007

Mr. Speaker:

The President has signed ENGROSSED HOUSE BILL NO. 1460, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 2398 by Representatives Cody, Sommers, Moeller and Kenney

AN ACT Relating to rebasing direct care, therapy care, support services, and operations component rate allocations under the nursing facility medicaid payment system based upon calendar year 2005 cost report data, excluding costs related to the quality maintenance fee repealed by chapter 241, Laws of 2006; amending RCW 74.46.410, 74.46.431, 74.46.506, and 74.46.511; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

**REPORTS OF STANDING COMMITTEES**

March 27, 2007

SB 5026 Prime Sponsor, Senator Murray: Providing a sales and use tax exemption for recovered wood waste boiler equipment. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5039 Prime Sponsor, Senate Committee On Financial Institutions & Insurance: Providing for the state investment board to manage scholarship endowment funds. Reported by Committee on

Insurance, Financial Services &amp; Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 27, 2007

SB 5042 Prime Sponsor, Senator Berkey: Regulating the business of insurance. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5052 Prime Sponsor, Senate Committee On Financial Institutions & Insurance: Prohibiting interested third parties from processing insurance claims. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 26, 2007

SSB 5108 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Creating the office of farmland preservation. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND PURPOSE. The legislature finds that maintaining the capacity to provide adequate food and fiber resources is essential to the long-term sustainability of the state's citizens and economy. The nation's population has reached three hundred million and will continue to increase for the foreseeable future. Further, the world population is now over six billion and is projected to reach nine billion by the year 2050.

In Washington state, the population is growing by over one million people every decade with much of this growth occurring in western Washington. This growth is increasing the competition for land not only for housing, but also associated retail, commercial, industrial, and leisure industries.

The legislature finds that many once-productive agricultural areas in western Washington have been overtaken and irreversibly converted to nonagricultural uses. Other agricultural areas in the state have diminished to the point that they are dangerously close to losing the land mass necessary to be economically viable. Further, only a limited number of areas in western Washington still retain a sufficient agricultural land base and the necessary agricultural infrastructure to continue to be economically viable both in the short term and the long term.

The legislature recognizes that because this significant decline has largely occurred in less than a half century, it is imperative that mechanisms be established at the state level to focus attention, take the action needed to retain agricultural land, and ensure the opportunity for future generations to farm these lands.

The legislature finds that history shows that previous advanced civilizations in the world were founded on highly productive agricultural lands and food production systems but when the land or its productivity was lost, the civilizations declined. In contrast, other civilizations have existed for millennia because they maintained their agricultural land base, its productivity, and economic conditions sufficient to maintain stewardship of their land.

The legislature finds that there is a finite quantity of high quality agricultural land and that often this agricultural land is mistakenly viewed as an expendable resource. The legislature finds that the retention of agricultural land is desirable, not only to produce food, livestock, and other agricultural products, but also to maintain our state economy and preferable environmental conditions. For these reasons, and because it is essential that agricultural production be sufficient to meet the needs of our growing population, commitment to the retention of agricultural land should be reflected at the state policy level by the creation of an office of farmland preservation to support the retention of farmland and the viability of farming for future generations.

**NEW SECTION. Sec. 2. OFFICE OF FARMLAND PRESERVATION--POWERS AND DUTIES.** (1) The office of farmland preservation is created and shall be located within the state conservation commission.

(2) Staff support for the office shall be provided by the state conservation commission.

(3) The office of farmland preservation may:

(a) Provide advice and assist the state conservation commission in implementing the provisions of RCW 89.08.530 and 89.08.540, including the merits of leasing or purchasing easements for fixed terms in addition to purchasing easements in perpetuity;

(b) Develop recommendations for the funding level and for the use of the agricultural conservation easements account established in RCW 89.08.540 with the guidance of the farmland preservation task force established under section 3 of this act;

(c) With input from the task force created in section 3 of this act, provide an analysis of the major factors that have led to past declines in the amount and use of agricultural lands in Washington and of the factors that will likely affect retention and economic viability of these lands into the future including, but not limited to, pressures to convert land to nonagricultural uses, loss of processing plants and markets, loss of profitability, productivity, and competitive advantage, urban sprawl, water availability and quality, restrictions on agricultural land use, and conversion to recreational or other uses;

(d) Develop model programs and tools, including innovative economic incentives for landowners, to retain agricultural land for agricultural production, with the guidance from the farmland preservation task force created under section 3 of this act;

(e) Provide technical assistance to localities as they develop and implement programs, mechanisms, and tools to encourage the retention of agricultural lands;

(f) Develop a grant process and an eligibility certification process for localities to receive grants for local programs and tools to retain agricultural lands for agricultural production;

(g) Provide analysis and recommendations as to the continued development and implementation of the farm transition program including, but not limited to, recommending:

(i) Assistance in the preparation of business plans for the transition of business interests;

(ii) Assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers; and

(iii) Research assistance on agricultural, financial, marketing, and other related transition matters;

(h) Begin the development of a farm transition program to assist in the transition of farmland and related businesses from one generation to the next, aligning the farm transition program closely with the farmland preservation effort to assure complementary functions; and

(i) Serve as a clearinghouse for incentive programs that would consolidate and disseminate information relating to conservation programs that are accessible to landowners and assist owners of agricultural lands to secure financial assistance to implement conservation easements and other projects.

**NEW SECTION. Sec. 3. FARMLAND PRESERVATION TASK FORCE.** (1) The farmland preservation task force is established with the following voting members:

(a) Six farmer representatives, one from each of six regions delineated by the state conservation commission at least one of whom is a commercial livestock producer, of which at least two representatives shall be under the age of forty-five, appointed by the governor from persons nominated by recognized agricultural organizations;

(b) A representative of the state conservation commission, appointed by the chair of the state conservation commission;

(c) A representative of the department of agriculture, appointed by the director;

(d) A representative of counties in eastern Washington, appointed by the Washington state association of counties;

(e) A representative of counties in western Washington, appointed by the Washington state association of counties;

(f) Two members of the senate, one from each major political caucus, appointed by the president of the senate;

(g) Two members of the house of representatives, one from each major political caucus, appointed by the speaker of the house of representatives;

(h) A representative of the office of the governor, appointed by the governor; and

(i) A representative of conservation districts, appointed by the state association of conservation districts.

(2) The following persons shall be requested to participate as nonvoting members of the farmland preservation task force:

(a) A representative of the federal natural resources conservation service with knowledge of federal agricultural land retention programs and funding sources, appointed by the state conservationist; and

(b) A person with technical expertise from the department of community, trade, and economic development, appointed by the agency's director.

(3) The task force shall meet at least twice a year. The task force shall be staffed by the state conservation commission. The chair of the task force shall be elected for a term of one year by the voting members of the task force.

(4) Nonlegislative members of the task force are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 by the state conservation commission. Legislative members of the task force are entitled to be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) This section expires January 1, 2011.

**Sec. 4.** RCW 89.08.530 and 2002 c 280 s 2 are each amended to read as follows:

(1) The agricultural conservation easements program is created. The state conservation commission shall manage the program and adopt rules as necessary to implement the legislature's intent.

(2) The commission shall report to the legislature on an ongoing basis regarding potential funding sources for the purchase of

agricultural conservation easements under the program and recommend changes to existing funding authorized by the legislature.

(3) All funding for the program shall be deposited into the agricultural conservation easements account created in RCW 89.08.540. Expenditures from the account shall be made to local governments and private nonprofits on a match or no match required basis at the discretion of the commission. Moneys in the account may be used to purchase easements in perpetuity or to purchase or lease easements for a fixed term.

(4) Easements purchased with money from the agricultural conservation easements account run with the land.

**Sec. 5.** RCW 89.08.540 and 2002 c 280 s 3 are each amended to read as follows:

(1) The agricultural conservation easements account is created in the custody of the state treasurer. All receipts from legislative appropriations, other sources as directed by the legislature, and gifts, grants, or endowments from public or private sources must be deposited into the account. Expenditures from the account may be used only for the purchase of easements in perpetuity or for the purchase or lease of easements for a fixed term under the agricultural conservation easements program. Only the state conservation commission, or the executive director of the commission on the commission's behalf, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The commission is authorized to receive and expend gifts, grants, or endowments from public or private sources that are made available, in trust or otherwise, for the use and benefit of the agricultural conservation easements program.

**NEW SECTION. Sec. 6.** CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 7.** Sections 1 through 3 and 6 of this act constitute a new chapter in Title 89 RCW."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on Appropriations.

March 27, 2007

2SSB 5122 Prime Sponsor, Senate Committee On Ways & Means: Preserving regulatory assistance provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Appropriations.

March 27, 2007

SSB 5137 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Modifying industry average unemployment contribution rates. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 27, 2007

SB 5149 Prime Sponsor, Senator Pridemore: Modifying county treasurer administrative provisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.61.210 and 1997 c 3 s 205 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the limitation provided for in chapter 84.55 RCW.

The board is hereby authorized to levy a general tax in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and ~~((paid out on warrants))~~ disbursed under RCW 36.29.010(1) and 39.58.750.

**Sec. 2.** RCW 36.35.020 and 1972 ex.s. c 150 s 2 are each amended to read as follows:

The term "tax title lands" as used in this chapter shall mean any tract of land acquired by the county for lack of other bidders at a tax foreclosure sale. Tax title lands are held in trust for the taxing districts.

**Sec. 3.** RCW 36.35.100 and 1998 c 106 s 13 are each amended to read as follows:

All property deeded to the county under the provisions of this chapter shall be ~~((stricken from the tax rolls as county property and exempt from taxation and shall not be again assessed or taxed while the property of the county))~~ treated as follows during the period the property is so held:

- (1) The property shall be:
- (a) Stricken from the tax rolls as county property;
- (b) Exempt from taxation;
- (c) Exempt from special assessments except as provided in chapter 35.49 RCW and RCW 35.44.140 and 79.44.190; and
- (d) Exempt from property owner association dues or fees.

(2) The sale, management, and leasing of tax title property shall be handled as under chapter 36.35 RCW.

**Sec. 4.** RCW 36.89.090 and 1991 c 36 s 1 are each amended to read as follows:

The county shall have a lien for delinquent (~~(service)~~) charges, including interest, penalties, and costs of foreclosure thereon, against any property against which they were levied for (~~(storm water control facilities)~~) the purposes authorized by this chapter, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective upon the charges becoming delinquent and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290 (~~(PROVIDED, That)~~). However, a county may, by resolution or ordinance, adopt all or any part of the alternative interest rate, lien, and foreclosure procedures as set forth in RCW 36.89.092 through 36.89.094 or (~~(by RCW)~~) 36.94.150, or chapters 84.56, 84.60, and 84.64 RCW.

**Sec. 5.** RCW 84.56.070 and 1991 c 245 s 19 are each amended to read as follows:

On the fifteenth day of February succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. The treasurer shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer shall forthwith proceed to collect the same. In the event that he or she is unable to collect the same when due, the treasurer shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner. The treasurer shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or the treasurer's deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer or treasurer's designee shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer shall pay such excess less any cost of the auction to the owner of the property so sold or to his or her legal representative: PROVIDED, That whenever it shall become necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of the notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: AND PROVIDED FURTHER, That if the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been

assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distraint sufficient goods and chattels to pay the same.

**Sec. 6.** RCW 84.56.090 and 1985 c 83 s 1 are each amended to read as follows:

Whenever in the judgment of the assessor or the county treasurer personal property is being removed or is about to be removed without the limits of the state, or is being dissipated or about to be dissipated, or is being or about to be sold, disposed of, or removed from the county so as to jeopardize collection of taxes, the treasurer shall immediately prepare papers in distraint, which shall contain a description of the personal property, including mobile homes, manufactured homes, or park model trailers, being or about to be removed, dissipated, sold, disposed of, or removed from the county so as to jeopardize collection of taxes, the amount of the tax, the amount of accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall advertise and sell said property as provided in RCW 84.56.070.

If said personal property is being removed or is about to be removed from the limits of the state, is being dissipated or about to be dissipated, or is being or about to be sold, disposed of, or removed from the county so as to jeopardize collection of taxes, at any time subsequent to the first day of January in any year, and prior to the levy of taxes thereon, the taxes upon such property so distrained shall be computed upon the rate of levy for state, county and local purposes for the preceding year; and all taxes collected in advance of levy under this section and RCW 84.56.120, together with the name of the owner and a brief description of the property assessed shall be entered forthwith by the county treasurer upon the personal property tax rolls of such preceding year, and all collections thereon shall be considered and treated in all respects, and without recourse by either the owner or any taxing unit, as collections for such preceding year. Property on which taxes are thus collected shall thereupon become discharged from the lien of any taxes that may thereafter be levied in the year in which payment or collection is made.

Whenever property has been removed from the county wherein it has been assessed, on which the taxes have not been paid, then the county treasurer, or his deputy, shall have the same power to distraint and sell said property for the satisfaction of said taxes as he would have if said property were situated in the county in which the property was taxed, and in addition thereto said treasurer, or his deputy, in the distraint and sale of property for the payment of taxes, shall have the same powers as are now by law given to the sheriff in making levy and sale of property on execution.

**Sec. 7.** RCW 84.64.200 and 1981 c 322 s 6 are each amended to read as follows:

All lots, tracts and parcels of land upon which taxes levied prior to January 9, 1926 remain due and unpaid at the date when such taxes would have become delinquent as provided in the act under which they were levied shall be deemed to be delinquent under the provisions of this title, and the same proceedings may be had to enforce the payment of such unpaid taxes, with interest and costs, and payment enforced and liens foreclosed under and by virtue of the provisions of this chapter. For the purposes of foreclosure under this chapter, the date of delinquency shall be construed to mean the date when the taxes first became delinquent. At all sales of property for which certificates of delinquency are held by the county, if no other bids are received, the county shall be considered a bidder for the full area of each tract or lot to the amount of all taxes, interest and costs due thereon, and where no bidder appears, acquire title (~~(thereto)~~) in trust for the taxing districts as absolutely as if purchased by an individual under the provisions of this chapter; all bidders except the county at sales of property for which certificates of delinquency are held by the county shall pay the full amount of taxes, interest and costs for which judgment is rendered, together with all taxes, interest

and costs which are delinquent at the time of sale, regardless of whether the taxes, interest, or costs are included in the judgment."

Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

March 26, 2007

ESB 5204 Prime Sponsor, Senator Rasmussen: Enforcing animal health laws. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

March 26, 2007

SSB 5221 Prime Sponsor, Senate Committee On Human Services & Corrections: Revising provisions relating to the release of offenders. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

March 26, 2007

SSB 5243 Prime Sponsor, Senate Committee On Human Services & Corrections: Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.210 and 2002 c 175 s 27 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary

concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.130 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive twenty-four week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

**NEW SECTION. Sec. 2.** This act applies prospectively only and not retroactively. It applies only to juvenile offenders who have been adjudicated for an offense that occurred on or after the effective date of this act.

**NEW SECTION. Sec. 3.** This act takes effect October 1, 2007."

Correct the title.

Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Passed to Committee on Rules for second reading.

March 27, 2007

ESB 5251 Prime Sponsor, Senator Kohl-Welles: Establishing the term of existence of a collective bargaining agreement. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Crouse; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 27, 2007

SB 5258 Prime Sponsor, Senator Regala: Concerning members of the Washington council for the prevention of child abuse and neglect. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

March 27, 2007

ESSB 5267 Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Providing for the use of the school district capital projects funds for technology. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.210 and 2002 c 175 s 27 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary

concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.130 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive twenty-four week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

NEW SECTION. Sec. 2. This act applies prospectively only and not retroactively. It applies only to juvenile offenders who have been adjudicated for an offense that occurred on or after the effective date of this act.

NEW SECTION. Sec. 3. This act takes effect October 1, 2007."

Correct the title.

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Roach; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member.

Referred to Committee on Capital Budget.

March 26, 2007

ESB 5401 Prime Sponsor, Senator Rasmussen: Licensing Christmas tree growers. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representative Warnick, Assistant Ranking Minority Member,

Passed to Committee on Rules for second reading.

March 26, 2007

ESSB 5403 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Certifying animal massage practitioners. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

March 26, 2007

SB 5429 Prime Sponsor, Senator Franklin: Concerning deductions from moneys received by an inmate. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.480 and 2003 c 271 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the

department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsections ~~((7))~~ (4) and (8) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(b) Ten percent to a department personal inmate savings account;

~~(c) ((Twenty percent to the department to contribute to the cost of incarceration;~~

~~(d))~~ Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; ~~(and~~

~~(e) Fifteen))~~ (d) Twenty percent for any child support owed under a support order; ~~and~~

(e) Twenty percent to the department to contribute to the cost of incarceration.

(3) When an inmate, except as provided in subsection ~~((7))~~ (8) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) of this section shall only apply after the child support obligation has been paid in full.

(5) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

~~((5))~~ (6) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria:

(a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release.

~~((6))~~ (7) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

~~((7))~~ (8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to: Deductions of five percent to the

public safety and education account for the purpose of crime victims' compensation, twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

~~((9))~~ (9) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

~~((10))~~ (10) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

~~((11))~~ (11) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action."

Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5443 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Suppressing workers' compensation claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5461 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5463 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Modifying

forest fire protection assessments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 26, 2007

2SSB 5467 Prime Sponsor, Senate Committee On Ways & Means: Creating the individual and family services program for people with developmental disabilities. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) A developmental disability is a natural part of human life, and the presence of a developmental disability in the life of a person does not diminish the person's rights or opportunity to participate fully in the life of the local community;

(b) Investing in family members who have children and adults living in the family home preserves a valuable natural support system for the individual with a developmental disability and is also cost-effective for the state of Washington;

(c) Providing support services to families can help maintain the well-being of the family and stabilize the family unit.

(2) It is the intent of the legislature:

(a) To partner with families as care providers for children with developmental disabilities and adults who choose to live in the family home;

(b) That individual and family services be centered on the needs of the person with a developmental disability and the family;

(c) That, to the maximum extent possible, individuals and families must be given choice of services and exercise control over the resources available to them.

NEW SECTION. Sec. 2. A new section is added to chapter 71A.12 RCW to read as follows:

(1) The individual and family services program for individuals eligible to receive services under this title is established. This program replaces family support opportunities, traditional family support, and the flexible family support pilot program. The department shall transfer funding associated with these existing family support programs to the individual and family services program and shall operate the program within available funding. The services provided under the individual and family services program shall be funded by state funding without benefit of federal match.

(2) The department shall adopt rules to implement this section. The rules shall provide:

(a) That eligibility to receive services in the individual and family services program be determined solely by an assessment of individual need;

(b) For service priority levels to be developed that specify a maximum amount of dollars for each person per level per year;

(c) That the dollar caps for each service priority level be adjusted by the vendor rate increases authorized by the legislature; and

(d) That the following services be available under the program:

(i) Respite care;

- (ii) Therapies;
- (iii) Architectural and vehicular modifications;
- (iv) Equipment and supplies;
- (v) Specialized nutrition and clothing;
- (vi) Excess medical costs not covered by another source;
- (vii) Copays for medical and therapeutic services;
- (viii) Transportation;
- (ix) Training;
- (x) Counseling;
- (xi) Behavior management;
- (xii) Parent/sibling education;
- (xiii) Recreational opportunities; and
- (xiv) Community services grants.

(3) In addition to services provided for the service priority levels under subsections (1) and (2) of this section, the department shall provide for:

(a) One-time exceptional needs and emergency needs for individuals and families not receiving individual and family services annual grants to assist individuals and families who experience a short-term crisis; and

(b) Respite services based on the department's assessment for a parent who provides personal care in the home to his or her adult son or daughter with developmental disabilities.

(4) If a person has more complex needs, a family is experiencing a more prolonged crisis, or it is determined a person needs additional services, the department shall assess the individual to determine if placement in a waiver program would be appropriate.

NEW SECTION. Sec. 3. This act may be known and cited as the Lance Morehouse, Jr. memorial individual and family services act.

NEW SECTION. Sec. 4. Nothing in this act shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable, the child or family is not eligible for such services, or sufficient funding has not been appropriated for this program."

Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

March 27, 2007

SB 5468 Prime Sponsor, Senator Oemig: Regarding the administration of tax programs administered by the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 27, 2007

ESB 5508 Prime Sponsor, Senator Kilmer: Providing for economic development project permitting. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Referred to Committee on Appropriations.

March 27, 2007

ESB 5513 Prime Sponsor, Senator Kilmer: Establishing a state government efficiency hotline. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5526 Prime Sponsor, Senator Hargrove: Modifying the definition of criminal act. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5534 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Creating an exemption from unemployment compensation for certain small performing arts industries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 50.04 RCW to read as follows:

The term "employment" shall not include services performed by a person who is participating in a performance sponsored by an employer whose North American industry classification system code is within "711110," "711120," "711130," or "712110," so long as the person receives no remuneration other than a nominal stipend and the employer does not have more than three individuals in its employ during any portion of a day during the calendar year.

For purposes of this section, "stipend" means a fixed sum of money paid periodically to defray expenses. The stipend is presumed to defray the person's incidental expenses involved in participating in the performance, including, but not limited to, meals, transportation, lodging, costumes, supplies, and child care."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5560 Prime Sponsor, Senate Committee On Ways & Means: Making changes of a technical nature to tax laws. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 27, 2007

SB 5607 Prime Sponsor, Senator Pridemore: Modifying provisions regarding the leasehold excise taxation of historical property owned by the United States government. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 27, 2007

E2SSB 5627 Prime Sponsor, Senate Committee On Ways & Means: Requiring a review and development of basic education funding. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The state's definition of basic education and the corresponding funding formulas must be regularly updated in order to keep pace with evolving educational practices and increasing state and federal requirements and to ensure that all schools have the resources they need to help give all students the opportunity to be fully prepared to compete in a global economy. The work of the Washington learns steering committee and the K-12 advisory committee provides a valuable starting point from which to evaluate the current educational system and develop a unique, transparent, and stable educational funding system for Washington that supports the goals and the vision of a world-class learner-focused K-12 educational system that were established in the final Washington learns report.

This act establishes a joint select committee of the legislature to address the details necessary to develop new comprehensive K-12 finance formulas that will provide Washington schools with stable and adequate funding as the expectations for the K-12 system continue to evolve.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) The joint select committee on basic education finance is established, with members as provided in this subsection.

(a) The president of the senate shall appoint four members from each of the two largest caucuses of the senate and shall designate one member to serve as cochair.

(b) The speaker of the house of representatives shall appoint four members from each of the two largest caucuses of the house of representatives and shall designate one member to serve as cochair.

(2) To address specific tasks in the committee work plan, the joint select committee may convene ad hoc work groups that include representatives of state education agencies and organizations, school district staff, business and community members, and others. The ad hoc work groups shall report to the joint select committee.

(3) Staff support for the joint select committee shall be provided by the senate committee services and the house office of program research, with assistance as requested from the legislative evaluation

and accountability program, the office of financial management, the office of the superintendent of public instruction, and the Washington state institute for public policy.

(4) Members of the joint select committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Members of ad hoc work groups are not entitled to expense reimbursement.

(5) The joint select committee shall expire on January 1, 2009.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) The purpose of the joint select committee established under section 2 of this act is to review the definition of basic education and all current basic education funding formulas and recommend for consideration by the full legislature, options for a new funding structure and all necessary formulas, along with a new definition of basic education, that is realigned with the new expectations of the state's education system as established in the November 2006 final report of the Washington learns steering committee and the basic education provisions established in this chapter.

(2) The joint select committee shall first develop a work plan that identifies, in an ordered sequence, the aspects of the funding structure and funding formulas to be addressed by the committee and includes reporting timelines. At a minimum, the committee shall present a progress report by December 1, 2007, and a final report by December 1, 2008, to the education and fiscal committees of the senate and the house of representatives. The reports shall contain the joint select committee's recommended options for the funding structure and funding formulas addressed under the work plan during the previous year. The joint select committee may revise the work plan as necessary.

(3) For each funding formula addressed, at least one of the options recommended by the joint select committee must be a redirection and prioritization within existing resources based on research-proven education programs. The options must also include projections of the expected effect of the investment made under any new funding structure.

(4) In developing its recommendations, the joint select committee shall review and build upon the following:

(a) Reports related to K-12 finance produced at the request of or as a result of the Washington learns study, including reports completed for or by the K-12 advisory committee;

(b) High-quality studies that are available; and

(c) Research and evaluation of the cost benefits of various K-12 programs and services developed by the Washington state institute for public policy as directed by the legislature in section 607(15), chapter 372, Laws of 2006.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) The options developed by the joint select committee under section 3 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) Funding structures should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing possible strategies and models the joint select committee shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

(b) Whether the compensation system for instructional staff shall include pay for performance, knowledge, and skills elements; regional cost-of-living factors; elements to recognize assignments that are difficult; recognition for the professional teaching level certificate in the salary allocation model; and a plan to implement the pay structure;

(c) Voluntary all-day kindergarten;

(d) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(e) Focused instructional support for students and schools;

(f) Extended school day and school year options; and

(g) Health and safety requirements.

(3) The recommendations should provide maximum transparency of the state's educational funding system to assist

parents, citizens, and school personnel in Washington in understanding how their school system is funded.

(4) Funding structures should be linked to accountability for student outcomes and performance.

(5) The joint select committee shall also consider:

(a) The role of the K-12 education system in building a world-class, seamless P-20 education system for Washington;

(b) Providing students with an opportunity to acquire mathematics and science skills to meet international standards;

(c) Creating personalized learning opportunities for students; and

(d) Emphasizing student outcomes.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Anderson, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 27, 2007

SSB 5688 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Modifying who may receive industrial insurance claimants' notices, orders, or warrants. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5773 Prime Sponsor, Senator Hargrove: Modifying treatment records provisions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

March 27, 2007

SB 5775 Prime Sponsor, Senator Kauffman: Changing special education provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson,

Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Passed to Committee on Rules for second reading.

March 27, 2007

2SSB 5790 Prime Sponsor, Senate Committee On Ways & Means: Regarding skill centers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 12, after "up to" strike "one and four-tenths" and insert "two"

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

March 27, 2007

SSB 5826 Prime Sponsor, Senate Committee On Financial Institutions & Insurance: Modifying consumer credit report provisions. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.182.170 and 2005 c 342 s 1 are each amended to read as follows:

(1) A ~~((victim of identity theft who has submitted a valid police report to a consumer reporting agency))~~ consumer, who is a resident of this state, may elect to place a security freeze on his or her credit report by making a request in writing by certified mail to a consumer reporting agency. "Security freeze" means a ~~((notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer))~~ prohibition, consistent with this section, on a consumer reporting agency's ~~furnishing of a consumer's credit report to a third party intending to use the credit report to determine the consumer's eligibility for credit.~~ If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the consumer. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

(2) For purposes of this section and RCW 19.182.180 through 19.182.210~~((-a))~~:

~~(a) "Victim of identity theft" means((~~  
~~(a) A victim of identity theft as defined in RCW 9.35.020; or~~  
~~(b) A person who has been notified by an agency, person, or business that owns or licenses computerized data of a breach in a computerized data system which has resulted in the acquisition of that person's unencrypted personal information by an unauthorized person or entity))~~ a person who has a police report evidencing their claim to be a victim of a violation of RCW 9.35.020 and which report will be produced to a consumer reporting agency, upon such consumer reporting agency's request.

(b) "Credit report" means a consumer report, as defined in 15 U.S.C. Sec. 1681a, that is used or collected to serve as a factor in establishing a consumer's eligibility for credit for personal, family, or household purposes.

(c) "Normal business hours" means Sunday through Saturday, between the hours of 6:00 a.m. and 9:30 p.m. Pacific Time.

(3) A consumer reporting agency shall place a security freeze on a consumer's credit report no later than five business days after receiving a written request from the consumer and payment of the fee required by the consumer reporting agency under subsection (13) of this section.

(4) The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within ten business days and shall provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of his or her credit report for a specific party or period of time.

(5) If the consumer wishes to allow his or her credit report to be accessed for a specific ~~((party or))~~ period of time while a freeze is in place, he or she shall contact the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

(a) Proper identification, which means that information generally deemed sufficient to identify a person. Only if the consumer is unable to sufficiently identify himself or herself, may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity;

(b) The unique personal identification number or password provided by the ~~((credit))~~ consumer reporting agency under subsection (4) of this section; ~~((and))~~

(c) The proper information regarding ~~((the third party who is to receive the credit report or))~~ the time period for which the report is available to users of the credit report; and

(d) Payment of the fee required by the consumer reporting agency under subsection (13) of this section.

(6) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section ~~((:))~~ shall comply with the request ~~((no later than))~~ within:

(a) Three business days ~~((after))~~ of receiving the request by mail; or

(b) Fifteen minutes of receiving the request from the consumer through the electronic contact method chosen by the consumer reporting agency in accordance with subsection (8) of this section, if the request:

(i) Is received during normal business hours; and

(ii) Includes the consumer's proper identification and correct personal identification number or password.

(7) A consumer reporting agency is not required to remove a security freeze within the time provided in subsection (6)(b) of this section if:

(a) The consumer fails to meet the requirements of subsection (5) of this section; or

(b) The consumer reporting agency's ability to remove the security freeze within fifteen minutes is prevented by:

(i) An act of God, including fire, earthquakes, hurricanes, storms, or similar natural disasters or phenomena;

(ii) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes, or disputes disrupting operations, or similar occurrences;

(iii) An interruption in operations, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruptions;

(iv) Governmental action, including emergency orders or regulations, judicial or law enforcement action, or similar directives;

(v) Regularly scheduled maintenance of, or updates to, the consumer reporting agency's systems outside of normal business hours;

(vi) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; or

(vii) Receipt of a removal request outside of normal business hours.

(8) A consumer reporting agency may develop procedures involving the use of telephone, fax, the internet, or other electronic media to receive and process a request from a consumer to

temporarily lift a freeze on a credit report under subsection (5) of this section in an expedited manner.

~~((8))~~ (9) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

(a) Upon consumer request, under subsection (5) or ~~((11))~~ (12) of this section; or

(b) When the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. When a consumer reporting agency intends to remove a freeze upon a consumer's credit report under this subsection, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

~~((9))~~ (10) When a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that ~~((specific party or))~~ period of time, the third party may treat the application as incomplete.

~~((10))~~ (11) When a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a specific ~~((party or))~~ period of time while the freeze is in place.

~~((11))~~ (12) A security freeze remains in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides ~~((both))~~ all of the following:

(a) Proper identification, as defined in subsection (5)(a) of this section; ~~((and))~~

(b) The unique personal identification number or password provided by the consumer reporting agency under subsection (4) of this section; and

(c) Payment of the fee required by the consumer reporting agency under subsection (13) of this section.

~~((12))~~ (13)(a) Except as provided in (b) of this subsection, a consumer reporting agency may charge a fee of no more than ten dollars to a consumer for placement of each freeze, temporary lift of the freeze, or removal of the freeze.

(b) A consumer reporting agency may not charge a fee to place a security freeze for a victim of identity theft or for a consumer, who is sixty-five years old or older.

(14) This section does not apply to the use of a consumer credit report by any of the following:

(a) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

(b) ~~((A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (5) of this section for purposes of facilitating the extension of credit or other permissible use;~~

~~((e))~~ Any federal, state, or local entity, including a law enforcement agency, court, or their agents or assigns;

~~((d) A private collection agency))~~ (c) Any person acting under a court order, warrant, or subpoena;

~~((e))~~ (d) A child support agency acting under Title IV-D of the social security act (42 U.S.C. et seq.);

~~((f))~~ (e) The department of social and health services acting to fulfill any of its statutory responsibilities;

~~((g))~~ (f) The internal revenue service acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

~~((+))~~ (g) The use of credit information for the purposes of prescreening as provided for by the federal fair credit reporting act;

~~((+))~~ (h) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed; ~~and~~

~~((+))~~ (i) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request; and

(j) A mortgage broker or loan originator required to be licensed under chapter 19.146 RCW.

(15) Liability may not result to the consumer reporting agency if through inadvertence or mistake the consumer reporting agency releases credit report information to a person or entity purporting to be a mortgage broker or loan originator under subsection (14) of this section that is, in fact, not a mortgage broker or loan originator.

(16) The consumer's request for a security freeze does not prohibit the consumer reporting agency from disclosing the consumer's credit report for other than credit-related purposes.

(17) A violation of subsection (6) of this section does not provide a private cause of action under RCW 19.86.090. A violation of subsection (6) of this section shall be enforced exclusively by the attorney general. A violation of subsection (6) of this section is subject to all other remedies and penalties available under this chapter.

NEW SECTION. Sec. 2. This act takes effect September 1, 2008."

Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 27, 2007

ESSB 5894 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Clarifying the regulatory authority for on-site sewage systems. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART 1  
CREATING A NEW CHAPTER DEDICATED TO LARGE  
ON-SITE SEWAGE SYSTEMS**

NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that:

(1) Protection of the environment and public health requires properly designed, operated, and maintained on-site sewage systems. Failure of those systems can pose certain health and environmental hazards if sewage leaks above ground or if untreated sewage reaches surface or groundwater.

(2) Chapter 70.118A RCW provides a framework for ongoing management of on-site sewage systems located in marine recovery areas and regulated by local health jurisdictions under state board of health rules. This chapter will provide a framework for comprehensive management of large on-site sewage systems statewide.

(3) The primary purpose of this chapter is to establish, in a single state agency, comprehensive regulation of the design, operation, and maintenance of large on-site sewage systems, and their operators, that provides both public health and environmental protection. To accomplish these purposes, this chapter provides for:

(a) The permitting and continuing oversight of large on-site sewage systems;

(b) The establishment by the department of standards and rules for the siting, design, construction, installation, operation, maintenance, and repair of large on-site sewage systems; and

(c) The enforcement by the department of the standards and rules established under this chapter.

NEW SECTION. Sec. 5. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the state department of health.

(2) "Industrial wastewater" means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade, or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

(3) "Large on-site sewage system" means an on-site sewage system with design flows of between three thousand five hundred gallons per day and one hundred thousand gallons per day.

(4) "On-site sewage system" means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment and disposal of domestic sewage. It consists of a collection system, a treatment component or treatment sequence, and a subsurface soil disposal component. It may or may not include a mechanical treatment system. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. A holding tank that discharges to a sewer is not included in the definition of on-site sewage system. A system into which storm water or industrial wastewater is discharged is not included in the definition of on-site sewage system.

(5) "Person" means any individual, corporation, company, association, firm, partnership, governmental agency, or any other entity whatsoever, and the authorized agents of any such entities.

(6) "Secretary" means the secretary of health.

(7) "Waters of the state" has the same meaning as defined in RCW 90.48.020.

NEW SECTION. Sec. 3. AUTHORIZING THE DEPARTMENT TO PROVIDE COMPREHENSIVE REGULATION OF LARGE ON-SITE SEWAGE SYSTEMS. (1) For the protection of human health and the environment the department shall:

(a) Establish and provide for the comprehensive regulation of large on-site sewage systems including, but not limited to, system siting, design, construction, installation, operation, maintenance, and repair;

(b) Control and prevent pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington, except to the extent authorized by permits issued under this chapter;

(c) Issue annual operating permits for large on-site sewage systems based on the system's ability to function properly in compliance with the applicable comprehensive regulatory requirements; and

(d) Enforce the large on-site sewage system requirements.

(2) Large on-site sewage systems permitted by the department may not be used for treatment and disposal of industrial wastewater or combined sanitary sewer and storm water systems.

(3) The work group convened under RCW 70.118A.080(4) to make recommendations to the appropriate committees of the legislature for the development of certification or licensing of maintenance specialists shall include recommendations for the development of certification or licensing of large on-site system operators.

NEW SECTION. Sec. 4. ANNUAL OPERATING PERMITS REQUIRED--APPLICATION. (1) A person may not install or operate a large on-site sewage system without an operating permit as provided in this chapter after July 1, 2009. The owner of the system is responsible for obtaining a permit.

(2) The department shall issue operating permits in accordance with the rules adopted under section 5 of this act.

(3) The department shall ensure the system meets all applicable siting, design, construction, and installation requirements prior to issuing an initial operating permit. Prior to renewing an operating permit, the department may review the performance of the system to determine compliance with rules and any permit conditions.

(4) At the time of initial permit application or at the time of permit renewal the department shall impose those permit conditions, requirements for system improvements, and compliance schedules as it determines are reasonable and necessary to ensure that the system will be operated and maintained properly. Each application must be accompanied by a fee as established in rules adopted by the department.

(5) Operating permits shall be issued for a term of one year, and shall be renewed annually, unless the operator fails to apply for a new permit or the department finds good cause to deny the application for renewal.

(6) Each permit may be issued only for the site and owner named in the application. Permits are not transferable or assignable except with the written approval of the department.

(7) The department may deny an application for a permit or modify, suspend, or revoke a permit in any case in which it finds that the permit was obtained by fraud or there is or has been a failure, refusal, or inability to comply with the requirements of this chapter or the standards or rules adopted under this chapter. RCW 43.70.115 governs notice of denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding to the permit applicant or permittee.

(8) For systems with design flows of more than fourteen thousand five hundred gallons per day, the department shall adopt rules to ensure adequate public notice and opportunity for review and comment on initial large on-site sewage system permit applications and subsequent permit applications to increase the volume of waste disposal or change effluent characteristics. The rules must include provisions for notice of final decisions. Methods for providing notice may include electronic mail, posting on the department's internet site, publication in a local newspaper, press releases, mailings, or other means of notification the department determines appropriate.

(9) A person aggrieved by the issuance of an initial permit, or by the issuance of a subsequent permit to increase the volume of waste disposal or to change effluent characteristics, for systems with design flows of more than fourteen thousand five hundred gallons per day, has the right to an adjudicative proceeding. The application for an adjudicative proceeding must be in writing, state the basis for contesting the action, include a copy of the decision, be served on and received by the department within twenty-eight days of receipt of notice of the final decision, and be served in a manner that shows proof of receipt. An adjudicative proceeding conducted under this subsection is governed by chapter 34.05 RCW.

(10) Any permit issued by the department of ecology for a large on-site sewage system under chapter 90.48 RCW is valid until it first expires after the effective date of this section. The system owner shall apply for an operating permit at least one hundred twenty days prior to expiration of the department of ecology permit.

(11) Systems required to meet operator certification requirements under chapter 70.95B RCW must continue to meet those requirements as a condition of the department operating permit.

**NEW SECTION. Sec. 5. RULE MAKING.** (1) For the protection of human health and the environment, the secretary shall adopt rules for the comprehensive regulation of large on-site sewage systems, which includes, but is not limited to, the siting, design, construction, installation, maintenance, repair, and permitting of the systems.

(2) In adopting the rules, the secretary shall, in consultation with the department of ecology, require that large on-site sewage systems comply with the applicable sections of chapter 90.48 RCW regarding control and prevention of pollution of waters of the state, including but not limited to:

(a) Surface and ground water standards established under RCW 90.48.035; and

(b) Those provisions requiring all known, available, and reasonable methods of treatment.

(3) In adopting the rules, the secretary shall ensure that requirements for large on-site sewage systems are consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county.

**NEW SECTION. Sec. 6. CIVIL PENALTIES.** (1) A person who violates a law or rule regulating on-site sewage systems administered by the department is subject to a penalty of not more than ten thousand dollars per day for every violation. Every violation is a separate and distinct offense. In case of a continuing violation, each day's continuing violation is a separate and distinct violation. The penalty assessed must reflect the significance of the violation and the previous record of compliance on the part of the person responsible for compliance with on-site sewage system requirements.

(2) Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section.

(3) The penalty provided for in this section must be imposed by a notice in writing to the person against whom the civil penalty is assessed and must describe the violation. The notice must be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for an adjudicative proceeding is filed as provided in subsection (4) of this section.

(4) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules.

(5) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served, and reasonable attorneys' fees as are incurred if civil enforcement of the final administrative order is required to collect the penalty.

(6) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest-bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorneys' fees for the cost of the attorney general's office in representing the department.

(7) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the on-site sewage system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(8) A judgment entered under subsection (6) or (7) of this section has the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(9) The large on-site sewage systems account is created in the custody of the state treasurer. All receipts from penalties imposed under this section shall be deposited into the account. Expenditures from the account shall be used by the department to provide training and technical assistance to on-site sewage system owners and operators. Only the secretary or the secretary's designee may

authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 7. INJUNCTIONS.** Notwithstanding the existence or use of any other remedy, the department may bring an action to enjoin a violation or threatened violation of this chapter or rules adopted under this chapter. The department may bring the action in the superior court of the county in which the large on-site sewage system is located or in the superior court of Thurston county.

**NEW SECTION. Sec. 8.** The authority and duties created in this chapter are in addition to any authority and duties already provided in law. Nothing in this chapter limits the powers of the state or any political subdivision to exercise such authority.

### PART 2

#### AMENDING CHAPTERS 70.118 AND 70.05 RCW TO ENHANCE LOCAL HEALTH OFFICER ENFORCEMENT AUTHORITY REGARDING ON-SITE SYSTEMS

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.118 RCW to read as follows:

**CIVIL PENALTIES.** A local health officer who is responsible for administering and enforcing regulations regarding on-site sewage disposal systems is authorized to issue civil penalties for violations of those regulations under the same limitations and requirements imposed on the department under section 6 of this act, except that judgments shall be entered in the name of the local health jurisdiction and penalties shall be placed into the general fund or funds of the entity or entities operating the local health jurisdiction.

**Sec. 10.** RCW 70.05.070 and 1999 c 391 s 5 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:

(1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and section 9 of this act, the confidentiality provisions in RCW 70.24.105 and rules adopted to implement those provisions, and filing of actions authorized by RCW 43.70.190;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of health or his or her authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;

(8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

### PART 3

#### AMENDING STATE BOARD OF HEALTH RULE-MAKING AUTHORITY FOR ON-SITE SEWAGE SYSTEMS

**Sec. 11.** RCW 43.20.050 and 1993 c 492 s 489 are each amended to read as follows:

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by January 1<sup>st</sup> of each even-numbered year for adoption by the governor. The governor, no later than March 1<sup>st</sup> of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on-site sewage systems with design flows of less than three thousand five hundred gallons per day.

(4) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

~~((4))~~ (5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

~~((5))~~ (6) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

#### PART 4 EXEMPTING OPERATORS CERTIFIED BY THE DEPARTMENT OF HEALTH

**Sec. 12.** RCW 90.48.162 and 1972 ex.s. c 140 s 1 are each amended to read as follows:

Any county or any municipal or public corporation operating or proposing to operate a sewerage system, including any system which collects only domestic sewerage, which results in the disposal of waste material into the waters of the state shall procure a permit from the department of ecology before so disposing of such materials. This section is intended to extend the permit system of RCW 90.48.160 to counties and municipal or public corporations and the provisions of RCW 90.48.170 through ~~((90.48.210))~~ 90.48.200 and 90.52.040 shall be applicable to the permit requirement imposed under this section. A permit under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.-- RCW (sections 1 through 8 of this act) or for on-site sewage systems permitted by local health jurisdictions under rules of the state board of health.

**Sec. 13.** RCW 90.48.110 and 2002 c 161 s 5 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter. Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.-- RCW (sections 1 through 8 of this act) or for on-site sewage systems regulated by local health jurisdictions under rules of the state board of health.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units

of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section.

#### PART 5 AMENDING RCW 36.94.010 TO CLARIFY ITS APPLICABILITY TO LARGE ON-SITE SEWAGE SYSTEMS

**Sec. 14.** RCW 36.94.010 and 1997 c 447 s 10 are each amended to read as follows:

As used in this chapter:

(1) A "system of sewerage" means and may include any or all of the following:

(a) Sanitary sewage collection, treatment, and/or disposal facilities and services, including without limitation on-site or off-site sanitary sewerage facilities, large on-site sewage systems defined under section 2 of this act, inspection services and maintenance services for private or public on-site systems, or any other means of sewage treatment and disposal approved by the county;

(b) Combined sanitary sewage disposal and storm or surface water drains and facilities;

(c) Storm or surface water drains, channels, and facilities;

(d) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, and rights and interests in property relating to the system;

(e) Combined water and sewerage systems;

(f) Point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a county;

(g) Public restroom and sanitary facilities;

(h) The facilities and services authorized in RCW 36.94.020; and

(i) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

(a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;

(b) A combined water and sewerage system;

(c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a comprehensive plan.

(a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, channels, local service areas and a general description of the collection system to serve those areas, a description of on-site sanitary sewerage system inspection services and maintenance services, and other facilities and services as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility. The plan may also include a description of the regulations deemed appropriate to carrying out surface drainage plans.

(b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations,

and monitoring and control facilities as may be required to provide a functional and implementable plan.

(c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and, to the extent then known, shall further discuss the methods of distributing the cost and expense of the system and shall indicate the economic feasibility of plan implementation. The plans may also specify local or lateral facilities and services. The sewerage and/or water general plan does not mean the final engineering construction or financing plans for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a sewer or water system, any sewer, water, diking, or drainage district, any diking, drainage, and sewerage improvement district, and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners and/or the legislative authority of a home rule charter county.

**NEW SECTION. Sec. 15.** Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 16.** Captions and part headings used in this act are not any part of the law."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 70.05.070, 43.20.050, 90.48.162, 90.48.110, and 36.94.010; adding new sections to chapter 70.118 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties."

Signed by Representatives Campbell, Chairman; Hudgins, Vice Chairman; Chase; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Hailey.

Referred to Committee on Appropriations.

March 27, 2007

**SB 5902** Prime Sponsor, Senator Prentice: Requiring additional state liquor stores to engage in Sunday sales. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 3, line 11, after "assist the" strike "superior"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 27, 2007

**SSB 5919** Prime Sponsor, Senate Committee On Financial Institutions & Insurance: Providing relief from retaliatory taxes on insurance premium taxes. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Referred to Committee on Finance.

March 27, 2007

**ESSB 5920** Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Establishing a pilot program for vocational rehabilitation services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

March 28, 2007

**E2SSB 5930** Prime Sponsor, Senate Committee On Ways & Means: Providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"USE STATE PURCHASING TO IMPROVE HEALTH CARE QUALITY**

**NEW SECTION. Sec. 1.** (1) The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within their health care programs to:

(a) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;

(b) Pay for care that reflects patient preference and is of proven value;

(c) Require the use of evidence-based standards of care where available;

(d) Tie provider rate increases to measurable improvements in access to quality care;

(e) Direct enrollees to quality care systems;

(f) Better support primary care and provide a medical home to all enrollees through reimbursement policies that create incentives for providers to enter and remain in primary care practice and that address disparities in payment between specialty procedures and primary care services; and

(g) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

(2) In developing any component of the plan that links payment to health care provider performance, the authority and the department shall work in collaboration with the department of health, health carriers, local public health jurisdictions, physicians and other health care providers, the Puget Sound health alliance, and other purchasers.

(3) The plan shall (a) identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress toward those goals will be measured; and

(c) be submitted to the governor and the legislature upon completion. The agencies shall report to the legislature by September 1, 2007. Any component of the plan that links payment to health care provider performance must be submitted to the legislature for consideration prior to implementation by the department or the authority.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The legislature finds that there is growing evidence that, for preference-sensitive care involving elective surgery, patient-practitioner communication is improved through the use of high-quality decision aids that detail the benefits, harms, and uncertainty of available treatment options. Improved communication leads to more fully informed patient decisions. The legislature intends to increase the extent to which patients make genuinely informed, preference-based treatment decisions, by promoting public/private collaborative efforts to broaden the development, certification, use, and evaluation of effective decision aids and by recognition of shared decision making and patient decision aids in the state's laws on informed consent.

(2) The health care authority shall:

(a) Work in collaboration with the health professions, contracting health carriers, nonproprietary public interest or university-based research groups, and quality improvement organizations to increase awareness of appropriate, high-quality decision aids, and to train physicians and other practitioners in their use.

(b) In consultation with the national committee for quality assurance, identify a certification process for patient decision aids.

(c) Implement a shared decision-making demonstration project. The demonstration project shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing state purchased health care. The demonstration project shall include the following elements:

(i) Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology; and

(ii) An evaluation of the impact of the use of shared decision making with decision aids, including the use of preference-sensitive health care services selected for the demonstration project and expenditures for those services, the impact on patients, including patient understanding of the treatment options presented and concordance between patient values and the care received, and patient and practitioner satisfaction with the shared decision-making process.

(3) The health care authority may solicit and accept funding to support the demonstration and evaluation.

**Sec. 3.** RCW 7.70.060 and 1975-'76 2nd ex.s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

~~((+))~~ (a) A description, in language the patient could reasonably be expected to understand, of:

~~((+))~~ (i) The nature and character of the proposed treatment;

~~((+))~~ (ii) The anticipated results of the proposed treatment;

~~((+))~~ (iii) The recognized possible alternative forms of treatment; and

~~((+))~~ (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

~~((+))~~ (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ~~((+)) of this section~~.

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4) As used in this section, "patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific knowledge about outcomes, and that is certified by one or more national certifying organizations approved by the health care authority under section 2 of this act.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

## PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, must acknowledge the role of primary care providers and include financial and other supports to enable these providers to effectively carry out their role in chronic care management, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients best served under a chronic care

management model using predictive modeling through claims or other health risk information; and

(b) Evaluate the effectiveness of current chronic care management efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

(a) Clinical information systems and sharing and organization of patient data;

(b) Decision support to promote evidence-based care;

(c) Clinical delivery system design;

(d) Support for patients managing their own conditions; and

(e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the provider's participation in the medicaid program, the basic health plan, and health plans offered through the public employees' benefits board.

**NEW SECTION. Sec. 6.** (1) The health care authority, in collaboration with the department of health, shall design and implement a medical home for chronically ill state employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**Sec. 7.** RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the

attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

**NEW SECTION. Sec. 8.** A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect the following fees from the parents or other responsible party of each infant screened for congenital disorders as defined by the state board of health under RCW 70.83.020:

(1) A fee as authorized under RCW 43.20B.020 sufficient to cover the cost of activities related to administering newborn screening requirements under RCW 70.83.020; and

(2) A fee of three dollars and fifty cents to fund specialty clinics that provide treatment services for those with the defined disorders. The fee may be collected through the facility where the screening specimen is obtained.

#### **COST AND QUALITY INFORMATION FOR CONSUMERS AND PROVIDERS**

**NEW SECTION. Sec. 9.** A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. In collaboration with the Puget Sound health alliance and other local organizations, the forum shall:

(1) Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;

(2) Coordinate the collection of health care quality data among state health care purchasing agencies;

(3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;

(4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and

(5) Produce an annual quality report detailing clinical practice patterns for purchasers, providers, insurers, and policy makers. The agencies shall report to the legislature by September 1, 2007.

**NEW SECTION. Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide

incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and cochairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

**Sec. 11.** RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in (~~RCW 18.79.202, until June 30, 2013, and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360~~) subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter

18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of section 12 of this act.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.70 RCW to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009.

### **REDUCING UNNECESSARY EMERGENCY ROOM USE**

**Sec. 13.** RCW 41.05.220 and 1998 c 245 s 38 are each amended to read as follows:

(1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary health and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) The authority, in consultation with the department of health, shall work with community and migrant health clinics and other providers of care to underserved populations, to ensure that the number of people of color and underserved people receiving access to managed care is expanded in proportion to need, based upon demographic data.

(3) In contracting with community health centers to provide primary health and dental services, migrant health services, and maternity health care services under subsection (1) of this section the authority shall give priority to those community health centers working with local hospitals, local community health collaboratives, and/or local public health jurisdictions to successfully reduce unnecessary emergency room use.

**NEW SECTION. Sec. 14.** The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs that they administer and the uninsured, and then partner with community organizations and local health care providers to design a demonstration pilot to reduce such unnecessary visits.

**NEW SECTION. Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:

In collaboration with the department of social and health services, the administrator shall provide all persons enrolled in health plans under this chapter and chapter 70.47 RCW with access to a twenty-four hour, seven day a week nurse hotline.

**NEW SECTION. Sec. 16.** A new section is added to chapter 74.09 RCW to read as follows:

In collaboration with the health care authority, the department shall provide all persons receiving services under this chapter with access to a twenty-four hour, seven day a week nurse hotline. The health care authority and the department of social and health services

shall determine the most appropriate way to provide the nurse hotline under section 15 of this act and this section, which may include use of the 211 system established in chapter 43.211 RCW.

#### **REDUCE HEALTH CARE ADMINISTRATIVE COSTS**

**NEW SECTION. Sec. 17.** By September 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

#### **COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE**

**NEW SECTION. Sec. 18.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue covering that dependent under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

**NEW SECTION. Sec. 19.** A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 20.** A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 21.** A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 22.** A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

#### **SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS**

**NEW SECTION. Sec. 23.** (1) The department of social and health services shall develop a series of options that require federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic health program, for the

medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program for individuals eligible for transitional medical benefits. When a participant in the health opportunity account demonstration program satisfies his or her deductible, the benefits provided shall be those included in the medicaid benefit package in effect during the period of the demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) Prior to submitting requests for federal waivers or state plan amendments, the department shall consult with and seek input from stakeholders and other interested parties.

(3) The department of social and health services, in collaboration with the Washington state health care authority, shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the maximum number of people within available funds. Priority enrollment in the basic health program shall be given to those who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

**NEW SECTION. Sec. 24.** A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

#### **REINSURANCE**

**NEW SECTION. Sec. 25.** (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate options and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance markets, and submit implementing legislation and supporting information, including financing options, to the governor and the legislature by December 1, 2007. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program such as the approach used by the department of labor and industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving

premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Determine whether the Washington state health insurance pool should be retained, and if so, develop options for additional sources of funding;

(f) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

(g) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

#### THE WASHINGTON STATE HEALTH INSURANCE POOL AND THE BASIC HEALTH PLAN

**Sec. 26.** RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features and encourage enrollees to participate in chronic care and disease management and evidence-based protocols into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least one policy which at a minimum includes, but is not limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during

a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The pool shall offer at least one policy which closely adheres to benefits available in the private, individual market.

(6) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (7) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ~~((The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner, however,))~~ No limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

~~((6))~~ (8) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7))~~ (9) of this section.

~~((7))~~ (9)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of

preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (10) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(11) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate.

**Sec. 27.** RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

(1) ~~((A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.159))~~ On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage consistent with this section.

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the pool;
- (c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;
- (d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;
- (e) Covered persons committing fraudulent acts as to the pool;
- (f) Covered persons materially breaching the pool policy; or
- (g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of

enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace a plan under this subsection until it has completed an evaluation of the impact of replacing the plan upon:

- (i) The cost and quality of care to pool enrollees;
- (ii) Pool financing and enrollment;
- (iii) The board's ability to offer comprehensive and other plans to its enrollees;
- (iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

~~((3))~~ (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

**Sec. 28.** RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

**Sec. 29.** RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

**Sec. 30.** RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~((one))~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

**Sec. 31.** RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection (3) of this section, a pool policy offered in accordance with RCW 48.41.110(3) shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at ~~((the))~~ a rate ~~((of))~~ not to exceed twenty percent of eligible expenses in excess of the mandatory deductible and which supports the efficient delivery of high quality health care services for the medical conditions of pool enrollees.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under a pool policy offered in accordance with RCW 48.41.110(3) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Except for those enrolled in a high deductible health plan qualified under federal law for use with a health savings account, eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

(5) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.

**Sec. 32.** RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ((five hundred)) dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July, 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a shorter limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited

higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**Sec. 33.** RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

~~((Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any~~

~~other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately.)) The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.~~

**Sec. 34.** RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for Medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

- (i) Facilitate diagnosis or treatment;
- (ii) Reduce unnecessary duplication of medical tests;
- (iii) Promote efficient electronic physician order entry;
- (iv) Increase access to health information for consumers and their providers; and
- (v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

**Sec. 35.** RCW 48.43.018 and 2004 c 244 s 3 are each amended to read as follows:

(1) Except as provided in (a) through (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan and, but for the number of persons employed by his or her employer, would have qualified for continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health

questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(f) Completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of disenrollment from the basic health plan under chapter 70.47 RCW; and (ii) the person had at least twenty-four months of continuous basic health plan coverage immediately prior to disenrollment. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.

(g) If a person is seeking an individual health benefit plan following enrollment in a plan sponsored by the federal government or church or church-related organization that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan:

(a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

**Sec. 36.** RCW 70.47.020 and 2005 c 188 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(6) "Subsidized enrollee" means:

(a) An individual, or an individual plus the individual's spouse or dependent children:

((~~(a)~~)) (i) Who is not eligible for medicare;

((~~(b)~~)) (ii) Who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator;

((~~(c)~~)) (iii) Who is not a full-time student who has received a temporary visa to study in the United States;

((~~(d)~~)) (iv) Who resides in an area of the state served by a managed health care system participating in the plan;

((~~(e)~~)) (v) Whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

((~~(f)~~)) (vi) Who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan(-);

(b) An individual who meets the requirements in (a)(i) through (iv) and (vi) of this subsection and who is a foster parent licensed under chapter 74.15 RCW and whose gross family income at the time of enrollment does not exceed three hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

(c) To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, (~~"subsidized enrollee" also means~~) an individual, or an individual's spouse or dependent children, who meets the requirements in (a)(i) through ((~~(d)~~)) (iv) and ((~~(f)~~)) (vi) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who is accepted for enrollment by the administrator as provided in RCW 48.43.018, either because the potential enrollee cannot be required to complete the standard health questionnaire under RCW 48.43.018, or, based upon the results of the standard health questionnaire, the potential

enrollee would not qualify for coverage under the Washington state health insurance pool; (d) who resides in an area of the state served by a managed health care system participating in the plan; ((~~(d)~~)) (e) who chooses to obtain basic health care coverage from a particular managed health care system; and ((~~(e)~~)) (f) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(9) "Premium" means a periodic payment, (~~(based upon gross family income)~~) which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

(10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

**Sec. 37.** RCW 70.47.060 and 2006 c 343 s 9 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from subsidized enrollees under RCW 70.47.020(6)(b). Premiums due for foster parents with gross family income up to two hundred percent of the federal poverty level shall be set at the minimum premium amount charged to enrollees with income below sixty-five percent of the federal poverty level. Premiums due for foster parents

with gross family income between two hundred percent and three hundred percent of the federal poverty level shall not exceed one hundred dollars per month.

~~((c))~~ (c) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

~~((d))~~ (d) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

~~((e))~~ (e) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

~~((f))~~ (f) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees,

nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

**Sec. 38.** RCW 48.43.018 and 2004 c 244 s 3 are each amended to read as follows:

(1) Except as provided in (a) through (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due

to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee and, but for the number of persons employed by his or her employer, would have qualified for continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a)

or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

**Sec. 39.** RCW 43.70.670 and 2003 c 274 s 2 are each amended to read as follows:

(1) "Human immunodeficiency virus insurance program," as used in this section, means a program that provides health insurance coverage for individuals with human immunodeficiency virus, as defined in RCW 70.24.017(7), who are not eligible for medical assistance programs from the department of social and health services as defined in RCW 74.09.010(8) and meet eligibility requirements established by the department of health.

(2) The department of health may pay for health insurance coverage on behalf of persons with human immunodeficiency virus, who meet department eligibility requirements, and who are eligible for "continuation coverage" as provided by the federal consolidated omnibus budget reconciliation act of 1985, group health insurance policies, or individual policies. ~~((The number of insurance policies supported by this program in the Washington state health insurance pool as defined in RCW 48.41.030(18) shall not grow beyond the July 1, 2003, level.))~~

#### PREVENTION AND HEALTH PROMOTION

**NEW SECTION. Sec. 40.** (1) The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state purchased health programs that they administer by:

- (a) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;
- (b) Encouraging enrollees in state health programs to complete a health assessment, and providing appropriate follow up;
- (c) Reimbursing for cost-effective prevention activities; and
- (d) Developing prevention and health promotion contracting standards for state programs that contract with health carriers.

(2) The plan shall: (a) Identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress towards those goals will be measured and reported; and (c) be submitted to the governor and the legislature upon completion.

**Sec. 41.** RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~((the department of personnel;))~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.))~~

~~—((2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program))~~ shall establish and maintain a state employee health program focused on reducing the health risks and improving the health status of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best

practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.

(2) The state employee health program shall:

(a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;

(b) Develop effective communication tools and ongoing training for wellness staff;

(c) Contract with outside vendors for evaluation of program goals;

(d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:

(i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;

(ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and

(iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.

(3) The health care authority shall report to the legislature in December 2008 and December 2010 on outcome goals for the employee health program.

**NEW SECTION. Sec. 42.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall implement a state employee health demonstration project. The agencies selected must: (a) Show a high rate of health risk assessment completion; (b) document an infrastructure capable of implementing employee health programs using current and emerging best practices; (c) show evidence of senior management support; and (d) together employ a total of no more than eight thousand employees who are enrolled in health plans of the public employees' benefits board. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program.

(2) Agency demonstration project employee health programs:

(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(3) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008 and December 2010 on the demonstration project.

(4) This section expires June 30, 2011.

### PRESCRIPTION MONITORING PROGRAM

**NEW SECTION. Sec. 43.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Authority" means the Washington state health care authority.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a practitioner or pharmacy that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

**NEW SECTION. Sec. 44.** (1) To the extent that funding is available through federal or private grants, or is appropriated by the legislature, the authority shall establish and maintain a web-based interactive prescription monitoring program to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. The program shall be designed to improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and over-prescribing of controlled substances, and improving controlled substance prescribing practices. As much as possible, the authority should establish a common database with other states.

(2) Except as provided in subsection (5) of this section, each dispenser shall submit to the authority by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be immediately reported. The information submitted for each prescription shall include, but not be limited to:

- (a) Patient identifier;
- (b) Drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

(3) Each dispenser shall immediately submit the information in accordance with transmission methods established by the authority.

(4) The authority may issue a waiver to a dispenser that is unable to submit prescription information by electronic means; however, all dispensers shall be required to submit prescription information by electronic means within one year from the effective date of this section. The waiver may permit the dispenser to submit prescription information by paper form or other means, provided all information required in subsection (2) of this section is submitted in this alternative format.

(5) The data submission requirements of this section do not apply to:

(a) Medications provided to patients receiving inpatient services provided at hospitals licensed under chapter 70.41 RCW; or patients of such hospitals receiving services at the clinics, day surgery areas, or other settings within the hospital's license where the medications are administered in single doses; or

(b) Pharmacies operated by the department of corrections for the purpose of providing medications to offenders in prison or in a work release program that is receiving pharmaceutical services from a department of corrections pharmacy.

(6) The authority shall seek federal grants to support the activities described in this act. As state and federal funds are available, the authority shall develop and implement the prescription monitoring program. The authority may not require a practitioner or

a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

(7) To the extent that funding is available through federal or private grants, or is appropriated by the legislature, the authority shall submit an implementation plan to the legislature within six months of receipt of funding under this subsection that builds upon the web-based interactive prescription monitoring program established in this chapter. The plan shall expand the information included in the prescription drug monitoring program to include information related to all legend drugs, as defined in RCW 69.41.010(12), dispensed or paid for through fee-for-service or managed care contracting, on behalf of persons receiving health care services through state-purchased health care programs administered by the authority, the department of social and health services, the department of labor and industries, and the department of corrections. The implementation plan shall be designed to improve the quality of state-purchased health services by reducing legend drug abuse, reducing duplicative prescribing and over-prescribing of legend drugs, and improving legend drug prescribing practices. The implementation plan shall include mechanisms that will allow persons authorized to prescribe or dispense controlled substances to query the web-based interactive prescription monitoring program and obtain timely information regarding legend drug utilization history of persons for whom they are providing medical or pharmaceutical care when such persons are receiving health services through the programs included in this subsection.

**NEW SECTION. Sec. 45.** (1) Prescription information submitted to the authority shall be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to disclosure, except as provided in subsections (3), (4), and (5) of this section.

(2) The authority shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3), (4), and (5) of this section.

(3) The authority shall review the prescription information. The authority shall notify the practitioner and allow explanation or correction of any problem. If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the authority shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide prescription information required for an investigation.

(4) The authority may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

(g) Other entities under grand jury subpoena or court order; and

(h) Personnel of the department of health for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(5) The authority may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(6) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

**NEW SECTION. Sec. 46.** The authority may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 45 of this act and is subject to the penalties specified in section 48 of this act for unlawful acts.

**NEW SECTION. Sec. 47.** The authority shall adopt rules to implement this chapter.

**NEW SECTION. Sec. 48.** (1) A dispenser who knowingly fails to submit prescription monitoring information to the authority as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with chapter 70.02 RCW and federal health care information privacy requirements, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved with the patient in order to provide safe and appropriate care coordination.

**Sec. 49.** RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~(and)~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the health care authority under chapter 41.-- RCW (sections 43 through 48 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

## STRATEGIC HEALTH PLANNING

**NEW SECTION. Sec. 50.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health care provider" means an individual who holds a license issued by a disciplining authority identified in RCW 18.130.040 and who practices his or her profession in a health care facility or provides a health service.

(2) "Health facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers, ambulatory diagnostic, treatment, or surgical facilities, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision, including a public hospital district, or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(3) "Health service" or "service" means that service, including primary care service, offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(4) "Health service area" means a geographic region appropriate for effective health planning that includes a broad range of health services.

(5) "Office" means the office of financial management.

(6) "Strategy" means the statewide health resources strategy.

**NEW SECTION. Sec. 51.** (1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

(c) Maintain access to deidentified data collected and stored by any public and private organizations as necessary to support its planning responsibilities, including state-purchased health care program data, hospital discharge data, and private efforts to collect utilization and claims-related data. The office is authorized to enter into any data sharing agreements and contractual arrangements necessary to obtain data or to distribute data. Among the sources of deidentified data that the office may access are any databases established pursuant to the recommendations of the health information infrastructure advisory board established by chapter 261, Laws of 2005. The office may store limited data sets as necessary to support its activities. Unless specifically authorized, the office shall not collect data directly from the records of health care providers and health care facilities, but shall make use of databases that have already collected such information; and

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

(3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners, representatives of government and nongovernment health care purchasers,

representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long-term care facilities, representatives of community-based long-term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.

**NEW SECTION. Sec. 52.** (1) The office, in consultation with the technical advisory committee established under section 51 of this act, shall develop a statewide health resources strategy. The strategy shall establish statewide health planning policies and goals related to the availability of health care facilities and services, quality of care, and cost of care. The strategy shall identify needs according to geographic regions suitable for comprehensive health planning as designated by the office.

(2) The development of the strategy shall consider the following general goals and principles:

(a) That excess capacity of health services and facilities place considerable economic burden on the public who pay for the construction and operation of these facilities as patients, health insurance purchasers, carriers, and taxpayers; and

(b) That the development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care, as well as projections of need for health facilities and services, are essential to effective strategic health planning.

(3) The strategy, with public input by health service areas, shall include:

(a) A health system assessment and objectives component that:

(i) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs; and

(ii) Identifies key policy objectives for the state health system related to access to care, health outcomes, quality, and cost-effectiveness;

(b) A health care facilities and services plan that shall assess the demand for health care facilities and services to inform state health planning efforts and direct certificate of need determinations, for those facilities and services subject to certificate of need as provided in chapter 70.38 RCW. The plan shall include:

(i) An inventory of each geographic region's existing health care facilities and services;

(ii) Projections of need for each category of health care facility and service, including those subject to certificate of need;

(iii) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process; and

(iv) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region;

(c) A health care data resource plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall inventory existing data resources, both public and private, that store and disclose information relevant to the health planning process, including information necessary to conduct certificate of need activities pursuant to chapter 70.38 RCW. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health planning activities. The plan may recommend that the office be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health planning data. The plan shall provide recommendations for increasing the

availability of data related to health planning to provide greater community involvement in the health planning process and consistency in data used for certificate of need applications and determinations;

(d) An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary;

(e) A rural health resource plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health workforce, and transportation needs for accessing appropriate care.

(4) The office shall submit the initial strategy to the governor by January 1, 2010. Every two years the office shall submit an updated strategy. The health care facilities and services plan as it pertains to a distinct geographic planning region may be updated by individual categories on a rotating, biannual schedule.

(5) The office shall hold at least one public hearing and allow opportunity to submit written comments prior to the issuance of the initial strategy or an updated strategy. A public hearing shall be held prior to issuing a draft of an updated health care facilities and services plan, and another public hearing shall be held before final adoption of an updated health care facilities and services plan. Any hearing related to updating a health care facilities and services plan for a specific planning region shall be held in that region with sufficient notice to the public and an opportunity to comment.

**NEW SECTION. Sec. 53.** The office shall submit the strategy to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. As the health care facilities and services plan is updated for any specific geographic planning region, the office shall submit that plan to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. The office shall not issue determinations of the merits of specific project proposals submitted by applicants for certificates of need.

**NEW SECTION. Sec. 54.** (1) The office may respond to requests for data and other information from its computerized system for special studies and analysis consistent with requirements for confidentiality of patient, provider, and facility-specific records. The office may require requestors to pay any or all of the reasonable costs associated with such requests that might be approved.

(2) Data elements related to the identification of individual patient's, provider's, and facility's care outcomes are confidential, are exempt from RCW 42.56.030 through 42.56.570 and 42.17.350 through 42.17.450, and are not subject to discovery by subpoena or admissible as evidence.

**Sec. 55.** RCW 70.38.015 and 1989 1st ex.s. c 9 s 601 are each amended to read as follows:

It is declared to be the public policy of this state:

(1) That strategic health planning ((~~to~~)) efforts must be supported by appropriately tailored regulatory activities that can effectuate the goals and principles of the statewide health resources strategy developed pursuant to chapter 43.-- RCW (sections 50 through 54 of this act). The implementation of the strategy can promote, maintain, and assure the health of all citizens in the state, ((~~to~~)) provide accessible health services, health manpower, health facilities, and other resources while controlling ((~~excessive~~)) increases in costs, and ((~~to~~)) recognize prevention as a high priority in health programs((~~is essential to the health, safety, and welfare of the people of the state. Health planning should be responsive to changing health and social needs and conditions~~)). Involvement in

health planning from both consumers and providers throughout the state should be encouraged;

(2) ~~((That the development of health services and resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities and without unnecessary duplication or fragmentation))~~ That the certificate of need program is a component of a health planning regulatory process that is consistent with the statewide health resources strategy and public policy goals that are clearly articulated and regularly updated;

(3) That the development and maintenance of adequate health care information, statistics and projections of need for health facilities and services is essential to effective health planning and resources development;

(4) That the development of nonregulatory approaches to health care cost containment should be considered, including the strengthening of price competition; and

(5) That health planning should be concerned with public health and health care financing, access, and quality, recognizing their close interrelationship and emphasizing cost control of health services, including cost-effectiveness and cost-benefit analysis.

**NEW SECTION. Sec. 56.** (1) For the purposes of this section and RCW 70.38.015 and 70.38.135, "statewide health resource strategy" or "strategy" means the statewide health resource strategy developed by the office of financial management pursuant to chapter 43.-- RCW (sections 50 through 54 of this act).

(2) Effective January 1, 2010, for those facilities and services covered by the certificate of need programs, certificate of need determinations must be consistent with the statewide health resources strategy developed pursuant to section 52 of this act, including any health planning policies and goals identified in the statewide health resources strategy in effect at the time of application. The department may waive specific terms of the strategy if the applicant demonstrates that consistency with those terms will create an undue burden on the population that a particular project would serve, or in emergency circumstances which pose a threat to public health.

**Sec. 57.** RCW 70.38.135 and 1989 1st ex.s. c 9 s 607 are each amended to read as follows:

The secretary shall have authority to:

(1) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis;

(2) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary for the administration of the certificate of need program;

(3) Upon review of recommendations, if any, from the board of health or the office of financial management as contained in the Washington health resources strategy;

(a) Promulgate rules under which health care facilities providers doing business within the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter;

(b) Promulgate rules pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI;

(c) Promulgate rules in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need;

(d) Promulgate rules providing circumstances and procedures of expedited certificate of need review if there has not been a significant change in existing health facilities of the same type or in the need for such health facilities and services;

(4) Grant allocated state funds to qualified entities, as defined by the department, to fund not more than seventy-five percent of the costs of regional planning activities, excluding costs related to review of applications for certificates of need, provided for in this chapter or approved by the department; and

(5) Contract with and provide reasonable reimbursement for qualified entities to assist in determinations of certificates of need.

**NEW SECTION. Sec. 58.** RCW 70.38.919 (Effective date-- State health plan--1989 1st ex.s. c 9) and 1989 1st ex.s. c 9 s 610 are each repealed.

**NEW SECTION. Sec. 59.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 60.** Sections 43 through 48 of this act constitute a new chapter in Title 41 RCW.

**NEW SECTION. Sec. 61.** Sections 50 through 54 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 62.** Subheadings used in this act are not any part of the law.

**NEW SECTION. Sec. 63.** Sections 18 through 22 of this act take effect January 1, 2008.

**NEW SECTION. Sec. 64.** If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

- (1) Section 2 of this act;
- (2) Section 9 of this act (Washington state quality forum);
- (3) Section 10 of this act (health records banking pilot project);
- (4) Section 14 of this act;
- (5) Section 42 of this act (state employee health demonstration project);
- (6) Sections 50 through 57 of this act."

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta; Curtis and Moeller.

Referred to Committee on Appropriations.

March 27, 2007

**SSB 5967** Prime Sponsor, Senate Committee On Ways & Means: Concerning the sales of vehicles and associated services to nonresidents of Washington. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 28, 2007

**SSB 5987** Prime Sponsor, Senate Committee On Judiciary: Increasing penalties for gang-related offenses. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the people of Washington state face a crisis brought upon by increased gang crime and violence, which is threatening public safety in communities across the state. Those who live in communities where gang membership is on the rise find themselves living with the daily threat of intimidation and harassment. Ordinary citizens are increasingly vulnerable to gang-related crimes such as drug dealing, damage to real property, theft of personal property and automobiles, or even assault, rape, and murder. Even those not directly affected by gang-related crime, share in the indirect costs such as lower property values, higher insurance premiums, and the endangerment of our youth. Moreover, our first responders find themselves increasingly vulnerable to personal injury or death when responding to gang-related crimes such as drug dealing, assault, driving without a license, or attempting to elude a police vehicle.

It is the intent of the legislature to establish a work group to evaluate and make legislative recommendations regarding the problem of gang-related crime in Washington state.

**NEW SECTION. Sec. 2.** The Washington association of sheriffs and police chiefs is directed to convene a work group to evaluate the problem of gang-related crime in Washington state. Members shall include one member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives, one member from each of the two largest caucuses in the senate, appointed by the president of the senate, and representatives of the following, appointed jointly by the president of the senate and the speaker of the house of representatives: The office of the attorney general, local law enforcement, prosecutors and municipal attorneys, criminal defense attorneys, court administrators, prison or detention administrators and probation officers, and experts in gang or delinquency prevention including the governor's juvenile justice advisory committee. The work group shall evaluate and make recommendations regarding additional legislative measures to combat gang-related crime, the creation of a statewide gang information database, possible reforms to the juvenile justice system for gang-related juvenile offenses, best practices for prevention and intervention of youth gang membership, and the adoption of legislation authorizing a civil antigang injunction. The Washington association of sheriffs and police chiefs shall report back to the legislature on its findings and the recommendations of the work group or groups on or before January 1, 2008."

Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

March 27, 2007

**SB 6075** Prime Sponsor, Senator Haugen: Increasing competitive bid limits for the purchase of materials, equipment, or supplies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

March 28, 2007

**SB 6107** Prime Sponsor, Senator Zarelli: Reviewing pipeline capacity and distribution in southwest Washington.

Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The energy facility site evaluation council shall review the status of pipeline utility corridor capacity and distribution for petroleum in the southwest region of the state. In conducting this study, the council shall, at a minimum, review the following:

(a) Whether pipeline utility corridor constraints exist, and if so, to what extent;

(b) Whether there is adequate pipeline utility corridor capacity in the state to meet existing demand; and

(c) Whether the current pipeline utility corridor system is expected to meet projected demand growth in the southwest region of the state.

(2) The council may also examine pipeline utility corridor capacity and distribution in other areas of the state to the extent that it has an impact on supply to southwest Washington.

(3) In conducting this review, the council shall coordinate, to the extent possible, with any regional pipeline infrastructure studies already being conducted in the southwest region of the state.

(4) The council shall submit its findings to the legislature by December 1, 2007.

(5) For purposes of this section, "council" means the energy facility site evaluation council.

(6) This section expires July 1, 2008."

Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Appropriations.

March 27, 2007

**SSJM 8011** Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Petitioning Congress to raise funding levels of the No Child Left Behind Act. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 3, at the beginning of line 4, insert "WHEREAS, Career and technical education teachers are often hired from industries in which a bachelor's degree is not the preferred level of certification; and

WHEREAS, The Washington State Legislature passed legislation in 2006 that recognizes credit for core academic subjects learned through career and technical education, but if the teacher does not have a bachelor's degree the school district must report them to parents as "not highly qualified," which places these teachers at a disadvantage in school districts; and

WHEREAS, Positive changes in the definition of highly qualified teachers will assist in the awarding of equivalency credits and remove the stigma surrounding industry-certified teachers; and"

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Roach; Santos and P. Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 26, 2007

SJR 8212 Prime Sponsor, Senator Hargrove: Revising limitations on use of inmate labor. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorial and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading Suspension calendar:

SENATE BILL NO. 5011,  
SENATE BILL NO. 5079,  
ENGROSSED SENATE BILL NO. 5166,  
SUBSTITUTE SENATE BILL NO. 5191,  
SENATE BILL NO. 5253,  
SENATE BILL NO. 5620,  
SUBSTITUTE SENATE BILL NO. 5625,  
SENATE BILL NO. 5635,  
SUBSTITUTE SENATE BILL NO. 5639,  
SUBSTITUTE SENATE BILL NO. 5674,  
SUBSTITUTE SENATE BILL NO. 5720,  
SENATE BILL NO. 5759,  
SUBSTITUTE SENATE BILL NO. 5898,  
SUBSTITUTE SENATE BILL NO. 5952,  
SENATE BILL NO. 5957,  
SENATE JOINT MEMORIAL NO. 8008,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 30, 2007, the 82nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTY SECOND DAY

House Chamber, Olympia, Friday, March 30, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rochelle Torgusen and Tomanique Jones. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Michelle Campton-Stehr, Crown Hill United Methodist Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4653, by Representatives Roach, Dunn, DeBolt, Kenney, Newhouse, Ross, Skinner, Hankins, McDonald, Jarrett, Miloscia, Chandler, Flannigan, McCoy, Pettigrew, Eickmeyer, Eddy, Hunt, Linville, Blake, Green, Alexander, Appleton, Pedersen, Hinkle, Rodne, Schindler, Hailey, Crouse, Campbell, Kristiansen, Strow, Buri, Bailey, Hunter, Sump, Warnick, Orcutt, Wood, Ormsby, Morris, Hurst, Roberts, Chase, Cody, Conway, Darneille, Barlow, Santos, Grant, Kagi, B. Sullivan, Quall, Kirby, Hasegawa, Williams, Goodman, Kelley, P. Sullivan and McIntire

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Autism is the fastest-growing developmental disability, affecting 1 million to 1.5 million Americans - 1 in 250 babies born; and

WHEREAS, Many children are not diagnosed until after 3 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism - delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, Families, caregivers, advocates, and organizations are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better-equipped to support

the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Autism Society of Washington.

Representative Roach moved the adoption of the resolution.

Representatives Roach and Roberts spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4653 was adopted.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 28, 2007

SSB 5032 Prime Sponsor, Senator Committee On Government Operations & Elections: Concerning the Vancouver national historic reserve. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 27, 2007

ESSB 5112 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Allowing auctioneers to auction vessels without registering as a vessel dealer. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, line 6, after "fees" strike all material through "waived" on line 7 and insert "and surety bond requirements in RCW 88.02.060 are waived"

On page 2, beginning on line 8, strike all of section 2

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 28, 2007

2SSB 5164 Prime Sponsor, Senate Committee On Ways & Means: Expanding the veterans conservation corps program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

March 27, 2007

SSB 5097 Prime Sponsor, Senate Committee On Ways & Means: Regarding safe schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

March 28, 2007

SSB 5174 Prime Sponsor, Senate Committee On Ways & Means: Making corrections in the public retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5175 Prime Sponsor, Senator Pridemore: Providing annual increases in certain retirement allowances. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney;

Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 28, 2007

2SSB 5188 Prime Sponsor, Senate Committee On Transportation: Establishing a wildlife rehabilitation program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, **Sec. 1.** The legislature finds that licensed wildlife rehabilitators often work closely with local law enforcement, animal control officers, wildlife enforcement officers, and wildlife biologists at the state and federal levels to aid in the safe capture, testing for disease, medical treatment, rehabilitation, and release of wildlife. The state recognizes the critical role licensed wildlife rehabilitators play in capturing and caring for the sick, injured, and orphaned wildlife of Washington state.

**Sec. 2.** RCW 46.16.606 and 1991 sp.s. c 7 s 13 are each amended to read as follows:

In addition to the fees imposed in RCW 46.16.585 for application and renewal of personalized license plates an additional fee of ~~((ten))~~ twelve dollars shall be charged. ~~((The revenue))~~ Ten dollars from the additional fee shall be deposited in the state wildlife ~~((fund))~~ account and used for the management of resources associated with the nonconsumptive use of wildlife. Two dollars from the additional fee shall be deposited into the wildlife rehabilitation account created under section 3 of this act.

NEW SECTION, **Sec. 3.** A new section is added to chapter 77.12 RCW to read as follows:

The wildlife rehabilitation account is created in the state treasury. All receipts from moneys directed to the account from RCW 46.16.606 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the support of the wildlife rehabilitation program created under section 4 of this act.

NEW SECTION, **Sec. 4.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The director shall establish a wildlife rehabilitation program to help support the critical role licensed wildlife rehabilitators play in protecting the public by capturing, testing for disease, and caring for sick, injured, and orphaned wildlife in Washington state. The director shall contract for wildlife rehabilitation services with up to four people in each of the department's six administrative regions. Applicants may submit only one request every two years and must reside in the administrative region for which they have applied. The contracts must be for a term of two years.

(2) In order to receive funding, the wildlife rehabilitator must: (a) Be properly licensed in wildlife rehabilitation under state and federal law; and (b) furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol to include a national criminal background check. The applicant must pay for the cost of the criminal background check. If the background check reveals that the applicant has been convicted of a felony or gross misdemeanor, the applicant is ineligible to receive funding.

(3) The department must require that contractors submit detailed reports accounting for all expenditures of state funds. The reports must be submitted to the department on a quarterly basis. The department may require the contractor to submit to an inspection of the rehabilitation facility to ensure compliance with department rules governing wildlife rehabilitation. Expenditures that are permitted

under this program as they specifically relate to wildlife rehabilitation include: (a) Reimbursement for diagnostic and lab support services; (b) purchase and maintenance of proper restraints and equipment used in the capture, transportation, temporary housing, and release of wildlife; (c) reimbursement of contracted veterinary services; (d) reimbursement of the cost of food, medication, and other consumables; and (e) reimbursement of the cost of continuing education. The department shall give priority to applications submitted that provide for the rehabilitation of endangered or threatened species. Funds may not be used to rehabilitate either nonnative species or nuisance animals, or both, including, but not limited to the following: Eastern gray squirrels (*Sciurus carolinensis*); opossum (*Didelphis virginiana*); raccoons (*Procyon lotor*); striped skunk (*Mephitis mephitis*); spotted skunk (*Spilogale putorius*); Eastern cottontail rabbit (*Sylvilagus floridanus*); domestic rabbit (*Oryctolagus cuniculus*); European starling (*Sturnus vulgaris*); and house sparrow (*Passer domesticus*).

(4) The department may adopt any rules as are necessary to carry out this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.12 RCW to read as follows:

The department must develop a process for renewing wildlife rehabilitation licenses. All wildlife rehabilitation licenses issued by the department prior to January 1, 2006, must be renewed by January 1, 2010. The department may adopt rules as necessary to implement this section.

**NEW SECTION. Sec. 6.** Section 2 of this act is effective for registrations due or to become due on or after January 1, 2008."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; McCoy; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse and Orcutt.

Referred to Committee on Appropriations.

March 28, 2007

**SSB 5224** Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Concerning the governor's salmon recovery office. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.85.010 and 2005 c 309 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 77.85.060(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat

projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreements, a nonprofit organization, regional fisheries enhancement group, or one or more private citizens. A project sponsored by a state agency may be funded by the board only if it is included on the habitat project list submitted by the lead entity for that area and the state agency has a local partner that would otherwise qualify as a project sponsor.

(7) "Regional recovery organization" or "regional salmon recovery organization" means an entity formed under RCW 77.85.090 for the purpose of recovering salmon, which is recognized in statute or by the governor's salmon recovery office.

(8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(9) "Salmon recovery plan" means a state or regional plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(10) "Salmon recovery region" means geographic areas of the state identified or formed under RCW 77.85.090 that encompass groups of watersheds in the state with common stocks of salmon identified for recovery activities, and that generally are consistent with the geographic areas within the state identified by the national oceanic and atmospheric administration or the United States fish and wildlife service for activities under the federal endangered species act.

(11) "Salmon recovery strategy" means the strategy adopted under RCW 77.85.150 and includes the compilation of all subbasin and regional salmon recovery plans developed in response to a proposed or actual listing under the federal endangered species act with state hatchery, harvest, and hydropower plans compiled in accordance with RCW 77.85.150.

(12) "Tribe" or "tribes" means federally recognized Indian tribes.

(13) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(14) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

**Sec. 2.** RCW 77.85.020 and 2005 c 309 s 3 are each amended to read as follows:

(1) ~~((By December 1, 2006))~~ No later than January 31, 2009, and every odd-numbered year thereafter, the governor's salmon recovery office shall submit a biennial state of the salmon report to the legislature and the governor regarding the implementation of the state's salmon recovery strategy. The report ((may)) must include the following:

~~(a) ((A description of the amount of in-kind and financial contributions, including volunteer, private, and state, federal, tribal as available, and local government money directly spent on salmon recovery in response to actual, proposed, or expected endangered species act listings;~~

~~---(b))~~ A summary of habitat projects including but not limited to:

(i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;

(ii) A summary of salmon restoration efforts undertaken in the past two years;

(iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and

(iv) A summary of efforts taken to protect salmon habitat;

~~((c) A summary of collaborative efforts undertaken with adjoining states or Canada;~~

~~(d)) (b) A summary of harvest and hatchery management activities affecting salmon recovery;~~

~~((c) A summary of information regarding impediments to successful salmon recovery efforts;~~

~~(f)) (c) A summary of the number and types of violations of existing laws pertaining to ~~(i) Water quality; and (ii))~~ salmon. The summary ~~((shall))~~ may include information about the types of sanctions imposed for these violations~~((;~~~~

~~(g) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998; and~~

~~(h) Recommendations to the legislature that would further the success of salmon recovery. The recommendations may include:~~

~~(i) The need to expand or improve nonregulatory programs and activities;~~

~~(ii) The need to expand or improve state and local laws and regulations; and~~

~~(iii) Recommendations for state funding assistance to recovery activities and projects)).~~

(2) The report may include the following:

(a) A description of the amount of in-kind financial contributions, including volunteer, private, state, federal, tribal, as available, and local government funds directly spent on salmon recovery in response to endangered species act listings; and

(b) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998.

(3) The report shall summarize the monitoring data coordinated by the ~~((monitoring))~~ forum on monitoring salmon recovery and watershed health. The summary ~~((must))~~ may include but is not limited to data and analysis related to:

(a) Measures of progress in fish recovery;

(b) Measures of factors limiting recovery as well as trends in such factors; and

(c) The status of implementation of projects and activities.

(4) The department, the department of ecology, the department of natural resources, the state conservation commission, and the forum on monitoring salmon recovery and watershed health shall provide to the governor's salmon recovery office information requested by the office necessary to prepare the state of the salmon report and other reports produced by the office.

**Sec. 3.** RCW 77.85.030 and 2005 c 309 s 4 are each amended to read as follows:

(1) The governor's salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150.

(2) The governor's salmon recovery office is responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) The governor's salmon recovery office shall also gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans. The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery. The governor's salmon recovery office shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans,

programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans; ~~((and))~~

(c) Provide periodic reports pursuant to RCW 77.85.020;

(d) Provide, as appropriate, technical and administrative support to the independent science panel or other science-related panels on issues pertaining to salmon recovery;

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

~~((2))~~ (5) This section expires June 30, ~~((2007))~~ 2015.

**Sec. 4.** RCW 77.85.040 and 2005 c 309 s 5 are each amended to read as follows:

(1) The governor ~~((shall))~~ may request the ~~((national))~~ Washington academy of sciences, ~~((the American fisheries society, or a comparable institution to screen candidates to serve as members on the))~~ when organized pursuant to chapter 305, Laws of 2005, to impanel an independent science panel on salmon recovery to respond to requests for review pursuant to subsection (2) of this section. ~~((The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate.))~~ The ~~((candidates))~~ panel shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

~~((2))~~ The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

~~((3))~~ The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. ~~The independent science panel members shall elect the chair of the panel among themselves every two years.~~ Based upon available funding, the governor's salmon recovery office may contract for services ~~((with members))~~ of the independent science panel for compensation under chapter 39.29 RCW.

~~((4))~~ (2) The independent science panel shall be governed by ~~((generally accepted))~~ guidelines and practices governing the activities of ~~((independent science boards such as))~~ the ~~((national))~~ Washington academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office may request ~~((review of regional salmon recovery plans by the science review panel))~~ that the panel review, investigate, and provide its findings on scientific questions relating to the state's salmon recovery efforts. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 77.85.050 or 77.85.060 or to make policy decisions. The panel shall ~~((periodically))~~ submit its findings and recommendations under this subsection to the legislature and the governor.

**Sec. 5.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

**Sec. 6.** RCW 77.85.150 and 2005 c 309 s 9 are each amended to read as follows:

(1) The governor, with the assistance of the governor's salmon recovery office(;) shall maintain and revise, as appropriate, a statewide salmon recovery strategy.

(2) The governor and the salmon recovery office shall be guided by the following considerations in maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) (~~Beginning on September 1, 2000;~~) If the strategy (~~shall be~~) is updated (~~through~~), an active and thorough public involvement process, including early and meaningful opportunity for public comment, must be utilized. In obtaining public comment, the governor's salmon recovery office shall (~~hold public meetings~~) work with regional salmon recovery organizations throughout the state and shall encourage regional and local recovery planning efforts to (~~similarly~~) ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

**Sec. 7.** RCW 43.41.270 and 2001 c 227 s 2 are each amended to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome-focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the governor's salmon recovery office shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure

outcome-focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.210.

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section. The office of financial management shall report to the appropriate legislative committees of the legislature on the agencies' implementation of this section, including any necessary changes in current law, and funding requirements by July 31, 2002. Natural resource agencies shall assist the office of financial management in preparing the report, including complying with time frames for submitting information established by the office of financial management.

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the interagency committee for outdoor recreation, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW (~~(79.24.580)~~) 79.105.150; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public (~~(work[s])~~) works trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

**NEW SECTION. Sec. 8.** A new section is added to chapter 77.85 RCW to read as follows:

(1) The legislature finds that pursuant to chapter 298, Laws of 2001, and acting upon recommendations of the state's independent science panel, the monitoring oversight committee developed recommendations for a comprehensive statewide strategy for monitoring watershed health, with a focus upon salmon recovery, entitled *The Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. The legislature further finds that funding to begin implementing the strategy and action plan was provided in the 2003-2005 biennial budget, and that executive order 04-03 was issued to coordinate state agency implementation activities. It is therefore the purpose of this section to adopt the strategy and action plan and to provide guidance to ensure that the coordination activities directed by executive order 04-03 are effectively carried out.

(2) The forum on monitoring salmon recovery and watershed health is created. The governor shall appoint a person with experience and expertise in natural resources and environmental quality monitoring to chair the forum. The chair shall serve four-year terms and may serve successive terms. The forum shall include representatives of the following state agencies and regional entities that have responsibilities related to monitoring of salmon recovery and watershed health:

- (a) Department of ecology;
- (b) Salmon recovery funding board;
- (c) Salmon recovery office;
- (d) Department of fish and wildlife;
- (e) Department of natural resources;
- (f) Puget Sound action team, or a successor state agency;
- (g) Conservation commission;
- (h) Department of agriculture;
- (i) Department of transportation; and

(j) Each of the regional salmon recovery organizations.

(3) The forum on monitoring salmon recovery and watershed health shall provide a multiagency venue for coordinating technical and policy issues and actions related to monitoring salmon recovery and watershed health.

(4) The forum on monitoring salmon recovery and watershed health shall recommend a set of measures for use by the governor's salmon recovery office in the state of the salmon report to convey results and progress on salmon recovery and watershed health in ways that are easily understood by the general public.

(5) The forum on monitoring salmon recovery and watershed health shall invite the participation of federal, tribal, regional, and local agencies and entities that carry out salmon recovery and watershed health monitoring, and work toward coordination and standardization of measures used.

(6) The forum on monitoring salmon recovery and watershed health shall periodically report to the governor and the appropriate standing committees of the senate and house of representatives on the forum's activities and recommendations for improving monitoring programs by state agencies, coordinating with the governor's salmon recovery office biennial report as required by RCW 77.85.020.

(7) The forum shall review pilot monitoring programs including those that integrate (a) data collection, management, and access; and (b) information regarding habitat projects and project management.

(8) The forum on monitoring salmon recovery and watershed health shall review and make recommendations to the office of financial management and the appropriate legislative committees on agency budget requests related to monitoring salmon recovery and watershed health. These recommendations must be made no later than September 15th of each year. The goal of this review is to prioritize and integrate budget requests across agencies.

**NEW SECTION. Sec. 9.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2007."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Dickerson; Grant; Kagi; McCoy; Newhouse; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey and Orcutt.

Referred to Committee on Appropriations.

March 28, 2007

SSB 5225 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Modifying gas and hazardous liquid pipeline provisions. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Erickson; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5247 Prime Sponsor, Senator Spanel: Modifying provisions relating to superior court judicial positions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5248 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Preserving the viability of agricultural lands. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the goal of preserving Washington's agricultural lands is shared by citizens throughout the state. The legislature recognizes that efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have proven difficult, but that good faith efforts to seek solutions have yielded successes. The legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.

(2) The legislature, therefore, intends this act, the temporary delays it establishes for amending or adopting provisions of certain critical area ordinances, and the duties and requirements it prescribes for the William D. Ruckelshaus Center, to be expressions of progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals.

(3) The legislature fully expects the duties and requirements it is prescribing for the Ruckelshaus Center to be successful. If, however, the efforts of the center do not result in a consensus of how to best address the conflicts between agricultural activities and certain regulatory requirements as they apply to agricultural activities, the legislature intends, upon the expiration of the delay, to require jurisdictions that have delayed amending or adopting certain regulatory measures to promptly complete all regulatory amendments or adoptions necessary to comply with the growth management act.

(4) The legislature does not intend this act to reduce or otherwise diminish existing critical area ordinances that apply to agricultural activities during the deferral period established in section 2 of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) For the period beginning May 1, 2007, and concluding July 1, 2009, counties and cities must defer amending or adopting critical area ordinances under RCW 36.70A.060(2) as they specifically apply to agricultural activities. Nothing in this section:

(a) Nullifies critical area ordinances adopted by a county or city prior to May 1, 2007, to comply with RCW 36.70A.060(2);

(b) Limits or otherwise modifies the obligations of a county or city to comply with the requirements of this chapter pertaining to critical areas not associated with agricultural activities; or

(c) Limits the ability of a county or city to adopt or employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

(2) Counties and cities that defer amending or adopting critical area ordinances under subsection (1) of this section must review and revise these ordinances and regulations as they specifically apply to

agricultural activities to comply with the requirements of this chapter by July 1, 2010.

(3) For purposes of this section and section 3 of this act, "agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.

**NEW SECTION. Sec. 3.** (1) Subject to the availability of amounts appropriated for this specific purpose, the William D. Ruckelshaus Center must conduct an examination of the conflicts between agricultural activities and critical area ordinances adopted under chapter 36.70A RCW. The examination required by this section must commence by July 1, 2007.

(2) In fulfilling the requirements of this section, the center must: (a) Work and consult with willing participants including, but not limited to, agricultural, environmental, tribal, and local government interests; and (b) involve and apprise legislators and legislative staff of its efforts.

(3) The examination conducted by the center must be completed in two distinct phases in accordance with the following:

(a) In the first phase, the center must conduct fact-finding and stakeholder discussions with stakeholders identified in subsection (2) of this section. These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas including, but not limited to: (i) Critical area ordinances adopted under chapter 36.70A RCW; (ii) acreage enrolled in the conservation reserve enhancement program; (iii) acreage protected by conservation easements; (iv) buffer widths; (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vii) compliance with water quality requirements. The center must issue a report of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2007; and

(b)(i) In the second phase, the center must facilitate discussions between the stakeholders identified in subsection (2) of this section to identify policy and financial options or opportunities to address the issues and desired outcomes identified by stakeholders in the first phase of the center's examination efforts.

(ii) In particular, the stakeholders must examine innovative solutions including, but not limited to, outcome-based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. Additionally, stakeholders must examine ways to modify statutory provisions to ensure that regulatory constraints on agricultural activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches.

(iii) The center must work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2009 legislative session.

(4) The center must issue a final report of findings and legislative recommendations to the governor and the appropriate committees of the house of representatives and the senate by September 1, 2008.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of section 3 of this act, referencing this act and section 3 of this act

by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 6.** This act expires July 1, 2010."

Correct the title.

Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

March 27, 2007

**SSB 5288** Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Requiring cyberbullying to be included in school district harassment prevention policies. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.300.285 and 2002 c 207 s 2 are each amended to read as follows:

(1) By August 1, 2003, each school district shall adopt or amend if necessary a policy, within the scope of its authority, that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees.

(2) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(a) Physically harms a student or damages the student's property; or

(b) Has the effect of substantially interfering with a student's education; or

(c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(3) The policy should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying.

(4) By August 1, 2002, the superintendent of public instruction, in consultation with representatives of parents, school personnel, and other interested parties, shall provide to school districts and educational service districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in any district policy. Training materials

shall be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the office of the superintendent of public instruction's web site, with a link to the safety center web page. On the web site:

(a) The office of the superintendent of public instruction shall post its model policy, recommended training materials, and instructional materials;

(b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available; and

(c) Individual school districts shall have direct access to the safety center web site to post a brief summary of their policies, programs, partnerships, vendors, and instructional and training materials, and to provide a link to the school district's web site for further information.

(5) The Washington state school directors association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site. The school directors association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means, including but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider. The school directors association shall submit the model policy and sample materials, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy and sample materials on its web site by January 1, 2008. Each school district board of directors shall establish its own policy by August 1, 2008.

(6) As used in this section, "electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall collect and retain a copy of each school district's policy regarding harassment, intimidation, or bullying, including that conducted via electronic means. By December 1, 2008, the superintendent of public instruction shall report to the education committees of the legislature regarding the status of school districts' policies regarding harassment, intimidation, or bullying. The report may also include, but is not limited to, issues of concern at the district or state level regarding the implementation and application of such policies."

Correct the title.

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Anderson, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 28, 2007

ESSB 5292 Prime Sponsor, Senate Committee On Health & Long-Term Care: Requiring the licensing of physical therapist assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

March 28, 2007

SSB 5320 Prime Sponsor, Senate Committee On Judiciary: Creating an office of public guardianship as an independent agency of the judiciary. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

March 28, 2007

SB 5383 Prime Sponsor, Senator Hargrove: Modifying provisions of the energy freedom program. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.110.005 and 2006 c 171 s 1 are each amended to read as follows:

The legislature finds that:

(1) Washington's dependence on energy supplied from outside the state and volatile global energy markets makes its economy and citizens vulnerable to unpredictable and high energy prices;

(2) Washington's dependence on petroleum-based fuels increases energy costs for citizens and businesses;

(3) Diesel soot from diesel engines ranks as the highest toxic air pollutant in Washington, leading to hundreds of premature deaths and increasing rates of asthma and other lung diseases;

(4) The use of biodiesel results in significantly less air pollution than traditional diesel fuels;

(5) Improper disposal and treatment of organic waste from farms and livestock operations can have a significant negative impact on water quality;

(6) Washington has abundant supplies of organic wastes from farms that can be used for energy production and abundant farmland where crops could be grown to supplement or supplant petroleum-based fuels;

(7) The use of energy and fuel derived from these sources can help citizens and businesses conserve energy and reduce the use of petroleum-based fuels, would improve air and water quality in Washington, reduce environmental risks from farm wastes, create new markets for farm products, and provide new industries and jobs for Washington citizens;

(8) The bioenergy industry is a new and developing industry that is, in part, limited by the availability of capital for the construction of facilities for converting farm and forest products into energy and fuels;

(9) Wind-generated electricity provides a pollution-free source of electricity, the utilization of which would be a valuable step toward improving the health of the regional environment;

(10) Instead of leaving our economy at the mercy of global events, and the policies of foreign nations, Washington state should adopt a policy of energy independence; and

~~((H))~~ (11) The energy freedom program is meant to lead Washington state towards energy independence.

Therefore, the legislature finds that it is in the public interest to encourage the rapid adoption and use of wind power and bioenergy, to develop a viable wind and bioenergy industry within Washington state, to promote public research and development in wind and bioenergy sources and markets, and to support wind power production and a viable agriculture industry to grow bioenergy crops. To accomplish this, the energy freedom program is established to promote public research and development in wind power and bioenergy, and to stimulate the construction of facilities in Washington to generate energy from wind and farm sources, or to convert organic matter into fuels.

**Sec. 2.** RCW 15.110.010 and 2006 c 171 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes (~~and~~), state institutions of higher education with appropriate research capabilities, and not for profit or nonprofit corporations as defined in RCW 24.03.005.

(2) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(3) "Department" means the department of ~~((agriculture))~~ community, trade, and economic development.

(4) "Director" means the director of the department of ~~((agriculture))~~ community, trade, and economic development.

(5) "Peer review committee" means a board, appointed by the director, that includes wind or bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

(6) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels, or wind power up to five megawatts.

(7) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Wind power;

(b) Bioenergy sources including but not limited to biomass and associated gases; or

~~((b))~~ (c) The development of markets for bioenergy coproducts.

**Sec. 3.** RCW 15.110.020 and 2006 c 171 s 3 are each amended to read as follows:

(1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of community, trade, and economic development, and the Washington state conservation commission.

(3) The director, in cooperation with the department of community, trade, and economic development, may approve an application only if the director finds:

(a) The project will convert farm products, wind, or wastes directly into electricity or into gaseous or liquid fuels or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration, if applicable;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes, nor does it apply to wind projects;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in RCW 15.110.010 and the findings delivered to the director.

(4) The director may approve an application for assistance up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

(5) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

(6) The director may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

**NEW SECTION. Sec. 4.** This act expires June 30, 2016."

Correct the title.

Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Referred to Committee on Capital Budget.

March 28, 2007

SSB 5445 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Regarding cost-reimbursement agreements. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune,

Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 28, 2007

SSB 5475 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Modifying provisions affecting underground storage tanks. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

March 28, 2007

SSB 5481 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Including conservation measures in performance-based contracting. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 28, 2007

SSB 5503 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Licensing persons who offer athletic training services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the purpose of this chapter to provide for the licensure of persons offering athletic training services to the public and to ensure standards of competence and professional conduct on the part of athletic trainers.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Athlete" means a person who participates in exercise, recreation, sport, or games requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, sports, or games are of a type conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a person who is licensed under this chapter. An athletic trainer can practice athletic training through the

consultation, referral, or guidelines of a licensed health care provider working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency procedures and techniques for nonlife-threatening or life-threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in section 8 of this act; and

(v) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with section 8 of this act.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary, prefabricated or direct-formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of acupuncture as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

(5) "Committee" means the athletic training advisory committee.

(6) "Department" means the department of health.

(7) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage practitioner, acupuncturist, occupational therapist, or podiatric physician and surgeon.

(8) "Secretary" means the secretary of health or the secretary's designee.

**NEW SECTION. Sec. 3.** (1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Establish all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(e) Develop and administer, or approve, or both, examinations to applicants for a license under this chapter;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. However, denial of licenses based on unprofessional conduct or impaired practice is governed by the uniform disciplinary act, chapter 18.130 RCW;

(g) In consultation with the committee, approve examinations prepared or administered by private testing agencies or organizations for use by an applicant in meeting the licensing requirements under section 7 of this act;

(h) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states that have successfully fulfilled the requirements of section 9 of this act;

(i) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(j) Maintain the official department record of all applicants and licensees; and

(k) Establish requirements and procedures for an inactive license.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

**NEW SECTION. Sec. 4.** (1) The athletic training advisory committee is formed to further the purposes of this chapter.

(2) The committee consists of five members. Four members of the committee must be athletic trainers licensed under this chapter and residing in this state, must have not less than five years' experience in the practice of athletic training, and must be actively engaged in practice within two years of appointment. The fifth member must be appointed from the public at large, and have an interest in the rights of consumers of health services.

(3) The committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses.

(4) The committee may be requested by the secretary to approve an examination required for licensure under this chapter.

(5) The committee, at the request of the secretary, may recommend rules in accordance with the administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of athletic training care.

(6) The committee must meet during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice-chair. A majority of the members currently serving constitute a quorum.

(7) Each member of the committee must be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committee must be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the committee.

(8) The secretary, members of the committee, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties.

**NEW SECTION. Sec. 5.** It is unlawful for any person to practice or offer to practice as an athletic trainer, or to represent themselves or other persons to be legally able to provide services as an athletic trainer, unless the person is licensed under the provisions of this chapter.

**NEW SECTION. Sec. 6.** Nothing in this chapter may prohibit, restrict, or require licensure of:

(1) Any person licensed, certified, or registered in this state and performing services within the authorized scope of practice;

(2) The practice by an individual employed by the government of the United States as an athletic trainer while engaged in the performance of duties prescribed by the laws of the United States;

(3) Any person pursuing a supervised course of study in an accredited athletic training educational program, if the person is designated by a title that clearly indicates a student or trainee status;

(4) An athletic trainer from another state for purposes of continuing education, consulting, or performing athletic training services while accompanying his or her group, individual, or representatives into Washington state on a temporary basis for no more than ninety days in a calendar year;

(5) Any elementary, secondary, or postsecondary school teacher, educator, coach, or authorized volunteer who does not represent themselves to the public as an athletic trainer; or

(6) A personal trainer employed by an athletic club or fitness center.

**NEW SECTION. Sec. 7.** An applicant for an athletic trainer license must:

(1) Have received a bachelor's or advanced degree from an accredited four-year college or university that meets the academic standards of athletic training, accepted by the secretary, as advised by the committee;

(2) Have successfully completed an examination administered or approved by the secretary, in consultation with the committee; and

(3) Submit an application on forms prescribed by the secretary and pay the licensure fee required under this chapter.

**NEW SECTION. Sec. 8.** (1) Except as necessary to provide emergency care of athletic injuries, an athletic trainer shall not provide treatment, rehabilitation, or reconditioning services to any person except as specified in guidelines established with a licensed health care provider who is licensed to perform the services provided in the guidelines.

(2) If there is no improvement in an athlete who has sustained an athletic injury within fifteen days of initiation of treatment, rehabilitation, or reconditioning, the athletic trainer must refer the athlete to a licensed health care provider that is appropriately licensed to assist the athlete.

(3) If an athletic injury requires treatment, rehabilitation, or reconditioning for more than forty-five days, the athletic trainer must consult with, or refer the athlete to a licensed health care provider. The athletic trainer shall document the action taken.

**NEW SECTION. Sec. 9.** Each applicant and license holder must comply with administrative procedures, administrative requirements, and fees under RCW 43.70.250 and 43.70.280. The secretary shall furnish a license to any person who applies and who has qualified under the provisions of this chapter.

**NEW SECTION. Sec. 10.** Nothing in this chapter restricts the ability of athletic trainers to work in the practice setting of his or her choice.

**NEW SECTION. Sec. 11.** Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person licensed as an athletic trainer under this chapter.

**Sec. 12.** RCW 48.43.045 and 2006 c 25 s 7 are each amended to read as follows:

(1) Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

((+)) (a) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that:

((+)) (i) The provision of such health services or care is within the health care providers' permitted scope of practice; and

((+)) (ii) The providers agree to abide by standards related to:

((+)) (A) Provision, utilization review, and cost containment of health services;

((+)) (B) Management and administrative procedures; and

((+)) (C) Provision of cost-effective and clinically efficacious health services.

((+)) (b) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals, unless substantially similar information is filed with the commissioner or the national association of insurance commissioners. This requirement does not apply to a foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW that files a supplemental compensation exhibit in its annual statement as required by law.

(2) The requirements of subsection (1)(a) of this section do not apply to a licensed health care profession regulated under Title 18 RCW when the licensing statute for the profession states that such requirements do not apply.

**Sec. 13.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW; ~~(and)~~

(xxii) Recreational therapists; and

(xxiii) Athletic trainers licensed under chapter 18.-- RCW (sections 1 through 11 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 16. This act takes effect July 1, 2008.

NEW SECTION. Sec. 17. The secretary of health may take the necessary steps to ensure that this act is implemented on its effective date."

Correct the title.

Signed by Representatives Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representatives Cody, Chairman; Campbell.

Referred to Committee on Appropriations.

March 28, 2007

2SSB 5652 Prime Sponsor, Senate Committee On Ways & Means: Establishing the microenterprise development program. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

March 27, 2007

SSB 5676 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Revising provision for receipt of temporary total disability. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5714 Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Creating a pilot program of Spanish and Chinese language instruction. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

March 28, 2007

SB 5778 Prime Sponsor, Senator Fraser: Concerning shellfish protection programs. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; O'Brien; Rolfes and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

March 27, 2007

E2SSB 5843 Prime Sponsor, Senate Committee On Ways & Means: Regarding educational data and data systems. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

March 28, 2007

E2SSB 5923 Prime Sponsor, Senate Committee On Ways & Means: Regarding aquatic invasive species enforcement and control. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.400 and 2005 c 464 s 5 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under RCW 77.08.010 (49) through (54), aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(b) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(2) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

~~((2))~~ (3) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol and the department of fish and wildlife to develop an aquatic invasive species enforcement program for recreational and commercial watercraft, which includes equipment used to transport the watercraft and auxiliary equipment such as attached or detached outboard motors. Funds must be expended as follows:

(a) By the Washington state patrol, to inspect recreational and commercial watercraft that are required to stop at port of entry weigh stations managed by the Washington state patrol. The watercraft must be inspected for the presence of (~~zebra mussels and other~~) aquatic invasive species; and

(b) By the department of fish and wildlife to:  
(i) Establish random check stations, (~~in conjunction with the department of fish and wildlife~~) to inspect recreational and commercial watercraft (~~in areas of high boating activity~~) as provided for in RCW 77.12.879(3);

(ii) Inspect or delegate inspection of recreational and commercial watercraft. If the department conducts the inspection, there will be no cost to the person requesting the inspection;

(iii) Provide training to all department employees that are deployed in the field to inspect recreational and commercial watercraft; and

(iv) Provide an inspection receipt verifying that the watercraft is not contaminated after the watercraft has been inspected at a check station or has been inspected at the request of the owner of the recreational or commercial watercraft. The inspection receipt is valid until the watercraft is used again.

~~((3))~~ (4) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

Sec. 2. RCW 77.08.010 and 2005 c 104 s 1 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person

commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering.

(42) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(43) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not

limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(49) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(50) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(51) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(52) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(53) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(54) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(55) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(56) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (49) through (54) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(57) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

**Sec. 3.** RCW 77.12.879 and 2005 c 464 s 3 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft( ~~recreational and commercial watercraft, trailers, and outboard motors at selected boat launching sites~~);

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by ~~((marine))~~ recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department

and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations on how to inspect recreational and commercial watercraft for the presence of ~~((zebra mussels and other))~~ aquatic invasive species. The department ~~((shall also cooperatively work with the Washington state patrol to set up random check stations to inspect watercraft at areas of high boating activity))~~ is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses a recreational or commercial watercraft that is contaminated with aquatic invasive species is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The department shall adopt rules governing how and when the owners of recreational and commercial watercraft may request an inspection of the watercraft for the presence of aquatic invasive species. The department may coordinate with other states on inspection requirements and may determine when other state inspections meet Washington standards.

(2) The department shall develop and post signs warning vessel owners of the threat of aquatic invasive species, the penalties associated with introduction of an aquatic invasive species, and the contact information for obtaining a free inspection. The signs should provide enough information for the public to discern whether the vessel has been operated in an area that would warrant the need for an inspection. The department shall consult with the state patrol and the department of transportation regarding proper placement and authorization for sign posting.

(3) All port districts, privately or publicly owned marinas, state parks, and all state agencies or political subdivisions that own or lease a boat launch must display a sign provided by the department as described under subsection (2) of this section. Signs must be posted in a location near the boat launch to provide maximum visibility to the public.

(4) The department must coordinate with the Washington state parks and recreation commission to include such information in all boating publications provided to the public. The department shall also include the information on the department's internet site.

**Sec. 5.** RCW 77.15.253 and 2002 c 281 s 4 are each amended to read as follows:

(1) A person is guilty of unlawful use of a prohibited aquatic animal species if he or she possesses, imports, purchases, sells, propagates, transports, or releases a prohibited aquatic animal species within the state, except as provided in this section.

(2) Unless otherwise prohibited by law, a person may:

(a) Transport prohibited aquatic animal species to the department, or to another destination designated by the director, in a manner designated by the director, for purposes of identifying a species or reporting the presence of a species;

(b) Possess a prohibited aquatic animal species if he or she is in the process of removing it from watercraft or equipment in a manner specified by the department;

(c) Release a prohibited aquatic animal species if the species was caught while fishing and it is being immediately returned to the water from which it came; or

(d) Possess, transport, or release a prohibited aquatic animal species as the commission may otherwise prescribe.

(3) Unlawful use of a prohibited aquatic animal species is a gross misdemeanor. A subsequent violation of subsection (1) of this section within five years is a class C felony.

(4) A person is guilty of unlawful release of a regulated aquatic animal species if he or she releases a regulated aquatic animal species into state waters, unless allowed by the commission.

(5) Unlawful release of a regulated aquatic animal species is a gross misdemeanor.

(6) A person is guilty of unlawful release of an unlisted aquatic animal species if he or she releases an unlisted aquatic animal species into state waters without requesting a commission designation under RCW 77.12.020.

(7) Unlawful release of an unlisted aquatic animal species is a gross misdemeanor.

(8) This section does not apply to:

(a) The transportation or release of organisms in ballast water;

(b) A person stopped at an aquatic invasive species check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive species, if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(c) A person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department and has received a receipt verifying that the watercraft has not been contaminated since its last use.

**Sec. 6.** RCW 77.15.290 and 2002 c 281 s 7 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by rule of the commission or director.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) A person is guilty of unlawful transport of aquatic plants if the person transports aquatic plants on any state or public road, including forest roads, except as provided in this section.

(5) Unless otherwise prohibited by law, a person may transport aquatic plants:

(a) To the department, or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(b) When legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(c) When transporting a commercial aquatic plant harvester to a suitable location for purposes of removing aquatic plants;

(d) In a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(e) As the commission may otherwise prescribe.

(6) Unlawful transport of aquatic plants is a misdemeanor.

(7) This section does not apply to: (a) Any person stopped at an aquatic invasive species check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic

invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

**NEW SECTION. Sec. 7.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully avoiding aquatic invasive species check stations if the person fails to:

(a) Obey check station signs; or

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer.

(2) Unlawfully avoiding aquatic invasive species check stations is a gross misdemeanor.

**NEW SECTION. Sec. 8.** A new section is added to chapter 77.12 RCW to read as follows:

The department shall develop a programmatic environmental impact statement prepared pursuant to chapter 43.21C RCW, to address the department's aquatic invasive species early detection and rapid response plan created under RCW 77.12.879(2). The plan shall address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species.

**Sec. 9.** RCW 77.120.010 and 2000 c 108 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(2) "Ballast water" means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(3) "Empty/refill exchange" means to pump out, until the tank is empty or as close to empty as the master or operator determines is safe, the ballast water taken on in ports, estuarine, or territorial waters, and then refilling the tank with open sea water.

(4) "Exchange" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States coast guard.

(5) "Flow through exchange" means to flush out ballast water by pumping in midocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

(6) "Nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its natural range.

(7) "Open sea exchange" means an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

(8) "Recognized marine trade association" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia river steamship operators association for the Columbia river.

(9) "Sediments" means any matter settled out of ballast water within a vessel.

(10) "Untreated ballast water" includes exchanged or unexchanged ballast water that has not undergone treatment.

(11) "Vessel" means a ((self-propelled)) ship ((in commerce)), boat, barge, or other floating craft of three hundred gross tons or more, United States and foreign, carrying, or capable of carrying, ballast water into the coastal waters of the state after operating

outside of the coastal waters of the state, except those vessels described in RCW 77.120.020.

(12) "Voyage" means any transit by a vessel destined for any Washington port.

(13) "Waters of the state" means any surface waters, including internal waters contiguous to state shorelines within the boundaries of the state.

**Sec. 10.** RCW 77.120.020 and 2000 c 108 s 3 are each amended to read as follows:

(1) This chapter applies to all vessels (~~(carrying ballast water)~~) transiting into the waters of the state from a voyage, except:

(a) A vessel of the United States department of defense or United States coast guard subject to the requirements of section 1103 of the national invasive species act of 1996, or any vessel of the armed forces, as defined in 33 U.S.C. Sec. 1322(a)(14), that is subject to the uniform national discharge standards for vessels of the armed forces under 33 U.S.C. Sec. 1322(n);

(b) A vessel (~~((+))~~) that discharges ballast water or sediments only at the location where the ballast water or sediments originated, if the ballast water or sediments do not mix with ballast water or sediments from areas other than open sea waters (~~(- or (ii) that does not discharge ballast water in Washington waters); and~~

(c) A vessel in innocent passage, merely traversing the (~~(internal waters of Washington in the Strait of Juan de Fuca, bound for a port in Canada;))~~ territorial sea of the United States and not entering or departing a United States port, (~~(or a vessel in innocent passage; which is a vessel merely traversing the territorial sea of the United States and not entering or departing a United States port;))~~ or not navigating the internal waters of the United States (~~(; and~~

~~(d) A crude oil tanker that does not exchange or discharge ballast water into the waters of the state).~~

(2) This chapter does not authorize the discharge of oil or noxious liquid substances in a manner prohibited by state, federal, or international laws or regulations. Ballast water containing oil, noxious liquid substances, or any other pollutant shall be discharged in accordance with the applicable requirements.

(3) The master or operator in charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers. Nothing in this chapter relieves the master or operator in charge of a vessel of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers.

**Sec. 11.** RCW 77.120.030 and 2004 c 227 s 3 are each amended to read as follows:

(1) The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

~~((+)) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to RCW 77.120.040-))~~

(2) ~~((After July 1, 2007;))~~ Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange, or if the vessel has treated its ballast water, to meet standards set by the department consistent with applicable state and federal laws. ~~((When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.~~

~~(3) Masters, owners, operators, or persons in charge shall submit to the department an interim ballast water management report by July 1, 2006, in the form and manner prescribed by the department. The report shall describe actions needed to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel.~~

Reports may include a statement that there are no treatment methods applicable to the vessel for which the report is being submitted.

~~(4) The ballast water work group created in section 1, chapter 282, Laws of 2002 shall develop recommendations for the interim ballast water management report. The recommendations must include, but are not limited to:~~

~~(a) Actions that the vessel owner or operator will take to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel;~~

~~(b) Necessary plan elements when there are not treatment methods applicable to the vessel for which the report is being submitted, or which would meet the requirements of this chapter; and~~

~~(c) The method, form, and content of reporting to be used for such reports;))~~

(3) The department, in consultation with the ballast water work group, or similar collaborative forum, shall adopt by rule standards for the discharge of ballast water into the waters of the state and their implementation timelines. The standards are intended to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species. In developing these standards, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards must be compatible with standards set by the United States coast guard, the federal clean water act (33 U.S.C. Sec. 1251-1387), or the international maritime organization.

(4) The master, operator, or person in charge of a vessel is not required to conduct an open sea exchange or treatment of ballast water if the master, operator, or person in charge of a vessel determines that the operation would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (d) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section.

(5) For treatment technologies requiring shipyard modification ((that cannot reasonably be performed prior to July 1, 2007, the department shall provide the vessel owner or operator with an extension to the first scheduled drydock or shipyard period following July 1, 2007)), the department may enter into a compliance plan with the vessel owner. The compliance plan must include a timeline consistent with drydock and shipyard schedules for completion of the modification. The department shall adopt rules for compliance plans under this subsection.

(6) For an exemption claimed in subsection (4) of this section, the department shall adopt rules for defining exemption conditions, requirements, compliance plans, or alternative ballast water management strategies to meet the intent of this section.

~~((6))~~ (7) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

~~((7))~~ (8) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

~~((8))~~ (9) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

**Sec. 12.** 2004 c 227 s 2 (uncodified) is amended to read as follows:

(1) ((The director of the department of fish and wildlife need not establish the)) A ballast water work group is created to assist the

department in the implementation of this chapter. The director shall make appointments to the work group from the names provided by the entities identified in this section.

(2) The ballast water work group consists of the following individuals:

(a) One staff person from the governor's executive policy office. This person must act as chair of the ballast water work group;

(b) Two representatives from the ~~((Puget Sound steamship operators))~~ Pacific merchant shipping association;

(c) Two representatives from the Columbia river steamship operators;

(d) Three representatives from the Washington public ports, one of whom must be a marine engineer;

(e) Two representatives from the petroleum transportation industry;

(f) One representative from the Puget Sound water quality action team;

(g) Two representatives from the environmental community;

(h) One representative of the shellfish industry;

(i) One representative of the tribes;

(j) One representative of maritime labor; ~~((and))~~

(k) One representative from the department ~~((of fish and wildlife));~~

~~(l) One representative from the department of ecology;~~

~~(m) One representative from the cruise ship industry; and~~

~~(n) One representative from the department of natural resources.~~

(3) The ballast water work group must ~~((study, and provide a report to the legislature by December 15, 2006, the following issues))~~ begin operation immediately upon the effective date of this section. The Puget Sound action team or its successor agency must provide staff for the ballast water work group from existing personnel within the action team. The ballast water work group must:

(a) ~~((All issues relating to ballast water technology, including exchange and treatment methods, management plans, the associated costs, and the availability of feasible and proven ballast water treatment technologies that could be cost-effectively installed on vessels that typically call on Washington ports;~~

~~(b) The services needed by the industry and the state to protect the marine environment, including penalties and enforcement;~~

~~(c) The costs associated with, and possible funding methods for, implementing the ballast water program;~~

~~(d) Consistency with federal and international standards, and identification of gaps between those standards, and the need for additional measures, if any, to meet the goals of this chapter;~~

~~(e) Describe how the costs of treatment required as of July 1, 2007, will be substantially equivalent among ports where treatment is required;~~

~~(f) Describe how the states of Washington and Oregon are coordinating their efforts for ballast water management in the Columbia river system; and~~

~~(g) Describe how the states of Washington, Oregon, and California and the province of British Columbia are coordinating their efforts for ballast water management on the west coast.~~

(4) The ballast water work group must begin operation immediately upon the effective date of this section. The Puget Sound water quality action team must provide staff for the ballast water work group. The staff must come from existing personnel within the team)) Provide a report to the legislature by July 1, 2009, on the progress of the work group on the tasks listed in this section, and report on compliance with this act, and recommendations for improvements, if any, to the ballast water program;

(b) Work with the state of Oregon to develop a consistent, coordinated, and enforceable ballast water management program for the Columbia river that is acceptable to both states;

(c) Advise the department on potential strategies to establish and maintain an inventory of introduced nonindigenous plants and animals in state waters in and adjacent to ports, harbors, oil transfer facilities, grain elevators, and other ship-berthing facilities and evaluate the effectiveness of the program and a program to assess vessel-specific risks;

(d) Help the department review the needs of the ballast water program, including research investments, and identify unmet needs,

and work through the Puget Sound action team's and the department's internal budget development process to secure needed funds;

(e) Help the department develop and align the state program with national and regional ballast water management programs;

(f) Assist the department by developing a workable technical and financial assistance program to support the shipping industry to comply with state ballast water laws and rules;

(g) Work with the United States coast guard and the department of ecology to improve coordination and integration of vessel inspection procedures among agencies that board and inspect vessels and identify ways to minimize apparent duplication of effort, work more effectively with vessel masters and crew, and recommend changes to state law to streamline the program, if needed;

(h) Outline funding, policy, and program recommendations to support the state's management program;

(i) Coordinate, in association with the departments of fish and wildlife, ecology, and natural resources, the Puget Sound action team, the Washington invasive species council, and other interested parties, the development of a management approach for nonballast water ship vectors as a source of nonindigenous species such as ship hull fouling, sea chests and equipment, and vessels equipped with ballast tanks that carry no ballast onboard;

(j) Review and provide comment on proposed federal legislation, international and regional programs, and other policy arenas;

(k) Harmonize the state ballast water program with western coastal states, British Columbia, and Canada;

(l) Work with the department's science advisory panel to develop a science research plan and estimated costs to answer key research and management questions;

(m) Provide recommendations and technical information to assist the department in determining if and when it is necessary or advisable to adjust rules and guidance for the ballast water management program to achieve resource goals and objectives;

(n) Coordinate, in association with the department, the departments of ecology and natural resources, the Puget Sound action team, the Washington invasive species council, and other interested parties, recommendations for a management approach for treatment of unexchanged ballast water when vessels claim an exemption under RCW 77.120.030. The recommendations may consider shore-based management, emergency chemical application, or other treatment methods that meet state and federal requirements. The recommendations may also address potential liability issues relating to discharge of ballast water. The ballast water work group shall invite the United States environmental protection agency and the United States coast guard to participate in this evaluation. The ballast water work group shall provide a report of the recommendations to the legislature by July 1, 2008;

(o) Other responsibilities, as necessary.

~~((5))~~ (4) The director must also monitor the activities of the task force created by the state of Oregon in 2001 Or. Laws 722, concerning ballast water management. The director shall provide the ballast water work group with periodic updates of the Oregon task force's efforts at developing a ballast water management system.

~~((6(a) The ballast water work group expires June 30, 2007.~~

~~(b) This section expires June 30, 2007.))~~

**Sec. 13.** RCW 77.120.070 and 2000 c 108 s 8 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) or (3) of this section,))~~ The department may establish by rule schedules for any penalty allowed in this chapter. The schedules may provide for the incremental assessment of a penalty based on criteria established by rule.

(2) The director or the director's designee may impose a civil penalty or warning for a violation of the requirements of this chapter on the owner or operator in charge of a vessel who fails to comply with the requirements imposed under RCW 77.120.030 and 77.120.040. The penalty shall not exceed ~~((five))~~ twenty-seven thousand five hundred dollars for each day of a continuing violation. In determining the amount of a civil penalty, the department shall set standards by rule that consider if the violation was intentional, negligent, or without any fault, and shall consider the quality and

nature of risks created by the violation. The owner or operator subject to such a penalty may contest the determination by requesting an adjudicative proceeding within twenty days. Any determination not timely contested is final and may be reduced to a judgment enforceable in any court with jurisdiction. If the department prevails using any judicial process to collect a penalty under this section, the department shall also be awarded its costs and reasonable attorneys' fees.

~~((2) The civil penalty for a violation of reporting requirements of RCW 77.120.040 shall not exceed five hundred dollars per violation.~~

~~(3) Any owner or operator who knowingly, and with intent to deceive, falsifies a ballast water management report form is liable for a civil penalty in an amount not to exceed five thousand dollars per violation, in addition to any criminal liability that may attach to the filing of false documents.~~

~~(4))~~ (3) The department, in cooperation with the United States coast guard, may enforce the requirements of this chapter.

**NEW SECTION. Sec. 14.** A new section is added to chapter 77.120 RCW to read as follows:

The department may assess a fee for any exemptions allowed under this chapter. Such a fee may not exceed five thousand dollars. The department may establish by rule schedules for any fee allowed in this chapter. The schedules may provide for the incremental assessment of a penalty based on criteria established by rule.

**NEW SECTION. Sec. 15.** A new section is added to chapter 77.120 RCW to read as follows:

(1) The ballast water management account is created in the state treasury. All receipts from legislative appropriations, gifts, grants, donations, penalties, and fees received under this chapter must be deposited into the account.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to carry out the purposes of this chapter or support the goals of this chapter through research and monitoring except:

(a) Expenditures may not be used for the salaries of permanent department employees; and

(b) Penalties deposited into the account may be used, in consultation with the ballast water work group created in section 12 of this act, only to support basic and applied research and carry out education and outreach related to the state's ballast water management.

**NEW SECTION. Sec. 16.** A new section is added to chapter 77.120 RCW to read as follows:

The department may issue a special operating authorization for passenger vessels conducting or assisting in research and testing activities to determine the presence of invasive species in ballast water collected in the waters of southeast Alaska north of latitude fifty-four degrees thirty minutes north to sixty-one degrees ten minutes north, extending to longitude one hundred forty-nine degrees thirty minutes west. Such testing and research shall be reviewed by the ballast water work group, who may make recommendations to the department. The department may adopt rules for defining special operating authorization conditions, requirements, limitations, and fees as necessary to implement this section, consistent with the intent of this chapter.

**NEW SECTION. Sec. 17.** Section 12 of this act is added to chapter 77.120 RCW.

**NEW SECTION. Sec. 18.** The following acts or parts of acts are each repealed:

(1) RCW 77.120.060 (Report to legislature--Results of chapter) and 2002 c 282 s 4 & 2000 c 108 s 7;

(2) RCW 77.120.080 (Legislative review of chapter--Recommendations) and 2000 c 108 s 9; and

(3) RCW 77.120.090 (Ballast water information system--Improvements) and 2002 c 282 s 5."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Referred to Committee on Appropriations.

March 28, 2007

E2SSB 5958 Prime Sponsor, Senate Committee On Ways & Means: Creating innovative primary health care delivery. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the public policy of Washington to promote access to medical care for all citizens and to encourage innovative arrangements between patients and providers that will help provide all citizens with a medical home.

Washington needs a multipronged approach to provide adequate health care to many citizens who lack adequate access to it. Direct patient-provider practices, in which patients enter into a direct relationship with medical practitioners and pay a fixed amount directly to the health care provider for primary care services, represent an innovative, affordable option which could improve access to medical care, reduce the number of people who now lack such access, and cut down on emergency room use for primary care purposes, thereby freeing up emergency room facilities to treat true emergencies.

**Sec. 2.** RCW 48.44.010 and 1990 c 120 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, chiropractic, hospital, optometric, podiatric, pharmaceutical, ambulance, custodial, mental health, and other therapeutic services.

(2) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes health care services and is licensed to furnish such services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which is sponsored by or otherwise intimately connected with a provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services. "Health care service contractor" does not include direct patient-provider primary care practices as defined in section 3 of this act.

(4) "Participating provider" means a provider, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid, or on whose behalf prepayment has been made, to such contractor for such services.

(5) "Enrolled participant" means a person or group of persons who have entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health care service contractor to receive health care services.

(6) "Commissioner" means the insurance commissioner.

(7) "Uncovered expenditures" means the costs to the health care service contractor for health care services that are the obligation of the health care service contractor for which an enrolled participant would also be liable in the event of the health care service contractor's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by

the health care service contractor, or for services that are guaranteed, insured or assumed by a person or organization other than the health care service contractor.

(8) "Copayment" means an amount specified in a group or individual contract which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(9) "Deductible" means the amount an enrolled participant is responsible to pay before the health care service contractor begins to pay the costs associated with treatment.

(10) "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specific group. The group contract may include coverage for dependents.

(11) "Individual contract" means a contract for health care services issued to and covering an individual. An individual contract may include dependents.

(12) "Carrier" means a health maintenance organization, an insurer, a health care service contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual contract.

(13) "Replacement coverage" means the benefits provided by a succeeding carrier.

(14) "Insolvent" or "insolvency" means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

(15) "Fully subordinated debt" means those debts that meet the requirements of RCW 48.44.037(3) and are recorded as equity.

(16) "Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

**NEW SECTION. Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW or self-insured plans; and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the direct practice

will provide; and (b) be terminable at will upon written notice by the direct patient.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05 RCW or 70.47 RCW.

**NEW SECTION. Sec. 4.** Except as provided in section 7 of this act, no direct practice shall deny enrollment to any person solely on account of race, religion, national origin, the presence of any sensory, mental, or physical disability, education, economic status, or sexual orientation.

**NEW SECTION. Sec. 5.** (1) A direct practice must charge a direct fee on a monthly basis. The fee must represent the total amount due for all primary care services specified in the direct agreement and may be paid by the direct patient or on his or her behalf by others.

(2) A direct practice must:

(a) Maintain appropriate accounts and provide data regarding payments made and services received to direct patients upon request; and

(b) Either:

(i) Bill patients at the end of each monthly period; or

(ii) If the patient pays the monthly fee in advance, promptly refund to the direct patient all unearned direct fees following receipt of written notice of termination of the direct agreement from the direct patient. The amount of the direct fee considered earned shall be a proration of the monthly fee as of the date the notice of termination is received.

(3) If the patient chooses to pay more than one monthly direct fee in advance, the funds must be held in a trust account and paid to the direct practice as earned at the end of each month. Any unearned direct fees held in trust following receipt of termination of the direct agreement shall be promptly refunded to the direct patient. The amount of the direct fee earned shall be a proration of the monthly fee for the then current month as of the date the notice of termination is received.

(4) The direct fee schedule applying to an existing direct patient may not be increased more frequently than annually. A direct practice shall provide advance notice to existing patients of any change within the fee schedule applying to those existing direct patients. A direct practice shall provide at least sixty days' advance notice of any change in the fee.

(5) A direct practice must designate a contact person to receive and address any patient complaints.

(6) Direct fees for comparable services within a direct practice shall not vary from patient to patient based on health status or sex.

**NEW SECTION. Sec. 6.** (1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor, or plans administered under chapter 41.05 or 70.47 RCW, to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

(b) Submit a claim for payment to any carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05 or 70.47 RCW, for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05 or 70.47 RCW, as a participant in the carrier's or any carrier's contractor or

subcontractor network for purposes of determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 or plans administered under chapter 41.05 or 70.47 RCW for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract applicable to participating providers including but not limited to the right to:

(i) Make referrals to other participating providers;

(ii) Admit the carrier's members to participating hospitals and other health care facilities;

(iii) Prescribe prescription drugs; and

(iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services provided in connection with wellness physical examinations. In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

**NEW SECTION. Sec. 7.** (1) Direct practices may not decline to accept new direct patients or discontinue care to existing patients solely because of the patient's health status. A direct practice may decline to accept a patient if the practice has reached its maximum capacity, or if the patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care services in the direct practice.

(2) Direct practices may accept payment of direct fees directly or indirectly from nonemployer third parties.

**NEW SECTION. Sec. 8.** Direct practices, as defined in section 3 of this act, who comply with this chapter are not insurers under RCW 48.01.050, health carriers under chapter 48.43 RCW, health care service contractors under chapter 48.44 RCW, or health maintenance organizations under chapter 48.46 RCW.

**NEW SECTION. Sec. 9.** A person shall not make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of the business of a direct practice, or relative to the business of a direct practice.

**NEW SECTION. Sec. 10.** A person shall not make, issue, or circulate, or cause to be made, issued, or circulated, a misrepresentation of the terms of any direct agreement, or the benefits or advantages promised thereby, or use the name or title of any direct agreement misrepresenting the nature thereof.

**NEW SECTION. Sec. 11.** Violations of this chapter constitute unprofessional conduct enforceable under RCW 18.130.180.

**NEW SECTION. Sec. 12.** (1) Direct practices must submit annual statements, beginning on October 1, 2007, to the office of insurance commissioner specifying the number of providers in each practice, total number of patients being served, the average direct fee being charged, providers' names, and the business address for each direct practice. The form and content for the annual statement must be developed in a manner prescribed by the commissioner.

(2) A health care provider may not act as, or hold himself or herself out to be, a direct practice in this state, nor may a direct

agreement be entered into with a direct patient in this state, unless the provider submits the annual statement in subsection (1) of this section to the commissioner.

(3) The commissioner shall report annually to the legislature on direct practices including, but not limited to, enrollment trends, complaints received, and any suggested modifications to this chapter. The initial report shall be due December 1, 2009.

**NEW SECTION. Sec. 13.** (1) A direct agreement must include the following disclaimer: "This agreement does not provide comprehensive health insurance coverage. It provides only the health care services specifically described." The direct agreement may not be sold to a group and may not be entered with a group of subscribers. It must be an agreement between a direct practice and an individual direct patient. Nothing prohibits the presentation of marketing materials to groups of potential subscribers or their representatives.

(2) A comprehensive disclosure statement shall be distributed to all direct patients with their enrollment forms. Such disclosure must inform the direct patients of their financial rights and responsibilities to the direct practice as provided for in this chapter, encourage that direct patients obtain and maintain insurance for services not provided by the direct practice, and state that the direct practice will not bill a carrier for services covered under the direct agreement. The disclosure statement shall include contact information for the office of the insurance commissioner.

**NEW SECTION. Sec. 14.** Sections 1 and 3 through 13 of this act constitute a new chapter in Title 48 RCW.

**NEW SECTION. Sec. 15.** A new section is added to chapter 43.131 RCW to read as follows:

The authorization for direct patient-provider primary care practices under this act shall be terminated on June 30, 2012.

**NEW SECTION. Sec. 16.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2013:

- (1) RCW 48. . . . . and section 1 of this act;
- (2) Section 2 of this act;
- (3) RCW 48. . . . . and section 3 of this act;
- (4) RCW 48. . . . . and section 4 of this act;
- (5) RCW 48. . . . . and section 5 of this act;
- (6) RCW 48. . . . . and section 6 of this act;
- (7) RCW 48. . . . . and section 7 of this act;
- (8) RCW 48. . . . . and section 8 of this act;
- (9) RCW 48. . . . . and section 9 of this act;
- (10) RCW 48. . . . . and section 10 of this act;
- (11) RCW 48. . . . . and section 11 of this act;
- (12) RCW 48. . . . . and section 12 of this act; and
- (13) RCW 48. . . . . and section 13 of this act."

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Barlow; Campbell; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Assistant Ranking Minority Member; Curtis.

Passed to Committee on Rules for second reading.

March 27, 2007

**SB 5969** Prime Sponsor, Senator Kilmer: Creating the civic education travel grant program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Referred to Committee on Appropriations.

March 28, 2007

SSB 5972 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Providing the department of natural resources with more consistent enforcement authority for protection against mining without a permit. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; McCoy; Newhouse; Orcutt; Straw and Van De Wege.

Passed to Committee on Rules for second reading.

March 28, 2007

ESSB 6032 Prime Sponsor, Senate Committee On Health & Long-Term Care: Concerning the medical use of marijuana. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature intends to clarify the law on medical marijuana so that the lawful use of this substance is not impaired and medical practitioners are able to exercise their best professional judgment in the delivery of medical treatment, qualifying patients may fully participate in the medical use of marijuana, and designated providers may assist patients in the manner provided by this act without fear of state criminal prosecution. This act is also intended to provide clarification to law enforcement and to all participants in the judicial system.

**Sec. 2.** RCW 69.51A.005 and 1999 c 2 s 2 are each amended to read as follows:

The people of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their physician's professional medical judgment and discretion.

Therefore, the people of the state of Washington intend that:

Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, ~~((would))~~ may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as ~~((primary caregivers))~~ designated providers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and

Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial.

**Sec. 3.** RCW 69.51A.010 and 1999 c 2 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated provider" means a person who:

(a) Is eighteen years of age or older;

(b) Has been designated in writing by a patient to serve as a designated provider under this chapter;

(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and

(d) Is the designated provider to only one patient at any one time.

(2) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.

~~((2))~~ "Primary caregiver" means a person who:

~~((a))~~ Is eighteen years of age or older;

~~((b))~~ Is responsible for the housing, health, or care of the patient;

~~((c))~~ Has been designated in writing by a patient to perform the duties of primary caregiver under this chapter;

(3) "Qualifying patient" means a person who:

(a) Is a patient of a physician licensed under chapter 18.71 or 18.57 RCW;

(b) Has been diagnosed by that physician as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that physician about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that physician that they may benefit from the medical use of marijuana.

(4) "Terminal or debilitating medical condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(g) Any other medical condition duly approved by the Washington state medical quality assurance ((board [commission])) commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

(5) "Valid documentation" means:

(a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent medical records, which states that, in the physician's professional opinion, the ~~((potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying))~~ patient may benefit from the medical use of marijuana; ((and))

(b) Proof of identity such as a Washington state driver's license or identicaid, as defined in RCW 46.20.035; and

(c) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original.

**Sec. 4.** RCW 69.51A.030 and 1999 c 2 s 4 are each amended to read as follows:

A physician licensed under chapter 18.71 or 18.57 RCW shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

(1) Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual physician's medical judgment; or

(2) Providing a qualifying patient with valid documentation, based upon the physician's assessment of the qualifying patient's medical history and current medical condition, that the ~~((potential benefits of the))~~ medical use of marijuana ~~((would likely outweigh the health risks for the))~~ may benefit a particular qualifying patient.

**Sec. 5.** RCW 69.51A.040 and 1999 c 2 s 5 are each amended to read as follows:

(1) If a law enforcement officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. A law enforcement officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance.

(2) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated ~~((primary caregiver))~~ provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

~~((2))~~ (3) A qualifying patient, if eighteen years of age or older, or a designated provider shall:

(a) Meet all criteria for status as a qualifying patient or designated provider;

(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and

(c) Present his or her valid documentation to any law enforcement official who questions the patient or provider regarding his or her medical use of marijuana.

~~((3))~~ (4) A qualifying patient, if under eighteen years of age at the time he or she is alleged to have committed the offense, shall ~~((comply))~~ demonstrate compliance with subsection ~~((2))~~ (3)(a) and (c) of this section. However, any possession under subsection ~~((2))~~ (3)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

~~((4))~~ The designated primary caregiver shall:

~~((a))~~ Meet all criteria for status as a primary caregiver to a qualifying patient;

~~((b))~~ Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;

~~((c))~~ Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;

~~((d))~~ Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and

~~((e))~~ Be the primary caregiver to only one patient at any one time.)

**Sec. 6.** RCW 69.51A.060 and 1999 c 2 s 8 are each amended to read as follows:

(1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.

(3) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, ~~((or))~~ in any youth center, or in any correctional facility.

(5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010~~((5))~~ (6)(a).

(6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.

**Sec. 7.** RCW 69.51A.070 and 1999 c 2 s 9 are each amended to read as follows:

The Washington state medical quality assurance ~~((board commission))~~ commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted ~~((by physicians or patients))~~ to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance ~~((board commission))~~ commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance ~~((board commission))~~ commission in consultation with the board of osteopathic medicine and surgery shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

**NEW SECTION. Sec. 8.** A new section is added to chapter 69.51A RCW to read as follows:

(1) By January 1, 2008, the department of health shall adopt rules defining the quantity of marijuana that could reasonably be presumed to be a sixty-day supply for any qualifying patient; this presumption may be overcome with evidence of the qualifying patient's necessary medical use.

(2) As used in this chapter, "sixty-day supply" means that amount of marijuana that qualifying patients would reasonably be expected to need over a period of sixty days for their personal medical use.

(3) By January 1, 2008, the department of health shall report to the legislature on options for efficiently providing access to an adequate, safe, consistent, and secure source of medical marijuana for qualifying patients. The report may be based on a review of other states' best practices, available medical and scientific literature, consultation with experts, and public input."

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta.

Passed to Committee on Rules for second reading.

March 28, 2007

E2SSB 6044 Prime Sponsor, Senate Committee On Ways & Means: Regarding the removal of derelict vessels. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.100.010 and 2006 c 153 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~"Abandoned vessel" means ((the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period)) a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.~~

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

(5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner; or

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) ~~"Vessel" ((has the same meaning as defined in RCW 53.08.310)) means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft, or any attached floats or debris.~~

Sec. 2. RCW 79.100.040 and 2006 c 153 s 3 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3)(a) If a vessel is: (i) In immediate danger of sinking, breaking up, or blocking navigational channels((:)); or (ii) poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination; and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel.

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

NEW SECTION. Sec. 3. A new section is added to chapter 79.100 RCW to read as follows:

A marina owner may contract with a local government for the purpose of participating in the derelict vessel removal program. The local government shall serve as the authorized public entity for the removal of the derelict vessel from the marina owner's property. The contract must provide for the marina owner to be financially responsible for the removal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the local government during the removal of the derelict vessel. Prior to the commencement of any removal which will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100(6).

Sec. 4. RCW 79.100.100 and 2006 c 153 s 6 are each amended to read as follows:

(1) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into the account. The account is authorized to receive fund transfers from the general fund, deposits from the watercraft excise

tax under RCW 82.49.030, deposits from the derelict vessel removal surcharge under section 9 of this act, as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter. Moneys in the account may only be spent after appropriation. Expenditures from the account shall be used by the department to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement shall not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, regardless of the title of owner of the vessel. Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 shall be used to reimburse one hundred percent of these costs and should be prioritized for the removal of large vessels. Costs associated with removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account. In each biennium, up to twenty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any fund transfers from the general fund or any funds deposited into the account collected under RCW 82.49.030 and section 9 of this act, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

**NEW SECTION. Sec. 5.** A new section is added to chapter 88.02 RCW to read as follows:

(1) A marina that leases permanent moorage to vessels must require the following information from the lessee as a condition of leasing moorage space: (a) The name of the legal owner of the

vessel; (b) a local contact person, if different than the owner; (c) the owner's address and telephone number; (d) the vessel's hull identification number; (e) the vessel's coast guard registration, if applicable; (f) the vessel's home port; (g) the date on which the moorage lease began; and (h) the vessel's country or state of registration and registration number. A marina shall maintain records of this information for at least two years. The marina shall permit any authorized agent of the department of natural resources to inspect these records upon request.

(2) A marina that leases permanent moorage to vessels must require proof of vessel registration or a written statement of intent to register a vessel as a condition of leasing moorage space. If the applicant's vessel is not registered in this state, the marina must inform the moorage applicant of the state law requiring vessel registration and direct the moorage applicant to the appropriate vessel registration forms. Thereafter, it is the moorage applicant's responsibility to register the vessel.

**Sec. 6.** RCW 82.49.030 and 2000 c 103 s 18 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) ~~(The)~~ In calendar year 2007, one million dollars of the watercraft excise tax collected under this chapter shall be deposited into the derelict vessel removal account under RCW 79.100.100. For each calendar year beginning January 1, 2008, through December 31, 2012, the first one million dollars of watercraft excise tax collected under this chapter shall be deposited in the derelict vessel removal account under RCW 79.100.100. Once one million dollars has been deposited into the derelict vessel removal account each calendar year from January 1, 2008, through December 31, 2012, the excise tax collected under this chapter shall be deposited into the general fund.

(3) Beginning January 1, 2013, all of the excise tax collected under this chapter shall be deposited in the general fund.

**Sec. 7.** RCW 88.02.050 and 2005 c 464 s 2 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer of funds into the account or funds deposited into the account collected under RCW 82.49.030 and section 9 of this act, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.

(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.

(c) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid

decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

**Sec. 8.** RCW 88.02.050 and 2002 c 286 s 13 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. In addition, two additional dollars must be collected annually from every vessel registration application. These moneys must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer of funds into the account or funds deposited into the account collected under RCW 82.49.030 and section 9 of this act, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the two-dollar derelict vessel fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling

tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

**NEW SECTION. Sec. 9.** A new section is added to chapter 88.02 RCW to read as follows:

(1) In order to address the significant backlog of derelict vessels that have accumulated in our state's waters that pose a threat to the health and safety of the people and to our environment, the legislature intends to collect a derelict vessel removal surcharge.

(2) In addition to the fees collected under RCW 88.02.050, the department shall collect an annual derelict vessel removal surcharge of one dollar effective with vessel registrations that are due or will become due on or after January 1, 2008. The revenue generated from the derelict vessel surcharge must be deposited into the derelict vessel removal account established under RCW 79.100.100, and is to be used only for the removal of vessels that are less than seventy-five feet in length.

(3) This section expires January 1, 2014.

**NEW SECTION. Sec. 10.** (1) The department of natural resources, in consultation with the department of revenue, the department of licensing, and other appropriate stakeholder groups, shall examine:

(a) The costs and benefits of extending a derelict vessel removal fee or surcharges to vessels that are not subject to RCW 88.02.050; and

(b) The use of alternative revenue sources, such as the watercraft excise tax, in order to more equitably distribute the financial responsibility of supporting the cost of the derelict vessel program. The departments shall submit a report of the findings to the appropriate policy and fiscal committees of the legislature by November 1, 2007.

(2) The department of natural resources, the department of ecology, representatives from the ship demolition industry, and representatives from the environmental community shall convene a work group to discuss operations and permitting requirements surrounding the demolition and disposal of large abandoned and derelict vessels. The department of natural resources shall consider the findings of the work group when updating the guidelines for the derelict vessel program.

**NEW SECTION. Sec. 11.** Section 7 of this act expires June 30, 2012.

**NEW SECTION. Sec. 12.** Section 8 of this act takes effect June 30, 2012."

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; McCoy; Newhouse; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Orcutt.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

**SECOND READING SUSPENSION**

**SENATE BILL NO. 5011, by Senators Kohl-Welles, Parlette, Keiser and Rasmussen**

**Removing the expiration date on the 2006 beer and wine distribution bill.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5011.

**MOTION**

On motion of Representative Santos, Representatives Eddy, Quall, B. Sullivan and Williams were excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5011, and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 91.

Voting nay: Representatives Goodman, Kirby and Miloscia - 3.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SENATE BILL NO. 5011, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5166, by Senators Shin, Kastama, Marr, Murray, Kauffman, Kilmer, Zarelli, Eide, Berkey, Franklin, Jacobsen, Rockefeller, McAuliffe, Regala, Pridemore, Clements, Keiser, Rasmussen, Sheldon, Delvin and Roach**

**Designating Korean-American day.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5166.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5166, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

ENGROSSED SENATE BILL NO. 5166, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5191, by Senate Committee on Judiciary (originally sponsored by Senators Hatfield, Brandland, Sheldon and Delvin)**

**Modifying missing persons provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5191.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5191, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SUBSTITUTE SENATE BILL NO. 5191, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5253, by Senators Kilmer, Swecker, Hobbs, Shin, Kohl-Welles, Regala, Marr, Hatfield, Murray, Weinstein, Rockefeller, Keiser, Sheldon, McAuliffe, Clements, Kauffman, Franklin, Eide, Jacobsen, Rasmussen and Honeyford**

**Creating a list of and decal for veteran-owned businesses.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5253.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5253, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SENATE BILL NO. 5253, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5620, by Senator Fairley**

**Clarifying the authority of the civil service commissions for sheriffs' offices.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5620.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5620, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SENATE BILL NO. 5620, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5625, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Pridemore)**

**Authorizing counties and cities to contract for jail services with counties and cities in adjacent states.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5625.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5625, and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 92.

Voting nay: Representatives Hasegawa and Roberts - 2.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SUBSTITUTE SENATE BILL NO. 5625, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5625.

SHERRY APPLETON, 23<sup>rd</sup> District

**SECOND READING**

**SENATE BILL NO. 5635, by Senators Brandland, Kline and Delvin; by request of Criminal Justice Training Commission**

**Revising provisions relating to limitations on polygraph tests.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5635.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5635, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee,

Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SENATE BILL NO. 5635, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5639, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Clements, Pflug, Kohl-Welles, Jacobsen, Rasmussen, Poulsen, Regala and Kline)**

**Authorizing a caterer's endorsement for licensed microbreweries.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 79<sup>th</sup> Day, March 27, 2007.)

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5639, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5639, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SUBSTITUTE SENATE BILL NO. 5639, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5674, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Fairley and Kline)**

**Authorizing registered voters who reside outside of, but own land in, a water district to be elected as a water district commissioner.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, 74<sup>th</sup> Day, March 22, 2007.)

The bill was placed on final passage.

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5674, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5674, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Darneille, Hasegawa and Hudgins - 4.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SUBSTITUTE SENATE BILL NO. 5674, as amended by the House, , having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5759, by Senators Schoesler, Delvin and Shin**

**Including the boards of trustees of technical colleges in the definition of "executive state officer."**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5759.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5759, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 93.

Voting nay: Representative Sump - 1.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SENATE BILL NO. 5759, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5898, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Clements, Keiser, Murray, McAuliffe and Honeyford)**

**Authorizing the use of a common carrier for the shipment of wine.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5898.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5898, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SUBSTITUTE SENATE BILL NO. 5898, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5952, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Kohl-Welles and Rasmussen; by request of Department of Early Learning)**

**Correcting provisions for the department of early learning.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kagi and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5952.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5952, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SUBSTITUTE SENATE BILL NO. 5952, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5957, by Senator Kohl-Welles; by request of Joint Legislative Systems Committee**

**Revising provisions relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5957.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5957, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SENATE BILL NO. 5957, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8008, by Senators Prentice, Rockefeller, Berkey, Weinstein, Kauffman, Marr, Oemig, Kline, Hobbs, Murray, Poulsen, Rasmussen, Kastama, Shin, Franklin, Hatfield, Sheldon, Kohl-Welles, Jacobsen, Fraser, Pridemore and Kilmer**

**Asking that the federal government provide veterans' benefits owed to Filipino veterans.**

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives Hunt and Newhouse spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8008.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8008, and the joint memorial passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 94.

Excused: Representatives Eddy, Quall, B. Sullivan and Williams - 4.

SENATE JOINT MEMORIAL NO. 8008, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

### REPORTS OF STANDING COMMITTEES 1<sup>ST</sup>, 2<sup>ND</sup> & 3<sup>RD</sup> SUPPLEMENTAL CALENDAR

March 30, 2007

HB 2380 Prime Sponsor, Senator Ericks: Providing relief for businesses for streamlined sales and use tax agreement compliance costs. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 28, 2007

HB 2391 Prime Sponsor, Senator Fromhold: Eliminating retirement system gain-sharing and providing alternate pension benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Dunn; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 30, 2007

HB 2395 Prime Sponsor, Representative Fromhold: Regarding leasing and development rights on state lands. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Dunshee; Flannigan; Goodman; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Hankins and Skinner.

Passed to Committee on Rules for second reading.

March 30, 2007

HB 2396 Prime Sponsor, Representative Fromhold: Regarding investment of moneys in the permanent common school fund. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Dunshee; Flannigan; Goodman; Hankins; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representative Hasegawa.

Passed to Committee on Rules for second reading.

March 28, 2007

E2SSB 5070 Prime Sponsor, Senate Committee On Ways & Means: Changing provisions affecting offenders who are leaving confinement. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, **Sec. 1.** The people of the state of Washington expect to live in safe communities in which the threat of crime is minimized. Attempting to keep communities safe by

building more prisons and paying the costs of incarceration has proven to be expensive to taxpayers. Incarceration is a necessary consequence for some offenders, however, the vast majority of those offenders will eventually return to their communities. Many of these former offenders will not have had the opportunity to address the deficiencies that may have contributed to their criminal behavior. Persons who do not have basic literacy and job skills, or who are ill-equipped to make the behavioral changes necessary to successfully function in the community, have a high risk of reoffense. Recidivism represents serious costs to victims, both financial and nonmonetary in nature, and also burdens state and local governments with those offenders who recycle through the criminal justice system.

The legislature believes that recidivism can be reduced and a substantial cost savings can be realized by utilizing evidence-based, research-based, and promising programs to address offender deficits, developing and better coordinating the reentry efforts of state and local governments and local communities. Research shows that if quality assurances are adhered to, implementing an optimal portfolio of evidence-based programming options for offenders who are willing to take advantage of such programs can have a notable impact on recidivism.

While the legislature recognizes that recidivism cannot be eliminated and that a significant number of offenders are unwilling or unable to work to develop the tools necessary to successfully reintegrate into society, the interests of the public overall are better served by better preparing offenders while incarcerated, and continuing those efforts for those recently released from prison or jail, for successful, productive, and healthy transitions to their communities. Educational, employment, and treatment opportunities should be designed to address individual deficits and ideally give offenders the ability to function in society. In order to foster reintegration, this act recognizes the importance of a strong partnership between the department of corrections, local governments, law enforcement, social service providers, and interested members of communities across our state.

The legislature also recognizes the need to ensure the safety of the public while offenders are reintegrating into communities. To further the goal of ensuring public safety, the legislature intends to improve the monitoring of offenders on supervision and hold those who violate the conditions of supervision accountable for their actions. The legislature intends to increase the effectiveness of supervision of offenders on community custody through methods such as increased flexibility in searches of offenders on community custody with the goal of preventing future offenses and supervision violations.

## PART I - LOCAL LAW AND JUSTICE COUNCILS

**Sec. 101.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to read as follows:

(1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections and his or her designees. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council ~~(shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize)~~ may address issues related to:

(a) Maximizing local resources including personnel and facilities, ~~(reduce)~~ reducing duplication of services, and ~~(share)~~ sharing resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness(~~(~~

~~The plan shall also include a section on jail management. This section may include the following elements:~~

~~(a) A description of current jail conditions, including whether the jail is overcrowded;~~

~~(b) A description of potential alternatives to incarceration;~~

~~(c) A description of current jail resources;~~

~~(d) A description of the jail population as it presently exists and how it is projected to change in the future;~~

~~(e) A description of projected future resource requirements;~~

~~(f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;~~

~~(g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;~~

~~(h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;~~

~~(i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.~~

~~(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.~~

~~(5))~~;

~~(b) Jail management;~~

~~(c) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases; and~~

~~(d) Partnerships between the department and local community policing and supervision programs to facilitate supervision of offenders under the respective jurisdictions of each and timely response to an offender's failure to comply with the terms of supervision.~~

~~(4) The county legislative authority may request technical assistance in ~~((developing or implementing the plan from))~~ coordinating services with other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.~~

~~((6))~~ (5) Upon receiving a request for assistance from a county, the department may provide the requested assistance.

~~((7))~~ (6) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. ~~((The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.~~

~~(8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner statewide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.~~

~~(9) The council shall establish an advisory committee on juvenile justice proportionality. The council shall appoint the county juvenile court administrator and at least five citizens as advisory committee members. The citizen advisory committee members shall be representative of the county's ethnic and geographic diversity. The advisory committee members shall serve two-year terms and may be reappointed. The duties of the advisory committee include:~~

~~(a) Monitoring and reporting to the sentencing guidelines commission on the proportionality, effectiveness, and cultural relevance of:~~

~~(i) The rehabilitative services offered by county and state institutions to juvenile offenders; and~~

~~(ii) The rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision, and parole;~~

~~(b) Reviewing citizen complaints regarding bias or disproportionality in that county's juvenile justice system;~~

~~(c) By September 1 of each year, beginning with 1995, submit to the sentencing guidelines commission a report summarizing the advisory committee's findings under (a) and (b) of this subsection.))~~

## PART II - LIABILITY

**NEW SECTION. Sec. 201.** A new section is added to chapter 4.24 RCW to read as follows:

For the purposes of this chapter:

(1) "Limited jurisdiction court" means a district court or a municipal court, and anyone acting or operating at the direction of such court, including but not limited to its officers, employees, agents, contractors, and volunteers.

(2) "Misdemeanant supervision services" means preconviction or postconviction misdemeanor probation or supervision services, or the monitoring of a misdemeanor defendant's compliance with a preconviction or postconviction order of the court, including but not limited to community corrections programs, probation supervision, pretrial supervision, or pretrial release services.

(3) "Supervision or community custody" includes preconviction or postconviction probation or supervision services, or the monitoring of a defendant's compliance with a preconviction or postconviction order of the court, including but not limited to community corrections programs, probation supervision, pretrial supervision, or pretrial release services. Community supervision also includes activities associated with partnerships between corrections officers and law enforcement that may exist for this purpose.

(4) "The state" means the state, the department of corrections, and anyone acting under the direction of the state or department, including but not limited to its officers, employees, agents, contractors, and volunteers.

**NEW SECTION. Sec. 202.** A new section is added to chapter 4.24 RCW to read as follows:

A limited jurisdiction court that provides misdemeanor supervision services is not liable for civil damages based on the inadequate supervision or monitoring of a misdemeanor defendant or probationer unless the inadequate supervision or monitoring constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. Nothing in this section shall be construed to affect judicial immunity.

**NEW SECTION. Sec. 203.** A new section is added to chapter 4.24 RCW to read as follows:

The state is not liable for civil damages resulting from any act or omission in the provision of supervision or community custody unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists.

**NEW SECTION. Sec. 204.** A new section is added to chapter 4.24 RCW to read as follows:

(1) The state is not liable for civil damages resulting from any act or omission in the assessment, screening, or delivery of services to an offender under supervision or community custody for the purpose of creating, amending, maintaining, or implementing an individual reentry plan, unless the act or omission constitutes gross negligence.

(2) A limited jurisdiction court is not liable for civil damages resulting from any act or omission in the assessment, screening, or delivery of services to an offender under supervision or community custody for the purpose of creating, amending, maintaining, or implementing an individual reentry plan unless the act or omission constitutes gross negligence.

(3) This section does not create any duty and shall not be construed to create a duty where none exists.

**Sec. 205.** RCW 9.94A.720 and 2003 c 379 s 7 are each amended to read as follows:

(1)(a) Except as provided in RCW 9.94A.501, all offenders sentenced to terms involving community supervision, community

restitution, community placement, or community custody shall be under the supervision of the department and shall follow explicitly the instructions and conditions of the department. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed. The department may only supervise the offender's compliance with payment of legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.501.

(b) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(c) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (b) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals.

(d) For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may impose conditions as specified in RCW 9.94A.715.

The conditions authorized under (c) of this subsection may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to RCW 9.94A.710 occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.740 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.737. At any time prior to the completion of an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the expiration of the offender's term of community custody as authorized in RCW 9.94A.715 (3) or (5).

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(2) No offender sentenced to terms involving community supervision, community restitution, community custody, or community placement under the supervision of the department may own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and 9.94A.740. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection has the same definition as in RCW 9.41.010.

(3) A community corrections officer is not liable for civil damages arising from an act or omission which occurs when the community corrections officer provides assistance to a law enforcement officer so long as the community corrections officer was acting at the request of the law enforcement officer, unless the act or omission constitutes gross negligence.

(4) A community corrections officer is not liable for civil damages arising from an act or omission which occurs when the community corrections officer interacts with a third party who is attempting to intervene in a situation in which the community corrections officer is contacting an offender on community custody or community supervision, so long as the community corrections officer was acting at the request of the law enforcement officer, unless the act or omission constitutes gross negligence.

## PART III - INDIVIDUAL REENTRY PLAN

**Sec. 301.** RCW 72.09.015 and 2004 c 167 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Adult basic education" means education or instruction designed to achieve general competence of skills in reading, writing, and oral communication, including English as a second language and preparation and testing services for obtaining a high school diploma or a general equivalency diploma.

(2) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

~~((2))~~ (3) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

~~((3))~~ (4) "County" means a county or combination of counties.

~~((4))~~ (5) "Department" means the department of corrections.

~~((5))~~ (6) "Earned early release" means earned release as authorized by RCW 9.94A.728.

~~((6))~~ (7) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

(8) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

~~((7))~~ (9) "Good conduct" means compliance with department rules and policies.

~~((8))~~ (10) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

~~((9))~~ (11) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

~~((10))~~ (12) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

~~((11))~~ (13) "Individual reentry plan" means the plan to prepare the inmate for release into the community. It is developed collaboratively between the department and the inmate. The plan is based on an assessment of the inmate using a standardized and comprehensive tool. The individual reentry plan describes actions that must occur to prepare individual offenders for release from the custody of the department, specifies the supervision and services they will experience in the community, and describes an offender's eventual discharge to aftercare upon successful completion of supervision. An individual reentry plan is updated throughout the period of an offender's incarceration and supervision is to be relevant to the offender's current needs and risks.

(14) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

~~((12))~~ (15) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

~~((13))~~ (16) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(17) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(18) "Secretary" means the secretary of corrections or his or her designee.

~~((14))~~ (19) "Significant expansion" includes any expansion into a new product line or service to the class I business that results

from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

~~((15))~~ (20) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((16))~~ (21) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

~~((17))~~ (22) "Vocational training" or "vocational education" means "vocational education" as defined in RCW 72.62.020.

(23) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on June 10, 2004.

~~((18))~~ (24) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

**NEW SECTION. Sec. 302.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every offender who is committed to a correctional facility operated by the department. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(2) In developing individual reentry plans, the department shall assess all offenders using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each offender. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the offender, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(3)(a) The initial assessment shall be conducted as early as sentencing, but no later than forty-five days after entry into the correctional system and shall be periodically reviewed and updated as appropriate.

(b) The offender's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but no later than sixty days after completion of the assessment.

(4) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the offender's children and family;

(b) An individualized portfolio for each offender that includes the offender's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(5)(a) The individual reentry plan shall be updated as appropriate during the period of incarceration to maintain relevancy to the inmate's current risks and needs.

(b) The individual reentry plan shall be updated six months prior to the inmate's release to reassess the inmate's specific needs upon reentry. The individual reentry plan updated prior to release shall address the following:

(i) The individual reentry plan should consider public safety concerns and be consistent with the offender assigned risk management level assigned by the department;

(ii) The plan for the offender to access housing immediately upon release, including details of contact information for an individual to assist with housing;

(iii) The plan for the offender to become connected with a community justice center in the area in which the offender will be residing once released from the correctional system.

(6) Nothing in this act creates a vested right in programming, education, or other services.

(7) An individual reentry plan may not be used as evidence of liability against the department, the state of Washington, or its employees.

#### PART IV - PARTIAL CONFINEMENT AND SUPERVISION

**NEW SECTION. Sec. 401.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall continue to establish community justice centers throughout the state for the purpose of providing comprehensive services and monitoring for inmates who are reentering the community.

(2) For the purposes of this chapter, "community justice center" is defined as a nonresidential facility staffed primarily by the department in which released offenders may access services, or receive information regarding services, necessary to improve their successful reentry into the community. Such services may include but are not limited to, those listed in the individual reentry plan, mental health, chemical dependency, sex offender treatment, anger management, parenting education, financial literacy, housing assistance, employment assistance, and community supervision.

(3) At a minimum, the community justice center shall include:

(a) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(b) An employment opportunity program to assist an offender in finding employment; and

(c) Resources for connecting offenders with services such as treatment, transportation, training, family reunification, and community services.

(4) In addition to any other programs or services offered by a community justice center, the department shall designate a transition coordinator to facilitate connections between the former offender and the community.

(5) The transition coordinator shall provide information to former offenders regarding services available to them in the community regardless of the length of time since the offender's release from the correctional facility. The transition coordinator shall, at a minimum, be responsible for the following:

(a) Gathering and maintaining information regarding services currently existing within the community that are available to offenders including, but not limited to:

(i) Programs offered through the department of social and health services, the department of health, the department of licensing, housing authorities, local community and technical colleges, other state or federal entities which provide public benefits, and nonprofit entities;

(ii) Services such as housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and any other service or program that will assist the former offender to successfully transition into the community;

(b) Coordinating access to the existing services with the community providers and provide offenders with information regarding how to access the various type of services and resources that are available in the community.

(6)(a) A minimum of six community justice centers shall be operational by December 1, 2009. The six community justice centers include those in operation on the effective date of this section.

(b) By December 1, 2011, the department shall establish a minimum of three additional community justice centers within the state.

(7) In locating new centers, the department shall:

(a) Give priority to the counties with the largest population of offenders who were released from department of corrections custody and that do not already have a community justice center;

(b) Ensure that at least two centers are operational in eastern Washington; and

(c) Comply with section 402 of this act and all applicable zoning laws and regulations.

(8) Before beginning the siting or opening of the new community justice center, the department shall:

(a) Notify the city, if applicable, and the county within which the community justice center is proposed. Such notice shall occur at least sixty days prior to selecting a specific location to provide the services listed in this section;

(b) Consult with the community providers listed in subsection (5) of this section to determine if they have the capacity to provide services to offenders through the community justice center; and

(c) Give due consideration to all comments received in response to the notice of the start of site selection and consultation with community providers.

(9) The department shall make efforts to enter into memoranda of understanding or agreements with the local community policing and supervision programs in which the community justice center is located to address:

(a) Efficiencies that may be gained by sharing space or resources in the provision of reentry services to offenders;

(b) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases;

(c) Partnerships between the department of corrections and local police to supervise offenders. The agreement must address:

(i) Shared mechanisms to facilitate supervision of offenders under the respective jurisdictions of each which may include activities such as joint emphasis patrols to monitor high-risk offenders, service of bench and secretary warrants and detainers, joint field visits, connecting offenders with services, and, where appropriate, directing offenders into sanction alternatives in lieu of incarceration;

(ii) The roles and responsibilities of police officers and corrections staff participating in the partnership; and

(iii) The amount of corrections staff and police officer time that will be dedicated to partnership efforts.

**NEW SECTION. Sec. 402.** No later than July 1, 2007, and every biennium thereafter starting with the biennium beginning July 1, 2008, the department shall prepare a list of counties and rural multicounty geographic areas in which work release facilities, community justice centers and other community-based facilities are anticipated to be sited during the next three fiscal years and transmit the list to the office of financial management and the counties on the list. The list may be updated as needed.

**Sec. 403.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); ~~(and)~~

(C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under section 302 of this act to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after the effective date of this act while under community supervision, community restitution, community placement, or community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

(e) If the department denies transfer to community custody status in lieu of earned early release pursuant to (d) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(f) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of

serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the ~~((sentence))~~ offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(e) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

**Sec. 404.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to read as follows:

(1) If an offender violates any condition or requirement of community custody, the department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section. The sanction for the violation shall be determined by the community corrections officer, or other person responsible for supervision of the offender, based on the community corrections officer's knowledge and experience with the offender, the seriousness of the violation, and other factors deemed relevant by the community corrections officer.

(2)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.670 who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.710 who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community placement under RCW 9.94A.705 who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling

sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(3) If an offender has been arrested for a new felony offense, the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community custody.

(4) The department shall be financially responsible for any portion of the sanctions authorized by this section that are served in a local correctional facility as a result of actions taken by a department employee.

(5) If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

~~((4))~~ (6) The hearing procedures required under subsection ((3)) (5) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

~~((5))~~ (7) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

~~((6))~~ (8) The department shall work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.

~~((7))~~ (9) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

**NEW SECTION. Sec. 405.** (1) A legislative task force on laws related to community custody and community supervision is established.

(2) The task force shall be composed of fifteen members appointed in the following manner:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(c) The governor shall appoint the chair of the task force and the following members:

(i) A superior court judge;

(ii) A representative of a prosecutor's association;

(iii) A defense attorney or representative of an organization of defense attorneys;

(iv) A representative of local elected officials;

(v) A sheriff or representative of an organization of sheriffs;

(vi) A police chief or representative of an organization of police chiefs;

(vii) A community corrections officer;

(viii) A crime victim or advocate;

(d) The following agencies shall also be represented on the committee:

(i) The attorney general, or the attorney general's designee; and

(ii) The secretary of the department of corrections, or the secretary's designee.

(3) The task force shall:

(a) Convene at the call of the chair by September 1, 2007;

(b) Review and analyze all statutes of the Revised Code of Washington related to community custody and community supervision of offenders;

(c) Make specific recommendations, if any, related to sentencing laws that would allow the department of corrections and its community corrections officers to more easily identify statutory requirements associated with an offender's sentence;

(d) Make specific recommendations, if any, related to community custody and community supervision laws that would allow the department of corrections and its community corrections officers to more easily identify statutory requirements associated with an offender's term of community custody or supervision;

(e) Make specific recommendations, if any, related to the statutory requirements of the violation hearing process that would enable the department of corrections and its community corrections officers to respond to an offender's behavior by imposing appropriate and timely sanctions when necessary;

(f) Make specific recommendations related to definitions and language used in the statutes, which would make the statutes easily readable and unambiguous;

(g) Receive input from the public and interested stakeholders to assist in making suggested changes; and

(h) Report its findings to the governor and legislature in the form of a final report to be submitted by November 1, 2007.

(i) The report shall propose specific amendatory language wherever possible, when making recommendations;

(ii) Each recommendation in the report shall, whenever possible, site to specific evidence-based programs or promising programs which support the recommended change;

(iii) Each recommendation in the report shall, whenever possible, site to a specific study from the Washington institute for public policy, national institute for justice, bureau of justice assistance, or other academic study supporting the suggested change;

(iv) The report shall contain a summary of public comment.

(4) The task force shall use legislative facilities, and staff support shall be provided by the office of financial management, senate committee services, and house of representatives office of program research.

(5) The Washington institute for public policy, the department of corrections, and the sentencing guidelines commission shall cooperate with the task force and provide all information and support reasonably requested by the task force.

(6) Nonlegislative members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(7) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) This section expires December 31, 2007.

**NEW SECTION. Sec. 406.** A new section is added to chapter 72.04A RCW to read as follows:

The department shall develop a plan to reduce the supervision caseload of community corrections officers by December 1, 2012, and increase partnerships such as the neighborhood corrections initiative. Prior to 2012, the department shall hire additional community corrections officers to the extent funding is provided in the operating budget.

**Sec. 407.** RCW 9.94A.631 and 1984 c 209 s 11 are each amended to read as follows:

If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court. If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, an offender may be required to submit to a search and seizure of the offender's person, residence, automobile, or other personal property. An offender may be required to submit to a search without reasonable cause to believe that he or she has violated a condition or requirement of the sentence if the search is a condition of his or her community custody under section 408 of this act. A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court, pursuant to a written order.

**NEW SECTION. Sec. 408.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The legislature finds that:

(a) Offenders in total confinement may be subjected to random, unannounced inspections without violating the constitutional requirement that all searches be reasonable;

(b) Offenders on community custody have the same expectation of privacy as offenders in total confinement; and

(c) Requiring an offender on community custody to submit to random, unannounced inspections is therefore reasonable under the federal and state Constitutions.

(2) When a court sentences an offender to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.545, 9.94A.650, or 9.94A.715, for a crime committed on or after the effective date of this act, the court shall require the offender, as a condition of community custody, to submit to random, unannounced inspections of his or her person, residence, automobile, or other personal property.

**NEW SECTION. Sec. 409.** A new section is added to chapter 9.94A RCW to read as follows:

The department of corrections must provide reasonably adequate personnel and resources and make reasonably diligent efforts to actively pursue and reacquire offenders who have escaped or absconded.

## PART V - EDUCATION

**Sec. 501.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted ~~((under subsection (4) of)) as specifically provided in this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.~~

(2) The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

~~((2) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components:))~~

(3)(a) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

~~((a)) (i) Achievement of basic academic skills through obtaining a high school diploma or its equivalent ~~((and));~~~~

~~((ii) Achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;~~

~~((b) Additional work and education programs based on assessments and placements under subsection (5) of this section; and~~

~~((c) Other work and education programs as appropriate.~~

(4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for

~~placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors)) (iii) Additional work and education programs necessary for compliance with an offender's individual reentry plan under section 302 of this act with the exception of postsecondary education degree programs as provided in section 502 of this act; and~~

~~((iv) Other appropriate vocational, work, or education programs that are not necessary for compliance with an offender's individual reentry plan under section 302 of this act with the exception of postsecondary education degree programs as provided in section 502 of this act.~~

(b) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, supplies, and postage costs related to correspondence courses.

(c) If programming is provided pursuant to (a)(iv) of this subsection, inmates shall be required to pay all or a portion of the costs, including books, fees, and tuition, for participation in any vocational, work, or education program as provided in department policies. Department policies shall include a formula for determining how much an offender shall be required to pay. The formula shall include steps which correlate to an offender average monthly income or average available balance in a personal inmate savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any programming provided pursuant to (a)(iv) of this subsection on behalf of an inmate. Such payments shall not be subject to any of the deductions as provided in this chapter.

(d) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to complete the purposes of this section.

(e) Any funds collected by the department under (c) and (d) of this subsection and subsections (8) and (9) of this section shall be used solely for the creation, maintenance, or expansion of inmate educational and vocational programs.

(4) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(5)(a) In addition to the policies set forth in this section, the department shall consider the following factors in establishing criteria for assessing the inclusion of education and work programs in an inmate's individual reentry plan and in placing inmates in education and work programs:

(i) An inmate's release date and custody level. An inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that inmates with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of inmates participating in a new class I correctional industry not in existence on June 10, 2004;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

~~((c) Performance and goals:)) (b) The department shall establish, and periodically review, inmate behavior standards and~~

program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals(;

~~(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:~~

~~(A) Second and subsequent vocational programs associated with an inmate's work programs; and~~

~~(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;~~

~~(ii) Inmates shall pay all costs and tuition for participation in:~~

~~(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and~~

~~(B) Second and subsequent vocational programs not associated with an inmate's work program.~~

~~Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and~~

~~(c) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:~~

~~(i) Shall not be required to participate in education programming; and~~

~~(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.~~

~~If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section:~~

~~(6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.~~

~~(7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.~~

~~(8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.~~

~~(9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release).~~

(6) Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(7) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all inmates with temporary disabilities to ensure the earliest possible entry or reentry by inmates into available programming.

(8) The department shall establish policies requiring an offender to pay all or a portion of the costs and tuition for any vocational training or postsecondary education program if the offender completed more than two hundred hours in the program and then withdrew from participation without approval from the department. Department policies shall include a formula for determining how much an offender shall be required to pay. The formula shall include steps which correlate to an offender average monthly income or average available balance in a personal inmate savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any program on behalf of an inmate under this subsection. Such payments shall not be subject to any of the deductions as provided in this chapter.

(9) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release or subject to the provisions of 8 U.S.C. Sec. 1227:

(a) Shall not be required to participate in education programming except as may be necessary for the maintenance of discipline and security;

(b) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers;

(c) May participate in prevocational or vocational training that may be necessary to participate in a work program;

(d) Shall be subject to the applicable provisions of this chapter relating to inmate financial responsibility for programming.

**NEW SECTION. Sec. 502.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall, if funds are appropriated for the specific purpose, implement postsecondary education degree programs within state correctional institutions, including the state correctional institution with the largest population of female inmates. The department shall consider for inclusion in any postsecondary education degree program, any postsecondary education degree program from an accredited community college, college, or university that is part of an associate of arts, baccalaureate, masters of arts, or other graduate degree program.

(2) Inmates shall be required to pay the costs for participation in any postsecondary education degree programs established under this subsection, including books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) The inmate who is participating in the postsecondary education degree program shall, during confinement, provide the required payment or payments to the department; or

(b) A third party shall provide the required payment or payments directly to the department on behalf of an inmate, and such payments shall not be subject to any of the deductions as provided in this chapter.

(3) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to complete the purposes of this section.

(4) Any funds collected by the department under this section shall be used solely for the creation, maintenance, or expansion of inmate postsecondary education degree programs.

**Sec. 503.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection (7) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent to the department to contribute to the cost of incarceration;

(d) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(e) Fifteen percent for any child support owed under a support order.

(3) When an inmate, except as provided in subsection (7) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(5)(a) ~~The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of ((one-fee-based)) education or vocational programs ((that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.~~

~~An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release)) or postsecondary education degree programs as provided in RCW 72.09.460 and section 502 of this act.~~

(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.

(6) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(7) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation, twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

(8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(9) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(10) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action.

**NEW SECTION. Sec. 504.** (1) The department of corrections and the state board for community and technical colleges, in cooperation with the unions representing academic employees in corrections education programs, shall investigate and review methods to optimize educational and vocational programming opportunities to meet the needs of each offender as identified in his or her individual reentry plan while an offender is under the jurisdiction of the department. Faculty in both incarceration and postincarceration educational programs shall be included in the review process and should be allowed job release time to participate in the review.

(2) In conducting its review, the department and state board shall:

(a) Consider and make recommendations regarding technological advances which could serve to expand educational programs and vocational training including, but not limited to, distance learning, satellite instruction, videotape usage, computer aided instruction, and flexible scheduling and also considering the infrastructure, resources, and security that would be needed to implement the program or training. These advances shall be assessed for their ability to provide the most cost-efficient and effective programming for offenders;

(b) Consider and make recommendations regarding methods to ensure that educational programs and vocational training are relevant to enhance the employability of offenders upon release;

(c) Consider and make recommendations regarding long-term methods for maintaining channels of communication between the department, state board administration, academic employees, and students; and

(d) Gather information regarding the numbers of individuals who are involved in postsecondary education in department of corrections' facilities, the level of potential demand for postsecondary education, the ability of inmates to pay for the costs of postsecondary education in the facilities, the demand for and feasibility of establishing a loan program for offenders, and to make recommendations regarding the need to improve access to postsecondary education in prisons and methods to implement such programs.

(3) The department and state board shall report to the governor and the legislature no later than November 15, 2007.

#### PART VI - EMPLOYMENT BARRIERS

**NEW SECTION. Sec. 601.** On or before October 1, 2007, the department of corrections and the department of licensing shall enter into an agreement establishing expedited procedures to assist offenders in obtaining a driver's license or identification card upon their release from a department of corrections' institution.

**NEW SECTION. Sec. 602.** (1) The director of the department of licensing, or the director's designee, shall, within existing resources, convene and chair a work group to review and recommend changes to occupational licensing laws and policies to encourage the employment of individuals with criminal convictions while ensuring the safety of the public.

(2) In addition to the director of the department of licensing, the following shall be members of the work group: A representative from the employment security department, a representative from the department of corrections, a representative from the Washington state association of prosecuting attorneys, and up to five members appointed by the governor from state agencies that issue occupational licenses. The department shall also invite participation from victim service agencies, the state board for community and technical colleges, association of Washington business, nonprofit organizations providing workforce training to released offenders, and legislative staff who provide support to the human services and human services and corrections committees. Members of the work group shall serve without compensation.

(3) In conducting its review, the work group must:

(a) Review approaches used by other states and jurisdictions for awarding occupational licenses to those with criminal convictions;

(b) Develop a process and standards by which the department of licensing and licensing agencies will determine whether a criminal conviction renders an applicant an unsuitable candidate for a license or whether a conviction warrants revocation or suspension of a license previously granted;

(c) Develop guidelines for potential applicants that reflect the most common or well-known categories of crimes and their relation to specific license types;

(d) Establish mechanisms for making information regarding the process and guidelines easily accessible to potential applicants with criminal histories.

(4) The department of licensing shall present a report of its findings and recommendations to the governor and the appropriate committees of the legislature, including any proposed legislation, by November 15, 2008.

(5) This section expires December 15, 2008.

#### PART VII - HOUSING

**NEW SECTION. Sec. 701.** The legislature finds that, in order to improve the safety of our communities, more housing needs to be made available to offenders returning to the community. The legislature intends to increase the housing available to offenders by providing that landlords who rent to offenders shall be immune from civil liability for damages that may result from the criminal conduct of the tenant.

**NEW SECTION. Sec. 702.** A new section is added to chapter 59.18 RCW to read as follows:

A landlord who rents to an offender is not liable for civil damages arising from the criminal conduct of the tenant. In order for a landlord to be protected from liability as provided under this section, a landlord must disclose to residents of the property that he or she rents or has a policy of renting to offenders.

**NEW SECTION. Sec. 703.** A new section is added to chapter 35.82 RCW to read as follows:

The legislature recognizes that stable, habitable, and supportive housing is a critical factor that increases a previously incarcerated individual's access to treatment and services as well as the likelihood

of success in the community. Housing authorities are therefore encouraged to formulate rental policies that are not unduly burdensome to previously incarcerated individuals attempting to reenter the community, particularly when the individual's family may already reside in government subsidized housing.

**NEW SECTION. Sec. 704.** (1) The department of community, trade, and economic development shall establish a pilot program to provide transitional housing assistance to offenders who are reentering the community and are in need of housing.

(2) There shall be a minimum of two pilot programs established in two counties in which community justice centers are located. The pilot programs shall be selected in consultation with the counties in which the pilots would be located. The department shall select the pilot site by September 1, 2007.

(3) The pilot program shall:

(a) Be operated in collaboration with the community justice center existing in the location of the pilot site; and

(b) Offer transitional housing that includes a supported living or educational component, particularly education relating to developing independent living skills.

(4) The department shall:

(a) Collaborate with the department of corrections in developing criteria to determine who will qualify for housing assistance; and

(b) Gather data, and report to the legislature by December 1, 2007, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing.

(5) The state, the department, and its employees are not liable for civil damages arising from the conduct of an offender due to the placement of an offender in short-term housing or the provision of housing assistance.

**Sec. 705.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(i).

(3)(a) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the following times:

(i) The time of his or her release from confinement(, unless);

(ii) Prior to his or her release from confinement in order to secure approved housing; or

(iii) When the secretary determines that an emergency exists for the inmate(, at which time the funds can be);

(b) If funds are made available pursuant to (a)(ii) or (iii) of this subsection, the funds shall be made available to the inmate in an amount determined by the secretary.

(c) The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Subject to availability of funds for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

## PART VIII - RESTORATION OF CIVIL RIGHTS

**Sec. 801.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to read as follows:

An "infamous crime" is a crime punishable by death in the state penitentiary or imprisonment in a state correctional facility. The definition of "infamous crime" does not include juvenile adjudications pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and gross misdemeanors.

**Sec. 802.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to read as follows:

(1) (Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list.) A person who has been convicted of a felony and who is under the jurisdiction of the department of corrections as a result of that felony conviction is ineligible to vote. Following conviction of a felony, the right to vote is provisionally restored as long as the person is not under the jurisdiction of the department of corrections.

(2)(a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

(b) If the person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.

(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.

(3) If the court revokes the provisional restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.

(4) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose

provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.

(5) At least twice a year, the secretary of state shall compare the list of registered voters to a list of felons who are not eligible to vote as provided in subsections (1) and (3) of this section. If a ~~(person is found on a felon list and the statewide voter registration list)~~ registered voter is not eligible to vote as provided in this section, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The canceling authority shall send to the person at his or her last known voter registration address a notice of the proposed cancellation and an explanation of the requirements for provisionally and permanently restoring the right to vote ~~((once all terms of sentencing have been completed))~~ and reregistering. If the person does not respond within thirty days, the registration must be canceled. To the extent possible, the secretary of state shall time the comparison required by this subsection to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.

~~((2))~~ (6) The right to vote may be permanently restored by ~~(for each felony conviction);~~ one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

**Sec. 803.** RCW 9.92.066 and 2003 c 66 s 2 are each amended to read as follows:

(1) Upon termination of any suspended sentence under RCW 9.92.060 or 9.95.210, such person may apply to the court for restoration of his or her civil rights not already restored by RCW 29A.08.520. Thereupon the court may in its discretion enter an order directing that such defendant shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he or she has been convicted.

(2)(a) Upon termination of a suspended sentence under RCW 9.92.060 or 9.95.210, the person may apply to the sentencing court for a vacation of the person's record of conviction under RCW 9.94A.640. The court may, in its discretion, clear the record of conviction if it finds the person has met the equivalent of the tests in RCW 9.94A.640(2) as those tests would be applied to a person convicted of a crime committed before July 1, 1984.

(b) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

**Sec. 804.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial

obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) The court shall send a copy of every signed certificate of discharge to the auditor for the county in which the court resides and to the department. The department shall create and maintain a database containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights ~~((lost by operation of law upon conviction))~~ not already restored by RCW 29A.08.520, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

**Sec. 805.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read as follows:

When a prisoner on parole has performed all obligations of his or her release, including any and all legal financial obligations, for such time as shall satisfy the indeterminate sentence review board that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to

the prisoner. The certificate of discharge shall be issued to the offender in person or by mail to the prisoner's last known address.

The board shall send a copy of every signed certificate of discharge ~~((to the auditor for the county in which the offender was sentenced and))~~ to the department of corrections. The department shall create and maintain a database containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

The board retains the jurisdiction to issue a certificate of discharge after the expiration of the prisoner's or parolee's maximum statutory sentence. If not earlier granted, the board shall make a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years. Such discharge, regardless of when issued, shall have the effect of restoring all civil rights ~~((lost by operation of law upon conviction))~~ not already restored by RCW 29A.08.520, and the certification of discharge shall so state. This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.

The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person.

**Sec. 806.** RCW 10.64.140 and 2005 c 246 s 1 are each amended to read as follows:

When a person is convicted of a felony, the court shall require the defendant to sign a statement acknowledging that:

(1) The defendant's right to vote has been lost due to the felony conviction;

(2) ~~((If the defendant is registered to vote, the voter registration will be canceled))~~ The right to vote is provisionally restored as long as the defendant is not under the jurisdiction of the department of corrections;

(3) The provisional right to vote may be revoked if the defendant fails to comply with all the terms of his or her legal financial obligations or an agreement for the payment of legal financial obligations;

~~((3))~~ (4) The right to vote may be permanently restored by one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020; and

~~((4))~~ (5) Voting before the right is restored is a class C felony under RCW 29A.84.660.

**NEW SECTION. Sec. 807.** The following acts or parts of acts are each repealed:

(4) RCW 10.64.021 (Notice of conviction) and 1994 c 57 s 1; and

(5) RCW 29A.08.660 (Felony offender--Completion of sentence) and 2005 c 246 s 12.

#### PART IX - OVERSIGHT COMMITTEE

**NEW SECTION. Sec. 901.** A new section is added to chapter 72.09 RCW to read as follows:

(1) There is created the legislative corrections oversight committee for the purpose of monitoring and ensuring compliance with administrative acts, relevant statutes, rules, and policies pertaining to the department of corrections and the treatment and supervision of offenders under the jurisdiction of the department. The committee shall consist of three senators and three representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate. The house members of the committee shall be appointed by the speaker of the house of representatives. Not more than two members from each chamber shall be from the same political party. Members shall

be appointed before the close of each regular session of the legislature during an odd-numbered year.

(2) The committee shall have the following powers:

(a) Selection of its officers and adoption of rules for orderly procedure;

(b) Request and receive status reports from the department related to its progress on the recommendations of the joint task force on offenders programs, sentencing and supervision authorized by chapter 267, Laws of 2006, implementation of the provisions of this act, and other topics as appropriate;

(c) Monitor coordination and collaboration between local government and the department and efforts to share resources and reduce the duplication of services;

(d)(i) Obtain access to all relevant records in the possession of the department, except as prohibited by law; and (ii) make recommendations to all branches of government;

(e) Request legislation;

(f) Conduct hearings into such matters as it deems necessary.

(3) Upon receipt of records from the department, the committee is subject to the same confidentiality restrictions as the department.

(4) The committee will receive the necessary staff support from both the senate and house of representatives staff resources.

(5) The members of the committee shall serve without additional compensation, but will be reimbursed for their travel expenses, in accordance with RCW 44.04.120, incurred while attending sessions of the committee or meetings of a subcommittee of the committee, while engaged on other committee business authorized by the committee, and while going to and coming from committee sessions or committee meetings.

(6) This section expires July 1, 2012.

#### PART X - MISCELLANEOUS

**Sec. 1001.** RCW 9.94A.660 and 2006 c 339 s 302 and 2006 c 73 s 10 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) Details specifying where the treatment will take place and when such substance abuse treatment will become readily available for the offender to begin;

(iv) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

~~((+))~~ (v) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include a readily available appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. In the event that an approved substance abuse treatment program is not readily available, the offender shall remain in confinement in a state facility until such treatment program becomes available. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, provided that:

(i) An appropriate substance abuse treatment program is readily available; and

(ii) Conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter

70.96A RCW for a period set by the court between three and six months. In the event that a residential chemical dependency treatment program is not readily available, the offender shall be transferred and confined in a state facility until such treatment program becomes available to the offender. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(a) Devote time to a specific employment or training;

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

(8)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(9) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department

finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(10) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(11) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

**NEW SECTION. Sec. 1002.** Part headings used in this act are not any part of the law.

**NEW SECTION. Sec. 1003.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1004.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Walsh, Assistant Ranking Minority Member; Darneille; McCoy and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Ranking Minority Member; Bailey.

Referred to Committee on Appropriations.

March 29, 2007

**SSB 5104** Prime Sponsor, Senate Committee On Higher Education: Expanding the applied baccalaureate degree pilot program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 6, after "By", strike "February" and insert "June"

Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

March 28, 2007

**2SSB 5114** Prime Sponsor, Senate Committee On Ways & Means: Changing student transportation funding. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Dunn.

Passed to Committee on Rules for second reading.

March 28, 2007

**ESSB 5312** Prime Sponsor, Senate Committee On Judiciary: Addressing the issue of stolen metal property. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under section 3 of this act.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Record" means a paper, electronic, or other method of storing information.

(7) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(8) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving nonferrous metal property and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(9) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(10) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(11) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized

employee or agent of the commercial enterprise or scrap metal business.

**NEW SECTION. Sec. 2. RECORDS REQUIRED FOR PURCHASING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC.** (1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

**NEW SECTION. Sec. 3. REQUIREMENTS FOR PURCHASING OR RECEIVING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC.** (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a street address under the requirements of section 2 of this act. For transactions valued at greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under section 2 of this act, no earlier than ten days after the transaction was made. A transaction occurs on the date provided in the record required under section 2 of this act.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**NEW SECTION. Sec. 4. RECORD FOR COMMERCIAL ACCOUNTS.** (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver nonferrous metal property and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal property and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

**NEW SECTION. Sec. 5. REPORTING TO LAW ENFORCEMENT.** (1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of nonferrous metal property and commercial metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any nonferrous metal property or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

**NEW SECTION. Sec. 6. PRESERVING EVIDENCE OF METAL THEFT.** (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of nonferrous metal property or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of

nonferrous metal property or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

**NEW SECTION. Sec. 7. UNLAWFUL VIOLATIONS.** It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under section 2 of this act knowing that the nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under section 2 of this act constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of section 3(4) of this act.

**NEW SECTION. Sec. 8. CIVIL PENALTIES.** (1) Each violation of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act shall be punishable, upon conviction, by a fine of not more than one thousand dollars.

(2) Within two years of being convicted of a violation of any of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act, each subsequent violation shall be punishable, upon conviction, by a fine of not more than two thousand dollars.

**NEW SECTION. Sec. 9. EXEMPTIONS.** The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

**NEW SECTION. Sec. 11.** RCW 9.91.110 (Metal buyers--Records of purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

**NEW SECTION. Sec. 12.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives O'Brien, Chairman; Hurst, Vice Chairman; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Lovick.

Passed to Committee on Rules for second reading.

March 29, 2007

**ESSB 5339** Prime Sponsor, Senate Committee On Economic Development, Trade & Management: Authorizing the acquisition and operation of tourism-related facilities by port districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 67.28.080 and 1997 c 452 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acquisition" includes, but is not limited to, siting, acquisition, design, construction, refurbishing, expansion, repair, and improvement, including paying or securing the payment of all or any portion of general obligation bonds, leases, revenue bonds, or other obligations issued or incurred for such purpose or purposes under this chapter.

(2) "Municipality" means any county, city ((~~or~~)), town, or port district of the state of Washington.

(3) "Operation" includes, but is not limited to, operation, management, and marketing.

(4) "Person" means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

(5) "Tourism" means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.

(6) "Tourism promotion" means activities and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding marketing of special events and festivals designed to attract tourists.

(7) "Tourism-related facility" means real or tangible personal property with a usable life of three or more years, or constructed with volunteer labor, and used to support tourism, performing arts, or to accommodate tourist activities.

(8) "Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage, or culture.

**Sec. 2.** RCW 67.28.140 and 1967 c 236 s 7 are each amended to read as follows:

(1) The acts authorized herein are declared to be strictly for the public purposes of the municipalities authorized to perform same. Any municipality as defined in RCW 67.28.080 shall have the power to acquire by condemnation and purchase any lands and property rights, both within and without its boundaries, which are necessary to carry out the purposes of this chapter. Such right of eminent domain shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law or under chapter 8.12 RCW.

(2) Nothing in this section expands a port district's right of eminent domain for the purposes of the activities and projects authorized under this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 67.28 RCW to read as follows:

Port districts are prohibited from exercising the taxing authority authorized under RCW 67.28.180, 67.28.1801, 67.28.181, 67.28.1815, 67.28.1817, 67.28.183, 67.28.184, and 67.28.200.

**NEW SECTION. Sec. 4.** A new section is added to chapter 67.28 RCW to read as follows:

A port district and any municipality or other entity involved in a joint venture or project with a port district under this chapter shall comply with the provisions of chapter 39.12 RCW."

Correct the title.

Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Ross; B. Sullivan and Takko.

MINORITY recommendation: Without recommendation. Signed by Representative Schindler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 28, 2007

**SSB 5358** Prime Sponsor, Senate Committee On Judiciary: Protecting the news media from being compelled to testify in legal proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Ahern.

Passed to Committee on Rules for second reading.

March 27, 2007

**SB 5389** Prime Sponsor, Senator Hewitt: Approving the importing of one simulcast race of regional or national interest on horse race days. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 28, 2007

**SSB 5435** Prime Sponsor, Senate Committee On Government Operations & Elections: Creating the public records exemptions accountability committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature recognizes that public disclosure exemptions are enacted to meet objectives which are determined to be in the public interest. Given the changing nature of information technology and management, record keeping, and the increasing number of public disclosure exemptions, the legislature finds that periodic reviews of public disclosure exemptions are needed to determine if the exemption serves the public interest.

**NEW SECTION. Sec. 2.** (1) The public records exemptions accountability committee is created to review public disclosure exemptions.

(2) The committee has seven members as follows:

(a) One member is the attorney general, who is a nonvoting member;

(b) One member is the chair of the joint legislative audit and review committee, who is a nonvoting member;

(c) The chair of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives shall each appoint a member. None of these appointees may be members of the legislature; and

(d) The governor shall select the seventh member.

(3) Persons appointed by the caucus chairs should be individuals who represent a balance of perspectives and constituencies, and have a basic understanding of public records law, government operations, and information technology. These appointees should have knowledge and expertise in public records policy, public records access, public information, or closely related fields.

(4) The committee shall select a chair from among its voting or nonvoting members. Decisions of the committee shall be made using the sufficient consensus model. For the purposes of this subsection, "sufficient consensus" means the point at which the majority of the committee favors taking a particular action. If the committee determines that sufficient consensus cannot be reached, a vote must be taken. The committee must allow a minority report to be included with a decision of the committee, if requested by a member of the committee.

(5) Members serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. In the case of the initial terms, however, the members appointed by the chairs of the senate caucuses shall serve four-year terms, the members appointed by the house of representatives caucuses shall serve three-year terms, and the member appointed by the governor shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(6) The joint legislative audit and review committee shall provide clerical, technical, and management personnel to the committee to serve as the committee's staff. In addition, the code reviser, the office of program research, the senate committee services, and the office of the attorney general shall provide support and information to the committee as the chair may request.

(7) The committee shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the committee. The members of the committee shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 3.** (1) The public records exemptions accountability committee shall develop a schedule to accomplish an orderly review of all exemptions to public disclosure at least once every four years. The committee shall determine the order of review of public disclosure exemptions.

(2) The committee shall revise the schedule as needed each year, taking into account newly created or terminated public disclosure exemptions. The committee shall deliver the schedule to the joint legislative audit and review committee by July 1st of each year.

(3) The committee shall provide a process for effective citizen input during its deliberations.

**NEW SECTION. Sec. 4.** (1) The joint legislative audit and review committee shall review public disclosure exemptions according to the schedule developed under section 3 of this act. The committee shall consider, but not be limited to, the following factors in the review:

(a) Public policy objectives that might provide a justification for the public disclosure exemption, including but not limited to, the legislative history, any legislative intent, or the extent to which the public disclosure exemption is warranted;

(b) The individuals, organizations, or industries who are directly affected by the public disclosure exemption;

(c) The extent to which the continuation of the public disclosure exemption might contribute to the public policy objectives;

(d) The extent to which the public disclosure exemption may provide unintended benefits to an individual, organization, or industry other than those the legislature intended;

(e) The extent to which terminating the public disclosure exemption may have negative effects on the group that currently benefits from the public disclosure exemption;

(f) The feasibility of modifying the public disclosure exemption to provide for adjustment to continue the public policy of open government;

(g) Impacts of the public disclosure exemption, including past impacts and expected future impacts if it is continued;

(h) The extent to which termination of the public disclosure exemption would affect liability of the state; and

(i) Consideration of similar public disclosure exemptions adopted or repealed in other states or by the federal government and potential public policy benefits that might be gained by taking corresponding action in Washington.

(2) For each public disclosure exemption, the committee shall provide a recommendation as to whether the public disclosure exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated immediately. The committee may recommend accountability standards for the future review of public disclosure exemptions.

**NEW SECTION. Sec. 5.** (1) The joint legislative audit and review committee shall report its findings and recommendations for scheduled public disclosure exemptions to the public records exemptions accountability committee by October 30th of each year. The joint legislative audit and review committee may revise its report based on the comments, prepare a final report that includes the comments, and submit the final report to the house of representatives and the senate by November 30th.

(2) Following receipt of a report under this section, the appropriate committees of the house of representatives and the senate shall jointly hold a public hearing to consider the final report and any related data.

**NEW SECTION. Sec. 6.** By July 1, 2007, the code reviser shall provide the committee with a list of all exemptions from public disclosure in the revised code of Washington and those not codified in the order they have been enacted into law.

**NEW SECTION. Sec. 7.** Sections 1 through 6 of this act are each added to chapter 42.56 RCW."

Correct the title.

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 29, 2007

**ESSB 5452** Prime Sponsor, Senate Committee On Human Services & Corrections: Providing for reunification after termination of parental rights. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child must have been found to be a dependent child under this chapter;

(b) The child must be at least twelve years of age at the time the petition to reinstate parental rights is filed;

(c) At least three years have passed from the date of entry of an order for the termination of parental rights;

(d) The child's permanent plan is adoption and the child has not been adopted;

(e) The petition is signed by the child, unless the court finds good cause not to require the child's signature; and

(f) The petition alleges facts demonstrating the parent is fit and that reinstatement of parental rights is in the best interest of the child.

(2) Upon the filing of a petition to reinstate parental rights, the juvenile court shall order that a hearing be held. The court shall give prior notice, or cause prior notice to be given, to the department, the child's attorney, the child, the child's foster parent, and the child's tribe, if applicable. The court shall also order the department to give prior notice of the hearing to the child's former parent or parents whose parental rights were terminated and to any parent of the child whose parental rights were not terminated.

(3) The juvenile court shall conditionally grant the petition if it finds the following by clear and convincing evidence:

(a) The parental deficiencies which led to the termination of parental rights have been addressed to a degree that assures the court that the reinstatement of parental rights will not present a risk to the child's health, welfare, or safety;

(b) The parent is currently able to care for the child such that placement of the child with the parent will not present a risk to the child's health, welfare, or safety;

(c) The child is no longer likely to be adopted; and

(d) That reinstatement of parental rights is in the child's best interest.

(4)(a) If the court conditionally grants the petition under subsection (3) of this section, the case will be continued for one year. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification. The department shall provide transition services to the family as appropriate. The court shall conduct a minimum of two review hearings to determine the status of the case and the well-being of the child.

(b) If the child must be removed from the parent due to abuse or neglect allegations, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for one year, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency if the court finds that

dismissal of the dependency is in the best interests of the child and will not present a risk to the child's health, welfare, or safety.

(5) A child seeking to petition under this section shall be provided counsel prior to the filing of the petition.

(6) The child's former parent or parents have the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court after the petition for reinstatement of parental rights has been filed. Unless waived in court, counsel shall be provided to the child's parent if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency.

(7) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

**NEW SECTION. Sec. 2.** This act is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

**Sec. 3.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 1 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.20A RCW to read as follows:

The state, the department, and its employees or agents are not liable for civil damages resulting from any act or omission in the provision of child welfare or child protective services through the children's administration of the department of social and health services, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

**NEW SECTION. Sec. 5.** Nothing in this act may be construed to limit the application of other statutes specifying a liability standard for the state's employees and agents."

Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

March 29, 2007

2SSB 5455 Prime Sponsor, Senate Committee On Ways & Means: Creating the community revitalization partnership pilot program. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

March 28, 2007

SSB 5511 Prime Sponsor, Senate Committee On Government Operations & Elections: Requiring state agencies to allow volunteer firefighters to respond when called to duty. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 29, 2007

E2SSB 5528 Prime Sponsor, Senate Committee On Ways & Means: Requiring a review of the essential academic learning requirements in mathematics. (REVISED FOR ENGROSSED: Requiring a revision of essential academic learning requirements and grade level expectations for mathematics.) Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

March 28, 2007

SSB 5533 Prime Sponsor, Senate Committee On Human Services & Corrections: Revising procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

On page 2, line 8, after "unit" insert "as defined in RCW 71.05.020(6). Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours: PROVIDED, that they are examined by a mental health professional within three hours of their arrival"

On page 4, line 4, after "by" strike "sections 4 and" and insert "section 4 or"

On page 4, line 7, after "in" strike "sections 4 and" and insert "section 4 or"

On page 4, beginning on line 10, after "evaluated" strike all material through "subsection" on line 11, and insert "for civil commitment proceedings"

On page 5, line 3, after "act," insert "but in any event for a period of no longer than ninety days,"

On page 26, line 10, after "chapter" strike "10.97" and insert "10.77"

Signed by Representatives Dickerson, Chairman; Roberts, Vice Chairman; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Passed to Committee on Rules for second reading.

March 28, 2007

ESSB 5550 Prime Sponsor, Senate Committee On Consumer Protection & Housing: Concerning real property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 7, line 11, strike "eleven" and insert "twelve"

On page 7, line 25, strike "and"

On page 7, after line 27, insert the following:

"(x) One representative of the Washington low income housing alliance; and"

Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ross.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5561 Prime Sponsor, Senator Oemig: Allowing voter registration up to and on election day. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.08.145 and 2006 c 97 s 2 are each amended to read as follows:

This section establishes a special procedure which an elector not registered in the state may use to register to vote during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the ~~((fifteenth))~~ day ~~((before))~~ of a primary, special election, or general election. A qualified elector in the state may register to vote in person ~~((in the office of the county auditor of the county in which the applicant resides, or at a voter registration location specifically designated for this purpose by the county auditor or secretary of state))~~ at the county courthouse of the county in which the applicant resides, or at locations designated by the local county auditor or election official, and apply for ~~((an absentee))~~ a provisional ballot for that primary or election. The auditor or registration assistant shall register that individual in the

manner provided in this chapter. The application for ~~((an absentee))~~ a provisional ballot executed by the newly registered voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

**NEW SECTION. Sec. 2.** A new section is added to chapter 29A.08 RCW to read as follows:

If a voter registration application submitted pursuant to RCW 29A.08.145 is not complete under RCW 29A.08.110, or if the information on the voter registration application cannot be matched by the secretary of state pursuant to RCW 29A.08.107, and the deficiency or discrepancy has not been resolved prior to certification of the election, the ballot submitted by the applicant shall not be counted.

**Sec. 3.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to read as follows:

(1) Except for subsection (4) of this section, challenges initiated by a registered voter against a voter who registered to vote less than sixty days before the election, or who changed residence less than sixty days before the election without transferring his or her registration, must be filed not later than ten days before any primary or election, general or special, or within ten days of the voter being added to the voter registration data base, whichever is later, at the office of the appropriate county auditor. Challenges initiated by a registered voter against any other voter must be filed not later than forty-five days before the election. Challenges initiated by the office of the county prosecuting attorney must be filed in the same manner as challenges initiated by a registered voter.

(2)(a) If the challenge is filed within forty-five days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately in the poll book or voter registration system, and the county canvassing board presides over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be treated as a challenged ballot. A challenged ballot received at a polling place must be placed in a sealed envelope separate from other voted ballots.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election.

(3) If the challenge is filed at least forty-five days before an election at which the challenged voter is eligible to vote, the county auditor presides over the hearing.

(4) Challenges initiated by a registered voter against a voter who registered to vote on or less than fourteen days before the day of the election must be filed at a time as prescribed in rules adopted by the secretary of state pursuant to RCW 29A.04.611.

**Sec. 4.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are each reenacted and amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;

(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;

(12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic facsimile;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms for declarations of candidacy;

(25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

(26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

(27) Filing for office;

(28) The order of positions and offices on a ballot;

(29) Sample ballots;

(30) Independent evaluations of voting systems;

(31) The testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;

(35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;

(36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;

(37) The tabulation of paper ballots before the close of the polls;

(38) The accessibility of polling places and registration facilities that are accessible to elderly and ~~((disabled persons))~~ individuals with disabilities;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

(53) Facilitating the payment of local government grants to local government election officers or vendors; ~~((and))~~

(54) Standards for the verification of signatures on absentee, mail, and provisional ballot envelopes; and

(55) Provisions and procedures for voter registration challenges, consistent with the requirements of RCW 29A.08.810, of voters who register on or within fourteen days before a primary, special, or general election under RCW 29A.08.145."

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5640 Prime Sponsor, Senator Kauffman: Authorizing tribal governments to participate in public employees' benefits board programs. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 5653 Prime Sponsor, Senate Committee On Economic Development, Trade & Management: Authorizing the development of self-employment assistance programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Referred to Committee on Appropriations.

March 28, 2007

ESB 5669 Prime Sponsor, Senator Holmquist: Requiring agencies to expedite decisions regarding the implementation of renewable fuel standards. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended.

On page 2, at the beginning of line 1, strike "license, permit, or approval requirements or"

On page 2, line 2, after "WAC" insert ", or other license, permit, or approval requirements"

Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy; Ericksen; Hankins; Hudgins; Hurst; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5721 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Concerning financial arrangements involving sports/entertainment facility license holders. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed

method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a

licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered as a 501(c)(3) under the internal revenue code and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from jointly producing brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.

(h) Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(j) Nothing in this section shall prohibit a manufacturer, importer, or distributor from entering into an arrangement with any holder of a sports/entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

**Sec. 2.** RCW 66.24.570 and 2003 c 345 s 3 are each amended to read as follows:

(1) There is a license for sports entertainment facilities to be designated as a sports/entertainment facility license to sell beer, wine, and spirits at retail, for consumption upon the premises only, the license to be issued to the entity providing food and beverage service at a sports entertainment facility as defined in this section. The cost of the license is two thousand five hundred dollars per annum.

(2) For purposes of this section, a sports entertainment facility includes a publicly or privately owned arena, coliseum, stadium, or facility where sporting events are presented for a price of admission. The facility does not have to be exclusively used for sporting events.

(3) The board may impose reasonable requirements upon a licensee under this section, such as requirements for the availability of food and victuals including but not limited to hamburgers, sandwiches, salads, or other snack food. The board may also restrict the type of events at a sports entertainment facility at which beer, wine, and spirits may be served. When imposing conditions for a licensee, the board must consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a sports entertainment facility.

(4)(a) The board may issue a caterer's endorsement to the license under this section to allow the licensee to remove from the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(5) The board may issue an endorsement to the beer, wine, and spirits sports/entertainment facility license that allows the holder of a beer, wine, and spirits sports/entertainment facility license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this section is one hundred twenty dollars.

(6)(a) A licensee and an affiliated business may enter into arrangements with a manufacturer, importer, or distributor for brand advertising at the sports/entertainment facility or promotion of events held at the sports/entertainment facility, with a capacity of five thousand people or more. The financial arrangements providing for the brand advertising or promotion of events shall not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement nor shall it result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (6) are an exception to arrangements prohibited under RCW 66.28.010. The board shall monitor the impacts of these arrangements. The board may conduct audits of the licensee and the affiliated business to determine compliance with this subsection (6). Audits may include but are not limited to product selection at the facility; purchase patterns of the licensee; contracts with the liquor manufacturer, importer, or distributor; and the amount allocated or used for liquor advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(c) The board shall report to the appropriate committees of the legislature by December 30, 2008, and biennially thereafter, on the impacts of arrangements allowed between sports/entertainment licensees and liquor manufacturers, importers, and distributors for brand advertising and promotion of events at the facility."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member;

Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 29, 2007

2SSB 5743 Prime Sponsor, Senate Committee On Ways & Means: Linking economic clusters and quality management practices to customized training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Jarrett; Roberts and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa and McIntire.

Referred to Committee on Appropriations.

March 29, 2007

ESSB 5836 Prime Sponsor, Senate Committee On Government Operations & Elections: Addressing the timing of accrual of property tax revenues. (REVISED FOR ENGROSSED: Regarding the determination of boundaries for taxing districts.) Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.13.270 and 2001 c 299 s 2 are each amended to read as follows:

(1) Whenever any territory is annexed to a city or town which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the city or town and by the city or town placed in the city or town street fund; except that road district taxes that are delinquent before the date of annexation shall be paid to the county and placed in the county road fund. ((~~This section shall~~))

(2) When territory that is part of a fire district is annexed to a city or town, the following apply:

(a) Fire district taxes on annexed property that were levied, but not collected, and were not delinquent at the time of the annexation shall, when collected, be paid to the annexing city or town at times required by the county, but no less frequently than by July 10th for collections through June 30th and January 10th for collections through December 31st following the annexation; and

(b) Fire district taxes on annexed property that were levied, but not collected, and were delinquent at the time of the annexation and the pro rata share of the current year levy budgeted for general obligation debt, when collected, shall be paid to the fire district.

(3) When territory that is part of a library district is annexed to a city or town, the following apply:

(a) Library district taxes on annexed property that were levied, but not collected, and were not delinquent at the time of the annexation shall, when collected, be paid to the annexing city or town at times required by the county, but no less frequently than by July 10th for collections through June 30th and January 10th for collections through December 31st following the annexation; and

(b) Library district taxes on annexed property that were levied, but not collected, and were delinquent at the time of the annexation and the pro rata share of the current year levy budgeted for general obligation debt, when collected, shall be paid to the library district.

(4) Subsections (1) through (3) of this section do not apply to any special assessments due in behalf of such property.

(5) If a city or town annexes property within a fire district or library district while any general obligation bond secured by the taxing authority of the district is outstanding, the bonded indebtedness of the fire district or library district remains an obligation of the taxable property annexed as if the annexation had not occurred.

(6) The city or town is required to provide notification, by certified mail, that includes a list of annexed parcel numbers, to the county treasurer and assessor, and to the fire district and library district, as appropriate, at least thirty days before the effective date of the annexation. The county treasurer is only required to remit to the city or town those road taxes, fire district taxes, and library district taxes collected thirty days or more after receipt of the notification.

(7)(a) In counties that do not have a boundary review board, the city or town shall provide notification to the fire district or library district of the jurisdiction's resolution approving the annexation. The notification required under this subsection must:

(i) Be made by certified mail within seven days of the resolution approving the annexation; and

(ii) Include a description of the annexed area.

(b) In counties that have a boundary review board, the city or town shall provide notification of the proposed annexation to the fire district or library district simultaneously when notice of the proposed annexation is provided by the jurisdiction to the boundary review board under RCW 36.93.090.

(8) The provisions of this section regarding (a) the transfer of fire and library district property taxes and (b) city and town notifications to fire and library districts do not apply if the city or town has been annexed to and is within the fire or library district when the city or town approves a resolution to annex unincorporated county territory.

**Sec. 2.** RCW 35A.14.801 and 2001 c 299 s 3 are each amended to read as follows:

(1) Whenever any territory is annexed to a code city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the code city and by the city placed in the city street fund; except that road district taxes that are delinquent before the date of annexation shall be paid to the county and placed in the county road fund. ((~~This section shall~~))

(2) When territory that is part of a fire district is annexed to a code city, the following apply:

(a) Fire district taxes on annexed property that were levied, but not collected, and were not delinquent at the time of the annexation shall, when collected, be paid to the annexing code city at times required by the county, but no less frequently than by July 10th for collections through June 30th and January 10th for collections through December 31st following the annexation; and

(b) Fire district taxes on annexed property that were levied, but not collected, and were delinquent at the time of the annexation and the pro rata share of the current year levy budgeted for general obligation debt, when collected, shall be paid to the fire district.

(3) When territory that is part of a library district is annexed to a code city, the following apply:

(a) Library district taxes on annexed property that were levied, but not collected, and were not delinquent at the time of the annexation shall, when collected, be paid to the annexing code city at times required by the county, but no less frequently than by July 10th for collections through June 30th and January 10th for collections through December 31st following the annexation; and

(b) Library district taxes on annexed property that were levied, but not collected, and were delinquent at the time of the annexation and the pro rata share of the current year levy budgeted for general obligation debt, when collected, shall be paid to the library district.

(4) Subsections (1) through (3) of this section do not apply to any special assessments due in behalf of such property.

(5) If a code city annexes property within a fire district or library district while any general obligation bond secured by the taxing

authority of the district is outstanding, the bonded indebtedness of the fire district or library district remains an obligation of the taxable property annexed as if the annexation had not occurred.

(6) The code city is required to provide notification, by certified mail, that includes a list of annexed parcel numbers, to the county treasurer and assessor, and to the fire district and library district, as appropriate, at least thirty days before the effective date of the annexation. The county treasurer is only required to remit to the code city those road taxes, fire district taxes, and library district taxes collected thirty or more days after receipt of the notification.

(7)(a) In counties that do not have a boundary review board, the code city shall provide notification to the fire district or library district of the jurisdiction's resolution approving the annexation. The notification required under this subsection must:

(i) Be made by certified mail within seven days of the resolution approving the annexation; and

(ii) Include a description of the annexed area.

(b) In counties that have a boundary review board, the code city shall provide notification of the proposed annexation to the fire district or library district simultaneously when notice of the proposed annexation is provided by the jurisdiction to the boundary review board under RCW 36.93.090.

(8) The provisions of this section regarding (a) the transfer of fire and library district property taxes and (b) code city notifications to fire and library districts do not apply if the code city has been annexed to and is within the fire or library district when the code city approves a resolution to annex unincorporated county territory.

**Sec. 3.** RCW 84.09.030 and 2004 c 129 s 19 are each amended to read as follows:

Except as follows, the boundaries of counties, cities, and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of (~~March~~) August of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district or regional fire protection service authority shall be established on the first day of October if the boundaries of the newly incorporated port district or regional fire protection service authority are coterminous with the boundaries of another taxing district or districts, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(4) Boundaries for a newly incorporated water-sewer district shall be established on the fifteenth of June of the year in which the proposition under RCW 57.04.050 authorizing a water district excess levy is approved.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the

official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section."

Correct the title.

Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

March 29, 2007

2SSB 5955 Prime Sponsor, Senate Committee On Ways & Means: Regarding educator preparation, professional development, and compensation. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.415 RCW to read as follows:

**SCHOOL DISTRICT LEADERSHIP ACADEMY.** (1) Research supports the value of quality school and school district leadership. Effective leadership is critical to improving student learning and transforming underperforming schools and school districts into world-class learning centers.

(2) A public-private partnership is established to develop, pilot, and implement the Washington state leadership academy to focus on the development and enhancement of personal leadership characteristics and the teaching of effective practices and skills demonstrated by school and district administrators who are successful managers and instructional leaders. It is the goal of the academy to provide state-of-the-art programs and services across the state.

(3) Academy partners include the state superintendent and principal professional associations, private nonprofit foundations, institutions of higher education with approved educator preparation programs, the professional educator standards board, the office of the superintendent of public instruction, educational service districts, the state school business officers' association, and other entities identified by the partners. The partners shall designate an independent organization to act as the fiscal agent for the academy and shall establish a board of directors to oversee and direct the academy's finances, services, and programs. The academy shall be supported by a national research institution with demonstrated expertise in educational leadership.

(4) Initial development of academy course content and activities shall be supported by private funds. Initial tasks of the academy are to:

(a) Finalize a comprehensive design of the academy and the development of the curriculum frameworks for a comprehensive leadership development program that includes coursework, practicum, mentoring, and evaluation components;

(b) Develop curriculum for individual leadership topics;

(c) Pilot the curriculum and all program components; and

(d) Modify the comprehensive design, curriculum coursework, practicum, and mentoring programs based on the research results gained from pilot activities.

(5) The board of directors shall report semiannually to the superintendent of public instruction on the financial contributions provided by foundations and other organizations to support the work of the academy. The board of directors shall report by December

31st each year to the superintendent of public instruction on the programs and services provided, numbers of participants in the various academy activities, evaluation activities regarding program and participant outcomes, and plans for the academy's future development.

(6) The board of directors shall make recommendations for changes in superintendent and principal preparation programs, the administrator licensure system, and continuing education requirements.

**NEW SECTION. Sec. 2. PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES.** (1) The purpose of the duties in this section for the professional educator standards board is to take the next steps in developing quality teaching knowledge and skill in the state's teaching ranks. The duties build upon the current teacher development foundation that requires demonstrated teaching competency, requires evidence of positive impact on student learning, and focuses on furthering state kindergarten through twelfth grade learning goals through instructional skill alignment.

(2) The professional educator standards board shall:

(a) By December 2007:

(i) Adopt new knowledge and skill standards that prepare all individuals seeking residency teacher certification to integrate mathematics across all content areas; and

(ii) Adopt new certification requirements for individuals seeking residency teacher certification as elementary education or middle level and secondary mathematics teachers to assure adequate content and instructional strategy preparation to teach to the kindergarten through twelfth grades state mathematics and science standards;

(b) By June 2009:

(i) Set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar;

(ii) Summarize its work in the development of the assessment in (b)(i) of this subsection in the annual reports required by RCW 28A.410.240; and

(iii) Review and revise the standards for higher education teacher preparation programs to incorporate updated practices to enhance teacher success in a knowledge and skill-based performance system that emphasizes strong content, applied learning, and personal, meaningful connections with students; and

(c) By December 2009, review and revise as needed teacher preparation standards and requirements to focus on diversity in cultural knowledge and respect.

**NEW SECTION. Sec. 3.** Sections 3 through 7 of this act represent core components of a comprehensive initiative to improve mathematics, science, and targeted secondary reading education and achievement through educator professional development and support. The initiative focuses on:

(1) A regional delivery system to provide professional development and support to schools and school districts through the educational service districts;

(2) A tiered support system that provides resources, services, assistance, and intervention for schools and districts, depending on their levels of need;

(3) Leveraging existing public and private resources and district-initiated activities; and

(4) Accountability through outcome-oriented performance agreements, contracts, reporting, and data collection.

**NEW SECTION. Sec. 4.** (1) The mathematics, science, and targeted secondary reading improvement initiative shall provide the capacity and resources for the superintendent of public instruction, educational service districts, school districts, and schools to conduct a broad range of activities, depending on the level of need and priority of the school or district. The focus of the initiative is on building and enhancing the quality of mathematics and science instruction.

(2) Activities supported by the initiative include, but are not limited to:

(a) Targeted professional development in content knowledge, content-specific pedagogy, differentiated instruction, effective teaching strategies, learning modules, and mathematics and science standards and curriculum;

(b) Use and analysis of diagnostic assessments and other data on student achievement to improve instruction;

(c) Curriculum alignment and development or purchase of supplemental materials;

(d) Integration of technology; and

(e) Mentors and instructional coaches.

**NEW SECTION. Sec. 5.** In support of the mathematics, science, and targeted secondary reading improvement initiative, the office of the superintendent of public instruction shall:

(1) Create a partnership with the educational service districts to develop and deliver professional development learning opportunities for educators that fulfill the goals and address the specific targeted activities described in this section. The partnership shall:

(a) Support school districts by providing professional development leadership, courses, and consultation services to school districts in their implementation of the professional development activities described in sections 3 through 7 of this act; and

(b) Support one another in the delivery of state-level and regional-level professional development activities such as state conferences and regional accountability institutes;

(2) Enter into a performance agreement with each educational service district to clearly articulate partner responsibilities and assure fidelity for the delivery of professional development initiatives including job-embedded practices. Components of such performance agreements shall include:

(a) Participation in the development of various professional development workshops, programs, and activities;

(b) Characteristics and qualifications of professional development staff supported by the program;

(c) Methods to ensure consistent delivery of professional development services; and

(d) Reporting responsibilities related to services provided, program participation, outcomes, and recommendations for service improvement;

(3) In collaboration with the educational service districts, develop a methodology for distributing funds appropriated for activities under the tiered support system in section 6 of this act among the educational service districts and among the three tiers of support. The methodology shall take into account the anticipated demand and need for services by school districts in each tier and the size of those school districts. The methodology shall also reflect a higher priority and greater need for support and resources for schools and districts in tier three;

(4) Develop guidelines for educational service districts in administering grants, developing district improvement agreements, and implementing intensive intervention and support services. The guidelines shall not require all educational service districts to follow the same procedures in all circumstances, but shall ensure general equity for school districts across the state in how the districts may access resources under the initiative and the activities and services that are provided by the educational service districts;

(5) Identify the schools and school districts eligible for tier three intensive intervention and support, based on low student performance in mathematics and science. The superintendent shall consider whether the school has the capacity to feasibly integrate additional resources with any existing state or federal improvement funds. To the maximum extent possible, the identification of and the intensive intervention services provided to tier three schools and districts shall align with the accountability plan developed by the state board of education; and

(6) In collaboration with the educational service districts, develop guidelines and a common reporting format for collecting data and information about the activities and outcomes under the initiative and designate one or more common diagnostic assessments for districts to use in reporting and monitoring student achievement.

**NEW SECTION. Sec. 6.** Resources for the mathematics, science, and targeted secondary reading improvement initiative shall be provided through the office of the superintendent of public instruction and educational service districts to schools and school districts based on a tiered support system. The legislature's intent is that resources from the mathematics, science, and targeted secondary reading improvement initiative are provided over a four-year period.

(1) Tier one: Initiative grants. School districts may apply on a competitive basis to their educational service district for grants to support activities to improve mathematics, science, and secondary reading instruction. A district may contract with the educational service district for services, use the grant for district-initiated activities, or both. Tier one districts must demonstrate how district resources and resources from public-private partnerships shall be used to leverage the grant funds. Tier one grant recipients must identify measurable outcomes from the activities supported by the grant and report results in a prescribed format, including student achievement data from designated diagnostic assessments.

(2) Tier two: Improvement agreements. School districts may work with the office of the superintendent of public instruction and educational service districts to plan, develop, and implement a mathematics, science, and targeted secondary reading improvement initiative tailored to the needs of the district. The office of the superintendent of public instruction, the educational service district, and the school district shall develop a joint agreement that identifies the services and support to be provided by the educational service district, the activities to be conducted by the district using improvement agreement funds, and the expected measurable outcomes from the activities. Recipients of funds under a tier two improvement agreement must report results of the activities supported by the agreement in a prescribed format, including student achievement data from designated diagnostic assessments.

(3) Tier three: Intensive intervention and support. School districts and schools with low student performance in mathematics, science, and/or secondary reading as identified by the superintendent of public instruction under section 5 of this act are eligible for intensive intervention and support coordinated by the office of the superintendent of public instruction and/or the educational service district. School districts or individual schools may receive tier three support. Recipients of funds under tier three support must:

(a) Participate in an audit of the mathematics, science, and secondary reading instructional delivery system, including policies and practices, curriculum alignment, teacher pedagogy and content knowledge, and assessment of overall climate and practice compared to best practices;

(b) Develop, with assistance from the educational service district, a school or district intervention plan that focuses on areas of highest need and provides intensive professional development in those areas;

(c) Participate in professional development using the services of a technical assistance team that includes a trained and experienced facilitator and mathematics, science, or reading instructional coaches to provide job-embedded professional development; and

(d) Identify measurable outcomes from the activities supported by the grant and report results in a prescribed format, including student achievement data from designated diagnostic assessments.

**NEW SECTION. Sec. 7.** (1) Educational service districts shall coordinate with the superintendent of public instruction to develop and maintain the capacity to provide administrative, professional development, technical assistance, and intervention services under the mathematics, science, and targeted secondary reading improvement initiative to support school districts as required under section 6 of this act, including:

(a) Administering, reviewing, and monitoring grants for tier one grant recipients and providing contracted services;

(b) Developing, administering, and monitoring tier two improvement agreements and providing support and services under the terms of the agreements; and

(c) Coordinating and providing the intensive intervention and support for tier three schools and districts, including the instructional audit, intervention plan, and intervention team.

(2) Educational service districts shall also:

(a) Develop public-private partnerships and seek external grants and funds to leverage the state resources provided to support the mathematics and science improvement initiative;

(b) Collect, compile, and disseminate data and information about the activities and outcomes under the initiative, including student achievement data from designated diagnostic assessments; and

(c) Develop appropriate reporting and monitoring procedures to ensure accountability for the use of funds distributed to school districts through the tiered support system and for the achievement of desired outcomes.

**Sec. 8.** RCW 28A.310.350 and 1977 ex.s. c 283 s 10 are each amended to read as follows:

The basic core services and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

(1) Educational service district administration and facilities such as office space, maintenance and utilities;

(2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;

(3) Personnel services such as certification/registration services;

(4) Learning resource services such as audio visual aids;

(5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment; ~~(and)~~

(6) Professional development services identified by statute or the omnibus appropriations act; and

(7) Special needs of local education agencies.

**NEW SECTION. Sec. 9.** RCW 28A.300.350 (Excellence in mathematics training program) and 1999 c 347 s 2 are each repealed.

**NEW SECTION. Sec. 10.** Sections 3 through 7 of this act are each added to chapter 28A.415 RCW under the subchapter heading "mathematics, science, and targeted secondary reading improvement initiative."

**Sec. 11.** RCW 28A.415.200 and 1989 c 146 s 1 are each amended to read as follows:

The legislature finds that it is important to have a teaching force that reflects the rich diversity of the students served in the public schools. A diverse and culturally competent teaching force provides a unique social, emotional, and academic learning environment for a diverse student body. The legislature further finds that certain groups, as characterized by ethnic background, are traditionally underrepresented in the teaching profession in the state of Washington and that the ethnic diversity of the student population in the state of Washington is increasing. ~~((The legislature intends to increase the number of people from underrepresented groups entering our teaching force.))~~ The legislature further finds that Washington lacks a systemic and strategic recruitment approach to increasing diversity among educators. Additional steps must be taken to increase the number of diverse high school students who seek to enter the teaching profession, especially in teacher shortage areas and among multilingual, multicultural students.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28A.415 RCW to read as follows:

(1) The recruiting diverse Washington teachers program is established to recruit and provide training and support for diverse high school students to enter the teaching profession, especially in teacher shortage areas and among multilingual, multicultural students. The program shall be administered by the professional educator standards board.

(2) The program shall consist of the following components:

(a) Targeted recruitment of diverse students, especially multilingual, multicultural students in grades nine through twelve through outreach and communication strategies. The focus of recruitment efforts shall be on encouraging students to consider and

explore becoming future teachers in mathematics, science, bilingual education, special education, and English as a second language;

(b) A curriculum that provides future teachers with opportunities to observe classroom instruction at all grade levels; includes preteaching internships at all grade levels with a focus on shortage areas; and covers such topics as lesson planning, learning styles, student learning data and information, the achievement gap, cultural competency, and education policy;

(c) Academic and community support services for students to help them overcome possible barriers to becoming future teachers, such as supplemental tutoring; advising on college readiness, applications, and financial aid processes; and mentoring; and

(d) Future teacher camps held on college campuses where students can attend workshops and interact with college faculty and current teachers.

(3) As part of its administration of the program, the professional educator standards board shall:

(a) Develop the curriculum and program guidelines in consultation with an advisory group of teachers, representatives of teacher preparation programs, teacher candidates, students, and representatives of diverse communities;

(b) Subject to funds appropriated for this purpose, allocate grant funds through a competitive process to partnerships of high schools, teacher preparation programs, and community-based organizations to design and deliver programs that include the components under subsection (2) of this section; and

(c) Conduct an evaluation of the effectiveness of current strategies and programs for recruiting diverse teachers, especially multilingual, multicultural teachers, in Washington and in other states. The board shall use the findings from the evaluation to revise the recruiting diverse Washington teachers program as necessary and make other recommendations to teacher preparation programs or the legislature.

NEW SECTION. Sec. 13. RCW 28A.415.205 (Minority teacher recruitment program) and 2005 c 497 s 211, 1991 c 238 s 75, & 1989 c 146 s 2 are each repealed.

NEW SECTION. Sec. 14. Captions used in this act are not any part of the law."

Correct the title.

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

March 28, 2007

SSB 6011 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Creating the Maury Island aquatic reserve. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79.105 RCW under the subchapter heading "other management provisions" to read as follows:

(1) There is created the Maury Island aquatic reserve. The reserve encompasses only state-owned tidelands and bedlands, except that the department may include tidelands or shorelands contiguous to state aquatic lands where the owner provides written permission for inclusion of such lands in the reserve and states in writing an intent to sell or donate the lands to the state in the future. The commissioner may expand the reserve by administrative order designating additional contiguous state-owned tidelands and

bedlands, or by accepting written permission by the owner of contiguous aquatic lands, where the commissioner determines the lands in the designation or private owner permission meet one or more of the following characteristics:

(a) The lands have been identified as having high priority for conservation, natural systems, wildlife, and low-impact public use values;

(b) The lands have flora, fauna, geological, recreational, archaeological, cultural, scenic, or similar features of critical importance and have retained to some degree or reestablished its natural character;

(c) The lands provide significant examples of native ecological communities; and

(d) The lands have significant sites or features threatened with conversion to incompatible uses.

(2) The Maury Island aquatic reserve shall include the lands designated by administrative order under subsection (1) of this section, and the tidelands and bedlands surrounding Maury Island and including Quartermaster Harbor in King county, as described in this subsection:

The tidelands and bedlands of navigable waters, owned by the state of Washington, described as follows:

Those tidelands and bedlands surrounding Maury Island, which are fronting and abutting Section 14, Sections 20-23, inclusively, and Sections 28-32, inclusively, Township 22 North, Range 3 East, W.M.;

Together with, those tidelands and bedlands lying westerly of said Maury Island which are fronting and abutting only those portions of Sections 9 and 16, which are fronting on Quartermaster Harbor, Township 22 North, Range 3 East, W.M.;

Together with, those tidelands and bedlands lying southerly of said Maury Island, which are fronting and abutting Sections 5 and 6, Township 21 North, Range 3 East, W.M.; and said reserve extends waterward to a water depth of 70 feet below mean lower low water or one-half mile from the line of extreme low tide, whichever line is further waterward;

Those tidelands and bedlands lying southerly and easterly of Vashon Island, which are fronting and abutting Section 1, Township 21 North, Range 2 East, W.M.;

Together with, those tidelands and bedlands lying easterly of said Vashon Island, which are fronting and abutting Sections 24, 25, and 36, Township 22 North, Range 2 East, W.M.;

Together with, those tidelands and bedlands lying easterly of said Vashon Island, which are fronting and abutting Sections 17-20, inclusively, Township 22 North, Range 3 East, W.M.;

Together with, those tidelands and bedlands lying southerly and westerly of said Vashon Island, which are fronting and abutting only those portions of Section 8, which is fronting on Quartermaster Harbor, Township 22 North, Range 3 East, W.M.; and said reserve extends waterward to a water depth of 70 feet below mean lower low water or one-half mile from the line of extreme low tide, whichever line is further waterward.

(3) The department shall manage the Maury Island aquatic reserve primarily for the achievement of the following goals:

(a) To conserve native habitats and associated plant and wildlife species, with a special emphasis upon forage fish, salmonids, and migratory birds;

(b) To protect and restore the functions and natural processes of nearshore ecosystems in support of the natural resources of the reserve;

(c) To promote stewardship of riparian and aquatic habitats and species by providing education and outreach opportunities and promoting coordination with other resource managers; and

(d) To provide for low-impact public uses including recreation uses and improvements that do not adversely affect the resource values, are appropriate to the maintenance of the lands in a relatively unmodified natural setting, and do not detract from long-term ecological processes.

(4) The department shall develop a management plan for the aquatic reserve, and may incorporate an existing management plan and policies previously adopted for the lands where consistent with the management guidance of this section. The plan must identify the significant resources to be conserved consistent with the purposes of

this chapter and identify the areas with potential for low-impact public uses. The plan must specify what types of management activities and public uses are permitted, consistent with the conservation purposes of this chapter. The department shall make the plan available for review and comment by the public and other state, tribal, and local agencies, prior to final approval by the commissioner.

(5)(a) Until November 1, 2007, the department shall not authorize any portion of the Maury Island aquatic reserve for industrial uses or for transportation of materials from a surface mine or mining operation as defined under RCW 78.44.031 or other industrial activities, and may not authorize the construction of docks or other improvements associated with these uses.

(b) Nothing in this section shall preclude any landowner from initiating, continuing, or completing a land use permitting process for aquatic lands or uplands affected by this section either before or after November 1, 2007.

(c) After November 1, 2007, the department may authorize portions of the Maury Island aquatic reserve for industrial uses or for transportation of materials from a surface mine or mining operation and may authorize the construction of docks or other improvements associated with these uses only if the commissioner publishes formal findings in the Washington State Register that:

(i) The proposed uses are fully permitted under all applicable federal, state, and local laws;

(ii) There is an identified market demand for the mineral resources located on the uplands adjacent to the Maury Island aquatic reserve that cannot be reasonably accessed or transported in quantities necessary to satisfy the demand without the construction of a dock or other improvements;

(iii) There is not an existing portion of state-owned uplands containing a comparable mineral resource with a significantly equitable value to any mineral resources existing on upland parcels adjacent to the Maury Island aquatic reserve, that is located in an area that would allow for the extraction and waterborne transportation of the minerals in a manner that provides less risk to the health of the state's aquatic environment than extraction and transportation from the uplands adjacent to the Maury Island aquatic reserve would create; and

(iv) The commissioner conducts at least one hearing on either Vashon or Maury Island where the public can express concerns or make recommendations.

**Sec. 2.** RCW 79.105.210 and 2005 c 155 s 143 are each amended to read as follows:

(1) The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in state-owned aquatic land planning and in resolving conflicts between competing lease applications. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, water-borne commerce, and the navigational and biological capacity of the waters, and to statewide interests as distinguished from local interests.

(2) Nonwater-dependent use of state-owned aquatic lands is a low-priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(3) The department shall consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values.

(4) The power to lease state-owned aquatic lands is vested in the department, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters 79.105 through 79.140 RCW. Leases, easements, licenses, permits, rights-of-way, and any other agreements allowing use of state-owned aquatic lands designated as an aquatic reserve under section 1 of this act must conform with the

management criteria expressed in chapters 79.105 through 79.140 RCW and with section 1 of this act.

(5) State-owned aquatic lands shall not be leased to persons or organizations which discriminate on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

**NEW SECTION. Sec. 3.** (1) It is the intent of the legislature that the creation of the Maury Island aquatic reserve will not have a net impact on the availability of construction material resources or an economic impact on any private sector mineral operation. It is the intent of the legislature, expressed through the implementation of this section, for any existing mineral-extraction operations affected by the creation of the Maury Island aquatic reserve to be offered compensation in the form of an opportunity to transfer title of their land to the state in exchange for land elsewhere with an equal or greater extractable mineral resource.

(2)(a) By August 1, 2007, the department of natural resources shall identify a portion of state-owned uplands containing a mineral resource with a significantly equitable value to any mineral resources existing on upland parcels adjacent to the Maury Island aquatic reserve created in section 1 of this act, that is located in an area that would allow for the extraction and transportation of the minerals in a manner that provides less risk to the health of the state's aquatic environment than extraction and transportation from the uplands adjacent to the Maury Island aquatic reserve would create.

(b) In order to gather the information necessary to implement this section, the department of natural resources shall work with the owner or owners of the mineral resources existing on upland parcels adjacent to the Maury Island aquatic reserve to allow the department of natural resources to conduct an estimate of the value of the mineral resources present.

(3) Within three months of the identification of a comparable mineral resource under this section, the department of natural resources shall, through any authorities, programs, or management options available to it, make a good faith offer to transfer the ownership of the identified parcel to the owner or owners of the mineral resources existing on upland parcels adjacent to the Maury Island aquatic reserve in exchange for the transfer to the state of ownership of the mineral resources existing on upland parcels adjacent to the Maury Island aquatic reserve.

(4) Any land transferred into state ownership under this section must be managed in accordance with the trust status originally applicable to the land for which ownership was transferred to the former owner or owners of the mineral resources existing on upland parcels adjacent to the Maury Island aquatic reserve. If this management status is not appropriate for holding the upland parcels adjacent to the Maury Island aquatic reserve in a conservation status, then the department of natural resources shall pursue and prioritize all available options to transfer the land into a state-owned landholding status appropriate for conservation management.

(5) When the transfer of the identified parcel to the owner or owners of the mineral resources existing on upland parcels adjacent to the Maury Island aquatic reserve has been completed, all state agencies and local subdivisions of the state shall provide a coordinated and expedited permitting process to assist the owners or owners of the transferred parcel in permitting a mineral extraction project on the transferred parcel. The office of regulatory assistance is responsible for overseeing and ensuring that the permitting process is coordinated and expedited.

(6) The department of natural resources shall report to the appropriate committees of the legislature by December 31, 2008, as to the details of the land transfer completed under this section.

**NEW SECTION. Sec. 4.** The department shall prioritize expenditures, within existing appropriations for the 2005-2007 and the 2007-2009 fiscal bienniums, from the resource management cost account to implement this act.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Pearson; Rolfes and Springer.

Passed to Committee on Rules for second reading.

March 29, 2007

SB 6014 Prime Sponsor, Senator Swecker: Authorizing industrial development on reclaimed surface coal mine sites. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross; B. Sullivan and Takko.

Passed to Committee on Rules for second reading.

March 28, 2007

ESB 6128 Prime Sponsor, Senator Keiser: Requiring the naming of the person or persons authorized to make expenditures on behalf of a candidate or committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 5, beginning on line 1, strike all of subsection (ix) and insert the following:

"(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in subsection (15)(b)(vi) of this section or for payment by the candidate or political committee for whom the services are performed as long as:

(A) Only ministerial functions as defined by the commission in rule are performed;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17.040; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that are not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under subsection (15)(a)(ii) of this section."

On page 12, beginning on line 33, strike all of subsection (k) and insert the following:

"(k) The name, address, and title of any person who directs expenditures and the name, address, and title of any person who is paid to perform ministerial functions on behalf of two or more candidates or committees."

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz and Miloscia.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 5002 Prime Sponsor, Senate Committee On Higher Education: Changing tuition waivers for families of fallen veterans and national guard members. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 3, after line 8, insert the following:

"(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Passed to Committee on Rules for second reading.

March 29, 2007

ESSB 5040 Prime Sponsor, Senate Committee On Higher Education: Creating a survivors' endowed scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 3, line 25, after "act;" insert "and"

On page 3, beginning on line 28, after "act" strike all material through "program" on line 30

On page 3, beginning on line 32, after "committee" strike all material through "recipients" on line 34, and insert ". The purpose of the advisory committee is to solicit grants and donations from public and private sources for the program, to assist in program design, and to assist in developing criteria for the screening and selection of scholarship recipients"

Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

March 28, 2007

SSB 5074 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Dividing water resource inventory area 29 into WRIA 29a and WRIA 29b. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 90.82.060 and 2003 c 328 s 1 are each amended to read as follows:

(1) Planning conducted under this chapter must provide for a process to allow the local citizens within a WRIA or multi-WRIA area to join together in an effort to: (a) Assess the status of the water resources of their WRIA or multi-WRIA area; and (b) determine how best to manage the water resources of the WRIA or multi-WRIA area

to balance the competing resource demands for that area within the parameters under RCW 90.82.120.

(2)(a) Watershed planning under this chapter may be initiated for a WRIA only with the concurrence of: ~~((a))~~ (i) All counties within the WRIA; ~~((b))~~ (ii) the largest city or town within the WRIA unless the WRIA does not contain a city or town; and ~~((c))~~ (iii) the water supply utility obtaining the largest quantity of water from the WRIA or, for a WRIA with lands within the Columbia Basin project, the water supply utility obtaining from the Columbia Basin project the largest quantity of water for the WRIA. To apply for a grant for organizing the planning unit as provided for under RCW 90.82.040(2)(a), these entities shall designate the entity that will serve as the lead agency for the planning effort and indicate how the planning unit will be staffed.

(b) For purposes of this chapter, WRIA 40 shall be divided such that the portion of the WRIA located entirely within the Stemilt and Squilchuck subbasins shall be considered WRIA 40a and the remaining portion shall be considered WRIA 40b. Planning may be conducted separately for WRIA 40a and 40b. WRIA 40a shall be eligible for one-fourth of the funding available for a single WRIA, and WRIA 40b shall be eligible for three-fourths of the funding available for a single WRIA.

(c) For purposes of this chapter, WRIA 29 shall be divided such that the portion of the WRIA located entirely within the White Salmon subbasin and the subbasins east thereof shall be considered WRIA 29b and the remaining portion shall be considered WRIA 29a. Planning may be conducted separately for WRIA 29a and 29b. WRIA 29a shall be eligible for one-half of the funding available for a single WRIA and WRIA 29b shall be eligible for one-half of the funding available for a single WRIA.

(3) Watershed planning under this chapter may be initiated for a multi-WRIA area only with the concurrence of: (a) All counties within the multi-WRIA area; (b) the largest city or town in each WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water in each WRIA.

(4) If entities in subsection (2) or (3) of this section decide jointly and unanimously to proceed, they shall invite all tribes with reservation lands within the management area.

(5) The entities in subsection (2) or (3) of this section, including the tribes if they affirmatively accept the invitation, constitute the initiating governments for the purposes of this section.

(6) The organizing grant shall be used to organize the planning unit and to determine the scope of the planning to be conducted. In determining the scope of the planning activities, consideration shall be given to all existing plans and related planning activities. The scope of planning must include water quantity elements as provided in RCW 90.82.070, and may include water quality elements as contained in RCW 90.82.090, habitat elements as contained in RCW 90.82.100, and instream flow elements as contained in RCW 90.82.080. The initiating governments shall work with state government, other local governments within the management area, and affected tribal governments, in developing a planning process. The initiating governments may hold public meetings as deemed necessary to develop a proposed scope of work and a proposed composition of the planning unit. In developing a proposed composition of the planning unit, the initiating governments shall provide for representation of a wide range of water resource interests.

(7) Each state agency with regulatory or other interests in the WRIA or multi-WRIA area to be planned shall assist the local citizens in the planning effort to the greatest extent practicable, recognizing any fiscal limitations. In providing such technical assistance and to facilitate representation on the planning unit, state agencies may organize and agree upon their representation on the planning unit. Such technical assistance must only be at the request of and to the extent desired by the planning unit conducting such planning. The number of state agency representatives on the planning unit shall be determined by the initiating governments in consultation with the governor's office.

(8) As used in this section, "lead agency" means the entity that coordinates staff support of its own or of other local governments and receives grants for developing a watershed plan."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5084 Prime Sponsor, Senator Murray: Updating rail transit safety plan provisions to comply with federal regulation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 2, line 29, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 4, line 2, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 5, line 14, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 6, line 28, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 8, line 4, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 9, line 16, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 9, line 35, after "in" strike "~~((subsection (1)(d) of))~~" and insert "subsection (1)(d) of"

On page 11, line 23, after "department's" insert "direct"

On page 11, line 24, after "associated" insert "only"

On page 11, line 26, after "section" insert ", and the fee shall not be a flat fee but shall be imposed on each owner and operator in proportion to the effort expended by the department in relation to individual plans."

Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 28, 2007

SSB 5087 Prime Sponsor, Senate Committee On Transportation: Addressing Washington state compliance with the federal REAL ID Act of 2005. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5088 Prime Sponsor, Senator Haugen: Regulating ferry queues. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Hailey; Hankins; Lovick; Rodne; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Curtis; Ericksen; Hudgins; Kristiansen and Rolfes.

Passed to Committee on Rules for second reading.

March 29, 2007

2SSB 5090 Prime Sponsor, Senate Committee On Ways & Means: Promoting innovation partnership zones. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Washington is home to some of the world's most innovative companies, researchers, entrepreneurs, and workers. Talent and creativity exist in all areas of Washington, but economic experience around the world shows that economic impact can be particularly large where talent and resources are densely concentrated. All over the world, small, specific areas are becoming focal points for economic change and leadership. These areas have name recognition, attract some of the best talent, and provide a strong sense of community among the people who work there. Washington is home to some of these areas now and needs to have more of them in the future. It is the intent of the legislature that Washington support the identification and promotion of innovation partnership zones to advance Washington's position in the world economy. Washington is a national leader in economic strategy based on clusters of industries, promoting the connections among firms, suppliers, customers, and public resources. Washington's innovation partnership zone strategy is an extension of that policy to promote research-based firms and industries in specific areas that become globally recognized as hubs of innovation and expertise.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The director shall designate innovation partnership zones on the basis of the following criteria:

(a) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(i) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(ii) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(iii) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to

the extent both are associated with an educational institution in the proposed zone.

(b) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The innovation partnership zone administrator must be an economic development council, port, workforce development council, city, or county.

(2) On October 1st of each year, the director shall designate innovation partnership zones on the basis of applications that meet the legislative criteria, estimated economic impact of the zone, and evidence of forward planning for the zone. The director will designate an innovation partnership zone administrator in the local area.

(3) Innovation partnership zones are eligible for funds and other resources as provided by the legislature or at the discretion of the governor.

(4) If the innovation partnership zone meets the other requirements of the fund sources, then the zone is eligible for the following funds relating to:

(a) The local infrastructure financing tools program;

(b) The sales and use tax for public facilities in rural counties; and

(c) Job skills.

(5) An innovation partnership zone shall be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

(6) The department shall convene annual information sharing events for innovation partnership zone administrators and other interested parties.

(7) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The Washington state economic development commission may review annually the individual innovation partnership zone's performance measures.

**NEW SECTION. Sec. 3.** (1) The department of community, trade, and economic development, in conjunction with the Washington state economic development commission, shall conduct an innovation opportunity analysis to identify: (a) The strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (b) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources. The inventory must be completed by June 30, 2008.

(2) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions, the department of community, trade, and economic development must develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The department of community, trade, and economic development shall present the plan to the governor and legislature by September 1, 2008.

**Sec. 4.** RCW 39.102.070 and 2006 c 181 s 205 are each amended to read as follows:

The use of local infrastructure financing under this chapter is subject to the following conditions:

(1) No funds may be used to finance, design, acquire, construct, equip, operate, maintain, remodel, repair, or reequip public facilities funded with taxes collected under RCW 82.14.048;

(2)(a) Except as provided in (b) of this subsection no funds may be used for public improvements other than projects identified within

the capital facilities, utilities, housing, or transportation element of a comprehensive plan required under chapter 36.70A RCW;

(b) Funds may be used for public improvements that are historical preservation activities as defined in RCW 39.89.020;

(c) Funds may be used for innovation partnership zones, as provided under section 2 of this act;

(3) The public improvements proposed to be financed in whole or in part using local infrastructure financing are expected to encourage private development within the revenue development area and to increase the fair market value of real property within the revenue development area;

(4) A sponsoring local government, participating local government, or participating taxing district has entered or expects to enter into a contract with a private developer relating to the development of private improvements within the revenue development area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revenue development area;

(5) Private development that is anticipated to occur within the revenue development area, as a result of the public improvements, will be consistent with the county-wide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(6) The governing body of the sponsoring local government, and any cosponsoring local government, must make a finding that local infrastructure financing:

(a) Is not expected to be used for the purpose of relocating a business from outside the revenue development area, but within this state, into the revenue development area; and

(b) Will improve the viability of existing business entities within the revenue development area;

(7) The governing body of the sponsoring local government, and any cosponsoring local government, finds that the public improvements proposed to be financed in whole or in part using local infrastructure financing are reasonably likely to:

(a) Increase private residential and commercial investment within the revenue development area;

(b) Increase employment within the revenue development area;

(c) Improve the viability of any existing communities that are based on mixed-use development within the revenue development area; and

(d) Generate, over the period of time that the local option sales and use tax will be imposed under RCW 82.14.475, state excise tax allocation revenues and state property tax allocation revenues derived from the revenue development area that are equal to or greater than the respective state contributions made under this chapter;

(8) The sponsoring local government may only use local infrastructure financing in areas deemed in need of economic development or redevelopment within boundaries of the sponsoring local government.

**Sec. 5.** RCW 82.14.370 and 2004 c 130 s 2 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties or for innovation partnership zones, as provided under

section 2 of this act. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report to the office of the state auditor, no later than October 1st of each year, a list of new projects from the prior fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection.

(c) For the purposes of this section, (i) "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington; and (ii) "economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state.

The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of this act and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of section 6 of this act, referencing this act by bill or chapter number,

is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 8.** Section 4 of this act expires June 30, 2039."

Correct the title.

Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

March 29, 2007

**2SSB 5092** Prime Sponsor, Senate Committee On Ways & Means: Revising provisions for contracts with associate development organizations for economic development services. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that economic development success requires coordinated state and local efforts. The legislature further finds that economic development happens at the local level. Economic development success requires an adequately funded and coordinated state effort and an adequately funded and coordinated local effort. The legislature intends to bolster the partnership between state and local economic development efforts, provide increased funding for local economic development services, and increase local economic development service effectiveness, efficiency, and outcomes.

**Sec. 2.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to read as follows:

~~((+))~~ The department shall contract with associate development organizations ~~((or other local organizations))~~ to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, ~~((private industry))~~ workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The ~~((department shall be responsible for determining the))~~ scope of services delivered under these contracts(:

~~(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.~~

~~(3) The department shall consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of service delivery regions throughout the state. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine~~

resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively:

(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region.

(5)) shall include two broad areas of work:

(1) Direct assistance, including business planning, to companies who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance includes:

(a) Partnering with local governments, workforce development organizations, port districts, export assistance providers, local colleges and universities, the Washington state quality award council, the Washington manufacturing service, and small business development centers to facilitate the alignment of planning efforts and the seamless delivery of business support services in the county;

(b) Providing information on state and local permitting processes, tax issues, and other essential information for operating and expanding an existing business or locating a new business in Washington;

(c) Marketing the county and the state as an excellent location to expand or locate a business, in coordination with the department's marketing efforts;

(d) The development of a countywide economic development plan consistent with the state comprehensive plan for economic development developed by the state economic development commission;

(e) Developing and executing regional plans to attract companies from out of state and to increase direct foreign investment;

(f) Identifying gaps in the delivery of business start-up assistance and coordinating efforts with local assistance providers to fill the gaps;

(g) Responding to inquiries regarding sites available for development, and assisting in site location and selection; and

(h) Collecting and maintaining data as specified by the state economic development commission for use in program and system evaluation; and

(2) Support for regional economic research and regional planning efforts to implement target industry strategies and other economic development strategies that support increased living standards throughout Washington. Activities include:

(a) Participation in regional planning efforts involving combined strategies around workforce development and economic development policies and programs. The contracting organization shall participate with the workforce training and education coordinating board as created in chapter 28C.18 RCW, and any regional entities designated by that board, in providing for the coordination of job skills training within its region; and

(b) Collecting and reporting local and regional economic information, as specified by the Washington economic development commission, to inform local, regional, and statewide strategic decisions regarding business development policy and economic development aspects of growth management act planning as well as program evaluation. In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans,

early detection of potential relocations or layoffs, training needs, and other appropriate economic information.

**NEW SECTION. Sec. 3.** (1) Contracting associate development organizations shall provide the department with measures of their performance. Annual reports shall include information on the impact of the contracting organization on employment, wages, tax revenue, and capital investment. Specific measures shall be developed in the contracting process between the department and the contracting organization every two years. Performance measures should be consistent across regions to allow for statewide evaluation.

(2)(a) The department and contracting organizations shall agree upon specific target levels for the performance measures in subsection (1) of this section. Comparison of agreed thresholds and actual performance shall occur annually.

(b) Contracting organizations that fail to achieve the agreed performance targets in more than one-half of the agreed measures shall develop remediation plans to address performance gaps. The remediation plans shall include revised performance thresholds specifically chosen to provide evidence of progress in making the identified service changes.

(c) Contracts and state funding shall be terminated for one year for organizations that fail to achieve the agreed upon progress toward improved performance defined under (b) of this subsection. During the year in which termination for nonperformance is in effect, organizations shall review alternative delivery strategies to include reorganization of the contracting organization, merging of previous efforts with existing regional partners, and other specific steps toward improved performance. At the end of the period of termination, the department may contract with the associate development organization or its successor as it deems appropriate.

**NEW SECTION. Sec. 4.** Associate development organizations contracting with the department under this act that apply for the Washington state quality award or its equivalent shall receive a ten thousand dollar award but may not receive this award more than once every three years.

**NEW SECTION. Sec. 5.** To the extent that funds are specifically appropriated therefor, contracts with associate development organizations for the provision of services under RCW 43.330.080(1) shall be awarded according to the following annual schedule:

(1) For associate development associations serving urban counties, which are counties other than rural counties as defined in RCW 43.160.020, a locally matched allocation of up to ninety cents per capita, totaling no more than three hundred thousand dollars per organization;

(2) For associate development associations in rural counties, as defined in RCW 43.160.020, a per county base allocation of up to forty thousand dollars and a locally matched allocation of up to ninety cents per capita.

**NEW SECTION. Sec. 6.** Sections 3 through 5 of this act are each added to chapter 43.330 RCW.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of section 4 this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

March 29, 2007

E2SSB 5098 Prime Sponsor, Senate Committee On Ways & Means: Creating the Washington guaranteed scholarship program. (REVISED FOR ENGROSSED: Creating the Washington college bound scholarship program.) Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 3, beginning on line 32, after "high" strike all material through "principals" on line 33, and insert "schools"

On page 3, line 34, after "program" insert "using methods in place for communicating with schools and school districts"

On page 3, after line 36, insert the following:

"**NEW SECTION. Sec. 4.** Each school district shall notify students, parents, teachers, counselors, and principals about the Washington college bound scholarship program through existing channels. Notification methods may include, but are not limited to, regular school district and building communications, online scholarship bulletins and announcements, notices posted on school walls and bulletin boards, information available in each counselor's office, and school or district scholarship information sessions."

Re-number the remaining sections consecutively and correct any internal references accordingly.

Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

March 29, 2007

ESSB 5100 Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Regarding health insurance information for students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) Beginning with the 2008-09 school year, as part of a public school's enrollment process, the school shall annually inquire whether a student has health insurance. If a student's parent or guardian indicates that a student does not have health insurance coverage or does not indicate whether the student has or does not have health insurance, the school district or a designated community health care collaborative under written contract with the school district shall provide the parent or guardian with information about the existence of the medicaid and children's health insurance program and how to get additional information about the programs. The information shall be provided in writing via postal mail, electronic mail, or existing communication channels, by December 1, 2008, and annually thereafter.

(2) The office of the superintendent of public instruction shall work with the department of social and health services, the office of the education ombudsman, and established community health care collaboratives that have proven outreach and enrollment services to schools in developing a one-page informational sheet that contains the information schools are required to provide to parents under subsection (1) of this section and make that informational sheet available to schools on the superintendent of public instruction's web

site and the office of the education ombudsman's web site by August 1, 2008.

(3) In carrying out their duties under this section, the specified agencies and collaboratives shall coordinate with the work of the select interim legislative task force on comprehensive school health established by chapter 5, Laws of 2007.

(4) Beginning December 1, 2008, schools shall report annually to the superintendent of public instruction the number of students that reported not having health insurance under subsection (1) of this section.

(5) As used in this section, "community health care collaborative" means a nonprofit organization or a local government entity that sponsors a community-based public-private collaborative with the stated purpose of improving health care access for a defined geographic area and target population, with an emphasis on active outreach to the uninsured and low-income persons. The collaborative must demonstrate formal governance accountability to a broad base of health care safety-net providers, school districts, hospitals, and public health and other community-based organizations."

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; McDermott; Roach; Santos and P. Sullivan.

Referred to Committee on Appropriations.

March 29, 2007

SSB 5101 Prime Sponsor, Senate Committee On Higher Education: Expanding higher education tuition waivers to include certain certificated instructional staff. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 18, after "schools," strike "holding or seeking a valid endorsement and assignment in a state-identified shortage area" and insert "for the purposes of meeting their continuing education requirements"

Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire and Roberts.

Referred to Committee on Appropriations.

March 29, 2007

E2SSB 5115 Prime Sponsor, Senate Committee On Ways & Means: Expanding competitive local infrastructure financing tools projects. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.102.020 and 2006 c 181 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means ~~((five))~~ ten million dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the ~~((creation of a revenue development area. For a local government~~

that meets the requirements of RCW 39.102.040(2), "base year" is the calendar year after it amends its ordinance as provided in RCW 39.102.040(2)) calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award, provided that the approval is granted before October 15th. If approval by the board is received on or after October 15th but on or before December 31st, the "base year" is the second calendar year following the calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award.

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was ((created)) approved by the board, except that if a local government reduces the rate of such tax after the revenue development area was ((created)) approved by the board, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ((creates)) adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ((creation)) approval of the revenue development area ((within the boundaries of the area that became the revenue development area)) by the board, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the ((creation)) approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ((created)) approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ((by July 1, 2006,)) during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ((July 1, 2007,)) in 2008. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, ((dedicated)) other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on

the property tax allocation revenue value and used for local infrastructure financing.

(13)(a) "Revenues from local public sources" means ((federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing));

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements((, or both)) to property, or both, on the assessment roll((s after the revenue development area is created)), where the new construction ((or)) and improvements ((occur entirely after the revenue development area is created)) are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) ((If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of

the buildings in the years following their initial placement on the assessment rolls.

~~(c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls.) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.~~

~~(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.~~

~~(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased ((due to new construction or improvements to property occurring after the revenue development area is created)) as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.~~

~~(e) For purposes of this subsection, "initial year" means:~~

~~(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;~~

~~(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and~~

~~(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.~~

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; ~~((and))~~ (f) administrative expenses and feasibility studies reasonably necessary and related to these costs; ~~(including related);~~ and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied

by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is ~~((created))~~ adopted for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is ~~((created))~~ adopted, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area ~~((created))~~ adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that ~~((creates))~~ adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~((creates))~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~((creation))~~ approval of the revenue development area ~~((within the boundaries of the area that became the~~

revenue development area)) by the board, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the ~~((creation))~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ~~((created))~~ approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ~~((by July 1, 2006,))~~ during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ~~((July 1, 2007))~~ in 2008. The amount of base year adjustment determined by the department is final.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

(33) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

**Sec. 2.** RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW ~~((that))~~ and has not issued bonds to finance any public improvement ~~((shall be))~~ may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without ~~((creating))~~ adopting a new ~~((increment))~~ revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve ~~((qualified))~~ competitive project ~~((s, up to the annual state contribution limit))~~ awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2008, except as provided in RCW 39.102.050(2). For projects not approved in 2008, sponsoring and cosponsoring local governments may apply again to the board for approval of a project.

(c) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2009 for a competitive project award, must submit completed applications to the board no later than July 1, 2009. By September 15, 2009, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2009 deadline.

(d) Except as provided in RCW 39.102.050(2), a total of no more than seven million five hundred thousand dollars in competitive project awards shall be approved for local infrastructure financing. ~~((Except as provided in RCW 39.102.050, approvals shall be based on the following criteria))~~

(e) The project selection criteria and weighting developed prior to the effective date of this act for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall, in consultation with the Washington state economic development commission, develop the relative weight to be assigned to the following criteria:

~~((a))~~ (i) ~~((project))~~ project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

~~((b))~~ (ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

~~((c))~~ (iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

~~((d))~~ (iv) The estimated wages and benefits for the project is greater than the average labor market area;

~~((e))~~ (v) The estimated state and local net employment change over the life of the project;

~~((f))~~ (vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

(vii) The estimated state and local net property tax change over the life of the project; ~~((and~~

~~((g))~~ (viii) The estimated state and local sales and use tax increase over the life of the project;

(ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c); and

(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the

transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

(f)(i) Except as provided in this subsection (4)(f), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.

(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:

(A) The sponsoring local government is located in more than one county; and

(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.

(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.

(5) ((A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval.)) Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification ~~((shall))~~ must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

**Sec. 3.** RCW 39.102.050 and 2006 c 181 s 203 are each amended to read as follows:

(1) In addition to a competitive process, demonstration projects are provided to determine the feasibility of the local infrastructure financing tool. Notwithstanding RCW 39.102.040, the board shall approve each demonstration project ((before approving any other application)). Demonstration project applications must be received by the board no later than July 1, 2008. The Bellingham waterfront redevelopment project award shall not exceed one million dollars per year, the Spokane river district project award shall not exceed one million dollars per year, and the Vancouver riverwest project award shall not exceed five hundred thousand dollars per year. The board shall approve by September 15, 2007, demonstration project applications submitted no later than July 1, 2007. The board shall approve by September 18, 2008, demonstration project applications submitted by July 1, 2008.

(2) If before board approval of the final competitive project award in 2008, a demonstration project has not received approval by the board, the state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive application process. If a demonstration project has received a partial award before the approval of the final competitive project award, the remaining state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive process.

**Sec. 4.** RCW 39.102.060 and 2006 c 181 s 204 are each amended to read as follows:

The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries, as of January 1st of the year the application is submitted to the board under RCW 39.102.040, may not exceed seventy dollars at the time the revenue development area is designated;

(3) ((No more than one revenue development area may be created in a county)) No revenue development area shall have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW or any part of another revenue development area created under this chapter;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

(9) A revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

**Sec. 5.** RCW 39.102.090 and 2006 c 181 s 207 are each amended to read as follows:

(1) To ~~((create))~~ adopt a revenue development area, a sponsoring local government, and any cosponsoring local government, must adopt an ordinance establishing the revenue development area that:

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in RCW 39.102.060;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in RCW 39.102.070 are met and the findings in RCW 39.102.080 are complete.

(2) The sponsoring local government, and any cosponsoring local government, must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing ~~((at least thirty days))~~ before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government and the governing body of any cosponsoring local government, or by a committee of those governing bodies that includes at least a majority of the whole governing body or bodies. The public hearing is subject to the notice requirements in RCW 39.102.100.

(3) The sponsoring local government, and any cosponsoring local government, shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government and participating taxing district within which the revenue development area is located, the board, and the department.

**Sec. 6.** RCW 39.102.110 and 2006 c 181 s 301 are each amended to read as follows:

(1) A sponsoring local government or participating local government that has received approval by the board to use local infrastructure financing may use annually its local excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated

by participating local governments must cease ~~((when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area)) on the date specified in the written agreement required in RCW 39.102.080(1), or if no date is specified then the date when the local tax under RCW 82.14.475 expires.~~ Any participating local government is authorized to dedicate local excise tax allocation revenues to the sponsoring local government as authorized in RCW 39.102.080(1).

(2) A sponsoring local government shall provide the board accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under RCW 39.102.150 are retired.

**Sec. 7.** RCW 39.102.120 and 2006 c 181 s 302 are each amended to read as follows:

(1) Commencing in the second calendar year following ~~((the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing)) board approval of a revenue development area,~~ the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development area to the property tax allocation revenue value and property tax allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer ~~((necessary or))~~ obligated to pay the costs of the public

improvements. Any excess local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the allocation of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of portions of the local regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to each such taxing district.

(5) The allocation of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW.

**Sec. 8.** RCW 82.14.475 and 2006 c 181 s 401 are each amended to read as follows:

(1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under the authority of this section:

(i) Before July 1, 2008;

(ii) Before approval by the board under RCW 39.102.040; and

(iii) ~~((Except as provided in (b) of this subsection, unless))~~

Before the sponsoring local government has received ((and dedicated to the payment of bonds authorized in RCW 39.102.150, in whole or in part, both)) local excise tax allocation revenues ((and)) local property tax allocation revenues, or both, during the preceding calendar year.

(b) ~~((The requirement to receive local property tax allocation revenues under (a) of this subsection is waived if the revenue development area coincides with or is contained entirely within the boundaries of an increment area adopted by a local government under the authority of chapter 39.89 RCW for the purposes of utilizing community revitalization financing.~~

~~—(e))~~ The tax imposed under this section shall expire when the bonds issued under the authority of RCW 39.102.150 are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in RCW 39.102.040;

(d) ~~((Except when the requirement to receive local property tax allocation revenues is waived as provided in subsection (3)(b) of this section;))~~ Neither the local excise tax allocation revenues nor the local property tax allocation revenues ~~((can be))~~ may constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c). This requirement applies beginning January 1st of the fifth calendar year after the calendar year in which the sponsoring local government begins allocating local excise tax allocation revenues under RCW 39.102.110;

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with RCW 39.102.140, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in RCW 39.102.020(29)(c). The department shall consider information from reports described in RCW 39.102.140 when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than ~~((five))~~ ten

million dollars. ~~((The tax distributions shall be available to the sponsoring local government, and any cosponsoring local government, imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under RCW 39.102.150-))~~

(10) The definitions in RCW 39.102.020 apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

(12) Subject to section 14 of this act, the tax imposed under the authority of this section may be applied either to provide for the payment of debt service on bonds issued under RCW 39.102.150 by the sponsoring local government or to pay public improvement costs on a pay-as-you-go basis, or both.

(13) The tax imposed under the authority of this section shall cease to be imposed if the sponsoring local government or cosponsoring local government fails to issue bonds under the authority of RCW 39.102.150 by June 30th of the fifth fiscal year in which the local tax authorized under this section is imposed.

**Sec. 9.** RCW 39.102.140 and 2006 c 181 s 403 are each amended to read as follows:

(1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, ~~((and))~~ local property tax allocation revenues, other revenues from local public sources, and taxes under RCW 82.14.475 ~~((and revenues from local public sources))~~ received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with RCW 39.102.070.

(2) The board shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

**Sec. 10.** RCW 39.102.150 and 2006 c 181 s 501 are each amended to read as follows:

(1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax allocation revenues, local property tax allocation revenues, and sales and use taxes imposed under the authority of RCW 82.14.475 that it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by RCW ~~((39-102.090))~~ 39.102.100.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of RCW 82.14.475 and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under RCW 82.14.475, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under RCW 82.14.475 are subject to the use restriction in RCW 39.102.130.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 11.** RCW 39.102.130 and 2006 c 181 s 402 are each amended to read as follows:

Money collected from the taxes imposed under RCW 82.14.475 ~~((shall))~~ may be used only for the purpose of ~~((principal and interest payments on bonds issued under the authority of RCW 39.102.150))~~ paying debt service on bonds issued under the authority of RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis as provided in section 14 of this act, or both.

**NEW SECTION. Sec. 12.** RCW 39.102.180 (General indebtedness, general obligation bonds--Authority--Security) and 2006 c 181 s 504 are each repealed.

**NEW SECTION. Sec. 13.** A new section is added to chapter 39.102 RCW to read as follows:

The department of revenue and the community economic revitalization board may adopt any rules under chapter 34.05 RCW they consider necessary for the administration of this chapter.

**NEW SECTION. Sec. 14.** A new section is added to chapter 39.102 RCW to read as follows:

Local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, that are dedicated to local infrastructure financing, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, may not be used to pay for public improvement costs on a pay-as-you-go basis after the date that the sponsoring local government that issued the bonds as provided in RCW 39.102.150 is required to begin paying debt service on those bonds.

**NEW SECTION. Sec. 15.** This act applies retroactively as well as prospectively.

**NEW SECTION. Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17.** This act expires June 30, 2039."

Correct the title.

Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Finance.

March 28, 2007

**SSB 5116** Prime Sponsor, Senate Committee On Economic Development, Trade & Management: Creating a public-private tourism partnership. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

March 30, 2007

**SSB 5118** Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Developing sexual harassment policies, procedures, and mandatory training for all state employees. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 29, 2007

2SSB 5122 Prime Sponsor, Senate Committee On Ways & Means: Preserving regulatory assistance provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5123 Prime Sponsor, Senator Hobbs: Protecting persons with veteran or military status from discrimination. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.60.010 and 2006 c 4 s 1 are each amended to read as follows:

This chapter shall be known as the "law against discrimination." It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

**Sec. 2.** RCW 49.60.020 and 2006 c 4 s 2 are each amended to read as follows:

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. Nor shall anything herein contained be construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his or her civil rights. This chapter shall not be construed to endorse any specific belief, practice, behavior, or orientation. Inclusion of sexual

orientation in this chapter shall not be construed to modify or supersede state law relating to marriage.

**Sec. 3.** RCW 49.60.030 and 2006 c 4 s 3 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, honorably discharged veteran or military status, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a ((disabled)) person with a disability, or national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

**Sec. 4.** RCW 49.60.040 and 2006 c 4 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any

political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof((:)).

(2) "Commission" means the Washington state human rights commission((:)).

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit((:)).

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person((:)).

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment((:)).

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer((:)).

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed((:)).

(8) "National origin" includes "ancestry"((:)).

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a ~~((disabled))~~ person with a disability, to be treated as not welcome, accepted, desired, or solicited((:)).

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution((:)).

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein((:)).

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services((:)).

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is

offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof((:)).

(14) "Sex" means gender((:)).

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth((:)).

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur((:)).

(17) "Complainant" means the person who files a complaint in a real estate transaction((:)).

(18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction((:)).

(19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred((:)).

(20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years((:)).

(21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units((:)).

(22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building((:)).

(23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons((:)).

(24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a ~~((disabled person's))~~ person with a disability's sensory, mental, or physical disability.

(25) "Honorably discharged veteran or military status" means a person who is:

(a) A veteran, as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

**Sec. 5.** RCW 49.60.120 and 2006 c 4 s 5 are each amended to read as follows:

The commission shall have the functions, powers, and duties:

(1) To appoint an executive director and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, amend, and rescind suitable rules to carry out the provisions of this chapter, and the policies and practices of the commission in connection therewith.

(4) To receive, impartially investigate, and pass upon complaints alleging unfair practices as defined in this chapter.

(5) To issue such publications and results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, sexual orientation, race, creed, color, national origin, marital status, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a ((disabled)) person with a disability.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

(7) To cooperate and act jointly or by division of labor with the United States or other states, with other Washington state agencies, commissions, and other government entities, and with political subdivisions of the state of Washington and their respective human rights agencies to carry out the purposes of this chapter. However, the powers which may be exercised by the commission under this subsection permit investigations and complaint dispositions only if the investigations are designed to reveal, or the complaint deals only with, allegations which, if proven, would constitute unfair practices under this chapter. The commission may perform such services for these agencies and be reimbursed therefor.

(8) To foster good relations between minority and majority population groups of the state through seminars, conferences, educational programs, and other intergroup relations activities.

**Sec. 6.** RCW 49.60.130 and 2006 c 4 s 6 are each amended to read as follows:

The commission has power to create such advisory agencies and conciliation councils, local, regional, or statewide, as in its judgment will aid in effectuating the purposes of this chapter. The commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The commission may use organizations specifically experienced in dealing with questions of discrimination.

**Sec. 7.** RCW 49.60.175 and 2006 c 4 s 7 are each amended to read as follows:

It shall be an unfair practice to use the sex, race, creed, color, national origin, marital status, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability of any person, or the use of a trained dog guide or service animal by a ((disabled)) person with a disability, concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant; provided that a creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007, may consider whether any person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007, in connection with an application for or an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007.

**Sec. 8.** RCW 49.60.176 and 2006 c 4 s 8 are each amended to read as follows:

(1) It is an unfair practice for any person whether acting for himself, herself, or another in connection with any credit transaction because of race, creed, color, national origin, sex, marital status, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability:

(a) To deny credit to any person;

(b) To increase the charges or fees for or collateral required to secure any credit extended to any person;

(c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto;

(d) To attempt to do any of the unfair practices defined in this section.

(2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon.

(4) Notwithstanding any other provision of this section or this chapter, it shall not be an unfair practice or a denial of civil rights for a creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007, to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions on an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007, offered to or entered into with a covered member or dependent because such person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007.

**Sec. 9.** RCW 49.60.178 and 2006 c 4 s 9 are each amended to read as follows:

It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, honorably discharged veteran or military status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020.

The fact that such unfair practice may also be a violation of chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an action brought under this section.

The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.

**Sec. 10.** RCW 49.60.180 and 2006 c 4 s 10 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

(2) To discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

**Sec. 11.** RCW 49.60.190 and 2006 c 4 s 11 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability.

(2) To expel from membership any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability.

(3) To discriminate against any member, employer, employee, or other person to whom a duty of representation is owed because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability.

**Sec. 12.** RCW 49.60.200 and 2006 c 4 s 12 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, sexual orientation, creed, color, or national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a ((disabled)) person with a disability, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational

qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

**Sec. 13.** RCW 49.60.215 and 2006 c 4 s 13 are each amended to read as follows:

It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, sexual orientation, sex, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a ((disabled)) person with a disability: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a ((disabled)) person with a disability except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.

**Sec. 14.** RCW 49.60.222 and 2006 c 4 s 14 are each amended to read as follows:

(1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a ((disabled)) person with a disability:

(a) To refuse to engage in a real estate transaction with a person;

(b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(d) To refuse to negotiate for a real estate transaction with a person;

(e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property;

(f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;

(g) To make, print, circulate, post, or mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(h) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(i) To expel a person from occupancy of real property;

(j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions; or

(k) To attempt to do any of the unfair practices defined in this section.

(2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of

a trained dog guide or service animal by a person who is blind, deaf, or physically disabled (~~(person)~~) includes:

(a) A refusal to permit, at the expense of the (~~(disabled)~~) person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted;

(b) To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled (~~(person)~~) equal opportunity to use and enjoy a dwelling; or

(c) To fail to design and construct covered multifamily dwellings and premises in conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained dog guide or service animal. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern.

Nothing in (a) or (b) of this subsection shall apply to: (i) A single-family house rented or leased by the owner if the owner does not own or have an interest in the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a real estate broker or salesperson, as defined in RCW 18.85.010, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement in violation of subsection (1)(g) of this section; or (ii) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence.

(3) Notwithstanding any other provision of this chapter, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or families with children status.

(4) Except pursuant to subsection (2)(a) of this section, this section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a (~~(disabled)~~) person with a disability except as otherwise required by law. Nothing in this section affects the rights, responsibilities, and remedies of landlords and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce reasonable rules of conduct and safety for all tenants and their guests, provided that chapters 59.18 and 59.20 RCW are only affected to the extent they are inconsistent with the nondiscrimination requirements of this chapter. Nothing in this section limits the applicability of any reasonable federal, state, or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(5) Notwithstanding any other provision of this chapter, it shall not be an unfair practice for any public establishment providing for accommodations offered for the full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make distinctions on the basis of families with children status. Nothing in this section shall limit the effect of RCW 49.60.215 relating to unfair practices in places of public accommodation.

(6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995. Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through

(3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.

(7) Nothing in this chapter shall apply to real estate transactions involving the sharing of a dwelling unit, or rental or sublease of a portion of a dwelling unit, when the dwelling unit is to be occupied by the owner or sublessor. For purposes of this section, "dwelling unit" has the same meaning as in RCW 59.18.030.

**Sec. 15.** RCW 49.60.223 and 2006 c 4 s 15 are each amended to read as follows:

It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, sexual orientation, families with children status, honorably discharged veteran or military status, or with any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled (~~(person)~~).

**Sec. 16.** RCW 49.60.224 and 2006 c 4 s 16 are each amended to read as follows:

(1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, national origin, sexual orientation, families with children status, honorably discharged veteran or military status, or with any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled (~~(person)~~), and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, sex, national origin, sexual orientation, families with children status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled (~~(person)~~) is void.

(2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

**Sec. 17.** RCW 49.60.225 and 2006 c 4 s 17 are each amended to read as follows:

(1) When a reasonable cause determination has been made under RCW 49.60.240 that an unfair practice in a real estate transaction has been committed and a finding has been made that the respondent has engaged in any unfair practice under RCW 49.60.250, the administrative law judge shall promptly issue an order for such relief suffered by the aggrieved person as may be appropriate, which may include actual damages as provided by the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable relief. Such order may, to further the public interest, assess a civil penalty against the respondent:

(a) In an amount up to ten thousand dollars if the respondent has not been determined to have committed any prior unfair practice in a real estate transaction;

(b) In an amount up to twenty-five thousand dollars if the respondent has been determined to have committed one other unfair practice in a real estate transaction during the five-year period ending on the date of the filing of this charge; or

(c) In an amount up to fifty thousand dollars if the respondent has been determined to have committed two or more unfair practices in a real estate transaction during the seven-year period ending on the date of the filing of this charge, for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as now or hereafter amended, to be free from discrimination in real property transactions because of sex, marital status, race, creed, color, national origin, sexual orientation, families with children status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled (~~(person)~~). Enforcement of the order and

appeal therefrom by the complainant or respondent may be made as provided in RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice in a real estate transaction that is the object of the charge are determined to have been committed by the same natural person who has been previously determined to have committed acts constituting an unfair practice in a real estate transaction, then the civil penalty of up to fifty thousand dollars may be imposed without regard to the period of time within which any subsequent unfair practice in a real estate transaction occurred. All civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund.

(2) Such order shall not affect any contract, sale, conveyance, encumbrance, or lease consummated before the issuance of an order that involves a bona fide purchaser, encumbrancer, or tenant who does not have actual notice of the charge filed under this chapter.

(3) Notwithstanding any other provision of this chapter, persons awarded damages under this section may not receive additional damages pursuant to RCW 49.60.250."

Correct the title.

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5190 Prime Sponsor, Senate Committee On Human Services & Corrections: Modifying provisions relating to the collection of legal financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 29, 2007

SB 5199 Prime Sponsor, Senator Berkey: Restricting small loan practices. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Hurst; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5202 Prime Sponsor, Senate Committee On Judiciary: Concerning permissible weaponry for on-duty law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 1, strike all of subsection (2) and insert the following:

"(2) Subsection (1)(a) of this section does not apply to:

(a) The possession of a spring blade knife by a law enforcement officer while the officer:

(i) Is on official duty; or  
(ii) Is transporting the knife to or from the place where the knife is stored when the officer is not on official duty; or  
(b) The storage of a spring blade knife by a law enforcement officer."

Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5206 Prime Sponsor, Senator Haugen: Addressing the use of tires with retractable studs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hudgins; Kristiansen; Lovick; Rodne; Rolfes; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Hankins.

Passed to Committee on Rules for second reading.

March 28, 2007

SSB 5207 Prime Sponsor, Senate Committee On Transportation: Concerning a study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors; creating the freight congestion relief account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 46.68 RCW to read as follows:

The legislature finds that the freight sector provides thousands of high-quality, well-paid jobs in Washington state and contributes significantly to the economy of the state. The legislature further finds that these benefits result despite the fact that freight makes up a fraction of vehicle traffic on our roads and that the commercial benefits of freight movement are compromised by the same congestion that plagues general traffic.

The legislature also finds that as domestic and international freight volumes grow, and our state's economy becomes increasingly dependent on the one out of every three jobs supported by international trade, there is growing need for system-wide funding solutions to enhance a world class goods movement system that does not divert cargo and jobs to Canada, Mexico, Panama, Oregon, California, and the east coast of the United States. Accordingly, it is the intent of the legislature to study a broad array of mechanisms to fund freight congestion relief investments.

NEW SECTION, Sec. 2. (1) Subject to availability of amounts appropriated for this specific purpose, the joint transportation committee shall:

(a) Administer a consultant study of alternative funding mechanisms to fund freight congestion relief investments. At a minimum, the study must: (i) Evaluate potential funding sources for off-marine terminal infrastructure projects, including federal, state, incentives, and other project specific fees; (ii) analyze current taxes and fees paid by the freight industry and the projects the taxes and fees fund; (iii) assess other nonfreight related fees and taxes that could be used to pay for freight congestion relief investments; (iv) assess how other states and countries pay for freight congestion relief investments; and (v) discuss the various approaches and their impacts on Washington competitiveness in freight movement. The scope of the work for the study may be expanded to include analysis of other issues relevant to freight congestion relief funding; and

(b) Convene a stakeholder group composed of representatives to work on the consultant study that includes: Two representatives of container ports, one representative of trucking, one representative from railroads, one representative from international shipping, one representative from national shipping, two representatives of organized labor, two representatives of the import/export community, one representative from the department of transportation, one representative from the freight mobility strategic investment board, and other representatives as deemed necessary by the joint transportation committee. The stakeholder group shall work with the selected consultant in: (i) Identifying critical freight congestion relief investments; (ii) identifying alternatives for a dedicated funding source for freight congestion relief investments or user fees to fund specific freight congestion relief investments; and (iii) developing and reviewing a final consultant study.

(2) The consultant's draft report must be submitted to the transportation committees of the legislature by December 15, 2007, with the final findings and recommendations of the report being due prior to the beginning of the 2008 legislative session.

NEW SECTION. Sec. 3. This act expires January 31, 2008."

Correct the title.

Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Simpson; Springer; B. Sullivan; Takko; Uptegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Curtis; Ericksen; Hailey; Hankins; Kristiansen and Rolfes.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 5219 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Regarding the Northwest weather and avalanche center. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt and Van De Wege.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5227 Prime Sponsor, Senate Committee On Judiciary: Increasing the penalty for animal abandonment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 4, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 16.52.207 and 2005 c 481 s 2 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; ((or))

(b) Under circumstances not amounting to animal cruelty in the second degree under (c) of this subsection, abandons the animal; or

(c) Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm.

(3)(a) Animal cruelty in the second degree under subsection (1), (2)(a), or (2)(b) of this section is a misdemeanor.

(b) Animal cruelty in the second degree under subsection (2)(c) of this section is a gross misdemeanor.

(4) In any prosecution of animal cruelty in the second degree under subsection (1) or (2)(a) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control."

Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 30, 2007

ESSB 5269 Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Establishing the first peoples' language and culture teacher certification program. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) Teaching first peoples' languages, cultures, and history is a critical factor in successful educational experiences and promoting cultural sensitivity for all students. Experience shows such teaching dramatically raises student achievement. The effect is particularly strong for Native American students;

(2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for Native American students' success;

(3) The sole expertise of sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington in the transmission of their indigenous languages, heritage, cultural knowledge, histories, customs, and traditions should be honored;

(4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in the state of Washington;

(5) Establishing a first peoples' language, culture, and history teacher certification program both achieves educational objectives and models effective government-to-government relationships;

(6) Establishing a first peoples' language, culture, and history certification program implements the following policy objectives of P.L. 101-477, the federal Native American languages act of 1990, in a tangible way:

(a) To preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(b) To allow exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;

(c) To encourage and support the use of Native American languages as a medium of instruction in order to encourage and support Native American language survival, educational opportunity, increased student success and performance, increased student awareness and knowledge of their culture and history, and increased student and community pride;

(d) To encourage state and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect; and

(e) To encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages;

(7) Establishing a first peoples' language, culture, and history certification program is consistent with the intent of presidential executive order number 13336 from 2004, entitled "American Indian and Alaska native education," to assist students in meeting the challenging student academic standards of P.L. 107-110, the no child left behind act of 2001, in a manner that is consistent with tribal traditions, languages, and cultures.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) The Washington state first peoples' language, culture, and history teacher certification program is established. The professional educator standards board shall adopt rules to implement the program in collaboration with the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington, including the tribal leader congress on education and the first peoples' language and culture committee. The collaboration required under this section shall be defined by a protocol for cogovernance in first peoples' language, culture, and history education developed by the professional educator standards board, the office of the superintendent of public instruction, and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington.

(2) Any sovereign tribal government whose traditional lands and territories lie within the borders of the state of Washington may participate individually on a government-to-government basis in the program.

(3) Under the first peoples' language, culture, and history teacher certification program:

(a) Only a participating sovereign tribal government may certify individuals who meet the tribe's criteria for certification as a teacher in the Washington state first peoples' language, culture, and history program. Before certification of the individual, the participating sovereign tribal government may conduct a background check through the tribal police departments within Washington state to determine, to the extent possible, whether the individual has been convicted of any crimes that may otherwise disqualify the person from being awarded a teacher certificate and provide this information to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall not authorize or accept a certificate or endorsement in Washington state first peoples' language, culture, and history without certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010;

(b) For each teacher to be certified in the program, the participating sovereign tribal government shall submit information and documentation necessary for the issuance of a state certificate, as defined by rule, to the office of the superintendent of public instruction;

(c) A Washington state first peoples' language, culture, and history teacher certificate serves as a subject area endorsement in first peoples' language, culture, and history. The holder of a Washington state first peoples' language, culture, and history teacher certificate who does not also hold an initial, residency, continuing, or professional teaching certificate authorized by the professional educator standards board may be assigned to teach only the languages, cultures, and histories designated on the certificate and no other subject;

(d) In order to teach first peoples' language, culture, and history, teachers must hold certificates from both the office of the superintendent of public instruction and the sovereign tribal government; and

(e) The holder of a Washington state first peoples' language, culture, and history teacher certificate meets Washington state's definition of a highly qualified teacher under P.L. 107-110, the no child left behind act of 2001, for the purposes of teaching first peoples' language, culture, and history, subject to approval by the United States department of education.

(4) First peoples' language/culture teacher certificates issued under rules approved by the state board of education or the professional educator standards board under a pilot program before the effective date of this section remain valid as certificates under this section, subject to the provisions of this chapter.

(5) Schools and school districts on or near tribal reservations are encouraged to contract with sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington and first peoples' language, culture, and history certification programs for in-service teacher training and continuing education in the culture and history appropriate for their geographic area, as well as suggested pedagogy and instructional strategies.

**Sec. 3.** RCW 28A.415.020 and 2006 c 263 s 808 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

(6) In-service training or continuing education in first peoples' language, culture, or history provided by a sovereign tribal government participating in the Washington state first peoples' language, culture, and history program authorized under section 2 of this act shall be considered approved in-service training or approved continuing education under this section and RCW 28A.415.023.

**NEW SECTION. Sec. 4.** This act may be known and cited as the "First peoples' language/culture/history teacher certification act: Honoring our ancestors."

Correct the title.

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5273 Prime Sponsor, Senator Swecker: Modifying motorcycle driver's license endorsement and education provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Ericksen; Hailey; Hankins; Kristiansen; Lovick; Rodne; Rolfes; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins.

Passed to Committee on Rules for second reading.

March 29, 2007

ESSB 5297 Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Regarding providing medically and scientifically accurate sexual health education in schools. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold;

Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Morrell; Pettigrew; Schual-Berke; Seaquist and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

March 29, 2007

SB 5313 Prime Sponsor, Senator Haugen: Establishing the retirement age for members of the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

March 29, 2007

ESSB 5317 Prime Sponsor, Senate Committee On Human Services & Corrections: Creating additional safeguards for child care. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.005 and 2006 c 265 s 101 are each amended to read as follows:

(1) The legislature recognizes that:

(a) Parents are their children's first and most important teachers and decision makers;

(b) Research across disciplines now demonstrates that what happens in the earliest years makes a critical difference in children's readiness to succeed in school and life;

(c) Washington's competitiveness in the global economy requires a world-class education system that starts early and supports life-long learning;

(d) Washington state currently makes substantial investments in voluntary child care and early learning services and supports, but because services are fragmented across multiple state agencies, and early learning providers lack the supports and incentives needed to improve the quality of services they provide, many parents have difficulty accessing high quality early learning services;

(e) A more cohesive and integrated voluntary early learning system would result in greater efficiencies for the state, increased partnership between the state and the private sector, improved access to high quality early learning services, and better employment and early learning outcomes for families and all children.

(2) The legislature finds that the early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development.

(3) The purpose of this chapter is:

- (a) To establish the department of early learning;
- (b) To coordinate and consolidate state activities relating to child care and early learning programs;
- (c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care;
- (d) To provide tools to promote the hiring of suitable providers of child care by:
- (i) Providing parents with access to information regarding child care providers;
- (ii) Providing parents with child care licensing action histories regarding child care providers; and
- (iii) Requiring background checks of applicants for employment in any child care facility licensed or regulated under current law;
- (e) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;
- ~~((f))~~ (f) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and
- ~~((g))~~ (g) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

(4) This chapter does not expand the state's authority to license or regulate activities or programs beyond those licensed or regulated under existing law.

**Sec. 2.** RCW 43.215.010 and 2006 c 265 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

~~(4)~~ (4) "Department" means the department of early learning.

~~((4))~~ (5) "Director" means the director of the department.

~~((5))~~ (6) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~(7)~~ (7) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((6))~~ (8) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((7))~~ (9) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

**Sec. 3.** RCW 43.215.200 and 2006 c 265 s 301 are each amended to read as follows:

It shall be the director's duty with regard to licensing:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter(~~:-~~

~~— The minimum requirements shall be limited to:~~

~~(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;~~

~~(b) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children. In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.~~

~~In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being~~

authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children. Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose;

~~(c) The number of qualified persons required to render the type of care for which an agency seeks a license;~~

~~(d) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;~~

~~(e) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;~~

~~(f) The financial ability of an agency to comply with minimum requirements established under this chapter; and~~

~~(g) The maintenance of records pertaining to the care of children);~~

(3) In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in care;

(4) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

~~((4))~~ (5) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

~~((5))~~ (6) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

~~((6))~~ (7) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

~~((7))~~ (8) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

**NEW SECTION. Sec. 4. MINIMUM REQUIREMENTS FOR LICENSING.** Applications for licensure shall require, at a minimum, the following information:

(1) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children.

**NEW SECTION. Sec. 5. CHARACTER, SUITABILITY, AND COMPETENCE.** (1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may

consider all child abuse and neglect history information regarding a prospective child care provider. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(2) In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) The fingerprint criminal history record checks shall be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record.

(c) The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose.

**Sec. 6.** RCW 43.215.525 and 2006 c 209 s 11 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW ~~((74.15.340))~~ 43.215.520;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose ~~((upon request,))~~ the receipt, general nature, and resolution or current status of all complaints on record with the department after July 24, 2005, against a child day-care center or family day-care provider that result in an enforcement action. Information may be posted:

(a) On a web site; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

**Sec. 7.** RCW 43.215.530 and 2006 c 209 s 12 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers ~~((consistent with chapter 42.56 RCW)).~~ The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible web site all inspection reports and notices of licensing actions, including the corrective measures required or taken, involving child day-care centers and family day-care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

**NEW SECTION. Sec. 8. PARENTAL NOTIFICATION.** The department and an agency must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct or abuse by an agency employee, notify the parents or guardian of a child alleged to be the victim, target, or recipient of the misconduct or abuse. The department and an agency shall provide parents annually with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding the employee.

**NEW SECTION. Sec. 9. REPORTING ACTIONS--POSTING ON WEB SITE.** For the purposes of reporting actions taken against agency licensees, upon the development of an early learning information system, the following actions shall be posted to the department's web site accessible by the public: Suspension, surrender, revocation, denial, stayed suspension, or reinstatement of a license.

**Sec. 10.** RCW 43.215.535 and 2005 c 473 s 7 are each amended to read as follows:

(1) Every licensed child day-care center shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day-care center shall comply with the following requirements:

- (i) Notify the department when coverage has been terminated;
- (ii) Post at the day-care center, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;
- (iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW ~~((74.15.130))~~ 43.215.300 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day-care centers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day-care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day-care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day-care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance status to parents with a child enrolled and shall not be subject to the requirements of (b)(~~(c)~~) or (c)(~~(d)~~) of this subsection.

(b) Every licensed family day-care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

- (i) Notify the department when coverage has been terminated;
- (ii) Post at the day-care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;
- (iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW ~~((74.15.130))~~ 43.215.300 if the licensee fails to ~~((notify the~~

~~department when coverage has been terminated as required under (b))~~ comply with the requirements of this subsection.

(e) A family day-care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation.

**NEW SECTION. Sec. 11.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 12.** Sections 4, 5, 8, and 9 of this act are each added to chapter 43.215 RCW."

Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 5321 Prime Sponsor, Senate Committee On Human Services & Corrections: Addressing child welfare. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.020 and 2006 c 339 s 108 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((1)) "Court" means the superior court of the state of Washington, juvenile department.~~

~~(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.~~

~~(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.~~

~~(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.~~

~~(5) "Department" means the state department of social and health services.~~

~~(6) "Child" or "children" means any person under the age of eighteen years of age.~~

~~(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.~~

~~(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.~~

~~(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.~~

—(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

—(13) "Child protective services section" means the child protective services section of the department.

—(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

—(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

—(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

—(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

—(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

—(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.)

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and

neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(6) "Court" means the superior court of the state of Washington, juvenile department.

(7) "Department" means the state department of social and health services.

(8) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(9) "Inconclusive" means the determination following an investigation by the department, prior to the effective date of this section, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(10) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(11) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(12) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(13) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(14) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(15) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(16) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(17) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an

individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(19) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(21) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(22) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

**Sec. 2.** RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report

to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical

opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report(s) of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation((-

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency); and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((+2))~~ (13) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases (~~(constituting)~~) of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+3))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be

a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((+4))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((+5) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral:))~~

**Sec. 3.** RCW 26.44.031 and 1997 c 282 s 1 are each amended to read as follows:

(1) To protect the privacy in reporting and the maintenance of reports of nonaccidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not disclose or maintain information related to ~~((unfounded referrals in files or))~~ reports of child abuse or neglect ~~((for longer than six years))~~ except as provided in this section or as otherwise required by state and federal law.

~~((At the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period:))~~

(2) The department shall destroy all of its records concerning:

(a) A screened-out report, within three years from the receipt of the report; and

(b) An unfounded or inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child, before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) An unfounded, screened-out, or inconclusive report may not be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes.

**Sec. 4.** RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information known to the department or agency about the child and the child's family with

the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

~~((3))~~ (5) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.13 RCW to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise wherein:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, and:

(i) The child is a sexually reactive youth, exhibits high-risk behaviors, or is physically assaultive or physically aggressive as defined in RCW 74.13.280, and this information and the child's prior behavior was not disclosed to the care provider as required by RCW 74.13.280; and

(ii) The care provider did not know or have reason to know that the child needed supervision as a sexually reactive or physically assaultive or physically aggressive youth, or because of a documented history of high-risk behaviors, as a result of the care provider's involvement with or independent knowledge of the child or training and experience; or

(b) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation, and the care provider was acting in good faith and did not know or have reason to know that reasonable control or supervision of the child was necessary to prevent harm or risk of harm to the child or other persons.

(2) Allegations of child abuse or neglect that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

**Sec. 6.** RCW 74.15.130 and 2006 c 265 s 404 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded, inconclusive, or screened-out report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed two hundred fifty dollars per violation for group homes and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

**Sec. 7.** RCW 74.13.650 and 2006 c 353 s 2 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive

children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement.

**Sec. 8.** RCW 74.13.660 and 2006 c 353 s 3 are each amended to read as follows:

Under the foster parent critical support and retention program, foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280, shall receive:

- (1) Availability at any time of the day or night to address specific concerns related to the identified child;
- (2) Assessment of risk and development of a safety and supervision plan;
- (3) Home-based foster parent training utilizing evidence-based models; and
- (4) Referral to relevant community services and training provided by the local children's administration office or community agencies.

**Sec. 9.** RCW 13.34.110 and 2001 c 332 s 7 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

~~(2)((a))~~ The court in a fact-finding hearing may consider the history of past involvement of child protective services or law enforcement agencies with the family for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of the child on the part of the child's parent, guardian, or legal custodian, or for the purpose of establishing that reasonable efforts have been made by the department to prevent or eliminate the need for removal of the child from the child's home. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes.

~~(3)(a)~~ (3)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and

his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court hearing for entry of the stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington state supreme court pursuant to General Rule GR 9.

~~(3)(4)~~ (4) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (b) are known to the department as having been in contact with the family or child within the past twelve months; and (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement.

**NEW SECTION. Sec. 10.** Sections 1 through 3 of this act take effect October 1, 2008.

**NEW SECTION. Sec. 11.** The secretary of the department of social and health services may take the necessary steps to ensure that sections 1 through 3 of this act are implemented on their effective date."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 26.44.020, 26.44.030, 26.44.031, 74.13.280, 74.15.130, 74.13.650, 74.13.660, and 13.34.110; adding a new section to chapter 74.13 RCW; creating a new section; and providing an effective date."

Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Pettigrew and Roberts.

Referred to Committee on Appropriations.

March 29, 2007

SB 5332 Prime Sponsor, Senator Roach: Creating a statewide automated victim information and notification system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.28A.040 and 2001 c 169 s 3 are each amended to read as follows:

(1) No later than July 1, 2002, the Washington association of sheriffs and police chiefs shall implement and operate an electronic statewide city and county jail booking and reporting system. The system shall serve as a central repository and instant information source for offender information and jail statistical data. The system ~~((shall))~~ may be placed on the Washington state justice information network and be capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies as defined in RCW 10.97.030.

(2) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the Washington association of sheriffs and police chiefs. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

(4) The Washington association of sheriffs and police chiefs shall appoint, convene, and manage a statewide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the Washington association of sheriffs and police chiefs places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the statewide jail booking and reporting system and for the information that must

be contained within the system. At a minimum, the system shall contain:

(i) The offenses the individual has been charged with;  
(ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;

(iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;

(iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged;

(v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities; and

(vi) The date and time that an offender was released or transferred from a local jail;

(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the statewide jail booking and reporting system;

(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.

~~(5) ((By January 1, 2001, the standards committee shall complete the initial standards described in subsection (4) of this section, and the standards shall be placed into a report and provided to all Washington state city and county jails, all other criminal justice agencies as defined in RCW 10.97.030, the chair of the Washington state senate human services and corrections committee, and the chair of the Washington state house of representatives criminal justice and corrections committee.))~~ (a) A statewide automated victim information and notification system shall be added to the city and county jail booking and reporting system. The system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility:

(A) Is transferred or assigned to another facility;  
(B) Is transferred to the custody of another agency outside the state;

(C) Is given a different security classification;  
(D) Is released on temporary leave or otherwise;  
(E) Is discharged;  
(F) Has escaped; or  
(G) Has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has:

(A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs;

(B) An upcoming parole, pardon, or community supervision hearing; or

(C) A change in the offender's parole, probation, or community supervision status including:

(I) A change in the offender's supervision status; or  
(II) A change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has:

(A) Updated his or her profile information with the state sex offender registry; or

(B) Become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator

assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped. However, the failure of the statewide automated victim information and notification system to provide notice to the victim does not establish a separate cause of action by the victim against state officials, local officials, law enforcement officers, or any related correctional authorities.

(b) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated victim information and notification system and the jail booking and reporting system as described in this section, so long as the release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(c) Participation in the statewide automated victim information and notification program satisfies any obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events so long as:

(i) Information making offender and case data available is provided on a timely basis to the statewide automated victim information and notification program; and

(ii) Information a victim submits to register and participate in the victim notification system is only used for the sole purpose of victim notification.

(d) Automated victim information and notification systems in existence and operational as of the effective date of this act shall not be required to participate in the statewide system.

**NEW SECTION. Sec. 2.** In Washington any vendor contracted to provide a statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology.

**NEW SECTION. Sec. 3.** The department of corrections is not required to provide any data to the Washington association of sheriffs and police chiefs for the statewide automated victim information and notification system as stated in section 1 of this act, until January 1, 2010."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

March 30, 2007

ESSB 5372 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Creating the Puget Sound partnership. Reported by Committee on Select Committee on Puget Sound

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND INTENT.** (1) The legislature finds that:

(a) Puget Sound, including Hood Canal, and the waters that flow to it are a national treasure and a unique resource. Residents enjoy a way of life centered around these waters that depends upon clean and healthy marine and freshwater resources.

(b) Puget Sound and Hood Canal are in serious decline. This decline is indicated by loss of and damage to critical habit, rapid decline in species populations, increases in aquatic nuisance species, numerous toxics contaminated sites, urbanization and attendant storm water drainage, closure of beaches to shellfish harvest due to disease risks, low-dissolved oxygen levels causing death of marine life, and other phenomena. If left unchecked, these conditions will worsen.

(c) Puget Sound must be restored and protected in a more coherent and effective manner. The current system is highly fragmented. Immediate and concerted action is necessary by all levels of government working with the public, nongovernmental organizations, and the private sector to ensure a thriving natural system that exists in harmony with a vibrant economy.

(d) Leadership, accountability, government transparency, thoughtful and responsible spending of public funds, and public involvement will be integral to the success of efforts to restore and protect Puget Sound.

(2) The legislature therefore creates a new Puget Sound partnership to coordinate and lead the effort to restore and protect Puget Sound, and intends that all governmental entities, including federal and state agencies, tribes, cities, counties, ports, and special purpose districts, support and help implement the partnership's restoration efforts. The legislature further intends that the partnership will:

(a) Define a strategic action agenda prioritizing necessary actions, both basin-wide and within specific areas, and creating an approach that addresses all of the complex connections among the land, water, web of species, and human needs. The action agenda will be based on science and include clear, measurable goals for the recovery of Puget Sound by 2020;

(b) Determine accountability for performance, oversee the efficiency and effectiveness of money spent, educate and engage the public, and track and report results to the legislature, the governor, and the public;

(c) Not have regulatory authority, nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(3) It is the goal of the state that the health of Puget Sound be restored by 2020.

**Sec. 2.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ("Action team" means the Puget Sound water quality action team.

(2) "Chair" means the chair of the action team.

(3) "Council" means the Puget Sound council created in RCW 90.71.030.

(4) "Puget Sound management plan" means the 1994 Puget Sound water quality management plan as it exists June 30, 1996, and as subsequently amended by the action team.

(5) "Support staff" means the staff to the action team.

(6) "Work plan" means the work plan and budget developed by the action team.) "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in sections 12 and 13 of this act.

(2) "Action area" means the geographic areas delineated as provided in section 8 of this act.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under section 13 of this act.

(8) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photic zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

(9) "Panel" means the Puget Sound science panel.

(10) "Partnership" means the Puget Sound partnership.

(11) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(12) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in section 16 of this act, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

(13) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine resource committees including those working with the northwest straits commission, nearshore groups, and watershed lead entities.

(14) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

**NEW SECTION. Sec. 3. PUGET SOUND PARTNERSHIP--AGENCY CREATED.** An agency of state government, to be known as the Puget Sound partnership, is created to oversee the restoration of the environmental health of Puget Sound by 2020. The agency shall consist of a leadership council, an executive director, an ecosystem coordination board, and a Puget Sound science panel.

**NEW SECTION. Sec. 4. LEADERSHIP COUNCIL--STRUCTURE--PROCEDURES.** (1) The partnership shall be led by a leadership council composed of seven members appointed by the governor, with the advice and consent of the senate. The governor shall appoint members who are publicly respected and influential, are interested in the environmental and economic prosperity of Puget Sound, and have demonstrated leadership qualities. The governor shall designate one of the seven members to serve as chair and a vice-chair shall be selected annually by the membership of the council.

(2) The initial members shall be appointed as follows:

(a) Three of the initial members shall be appointed for a term of two years;

(b) Two of the initial members shall be appointed for a term of three years; and

(c) Two of the initial members shall be appointed for a term of four years.

(3) The initial members' successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds.

(4) Members of the council are eligible for reappointment.

(5) Any member of the council may be removed by the governor for cause.

(6) Members whose terms expire shall continue to serve until reappointed or replaced by a new member.

(7) A majority of the council constitutes a quorum for the transaction of business.

(8) Council decisions and actions require majority vote approval of all council members.

**NEW SECTION. Sec. 5. LEADERSHIP COUNCIL--POWERS AND DUTIES.** (1) The leadership council shall have the power and duty to:

(a) Provide leadership and have responsibility for the functions of the partnership, including adopting, revising, and guiding the implementation of the action agenda, allocating funds for Puget Sound recovery, providing progress and other reports, setting strategic priorities and benchmarks, adopting and applying accountability measures, and making appointments to the board and panel;

(b) Adopt rules, in accordance with chapter 34.05 RCW;

(c) Create subcommittees and advisory committees as appropriate to assist the council;

(d) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions to effectuate the purposes of this chapter;

(e) Make grants to governmental and nongovernmental entities to effectuate the purposes of this chapter;

(f) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the partnership to effectuate the purposes of this chapter;

(g) Promote extensive public awareness, education, and participation in Puget Sound protection and recovery;

(h) Work collaboratively with the Hood Canal coordinating council established in chapter 90.88 RCW on Hood Canal-specific issues;

(i) Maintain complete and consolidated financial information to ensure that all funds received and expended to implement the action agenda have been accounted for; and

(j) Such other powers and duties as are necessary and appropriate to carry out the provisions of this chapter.

(2) The council may delegate functions to the chair and to the executive director, however the council may not delegate its decisional authority regarding developing or amending the action agenda.

(3) The council shall work closely with existing organizations and all levels of government to ensure that the action agenda and its implementation are scientifically sound, efficient, and achieve necessary results to accomplish recovery of Puget Sound to health by 2020.

(4) The council shall support, engage, and foster collaboration among watershed groups to assist in the recovery of Puget Sound.

(5) When working with federally recognized Indian tribes to develop and implement the action agenda, the council shall conform to the procedures and standards required in a government-to-governmental relationship with tribes under the 1989 Centennial Accord between the state of Washington and the sovereign tribal governments in the state of Washington.

(6) Members of the council shall be compensated in accordance with RCW 43.03.220 and be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 6. EXECUTIVE DIRECTOR--POWERS AND DUTIES.** (1) The partnership shall be administered by an executive director who serves as a communication link between all levels of government, the private sector, tribes, nongovernmental organizations, the council, the board, and the panel. The executive director shall be accountable to the council and the governor for effective communication, actions, and results.

(2) The executive director shall be appointed by and serve at the pleasure of the governor, in consultation with the council. The governor shall consider the recommendations of the council when appointing the executive director.

(3) The executive director shall have complete charge of and supervisory powers over the partnership, subject to the guidance from the council.

(4) The executive director shall employ a staff, who shall be state employees under Title 41 RCW.

(5) Upon approval of the council, the executive director may take action to create a private nonprofit entity, which may take the

form of a nonprofit corporation, to assist the partnership in restoring Puget Sound by:

- (a) Raising money and other resources through charitable giving, donations, and other appropriate mechanisms;
- (b) Engaging and educating the public regarding Puget Sound's health, including efforts and opportunities to restore Puget Sound ecosystems; and
- (c) Performing other similar activities as directed by the partnership.

**NEW SECTION. Sec. 7. ECOSYSTEM COORDINATION BOARD.** (1) The council shall convene the ecosystem coordination board not later than October 1, 2007.

(2) The board shall consist of the following:

- (a) One representative from the geographic area of each of the action areas specified in section 8 of this act, appointed by the council. The council shall solicit nominations from, at a minimum, counties, cities, and watershed groups;
- (b) Two members representing general business interests, appointed by the council;
- (c) Two members representing environmental interests, appointed by the council;
- (d) Three representatives of tribal governments located in Puget Sound, invited by the governor to participate as members of the board;
- (e) One representative each from counties, cities, and port districts, appointed by the council from nominations submitted by statewide associations representing such local governments;
- (f) Three representatives of state agencies with environmental management responsibilities in Puget Sound, representing the interests of all state agencies, one of whom shall be the commissioner of public lands or his or her designee; and
- (g) Three representatives of federal agencies with environmental management responsibilities in Puget Sound, representing the interests of all federal agencies and invited by the governor to participate as members of the board.

(3) The president of the senate shall appoint two senators, one from each major caucus, as legislative liaisons to the board. The speaker of the house of representatives shall appoint two representatives, one from each major caucus, as legislative liaisons to the board.

(4) The board shall elect one of its members as chair, and one of its members as vice-chair.

(5) The board shall advise and assist the council in carrying out its responsibilities in implementing this chapter, including development and implementation of the action agenda. The board's duties include:

- (a) Assisting cities, counties, ports, tribes, watershed groups, and other governmental and private organizations in the compilation of local programs for consideration for inclusion in the action agenda as provided in section 8 of this act;
  - (b) Upon request of the council, reviewing and making recommendations regarding activities, projects, and programs proposed for inclusion in the action agenda, including assessing existing ecosystem scale management, restoration and protection plan elements, activities, projects, and programs for inclusion in the action agenda;
  - (c) Seeking public and private funding and the commitment of other resources for plan implementation;
  - (d) Assisting the council in conducting public education activities regarding threats to Puget Sound and about local implementation strategies to support the action agenda; and
  - (e) Recruiting the active involvement of and encouraging the collaboration and communication among governmental and nongovernmental entities, the private sector, and citizens working to achieve the recovery of Puget Sound.
- (6) Members of the board, except for federal and state employees, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 8. INTEGRATING WATERSHED PROGRAMS AND ECOSYSTEM SCALE PLANS INTO THE ACTION AGENDA.** (1) The partnership shall develop the action

agenda in part upon the foundation of existing watershed programs that address or contribute to the health of Puget Sound. To ensure full consideration of these watershed programs in a timely manner to meet the required date for adoption of the action agenda, the partnership shall rely largely upon local watershed groups, tribes, cities, counties, special purpose districts, and the private sector, who are engaged in developing and implementing these programs.

(2) The partnership shall organize this work by working with these groups in the following geographic action areas of Puget Sound, which collectively encompass all of the Puget Sound basin and include the areas draining to the marine waters in these action areas:

- (a) Strait of Juan de Fuca;
- (b) The San Juan Islands;
- (c) Whidbey Island;
- (d) North central Puget Sound;
- (e) South central Puget Sound;
- (f) South Puget Sound; and
- (g) Hood Canal.

(3) The council shall define the geographic delineations of these action areas based upon the common issues and interests of the entities in these action areas, and upon the characteristics of the Sound's physical structure, and the water flows into and within the Sound.

(4) The executive director, working with the board representatives from each action area, shall invite appropriate tribes, local governments, and watershed groups to convene for the purpose of compiling the existing watershed programs relating or contributing to the health of Puget Sound. The participating groups should work to identify the applicable local plan elements, projects, and programs, together with estimated budget, timelines, and proposed funding sources, that are suitable for adoption into the action agenda. This may include a prioritization among plan elements, projects, and programs.

(5) The partnership may provide assistance to watershed groups in those action areas that are developing and implementing programs included within the action agenda, and to improve coordination among the groups to improve and accelerate the implementation of the action agenda.

(6) The executive director, working with the board, shall also compile and assess ecosystem scale management, restoration, and protection plans for the Puget Sound basin.

(a) At a minimum, the compilation shall include the Puget Sound nearshore estuary project, clean-up plans for contaminated aquatic lands and shorelands, aquatic land management plans, state resource management plans, habitat conservation plans, and recovery plans for salmon, orca, and other species in Puget Sound that are listed under the federal endangered species act.

(b) The board should work to identify and assess applicable ecosystem scale plan elements, projects, and programs, together with estimated budget, timelines, and proposed funding sources, that are suitable for adoption into the action agenda.

(c) When the board identifies conflicts or disputes among ecosystem scale projects or programs, the board may convene the agency managers in an attempt to reconcile the conflicts with the objective of advancing the protection and recovery of Puget Sound.

(d) If it determines that doing so will increase the likelihood of restoring Puget Sound by 2020, the partnership may explore the utility of federal assurances under the endangered species act, 16 U.S.C. Sec. 1531 et seq., and shall confer with the federal services administering that act.

(7) The executive director shall integrate and present the proposed elements from watershed programs and ecosystem-level plans to the council for consideration for inclusion in the action agenda not later than July 1, 2008.

**NEW SECTION. Sec. 9. SCIENCE PANEL--CREATED.** (1) The council shall appoint a nine-member Puget Sound science panel to provide independent, nonrepresentational scientific advice to the council and expertise in identifying environmental indicators and benchmarks for incorporation into the action agenda.

(2) In establishing the panel, the council shall request the Washington academy of sciences, created in chapter 70.220 RCW,

to nominate fifteen scientists with recognized expertise in fields of science essential to the recovery of Puget Sound. Nominees should reflect the full range of scientific and engineering disciplines involved in Puget Sound recovery. At a minimum, the Washington academy of sciences shall consider making nominations from scientists associated with federal, state, and local agencies, tribes, the business and environmental communities, members of the K-12, college, and university communities, and members of the board. The solicitation should be to all sectors, and candidates may be from all public and private sectors. Persons nominated by the Washington academy of sciences must disclose any potential conflicts of interest, and any financial relationship with any leadership council member, and disclose sources of current financial support and contracts relating to Puget Sound recovery.

(3) The panel shall select a chair and a vice-chair. Panel members shall serve four-year terms, except that the council shall determine initial terms of two, three, and four years to provide for staggered terms. The council shall determine reappointments and select replacements or additional members of the panel. No panel member may serve longer than twelve years.

(4) The executive director shall designate a lead staff scientist to coordinate panel actions, and administrative staff to support panel activities. The legislature intends to provide ongoing funding for staffing of the panel to ensure that it has sufficient capacity to provide independent scientific advice.

(5) The executive director of the partnership and the science panel shall explore a shared state and federal responsibility for the staffing and administration of the panel. In the event that a federally sponsored Puget Sound recovery office is created, the council may propose that such office provide for staffing and administration of the panel.

(6) The panel shall assist the council in developing and revising the action agenda, making recommendations to the action agenda, and making recommendations to the council for updates or revisions.

(7) Members of the panel shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, and based upon the availability of funds, the council may contract with members of the panel for compensation for their services under chapter 39.29 RCW. If appointees to the panel are employed by the federal, state, tribal, or local governments, the council may enter into interagency personnel agreements.

**NEW SECTION. Sec. 10. SCIENCE PANEL--FUNCTIONS AND DUTIES.** (1) The panel shall:

(a) Assist the council, board, and executive director in carrying out the obligations of the partnership, including preparing and updating the action agenda;

(b) As provided in section 8 of this act, assist the partnership in developing an ecosystem level strategic science program that:

(i) Addresses monitoring, modeling, data management, and research; and

(ii) Identifies science gaps and recommends research priorities;

(c) Develop and provide oversight of a competitive peer-reviewed process for soliciting, strategically prioritizing, and funding research and modeling projects;

(d) Provide input to the executive director in developing biennial implementation strategies; and

(e) Offer an ecosystem-wide perspective on the science work being conducted in Puget Sound and by the partnership.

(2) The panel should collaborate with other scientific groups and consult other scientists in conducting its work. To the maximum extent possible, the panel should seek to integrate the state-sponsored Puget Sound science program with the Puget Sound science activities of federal agencies, including working toward an integrated research agenda and Puget Sound science work plan.

(3) By July 31, 2008, the panel shall identify environmental indicators measuring the health of Puget Sound, and recommend environmental benchmarks that need to be achieved to meet the goals of the action agenda. The council shall confer with the panel on incorporating the indicators and benchmarks into the action agenda.

**NEW SECTION. Sec. 11. SCIENCE PANEL--PROGRAMS, UPDATES, AND WORK PLANS.** (1) The strategic science

program shall be developed by the panel with assistance and staff support provided by the executive director. The science program may include:

(a) Continuation of the Puget Sound assessment and monitoring program, as provided in RCW 90.71.060, as well as other monitoring or modeling programs deemed appropriate by the executive director;

(b) Development of a monitoring program, in addition to the provisions of RCW 90.71.060, including baselines, protocols, guidelines, and quantifiable performance measures, to be recommended as an element of the action agenda;

(c) Recommendations regarding data collection and management to facilitate easy access and use of data by all participating agencies and the public; and

(d) A list of critical research needs.

(2) The strategic science program may not become an official document until a majority of the members of the council votes for its adoption.

(3) A Puget Sound science update shall be developed by the panel with assistance and staff support provided by the executive director. The panel shall submit the initial update to the executive director by April 2010, and subsequent updates as necessary to reflect new scientific understandings. The update shall:

(a) Describe the current scientific understanding of various physical attributes of Puget Sound;

(b) Serve as the scientific basis for the selection of environmental indicators measuring the health of Puget Sound; and

(c) Serve as the scientific basis for the status and trends of those environmental indicators.

(4) The executive director shall provide the Puget Sound science update to the Washington academy of sciences, the governor, and appropriate legislative committees, and include:

(a) A summary of information in existing updates; and

(b) Changes adopted in subsequent updates and in the state of the Sound reports produced pursuant to section 19 of this act.

(5) A biennial science work plan shall be developed by the panel, with assistance and staff support provided by the executive director, and approved by the council. The biennial science work plan shall include, at a minimum:

(a) Identification of recommendations from scientific and technical reports relating to Puget Sound;

(b) A description of the Puget Sound science-related activities being conducted by various entities in the region, including studies, models, monitoring, research, and other appropriate activities;

(c) A description of whether the ongoing work addresses the recommendations and, if not, identification of necessary actions to fill gaps;

(d) Identification of specific biennial science work actions to be done over the course of the work plan, and how these actions address science needs in Puget Sound; and

(e) Recommendations for improvements to the ongoing science work in Puget Sound.

**NEW SECTION. Sec. 12. ACTION AGENDA--GOALS AND OBJECTIVES.** (1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, and identification of responsible entities. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, near shore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and

enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

- (a) Protect existing habitat and prevent further losses;
- (b) Restore habitat functions and values;
- (c) Significantly reduce toxics entering Puget Sound fresh and marine waters;
- (d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;
- (e) Improve water quality and habitat by managing storm water runoff;
- (f) Provide water for people, fish and wildlife, and the environment;
- (g) Protect ecosystem biodiversity and recover imperiled species; and
- (h) Build and sustain the capacity for action.

**NEW SECTION. Sec. 13. ACTION AGENDA--DEVELOPMENT AND ELEMENTS.** (1) The council shall develop a science-based action agenda that leads to the recovery of Puget Sound by 2020 and achievement of the goals and objectives established in section 12 of this act. The action agenda shall:

- (a) Address all geographic areas of Puget Sound including upland areas and tributary rivers and streams that affect Puget Sound;
- (b) Describe the problems affecting Puget Sound's health using supporting scientific data, and provide a summary of the historical environmental health conditions of Puget Sound so as to determine past levels of pollution and restorative actions that have established the current health conditions of Puget Sound;
- (c) Meet the goals and objectives described in section 12 of this act, including measurable outcomes for each goal and objective specifically describing what will be achieved, how it will be quantified, and how progress towards outcomes will be measured. The action agenda shall include near-term and long-term benchmarks designed to ensure continuous progress needed to reach the goals, objectives, and designated outcomes by 2020. The council shall consult with the panel in developing these elements of the plan;
- (d) Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound and to achieve the goals and objectives described in section 12 of this act;
- (e) Identify the agency, entity, or person responsible for completing the necessary strategies and actions, and potential sources of funding;
- (f) Include prioritized actions identified through the assembled proposals from each of the seven action areas and the identification and assessment of ecosystem scale programs as provided in section 8 of this act;
- (g) Include specific actions to address aquatic rehabilitation zone one, as defined in RCW 90.88.010;
- (h) Incorporate, any additional goals adopted by the council; and
- (i) Incorporate appropriate actions to carry out the science work plan created in section 11 of this act.

(2) In developing the action agenda and any subsequent revisions, the council shall, when appropriate, incorporate the following:

- (a) Water quality, water quantity, sediment quality, watershed, marine resource, and habitat restoration plans created by governmental agencies, watershed groups, and marine and shoreline groups. The council shall consult with the board in incorporating these plans;
- (b) Recovery plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act;
- (c) Existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies;
- (d) Appropriate portions of the Puget Sound water quality management plan existing on the effective date of this section.

(3) Until the action agenda is adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program

described in section 320 of the federal clean water act, until replaced by the action agenda and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.

(4) The council shall adopt the action agenda by September 1, 2008. The council shall revise the action agenda as needed, and revise the implementation strategies every two years using an adaptive management process informed by tracking actions and monitoring results in Puget Sound. In revising the action agenda and the implementation strategies, the council shall consult the panel and the board and provide opportunity for public review and comment. Biennial updates shall:

- (a) Contain a detailed description of prioritized actions necessary in the biennium to achieve the goals, objectives, outcomes, and benchmarks of progress identified in the action agenda;
  - (b) Identify the agency, entity, or person responsible for completing the necessary action; and
  - (c) Establish biennial benchmarks for near-term actions.
- (5) The action agenda shall be organized and maintained in a single document to facilitate public accessibility to the plan.

**NEW SECTION. Sec. 14. DEVELOPMENT OF BIENNIAL BUDGET REQUESTS.** (1) State agencies responsible for implementing elements of the action agenda shall:

- (a) Provide to the partnership by June 1st of each even-numbered year their estimates of the actions and the budget resources needed for the forthcoming biennium to implement their portion of the action agenda; and
- (b) Work with the partnership in the development of biennial budget requests to achieve consistency with the action agenda to be submitted to the governor for consideration in the governor's biennial budget request. The agencies shall seek the concurrence of the partnership in the proposed funding levels and sources included in this proposed budget.

(2) If a state agency submits an amount different from that developed in subsection (1)(a) of this section as part of its biennial budget request, the partnership and state agency shall jointly identify the differences and the reasons for these differences and present this information to the office of financial management by October 1st of each even-numbered year.

**NEW SECTION. Sec. 15. FUNDING FROM PARTNERSHIP--ACCOUNTABILITY.** (1) Any funding made available directly to the partnership from the Puget Sound recovery account created in section 23 of this act and used by the partnership for loans, grants, or funding transfers to other entities shall be prioritized according to the action agenda developed pursuant to section 13 of this act.

(2) The partnership shall condition, with interagency agreements, any grants or funding transfers to other entities to ensure accountability in the expenditure of the funds and to ensure that the funds are used by the recipient entity in the manner determined by the partnership to be the most consistent with the priorities of the action agenda. Any conditions placed on federal funding under this section shall incorporate and be consistent with requirements under signed agreements between the entity and the federal government.

(3) If the partnership finds that the provided funding was not used as instructed in the interagency agreement, the partnership may suspend or further condition future funding to the recipient entity.

(4) The partnership shall require any entity that receives funds for implementing the action agenda to publicly disclose and account for expenditure of those funds.

**NEW SECTION. Sec. 16. IMPLEMENTATION--FISCAL ACCOUNTABILITY.** (1) The legislature intends that fiscal incentives and disincentives be used as accountability measures designed to achieve consistency with the action agenda by:

- (a) Ensuring that projects and activities in conflict with the action agenda are not funded;
- (b) Aligning environmental investments with strategic priorities of the action agenda; and
- (c) Using other state and loan programs to encourage consistency with the action agenda.

(2) The council shall adopt measures to ensure that funds appropriated for implementation of the action agenda and identified by proviso in the omnibus appropriations act pursuant to RCW 43.88.030(1)(g) are expended in a manner that will achieve the intended results. In developing such performance measures, the council shall establish criteria for the expenditure of the funds consistent with the responsibilities and timelines under the action agenda, and require reporting and tracking of funds expended. The council may adopt other measures, such as requiring interagency agreements regarding the expenditure of provided Puget Sound funds.

(3) The partnership shall work with other state agencies providing grant and loan funds or other financial assistance for projects and activities that impact the health of the Puget Sound ecosystem under chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and 90.50A RCW to, within the authorities of the programs, develop consistent funding criteria that prohibits funding projects and activities that are in conflict with the action agenda.

(4) The partnership shall develop a process and criteria by which entities that consistently achieve outstanding progress in implementing the action agenda are designated as Puget Sound partners. State agencies shall work with the partnership to revise their grant, loan, or other financial assistance allocation criteria to create a preference for entities designated as Puget Sound partners for funds allocated to the Puget Sound basin, pursuant to RCW 43.155.070, 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520, and 90.50A.040.

(5) Any entity that receives state funds to implement actions required in the action agenda shall report biennially to the council on progress in completing the action and whether expected results have been achieved within the time frames specified in the action agenda.

**NEW SECTION. Sec. 17. ACCOUNTABILITY FOR IMPLEMENTATION.** (1) The council is accountable for achieving the action agenda. The legislature intends that all governmental entities within Puget Sound will exercise their existing authorities to implement the applicable provisions of the action agenda.

(2) The partnership shall involve the public and implementing entities to develop standards and processes by which the partnership will determine whether implementing entities are taking actions consistent with the action agenda and achieving the outcomes identified in the action agenda. Among these measures, the council may hold management conferences with implementing entities to review and assess performance in undertaking implementation strategies with a particular focus on compliance with and enforcement of existing laws. Where the council identifies an inconsistency with the action agenda, the council shall offer support and assistance to the entity with the objective of remedying the inconsistency. The results of the conferences shall be included in the state of the Sound report required under section 19 of this act.

(3) In the event the council determines that an entity is in substantial noncompliance with the action agenda, it shall provide notice of this finding and supporting information to the entity. The council or executive director shall thereafter meet and confer with the entity to discuss the finding and, if appropriate, develop a corrective action plan. If no agreement is reached, the council shall hold a public meeting to present its findings and the proposed corrective action plan. If the entity is a state agency, the meeting shall include representatives of the governor's office and office of financial management. If the entity is a local government, the meeting shall be held in the jurisdiction and electoral representatives from the jurisdictions shall be invited to attend. If, after this process, the council finds that substantial noncompliance continues, the council shall issue written findings and document its conclusions. The council may recommend to the governor that the entity be ineligible for state financial assistance until the substantial noncompliance is remedied. Instances of noncompliance shall be included in the state of the Sound report required under section 19 of this act.

(4) The council shall provide a forum for addressing and resolving problems, conflicts, or a substantial lack of progress in a specific area that it has identified in the implementation of the action agenda, or that citizens or implementing entities bring to the council. The council may use conflict resolution mechanisms such as but not

limited to, technical and financial assistance, facilitated discussions, and mediation to resolve the conflict. Where the parties and the council are unable to resolve the conflict, and the conflict significantly impairs the implementation of the action agenda, the council shall provide its analysis of the conflict and recommendations resolution to the governor, the legislature, and to those entities with jurisdictional authority to resolve the conflict.

(5) When the council or an implementing entity identifies a statute, rule, ordinance or policy that conflicts with or is an impediment to the implementation of the action agenda, or identifies a deficiency in existing statutory authority to accomplish an element of the action agenda, the council shall review the matter with the implementing entities involved. The council shall evaluate the merits of the conflict, impediment, or deficiency, and make recommendations to the legislature, governor, agency, local government or other appropriate entity for addressing and resolving the conflict.

(6) The council may make recommendations to the governor and appropriate committees of the senate and house of representatives for local or state administrative or legislative actions to address barriers it has identified to successfully implementing the action agenda.

**NEW SECTION. Sec. 18. LIMITATIONS ON AUTHORITY.**

(1) The partnership shall not have regulatory authority nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(2) The action agenda may not create a legally enforceable duty to review or approve permits, or to adopt plans or regulations. The action agenda may not authorize the adoption of rules under chapter 34.05 RCW creating a legally enforceable duty applicable to the review or approval of permits or to the adoption of plans or regulations. No action of the partnership may alter the forest practices rules adopted pursuant to chapter 76.09 RCW, or any associated habitat conservation plan. Any changes in forest practices identified by the processes established in this chapter as necessary to fully recover the health of Puget Sound by 2020 may only be realized through the processes established in RCW 76.09.370 and other designated processes established in Title 76 RCW. Nothing in this subsection or subsection (1) of this section limits the accountability provisions of this chapter.

(3) Nothing in this chapter limits or alters the existing legal authority of local governments, nor does it create a legally enforceable duty upon local governments. When a local government proposes to take an action inconsistent with the action agenda, it shall inform the council and identify the reasons for taking the action. If a local government chooses to take an action inconsistent with the action agenda or chooses not to take action required by the action agenda, it will be subject to the accountability measures in this chapter which can be used at the discretion of the council.

**NEW SECTION. Sec. 19. REPORTS.** (1) By September 1st of each even-numbered year beginning in 2008, the council shall provide to the governor and the appropriate fiscal committees of the senate and house of representatives its recommendations for the funding necessary to implement the action agenda in the succeeding biennium. The recommendations shall:

- (a) Identify the funding needed by action agenda element;
- (b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding; and
- (c) Address funding needed to support the work of the partnership, the panel, the ecosystem work group, and entities assisting in coordinating local efforts to implement the plan.

(2) In the 2008 report required under subsection (1) of this section, the council shall include recommendations for projected funding needed through 2020 to implement the action agenda; funding needs for science panel staff; identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery. In preparing the science panel staffing proposal, the council shall consult with the panel.

(3) By November 1st of each odd-numbered year beginning in 2009, the council shall produce a state of the Sound report that includes, at a minimum:

(a) An assessment of progress by state and nonstate entities in implementing the action agenda, including accomplishments in the use of state funds for action agenda implementation;

(b) A description of actions by implementing entities that are inconsistent with the action agenda and steps taken to remedy the inconsistency;

(c) The comments by the panel on progress in implementing the plan, as well as findings arising from the assessment and monitoring program;

(d) A review of citizen concerns provided to the partnership and the disposition of those concerns;

(e) A review of the expenditures of funds to state agencies for the implementation of programs affecting the protection and recovery of Puget Sound, and an assessment of whether the use of the funds is consistent with the action agenda; and

(f) An identification of all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

(4)(a) The council shall review state programs that fund facilities and activities that may contribute to action agenda implementation. By November 1, 2009, the council shall provide initial recommendations to the governor and appropriate fiscal and policy committees of the senate and house of representatives. By November 1, 2010, the council shall provide final recommendations, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the senate and house of representatives.

(b) The review in this subsection shall be conducted with the active assistance and collaboration of the agencies administering these programs, and in consultation with local governments and other entities receiving funding from these programs:

(i) The water quality account, chapter 70.146 RCW;

(ii) The water pollution control revolving fund, chapter 90.50A RCW;

(iii) The public works assistance account, chapter 43.155 RCW;

(iv) The aquatic lands enhancement account, RCW 79.105.150;

(v) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;

(vi) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;

(vii) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;

(viii) The community economic revitalization board, chapter 43.160 RCW;

(ix) Other state financial assistance to water quality-related projects and activities; and

(x) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.

(c) The council's review shall include but not be limited to:

(i) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the action agenda;

(ii) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the action agenda;

(iii) Assessing methods for ensuring that the goals and priorities of the action agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;

(iv) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;

(v) Assessing ways to incorporate a strategic funding approach for the action agenda within the outcome-focused performance measures required by RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs.

**NEW SECTION. Sec. 20. BASIN-WIDE RESTORATION PROGRESS.** By December 1, 2010, and subject to available funding, the Washington academy of sciences shall conduct an assessment of basin-wide restoration progress. The assessment shall include, but not be limited to, a determination of the extent to which implementation of the action agenda is making progress toward the action agenda goals, and a determination of whether the environmental indicators and benchmarks included in the action agenda accurately measure and reflect progress toward the action agenda goals.

**NEW SECTION. Sec. 21. PERFORMANCE AUDIT.** (1) The joint legislative audit and review committee shall conduct two performance audits of the partnership, with the first audit to be completed by December 1, 2011, and the second to be completed by December 1, 2016.

(2) The audit shall include but not be limited to:

(a) A determination of the extent to which funds expended by the partnership or provided in biennial budget acts expressly for implementing the action agenda have contributed toward meeting the scientific benchmarks and the recovery goals of the action agenda;

(b) A determination of the efficiency and effectiveness of the partnership's oversight of action agenda implementation, based upon the achievement of the objectives as measured by the established environmental indicators and benchmarks; and

(c) Any recommendations for improvements in the partnership's performance and structure, and to provide accountability for action agenda results by action entities.

(3) The partnership may use the audits as the basis for developing changes to the action agenda, and may submit any recommendations requiring legislative policy or budgetary action to the governor and to the appropriate committees of the senate and house of representatives.

**Sec. 22.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read as follows:

In addition to other powers and duties specified in this chapter, the ~~((action team shall ensure))~~ panel, with the approval of the council, shall guide the implementation and coordination of ~~((the))~~ a Puget Sound ~~((ambient))~~ assessment and monitoring program ~~((established in the Puget Sound management plan. The program shall include, at a minimum:~~

~~— (1) A research program, including but not limited to methods to provide current research information to managers and scientists, and to establish priorities based on the needs of the action team;~~

~~— (2) A monitoring program, including baselines, protocols, guidelines, and quantifiable performance measures. In consultation with state agencies, local and tribal governments, and other public and private interests, the action team shall develop and track quantifiable performance measures that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources. The performance measures shall be developed by June 30, 1997. The performance measures shall include, but not be limited to a methodology to track the progress of: Fish and wildlife habitat, sites with sediment contamination, wetlands, shellfish beds, and other key indicators of Puget Sound health. State agencies shall assist the action team in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area).~~

**NEW SECTION. Sec. 23. PUGET SOUND RECOVERY ACCOUNT.** The Puget Sound recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. Federal grants, gifts, or other financial assistance received by the Puget Sound partnership and other state agencies from nonstate sources for the specific purpose of recovering Puget Sound may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the protection and recovery of Puget Sound.

**Sec. 24.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by section 25 of this act, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

~~((e))~~ (e) The cost of the project compared to the size of the local government and amount of loan money available;

~~((f))~~ (f) The number of communities served by or funding the project;

~~((g))~~ (g) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((h))~~ (h) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((i))~~ (i) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((j))~~ (j) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure

additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1<sup>st</sup> of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.155 RCW to read as follows:

In developing a priority process for public works projects under RCW 43.155.070, the board shall give preferences only to Puget Sound partners, as defined in RCW 90.71.010, over other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 26.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by section 27 of this act, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act;

(g) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established

programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

~~((f))~~ (h) The recommendations of the Puget Sound ~~((action team))~~ partnership created in section 3 of this act and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 27.** A new section is added to chapter 70.146 RCW to read as follows:

When making grants or loans for water pollution control facilities under RCW 70.146.070, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 28.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications ~~((and the commission shall utilize))~~;

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental ~~((benefit[s] in its grant prioritization and selection process:))~~ benefits;

(ii) Whether, except as conditioned by section 29 of this act, the applicant is a Puget Sound partner, as defined in RCW 90.71.010; and

(iii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act; and

(c) Not provide funding, after January 1, 2010, for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program.

(b) The commission shall work with the districts to develop uniform performance measures across participating districts ~~((:))~~ and to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 29.** A new section is added to chapter 89.08 RCW to read as follows:

When administering water quality and habitat protection grants under this chapter, the commission shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 30.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment. ((For purposes of this subsection (3)(a)(v); "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel.))

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act, shall, except as conditioned by section 31 of this act, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. ((During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

~~(b))~~ (c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

**NEW SECTION. Sec. 31.** A new section is added to chapter 70.105D RCW to read as follows:

When administering funds under this chapter, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 32.** RCW 79.105.150 and 2005 c 518 s 946 and 2005 c 155 s 121 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects.

(2) In providing grants for aquatic lands enhancement projects, the ~~((department))~~ interagency committee for outdoor recreation shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications ~~((and the department shall));~~

(b) Utilize the statement of environmental benefits, consideration, except as provided in section 33 of this act, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, and whether a project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act, in its prioritization and selection process ~~((The department shall also)); and~~

~~((c))~~ (c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

~~((3) During the fiscal biennium ending June 30, 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.))~~ (5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 33.** A new section is added to chapter 79.105 RCW to read as follows:

When administering funds under this chapter, the interagency committee for outdoor recreation shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other

reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 34.** RCW 79A.15.040 and 2005 c 303 s 3 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for natural areas projects under subsection (1) (b) of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

(6)(a) Except as otherwise conditioned by section 35 of this act, the committee shall consider the following in determining distribution priority:

(i) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010; and

(ii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(7) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 35.** A new section is added to chapter 79A.15 RCW to read as follows:

When administering funds under this chapter, the committee shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 36.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and 2005 c 257 s 3 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat; ~~(and)~~

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding;

(vi) Are, except as provided in section 37 of this act, sponsored by an entity that is a Puget Sound partner, as defined in RCW 90.71.010; and

(vii) Are projects referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation; ~~(and)~~

(iv) Involve members of the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery,

and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 37.** A new section is added to chapter 77.85 RCW to read as follows:

When administering funds under this chapter, the board shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 38.** RCW 90.50A.030 and 1996 c 37 s 4 are each amended to read as follows:

The department (~~(of ecology)~~) shall use the moneys in the water pollution control revolving fund to provide financial assistance as provided in the water quality act of 1987 and as provided in RCW 90.50A.040:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized not later than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; and

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act.

(3) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued

by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

~~(4) ((Beginning with the biennium ending June 30, 1997;)) The department shall present a biennial progress report on the use of moneys from the account to the ((chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year)) appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.~~

(5) The department may not use the moneys in the water pollution control revolving fund for grants.

**Sec. 39.** RCW 90.50A.040 and 1988 c 284 s 5 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department (~~(of ecology)~~). In administering the fund, the department shall:

(1) Consistent with RCW 90.50A.030 and section 40 of this act, allocate funds for loans in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act amendments of 1987 and estuary programs developed under section 320 of that act; ~~(and)~~

(7) Comply with provisions of the water quality act of 1987; and

(8) After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 40.** A new section is added to chapter 90.50A RCW to read as follows:

(1) In administering the fund, the department shall give priority consideration to:

(a) A public body that is a Puget Sound partner, as defined in RCW 90.71.010; and

(b) A project that is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(2) When implementing this section, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**NEW SECTION. Sec. 41.** TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The Puget Sound action team is hereby abolished and its powers, duties, and functions are hereby transferred to the Puget Sound partnership as consistent with this chapter. All references to the chair or the Puget Sound action team

in the Revised Code of Washington shall be construed to mean the executive director or the Puget Sound partnership.

(2)(a) All employees of the Puget Sound action team are transferred to the jurisdiction of the Puget Sound partnership.

(b) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Puget Sound action team shall be delivered to the custody of the Puget Sound partnership. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the Puget Sound action team shall be made available to the Puget Sound partnership. All funds, credits, or other assets held by the Puget Sound action team shall be assigned to the Puget Sound partnership.

(c) Any appropriations made to the Puget Sound action team shall, on the effective date of this section, be transferred and credited to the Puget Sound partnership.

(d) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the Puget Sound action team shall be continued and acted upon by the Puget Sound partnership. All existing contracts and obligations shall remain in full force and shall be performed by the Puget Sound partnership.

(4) The transfer of the powers, duties, functions, and personnel of the Puget Sound action team shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

**NEW SECTION. Sec. 42.** CAPTIONS NOT LAW. Captions used in this chapter are not any part of the law.

**Sec. 43.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read as follows:

(1)(a) The ~~((action team))~~ department of health shall ~~((establish a))~~ manage the established shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The ~~((action team))~~ department of health shall provide funds to local health jurisdictions to be used as grants or loans to individuals for improving their on-site sewage systems. The grants or loans may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas.

(b) A recipient of a grant or loan shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction.

(c) The ~~((action team))~~ department of health shall work closely with local health jurisdictions and ~~((shall endeavor))~~ it shall be the goal of the department of health to attain geographic equity between Grays Harbor, Willapa Bay, and ((the)) Puget Sound when making funds available under this program.

(d) For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants or loans at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In ~~((the))~~ Puget Sound, the ~~((action team))~~ department of health shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; ~~((or))~~

(b) Included within a shellfish protection district under chapter 90.72 RCW; or

(c) Identified as a marine recovery area under chapter 70.118A RCW.

(3) In Grays Harbor and Pacific counties, the ~~((action team))~~ department of health shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The ~~((action team))~~ department of health and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The ~~((action team))~~ department of health may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

(6) ((For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present)) As part of the grant program created in this section, the department of health may use any unexpended and unobligated funds from the oyster reserve land account, created in RCW 77.60.160, that are remaining after the implementation of subsection (1) of this section to fund research projects related to oyster reserves. If the department chooses to expend funds for oyster reserve research, it may recover additional costs to administer the research program up to ten percent of the funds expended for research. The department shall select research projects in consultation with the department of fish and wildlife and the appropriate reserve advisory committee created in RCW 77.60.150(2).

**NEW SECTION. Sec. 44.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff.

**Sec. 45.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, ~~((and))~~ (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**Sec. 46.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, ~~((and))~~ (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 47.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, ~~((personnel appeals board,))~~ board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western

Washington University board of trustees, and fish and wildlife commission.

**Sec. 48.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species, except for program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

**Sec. 49.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read as follows:

(1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance in this state.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds that this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state agency known as the Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature also finds numerous public, private, and community organizations are working to provide public education and identify potential solutions. The legislature recognizes that, while some information and research is now available and some potential solutions have been identified, more research and analysis is needed to fully develop a program to address Hood Canal's low-dissolved oxygen concentrations.

(4) The legislature finds a need exists for the state to take action to address Hood Canal's low-dissolved oxygen concentrations. The legislature also finds establishing an aquatic rehabilitation zone for Hood Canal will serve as a statutory framework for future regulations and programs directed at recovery of this important aquatic resource.

(5) The legislature therefore intends to establish an aquatic rehabilitation zone for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. The legislature also intends to incorporate provisions in the new statutory chapter creating the designation as solutions are identified regarding this problem.

**Sec. 50.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read as follows:

(1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

(4) The Puget Sound (~~(action team)~~) partnership and the Hood Canal coordinating council must each approve and must comanage projects under the rehabilitation program authorized in this section.

**Sec. 51.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read as follows:

(1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to RCW 90.88.020. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in RCW 90.88.020 and when establishing funding criteria according to subsection (7) of this section, the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and the local management board shall solicit participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The local management board also may appoint technical advisory committees as needed.

(3) The local management board and the Puget Sound (~~(action team)~~) partnership shall participate in the development of the program authorized under RCW 90.88.020.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound (~~(action team)~~) partnership each may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound (~~(action team)~~) partnership and the local management board shall jointly coordinate a process to prioritize projects, studies, and activities for which the Puget Sound (~~(action team)~~) partnership receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound (~~(action team)~~) partnership shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. Final approval for projects under this section requires the consent of both the Puget Sound (~~(action team)~~) partnership and the local management board. Projects under this section must be comanaged by the Puget Sound (~~(action team)~~) partnership and the local management board. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties

and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to RCW 90.88.020 to the appropriate committees of the legislature.

**Sec. 52.** RCW 90.88.901 and 2005 c 479 s 5 are each amended to read as follows:

Nothing in chapter 479, Laws of 2005 provides any regulatory authority to the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, or the Hood Canal coordinating council.

**Sec. 53.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read as follows:

The activities of the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and the Hood Canal coordinating council required by chapter 479, Laws of 2005 are subject to the availability of amounts appropriated for this specific purpose.

**Sec. 54.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound (~~(water quality authority)~~) partnership, created in section 3 of this act. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction,

operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

**Sec. 55.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to read as follows:

The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound ~~((action team))~~ partnership shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

**Sec. 56.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to read as follows:

The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound ~~((action team))~~ partnership.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound ~~((action team's))~~ partnership's water quality work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

**Sec. 57.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to read as follows:

The legislature finds that the department provides, manages, and monitors aquatic land dredged material disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors, and shipping lanes. These disposal sites are approved through a cooperative planning process by the departments of natural resources and ecology, the United States army corps of engineers, and the United States environmental protection agency in cooperation with the Puget Sound ~~((action team))~~ partnership. These disposal sites are essential to the commerce and well-being of the citizens of the state of

Washington. Management and environmental monitoring of these sites are necessary to protect environmental quality and to assure appropriate use of state-owned aquatic lands. The creation of an aquatic land dredged material disposal site account is a reasonable means to enable and facilitate proper management and environmental monitoring of these disposal sites.

**Sec. 58.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read as follows:

(1) The aquatic nuisance species committee is created for the purpose of fostering state, federal, and private cooperation on aquatic nuisance species issues. The mission of the committee is to minimize the unauthorized or accidental introduction of nonnative aquatic species and give special emphasis to preventing the introduction and spread of aquatic nuisance species. The term "aquatic nuisance species" means a nonnative aquatic plant or animal species that threatens the diversity or abundance of native species, the ecological stability of infested waters, or commercial, agricultural, or recreational activities dependent on such waters.

(2) The committee consists of representatives from each of the following state agencies: Department of fish and wildlife, department of ecology, department of agriculture, department of health, department of natural resources, Puget Sound ~~((water quality action team))~~ partnership, state patrol, state noxious weed control board, and Washington sea grant program. The committee shall encourage and solicit participation by: Federally recognized tribes of Washington, federal agencies, Washington conservation organizations, environmental groups, and representatives from industries that may either be affected by the introduction of an aquatic nuisance species or that may serve as a pathway for their introduction.

(3) The committee has the following duties:

(a) Periodically revise the state of Washington aquatic nuisance species management plan, originally published in June 1998;

(b) Make recommendations to the legislature on statutory provisions for classifying and regulating aquatic nuisance species;

(c) Recommend to the state noxious weed control board that a plant be classified under the process designated by RCW 17.10.080 as an aquatic noxious weed;

(d) Coordinate education, research, regulatory authorities, monitoring and control programs, and participate in regional and national efforts regarding aquatic nuisance species;

(e) Consult with representatives from industries and other activities that may serve as a pathway for the introduction of aquatic nuisance species to develop practical strategies that will minimize the risk of new introductions; and

(f) Prepare a biennial report to the legislature with the first report due by December 1, 2001, making recommendations for better accomplishing the purposes of this chapter, and listing the accomplishments of this chapter to date.

(4) The committee shall accomplish its duties through the authority and cooperation of its member agencies. Implementation of all plans and programs developed by the committee shall be through the member agencies and other cooperating organizations.

**Sec. 59.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(f) The recommendations of the Puget Sound (~~(action team)~~ partnership, created in section 3 of this act, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

**Sec. 60.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to read as follows:

The department may not use funds appropriated to implement an element of the action agenda developed by the Puget Sound ((water quality authority plan)) partnership under section 13 of this act to conduct any activity required under chapter 281, Laws of 1994.

**Sec. 61.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to read as follows:

(1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter 516, Laws of 1993. The task force shall consist of the commissioner of public lands, the director of the department of fish and wildlife, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget Sound (~~(water quality authority)) partnership~~, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community, trade, and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in RCW 43.21J.040, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with RCW 43.21J.040; and

(c) To determine funding allocations for projects to be funded from the account created in RCW 43.21J.020 and for projects or programs as designated in the omnibus operating and capital appropriations acts.

**Sec. 62.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to read as follows:

(1) Subject to the limitations of RCW 43.21J.020, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after July 1, 1993:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to rules adopted by the agency then known as the Puget Sound water quality authority ((rules adopted)) for local planning and management of nonpoint source pollution;

(b) Conservation district projects that provide water quality and habitat improvements;

(c) Indian tribe projects that provide water quality and habitat improvements; or

(d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(3) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

**Sec. 63.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to read as follows:

(1) The sea grant and cooperative extension shall jointly administer a program to provide field agents to work with local governments, property owners, and the general public to increase the

propagation of shellfish, and to address Puget Sound water quality problems within Kitsap, Mason, and Jefferson counties that may limit shellfish propagation potential. The sea grant and cooperative extension shall each make available the services of no less than two agents within these counties for the purposes of this section.

(2) The responsibilities of the field agents shall include but not be limited to the following:

(a) Provide technical assistance to property owners, marine industry owners and operators, and others, regarding methods and practices to address nonpoint and point sources of pollution of Puget Sound;

(b) Provide technical assistance to address water quality problems limiting opportunities for enhancing the recreational harvest of shellfish;

(c) Provide technical assistance in the management and increased production of shellfish to facility operators or to those interested in establishing an operation;

(d) Assist local governments to develop and implement education and public involvement activities related to Puget Sound water quality;

(e) Assist in coordinating local water quality programs with region-wide and statewide programs;

(f) Provide information and assistance to local watershed committees.

(3) The sea grant and cooperative extension shall mutually coordinate their field agent activities to avoid duplicative efforts and to ensure that the full range of responsibilities under RCW 28B.30.632 through 28B.30.636 are carried out. They shall consult with the Puget Sound ~~((water quality authority))~~ partnership, created in section 3 of this act, and ensure consistency with ((the authority's)) any of the Puget Sound partnership's water quality management plans.

(4) Recognizing the special expertise of both agencies, the sea grant and cooperative extension shall cooperate to divide their activities as follows:

(a) Sea grant shall have primary responsibility to address water quality issues related to activities within Puget Sound, and to provide assistance regarding the management and improvement of shellfish production; and

(b) Cooperative extension shall have primary responsibility to address upland and freshwater activities affecting Puget Sound water quality and associated watersheds.

NEW SECTION. Sec. 64. RCW 90.71.902 and 90.71.903 are each decodified.

NEW SECTION. Sec. 65. RCW 90.71.100 is recodified as a new section in chapter 70.118 RCW.

NEW SECTION. Sec. 66. The following acts or parts of acts are each repealed:

(1) RCW 90.71.005 (Findings) and 1998 c 246 s 13 & 1996 c 138 s 1;

(2) RCW 90.71.015 (Environmental excellence program agreements--Effect on chapter) and 1997 c 381 s 30;

(3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 & 1996 c 138 s 3;

(4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996 c 138 s 4;

(5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;

(6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s 6;

(7) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;

(8) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;

(9) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15; and

(10) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

NEW SECTION. Sec. 67. Sections 1, 3 through 21, 23, 41, and 42 of this act are each added to chapter 90.71 RCW.

NEW SECTION. Sec. 68. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Upthegrove, Chairman; Eickmeyer, Vice Chairman; Sump, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; O'Brien; Rolfes and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson.

Referred to Committee on Appropriations.

March 29, 2007

ESSB 5373 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Regarding reporting, penalty, and corporate officer provisions of the unemployment insurance system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 5387 Prime Sponsor, Senate Committee On Ways & Means: Promoting economic development through commercialization of technologies. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.31 RCW to read as follows:

(1) The legislature finds that small technology-based firms are the source of approximately one-half of the economy's major innovations. The legislature further finds that economic development in the state is increasingly driven by innovative firms and that it is in the interest of the state to:

(a) Increase the number of innovative firms that understand and engage in the technology commercialization process by providing information resources and technical assistance in accessing new technologies; and

(b) Increase funding for product development and production by providing information on available finance options and facilitating the matching of investors with innovative entrepreneurs.

(2) To the extent funds are appropriated for these purposes, the department shall:

(a) In conjunction with public universities and colleges and private and federal research laboratories in the state:

(i) Develop and disseminate a guide to the technology commercialization process in general and the particular commercialization assistance available from research and academic institutions in the state;

(ii) Develop, maintain, and provide access to a database of technologies and inventions developed in the state available for commercialization and licensing; and

(iii) Offer training on the provision of commercialization assistance to technical assistance providers at the state's small business development centers, economic development councils, chambers of commerce, industry associations, the Washington manufacturing service, and private consulting firms;

(b) Develop a funding resource guide, offer workshops on how to access financing for commercializing new technologies, provide opportunities for novice investors to learn about investing in technology-based companies, host events to connect entrepreneurs and investors, and maintain an interactive web site accessible by both entrepreneurs and investors; and

(c) Report to the governor and the legislature on the impact of commercialization activities at Washington research institutions on an annual basis.

(3) The department shall contract with outside entities on a competitive bid basis to accomplish the requirements of subsection (2)(a) and (b) of this section."

Correct the title.

Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

March 28, 2007

SSB 5391 Prime Sponsor, Senate Committee On Transportation: Modifying photo enforcement of traffic infraction provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Dickerson; Eddy; Hankins; Hudgins; Lovick; Rodne; Rolfes; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Curtis; Ericksen; Hailey and Kristiansen.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5399 Prime Sponsor, Senator Kilmer: Developing a work group to support industry clusters as an economic development tool. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Rolfes and P. Sullivan.

Referred to Committee on Appropriations.

March 29, 2007

SB 5402 Prime Sponsor, Senator Kilmer: Establishing additional requirements for private vocational schools. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28C.10.020 and 1993 c 445 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the work force training and education coordinating board.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, or documents, ~~((or letters of designation, marks, appellations, series of letters, numbers, or words which))~~ that signify ~~((or appear to signify enrollment, attendance, progress, or))~~ satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any location where an entity is offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "Probation" means the agency has officially notified a private vocational school in writing that the school or a program offered by the school has been identified by the agency as at risk and has deficiencies that must be corrected within a specified time period.

(9) "Program" means a sequence of approved subjects offered by a school that teaches skills and fundamental knowledge required for employment in a particular occupation.

(10) "To grant" includes to award, issue, sell, confer, bestow, or give.

~~((9))~~ (11) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

~~((10))~~ (12) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

"**Sec. 2.** RCW 28C.10.050 and 2005 c 274 s 247 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for entities operating private vocational schools. The minimum standards shall include, but not be limited to, requirements ~~((for each))~~ to assess whether a private vocational school is eligible to obtain and maintain a license in this state.

(2) The requirements adopted by the agency shall, at a minimum, require a private vocational school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate to the agency that the school is financially viable and responsible and that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.56 RCW;

(b) Follow a uniform statewide cancellation and refund policy as specified by the agency;

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required;

(d) Use an enrollment contract or agreement that includes: (i) The school's cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency;

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed;

(f) Comply with the requirements of RCW 28C.10.084;

(g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll, including but not limited to administering a United States department of education-approved English as a second language exam before enrolling students for whom English is a second language unless the students provide proof of graduation from a United States high school or proof of completion of a GED in English or results of another academic assessment determined appropriate by the agency. Guidelines for such assessments shall be developed by the agency, in consultation with the schools (~~The method of assessment shall be reported to the agency. Assessment records shall be maintained in the student's file~~);

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation(~~:-~~);

~~((2) Any enrollment contract shall have))~~ (i) Ensure that any enrollment contract between the private vocational school and its students has an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with ~~((subsection(1)))(h) of this ((section)) subsection~~ and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties(~~:-~~);

~~(3) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards); and~~

~~(j) Comply with the requirements related to qualifications of administrators and instructors.~~

~~(3) The agency may deny a private vocational school's application for licensure if the school fails to meet the requirements in this section.~~

~~(4) The agency may determine that a licensed private vocational school or a particular program of a private vocational school is at risk of closure or termination if:~~

~~(a) There is a pattern or history of substantiated student complaints filed with the agency pursuant to RCW 28C.10.120; or~~

~~(b) The private vocational school fails to meet minimum licensing requirements and has a pattern or history of failing to meet the minimum requirements.~~

~~(5) If the agency determines that a private vocational school or a particular program is at risk of closure or termination, the agency shall require the school to take corrective action.~~

**Sec. 3.** RCW 28C.10.120 and 1993 c 445 s 3 are each amended to read as follows:

(1) Complaints may be filed under this chapter only by a person claiming loss of tuition or fees as a result of an unfair business practice. The complaint shall set forth the alleged violation and shall

contain information required by the agency on forms provided for that purpose. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and shall first attempt to bring about a negotiated settlement. The agency director or the director's designee may conduct an informal hearing with the affected parties in order to determine whether a violation has occurred.

(3) If the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties provided under RCW 28C.10.130. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order the violator to pay full or partial restitution of any amounts lost. The loss may include any money paid for tuition, required or recommended course materials, and any reasonable living expenses incurred by the complainant during the time the complainant was enrolled at the school.

(4) The complainant is not bound by the agency's determination of restitution. The complainant may reject that determination and may pursue any other legal remedy.

(5) The violator may, within twenty days of being served any order described under subsection (3) of this section, file an appeal under the administrative procedure act, chapter 34.05 RCW. Timely filing stays the agency's order during the pendency of the appeal. If the agency prevails, the appellant shall pay the costs of the administrative hearing.

(6) If a private vocational school closes without providing adequate notice to its enrolled students, the agency shall provide transition assistance to the school's students including, but not limited to, information regarding: (a) Transfer options available to students; (b) financial aid discharge eligibility and procedures; (c) the labor market, job search strategies, and placement assistance services; and (d) other support services available to students."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

March 29, 2007

ESSB 5403 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development; Certifying animal massage practitioners. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5421 Prime Sponsor, Senator Fraser: Concerning environmental covenants. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

March 29, 2007

2SSB 5467 Prime Sponsor, Senate Committee On Ways & Means: Creating the individual and family services program for people with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

March 30, 2007

2SSB 5470 Prime Sponsor, Senate Committee On Ways & Means: Revising provisions concerning dissolution proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

#### **"PART I - Intent**

**Sec. 101.** RCW 26.09.002 and 1987 c 460 s 2 are each amended to read as follows:

Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor children. In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. The state recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and that the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests. Residential time and financial support are equally important components of parenting arrangements. The best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care. Further, the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

**NEW SECTION. Sec. 102.** A new section is added to chapter 26.09 RCW to read as follows:

The legislature reaffirms the intent of the current law as expressed in RCW 26.09.002. However, after review, the legislature finds that there are certain components of the existing law which do not support the original legislative intent. In order to better implement the existing legislative intent the legislature finds that incentives for parties to reduce family conflict and additional alternative dispute resolution options can assist in reducing the number of contested trials. Furthermore, the legislature finds that the

identification of domestic violence as defined in RCW 26.50.010 and the treatment needs of the parties to dissolutions are necessary to improve outcomes for children. When judicial officers have the discretion to tailor individualized resolutions, the legislative intent expressed in RCW 26.09.002 can more readily be achieved. Judicial officers should have the discretion and flexibility to assess each case based on the merits of the individual cases before them.

#### **PART II - Family Court Provisions**

**Sec. 201.** RCW 2.56.180 and 2005 c 282 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall create a handbook explaining the sections of Washington law pertaining to the rights and responsibilities of marital partners to each other and to any children during a marriage and a dissolution of marriage. The handbook may also be provided in videotape or other electronic form.

(2) The handbook created under subsection (1) of this section shall be provided by the county auditor when an individual applies for a marriage license under RCW 26.04.140.

(3) The handbook created under subsection (1) of this section shall also be provided to the petitioner when he or she files a petition for dissolution, and to the respondent, unless the respondent did not file a response, notice of appearance, or any other paper in the case or did not appear in court. The administrative office of the courts shall on an annual basis reimburse the counties for each copy of the handbook that is distributed directly to family law parties under this section, provided that the county submits documentation of the number of handbooks distributed on an annual basis.

(4) The information contained in the handbook created under subsection (1) of this section shall be reviewed and updated annually. The handbook must contain the following information:

(a) Information on prenuptial agreements as contracts and as a means of structuring financial arrangements and other aspects of the marital relationship;

(b) Information on shared parental responsibility for children, including establishing a residential schedule for the child in the event of the dissolution of the marriage;

(c) Information on notice requirements and standards for parental relocation;

(d) Information on child support for minor children;

(e) Information on property rights, including equitable distribution of assets and premarital and postmarital property rights;

(f) Information on spousal maintenance;

(g) Information on domestic violence, child abuse, and neglect, including penalties;

(h) Information on the court process for dissolution;

(i) Information on the effects of dissolution on children;

(j) Information on community resources that are available to separating or divorcing persons and their children.

#### **PART III - Domestic Violence and Child Abuse**

**NEW SECTION. Sec. 301.** A new section is added to chapter 26.09 RCW to read as follows:

Mediation is generally inappropriate in cases involving domestic violence and child abuse. In order to effectively identify cases where issues of domestic violence and child abuse are present and reduce conflict in dissolution matters: (1) where appropriate parties shall be provided access to trained domestic violence advocates; and (2) in cases where a victim requests mediation the court may make exceptions and permit mediation, so long as the court makes a finding that mediation is appropriate under the circumstances and the victim is permitted to have a supporting person present during the mediation proceedings.

**Sec. 302.** RCW 2.56.030 and 2005 c 457 s 7 and 2005 c 282 s 7 are each reenacted and amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of

the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, (~~(1997)~~) 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available

to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21)(a) Administer and distribute amounts appropriated from the equal justice subaccount under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met.

**Sec. 303.** RCW 26.09.191 and 2004 c 38 s 12 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to

protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in

treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

~~((5))~~ (6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

~~((6))~~ (7) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

**NEW SECTION. Sec. 304.** A new section is added to chapter 26.09 RCW to read as follows:

Before entering a permanent parenting plan, the court shall determine the existence of any information and proceedings relevant to the placement of the child that are available in the judicial information system and databases.

**Sec. 305.** RCW 26.12.177 and 2005 c 282 s 30 are each amended to read as follows:

(1) All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under section 306 of this act, when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such

a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**NEW SECTION. Sec. 306.** A new section is added to chapter 2.53 RCW to read as follows:

(1)(a) The legislature requests that the supreme court convene and support a task force to establish statewide protocols for dissolution cases.

(b) The task force shall develop: (i) Clear and concise dispute resolution procedures; (ii) in conjunction with the office of crime victims advocacy, a sexual assault training curriculum; (iii) consistent standards for parenting evaluators; and (iv) a domestic violence training curriculum for individuals making evaluations in dissolution cases. The task force shall make recommendations concerning specialized evaluators for dissolution cases, dissolution forms and procedures, and fees.

(b) The task force shall also study issues related to: (i) venue for filing and modifying petitions; and (ii) establishing a program that would be the initial point of contact for parties in dissolution cases where parties would be provided information on the dissolution process and alternatives to dissolution. The task force shall address issues that include but are not limited to: (i) whether the program should be required for all parties in dissolutions; (ii) whether the program should be administered by the courts or county clerks; (iii) the type and extent of information provided to parties and how such information should be delivered.

(2) The governor shall appoint the following members of the task force:

(a) A representative of the office of crime victims advocacy;

(b) A professor of law specializing in family law;

(c) A representative from a statewide domestic violence advocacy group;

(d) A representative from a community sexual assault program;

(e) Two noncustodial parents with at least one representing the interests of low-income noncustodial parents; and

(f) Two custodial parents with at least one representing the interests of low-income custodial parents.

(3) The chief justice of the supreme court is requested to appoint the following members of the task force:

(a) Two representatives from the superior court judges association, including a superior court judge and a court commissioner who is familiar with dissolution issues;

(b) A representative from the administrative office of the courts;

(c) A representative from the Washington state bar association's family law executive committee;

(d) A representative from a qualified legal aid provider that receives funding from the office of civil legal aid;

(e) A representative of the Washington state association of county clerks; and

(f) A guardian ad litem.

(4) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(5) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with at least one member.

(6) Membership of the task force may also include members of the civil legal aid oversight committee, including but not limited to the legislative members of the committee.

(7) The task force shall carefully consider all input received from interested organizations and individuals during the task force process.

(8) The task force may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the task force.

(9) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled

to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(10) The task force shall present preliminary findings and conclusions to the governor's office, the supreme court, and the appropriate committees of the legislature by September 1, 2008. A final report and recommendations, including recommendations for legislative action, if necessary, shall be completed by December 1, 2008.

(11) This section expires June 30, 2009.

#### PART IV - Additional Services

**NEW SECTION. Sec. 401.** A new section is added to chapter 26.09 RCW to read as follows:

In order to provide judicial officers with better information and to facilitate decision making which allows for the protection of children from physical, mental, or emotional harm and in order to facilitate consistent healthy contact between both parents and their children:

(1) Parties and witnesses who require the assistance of interpreters shall be provided access to qualified interpreters pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and within available resources, interpreters shall also be made available at dissolution-related proceedings.

(2) Parties and witnesses who require literacy assistance shall be referred to the multipurpose service centers established in chapter 28B.04 RCW.

(3) In matters involving guardian ad litem, the court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional review. Counties may, and to the extent state funding is provided therefor counties shall, provide indigent parties with guardian ad litem services at a reduced or waived fee.

(4) Parties may request to participate by telephone or interactive videoconference. The court may allow telephonic or interactive videoconference participation of one or more parties at any proceeding in its discretion. The court may also allow telephonic or interactive videoconference participation of witnesses.

(5) In cases involving domestic violence or child abuse, if residential time is ordered, the court may:

(a) Order exchange of a child to occur in a protected setting;

(b) Order residential time supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the supervisor is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor if the court determines, after a hearing, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. If the court allows a family or household member to supervise residential time, the court shall establish conditions to be followed during residential time.

(6) In cases in which the court finds that the parties do not have a satisfactory history of cooperation or there is a high level of parental conflict, the court may order the parties to use supervised visitation and safe exchange centers or alternative safe locations to facilitate the exercise of residential time.

#### PART V - Mediation

**Sec. 501.** RCW 26.09.015 and 2005 c 172 s 17 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2)(a) Each superior court may make available a mediator. The court shall use the most cost-effective mediation services that are

readily available unless there is good cause to access alternative providers. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(b) In any proceeding involving issues relating to residential time or other matters governed by a parenting plan, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. Counties may, and to the extent state funding is provided therefor counties shall, provide both predecree and postdecree mediation at reduced or waived fee to the parties within one year of the filing of the dissolution petition.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

(A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184(3)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184(3)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

#### PART VI - Residential Time

**Sec. 601.** RCW 26.09.187 and 1989 c 375 s 10 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(4)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent (~~including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child~~);

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions as defined in RCW 26.09.004(3), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) Where the limitations of RCW 26.09.191 are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time (~~only if the court finds the following~~):

~~(i) No limitation exists under RCW 26.09.191;~~

~~(ii)(A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or~~

~~(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and~~

~~(iii) The provisions are in the best interests of the child~~) if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

**Sec. 602.** RCW 26.09.197 and 1987 c 460 s 14 are each amended to read as follows:

After considering the affidavit required by RCW 26.09.194(1) and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child. In making this determination, the court shall give particular consideration to:

(1) ~~((Which parent has taken greater responsibility during the last twelve months for performing parenting functions relating to the daily needs of the child))~~ The relative strength, nature, and stability of the child's relationship with each parent; and

(2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.

The court shall also consider the factors used to determine residential provisions in the permanent parenting plan.

## PART VII - Data Tracking

**NEW SECTION. Sec. 701.** A new section is added to chapter 26.09 RCW to read as follows:

The parties to dissolution matters shall file with the clerk of the court the residential time summary report. The summary report shall be on the form developed by the administrative office of the courts in consultation with the department of social and health services division of child support. The parties must complete the form and file the form with the court order. The clerk of the court must forward the form to the division of child support on at least a monthly basis.

**NEW SECTION. Sec. 702.** A new section is added to chapter 26.18 RCW to read as follows:

(1) The administrative office of the courts in consultation with the department of social and health services, division of child support, shall develop a residential time summary report form to provide for the reporting of summary information in every case in which residential time with children is to be established or modified.

(2) The residential time summary report must include at a minimum: A breakdown of residential schedules with a reasonable degree of specificity regarding actual time with each parent, including enforcement practices, representation status of the parties, whether domestic violence, child abuse, chemical dependency, or mental health issues exist, and whether the matter was agreed or contested.

(3) The division of child support shall compile and electronically transmit the information in the residential time summary reports to the administrative office of the courts for purposes of tracking residential time awards by parent, enforcement practices, representation status of the parties, the existence of domestic violence, child abuse, chemical dependency, or mental health issues and whether the matter was agreed or contested.

(4) The administrative office of the courts shall report the compiled information, organized by each county, on at least an annual basis. These reports shall be made publicly available through the judicial information public access services and shall not contain any personal identifying information of parties in the proceedings.

## PART VIII - Miscellaneous

**NEW SECTION. Sec. 801.** Part headings used in this act are not any part of the law.

**NEW SECTION. Sec. 802.** If specific funding for the purposes of section 306 of this act, referencing section 306 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 306 of this act is null and void.

**NEW SECTION. Sec. 803.** If specific funding for the purposes of section 701 of this act, referencing section 701 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 701 of this act is null and void.

**NEW SECTION. Sec. 804.** If specific funding for the purposes of section 702 of this act, referencing section 702 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 702 of this act is null and void.

**NEW SECTION. Sec. 805.** (1) Section 201 of this act takes effect January 1, 2008.

(2) Section 501 of this act takes effect January 1, 2009."

Correct the title.

Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

March 30, 2007

SB 5512 Prime Sponsor, Senator Kilmer: Modifying financing provisions for hospital benefit zones. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that local governments need flexible financing for public improvements that do not increase the combined state and local sales tax rate.

**Sec. 2.** RCW 39.100.010 and 2006 c 111 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Benefit zone" means the geographic zone from which taxes are to be appropriated to finance public improvements authorized under this chapter and in which a hospital that has received a certificate of need is to be constructed.

(2) "Department" means the department of revenue.

(3) "Local government" means any city, town, county, or any combination thereof.

(4) "Ordinance" means any appropriate method of taking legislative action by a local government.

(5) "Participating taxing authority" means a taxing authority that has entered into a written agreement with a local government for the use of hospital benefit zone financing to the extent of allocating excess local excise taxes to the local government for the purpose of financing all or a portion of the costs of designated public improvements.

(6) "Public improvements" means infrastructure improvements within the benefit zone that include:

- (a) Street and road construction and maintenance;
- (b) Water and sewer system construction and improvements;
- (c) Sidewalks and streetlights;
- (d) Parking, terminal, and dock facilities;
- (e) Park and ride facilities of a transit authority;
- (f) Park facilities and recreational areas; and
- (g) Storm water and drainage management systems.

(7) "Public improvement costs" means the costs of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending

construction of public improvements; (c) relocating utilities as a result of public improvements; and (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on indebtedness issued to finance public improvements, and any necessary reserves for indebtedness; and administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of hospital benefit zone financing to fund the costs of the public improvements.

(8) "Tax allocation revenues" means those tax revenues derived from the receipt of excess local excise taxes under RCW 39.100.050 and distributed by a local government, participating taxing authority, or both, to finance public improvements.

(9) "Taxing authority" means a governmental entity that imposes a sales or use tax under chapter 82.14 RCW upon the occurrence of any taxable event within a proposed or approved benefit zone.

**Sec. 3.** RCW 39.100.020 and 2006 c 111 s 2 are each amended to read as follows:

A local government may finance public improvements using hospital benefit zone financing subject to the following conditions:

(1) The local government adopts an ordinance designating a benefit zone within its boundaries and specifying the public improvements proposed to be financed in whole or in part with the use of hospital benefit zone financing;

(2) The public improvements proposed to be financed in whole or in part using hospital benefit zone financing are expected both to encourage private development within the benefit zone and to support the development of a hospital that has received a certificate of need;

(3) Private development that is anticipated to occur within the benefit zone, as a result of the public improvements, will be consistent with the county-wide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW; ~~(and)~~

(4) The governing body of the local government finds that the public improvements proposed to be financed in whole or in part using hospital benefit zone financing are reasonably likely to:

- (a) Increase private investment within the benefit zone;
- (b) Increase employment within the benefit zone; and
- (c) Generate, over the period of time that the local sales and use tax will be imposed under RCW 82.14.465, excess state ~~((and local sales and use tax revenues))~~ excise taxes that are equal to or greater than the ~~((respective))~~ state ~~((and local))~~ contributions made under this chapter;

(5) The boundaries of a hospital benefit zone may not overlap any part of the boundaries of another hospital benefit zone or a revenue development area defined in chapter 39.102 RCW; and

(6) The boundaries of a hospital benefit zone may not change once the hospital benefit zone is established and approved by the department.

**Sec. 4.** RCW 39.100.030 and 2006 c 111 s 3 are each amended to read as follows:

(1) Before adopting an ordinance creating the benefit zone, a local government must:

(a) Obtain written agreement for the use of hospital benefit zone financing to finance all or a portion of the costs of the designated public improvements from any taxing authority that imposes a sales or use tax under chapter 82.14 RCW within the benefit zone if the taxing authority chooses to participate in the public improvements to the extent of providing limited funding under hospital benefit zone financing authorized under this chapter. The agreement must be authorized by the governing body of such participating taxing authorities; and

(b) Hold a public hearing on the proposed financing of the public improvement in whole or in part with hospital benefit zone financing.

(i) Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed benefit zone at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed benefit zone.

(ii) Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by hospital benefit zone financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed benefit zone, and estimate the period during which hospital benefit zone financing is contemplated to be used. The public hearing may be held by either the governing body of the local government, or a committee of the governing body that includes at least a majority of the whole governing body.

(2) In order to create a benefit zone, a local government must adopt an ordinance establishing the benefit zone that:

(a) Describes the public improvements;

(b) Describes the boundaries of the benefit zone;

(c) Estimates the cost of the public improvements and the portion of these costs to be financed by hospital benefit zone financing;

(d) Estimates the time during which excess local excise taxes are to be used to finance public improvement costs associated with the public improvements financed in whole or in part by hospital benefit zone financing;

(e) Estimates the average amount of tax revenue to be received in all fiscal years through the imposition of a sales and use tax under RCW 82.14.465;

(f) Provides the date when the use of excess local excise taxes will commence; and

(g) Finds that the conditions of RCW 39.100.020 are met.

(3) For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June 30th.

**Sec. 5.** RCW 39.100.040 and 2006 c 111 s 4 are each amended to read as follows:

(1) A local government that adopts an ordinance creating a benefit zone under this chapter shall, within ninety days of adopting the ordinance:

~~((+))~~ (a) Publish notice in a legal newspaper of general circulation within the benefit zone that describes the public improvement, describes the boundaries of the benefit zone, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

~~((2))~~ (b) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, the department of revenue, and the governing body of each participating taxing authority within which the benefit zone is located.

(2) Any challenge to the formation shall be brought within sixty days of the later of the date of its formation or July 1, 2007. All parties, including the holders of bonds payable from tax revenue under this act, may rely upon the presumption of validity of formation of the benefit zone following the expiration of the sixty-day period.

**Sec. 6.** RCW 39.100.050 and 2006 c 111 s 5 are each amended to read as follows:

(1) A local government that creates a benefit zone and has received approval from the department under RCW 82.32.700 to impose the local option sales and use tax authorized in RCW 82.14.465 may use annually any excess local excise taxes received by it from taxable activity within the benefit zone to finance public improvement costs associated with the public improvements financed in whole or in part by hospital benefit zone financing. The use of excess local excise taxes must cease when tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any participating taxing authority is authorized to allocate excess local excise taxes to the local government as long as the local government has received approval from the department under RCW 82.32.700 to impose the local option sales and use tax authorized in RCW 82.14.465. The legislature declares that it is a proper purpose of a local government or participating taxing

authority to allocate excess local excise taxes for purposes of financing public improvements under this chapter.

(2) A local government shall provide the department accurate information describing the geographical boundaries of the benefit zone at least seventy-five days before the effective date of the ordinance creating the benefit zone. The local government shall ensure that the boundary information provided to the department is kept current.

(3) The department shall provide the necessary information to calculate excess local excise taxes to each local government that has provided boundary information to the department as provided in this section and that has received approval from the department under RCW 82.32.700 to impose the local option sales and use tax authorized in RCW 82.14.465.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base year" means the calendar year immediately following the creation of a benefit zone.

(b) "Excess local excise taxes" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the benefit zone over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the benefit zone. However, if a local government creates the benefit zone and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the benefit zone within the boundaries of the area that became the benefit zone, "excess local excise taxes" means the entire amount of local excise taxes received by the local government during a calendar year period beginning with the calendar year immediately following the creation of the benefit zone and continuing with each measurement year thereafter.

(c) "Local excise taxes" means local (~~retail~~) revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the hospital benefit zone is approved by the department, except that if a local government reduces the rate of such tax after the revenue development area was approved, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(d) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess state excise taxes and excess local excise taxes required to be used to finance public improvement costs associated with public improvements financed in whole or in part by hospital benefit zone financing.

**Sec. 7.** RCW 82.14.465 and 2006 c 111 s 7 are each amended to read as follows:

(1) A city, town, or county that creates a benefit zone and finances public improvements pursuant to chapter 39.100 RCW may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city, town, or county. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1) in the case of a sales tax or the rate provided in RCW 82.12.020(5) in the case of a use tax, less the aggregate rates of any other taxes imposed on the same events that are credited against the state taxes imposed under chapters 82.08 and 82.12 RCW. The tax rate shall be no higher than what is reasonably necessary for the local government to receive its entire annual state contribution in a ten-month period of time.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the city, town, or county at no cost to the city, town, or county.

(3) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the city, town, or

county shall first have received tax allocation revenues (~~derived from excess excise taxes~~) during the preceding calendar year. The tax imposed under this section shall expire (~~when~~) on the earlier of the date: (a) The tax allocation revenues are no longer used for public improvements and public improvement costs; (b) the bonds issued under the authority of chapter 39.100 RCW are retired, (but not more than) if the bonds are issued; or (c) that is thirty years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a city, town, or county imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The amount of tax received by the local government in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be (~~imposed~~) distributed for the remainder of any fiscal year in which either:

(i) The amount of tax (~~receipts~~) distributions totals the amount of the state contribution;

(ii) The amount of tax (~~receipts~~) distributions totals the amount of (~~the~~) local public sources, (~~as that term is used in RCW 82.14.470;~~) dedicated in the previous calendar year to finance public improvements authorized under chapter 39.100 RCW, expended in the previous year for public improvement costs or used to pay for other bonds issued to pay for public improvements; or

(iii) The amount of revenue from taxes imposed under this section by all cities, towns, and counties totals the annual state credit limit as provided in RCW 82.32.700(3);

(d) The tax shall be (~~reimposed~~) distributed again, should it cease to be (~~imposed~~) distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) Any revenue generated by the tax in excess of the amounts specified in (~~(a);~~) (b)(~~;~~) and (c) of this subsection shall belong to the state of Washington.

(5) If both a county and a city or town impose a tax under this section, the tax imposed by the city, town, or county shall be credited as follows:

(a) If the county has created a benefit zone before the city or town, the tax imposed by the county shall be credited against the tax imposed by the city or town, the purpose of such credit is to give priority to the county tax; and

(b) If the city or town has created a benefit zone before the county, the tax imposed by the city or town shall be credited against the tax imposed by the county, the purpose of such credit is to give priority to the city or town tax.

(6) The department shall determine the amount of tax (~~receipts~~) distributions attributable to each city, town, and county imposing a sales and use tax under this section and shall advise a city, town, or county when (~~it must cease imposing~~) the tax will cease to be distributed for the remainder of the fiscal year as provided in subsection (4)(c) of this section. Determinations by the department of the amount of taxes attributable to a city, town, or county are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax (~~receipts~~) revenues in excess of the amounts specified in subsection (4)(~~(a);~~) (b)(~~;~~) and (c) of this section to the state treasurer who shall deposit the moneys in the general fund.

(7) The definitions in this subsection apply throughout this section and RCW 82.14.470 unless the context clearly requires otherwise.

(a) "Base year" means the calendar year immediately following the creation of a benefit zone.

(b) "Benefit zone" has the same meaning as provided in RCW 39.100.010.

(c) "Excess local excise taxes" has the same meaning as provided in RCW 39.100.050.

(d) "Excess state excise taxes" means the amount of excise taxes received by the state during the measurement year from taxable activity within the benefit zone over and above the amount of excise taxes received by the state during the base year from taxable activity within the benefit zone. However, if a local government creates the benefit zone and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the benefit zone within the

boundaries of the area that became the benefit zone, "excess state excise taxes" means the entire amount of state excise taxes (~~received by~~) the state receives during a calendar year period beginning with the calendar year immediately following the creation of the benefit zone and continuing with each measurement year thereafter.

(e) "State excise taxes" means (~~the~~) revenues derived from state retail sales and use taxes (~~imposed~~) under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW except for the local tax authorized in this section.

(f) "Fiscal year" has the same meaning as provided in RCW 39.100.030.

(g) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess state excise taxes and excess local excise taxes (~~required to be used to finance public improvement costs associated with public improvements financed in whole or in part by hospital benefit zone financing~~).

(h) "State contribution" means the lesser of two million dollars or an amount equal to excess state excise taxes received by the state during the preceding calendar year.

(i) "Tax allocation revenues" has the same meaning as provided in RCW 39.100.010.

(j) "Public improvements" and "public improvement costs" have the same meanings as provided in RCW 39.100.010.

(k) "Local public sources" includes, but is not limited to, private monetary contributions, assessments, dedicated local government funds, and tax allocation revenues. "Local public sources" does not include local government funds derived from any state loan or state grant, any local tax that is credited against the state sales and use taxes, or any other state funds.

**Sec. 8.** RCW 82.14.470 and 2006 c 111 s 8 are each amended to read as follows:

(1)(a)(i) Moneys collected from the taxes imposed under RCW 82.14.465 shall be used only for the following purposes (~~(e)~~):

(A) Principal and interest payments on bonds issued under the authority of RCW 39.100.060 (~~and~~);

(B) Principal and interest payments on other bonds issued by the local government to finance public improvements; or

(C) Payments for public improvement costs.

(ii) Moneys collected and used as provided in (a)(i) of this subsection must be matched with an amount from local public sources dedicated through December 31st of the previous calendar year to finance public improvements authorized under chapter 39.100 RCW. (~~Such local public sources include but are not limited to private monetary contributions and tax allocation revenues.~~)

(b) Local public sources are dedicated to finance public improvements if they: (i) Are actually expended to pay public improvement costs or debt service on bonds issued for public improvements; or (ii) are required by law or an agreement to be used exclusively to pay public improvement costs or debt service on bonds issued for public improvements.

(2) A local government shall inform the department by the first day of March of the amount of local public sources dedicated in the preceding calendar year to finance public improvements authorized under chapter 39.100 RCW.

(3) If a local government fails to comply with subsection (2) of this section, no tax may be imposed under RCW 82.14.465 in the subsequent fiscal year.

(4) A local government shall provide a report to the department and the state auditor by March 1st of each year. A local government shall make a good faith effort to provide information required for the report.

The report shall contain the following information:

(a) The amount of tax allocation revenues, taxes under RCW 82.14.465, and local public sources received by the local government during the preceding calendar year, and a summary of how these revenues were expended; and

(b) The names of any businesses (~~(locating)~~) known to the local government that have located within the benefit zone as a result of the public improvements undertaken by the local government and financed in whole or in part with hospital benefit zone financing(;

~~(c) The total number of permanent jobs created as a result of the public improvements undertaken by the local government and financed in whole or in part with hospital benefit zone financing; and~~

~~(d) The average wages and benefits received by all employees of businesses locating within the benefit zone as a result of the public improvements undertaken by the local government and financed in whole or in part with hospital benefit zone financing).~~

(5) The department shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by local governments and financed in whole or in part with hospital benefit zone financing, and it shall also include a summary of the information provided to the department by local governments under subsection (4) of this section.

~~((6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Public improvement costs" has the same meaning as in RCW 39.100.010.~~

~~(b) "Tax allocation revenues" has the same meaning as provided in RCW 39.100.010.)~~

**Sec. 9.** RCW 82.32.700 and 2006 c 111 s 9 are each amended to read as follows:

(1) As a condition to imposing a sales and use tax under RCW 82.14.465, a city, town, or county must apply to the department at least seventy-five days before the effective date of any such tax. The application shall be in a form and manner prescribed by the department and shall include but is not limited to information establishing that the applicant is eligible to impose such a tax, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June 30th. The department shall make available forms to be used for this purpose. As part of the application, a city, town, or county must provide to the department a copy of the ordinance creating the benefit zone as required in RCW 39.100.040. The department shall rule on completed applications within sixty days of receipt. The department may begin accepting and approving applications August 1, 2006. No new applications shall be considered by the department after the thirtieth day of September of the third year following the year in which the first application was received by the department.

(2) The authority to impose the local option sales and use taxes under RCW 82.14.465 is on a first-come basis. Priority for collecting the taxes authorized under RCW 82.14.465 among approved applicants shall be based on the date that the approved application was received by the department. As a part of the approval of applications under this section, the department shall approve the amount of tax under RCW 82.14.465 that an applicant may impose. The amount of tax approved by the department shall not exceed the lesser of two million dollars or the average amount of tax revenue that the applicant estimates that it will receive in all fiscal years through the imposition of a sales and use tax under RCW 82.14.465. A city, town, or county shall not receive, in any fiscal year, more revenues from taxes imposed under RCW 82.14.465 than the amount approved by the department. The department shall not approve the receipt of more credit against the state sales and use tax than is authorized under subsection (3) of this section.

(3) No more than two million dollars of credit against the state sales and use tax provided for under RCW 82.14.465(2), may be received in any fiscal year by all cities, towns, and counties imposing a tax under RCW 82.14.465.

(4)(a) The credit against the state sales and use tax shall be available to any city, town, or county imposing a tax under RCW 82.14.465 only as long as the city, town, or county has outstanding indebtedness under ~~((RCW 82.14.465))~~ chapter 39.100 RCW or the tax allocation revenues are used for public improvement costs, but in no case shall the credit be available for more than thirty years after the tax is first imposed by the city, town, or county.

(b) Local governments may pledge any receipts from taxes levied and collected under chapter 39.100 RCW and RCW 82.14.465 to the repayment of its bonds or bond anticipation notes. A local government shall notify the department when all outstanding indebtedness secured in whole or in part from receipts is no longer outstanding or tax allocation revenues are no longer used for public improvement costs, and the credit provided for under RCW 82.14.465 shall be terminated.

(5) The department may adopt any rules under chapter 34.05 RCW it considers necessary for the administration of chapter 39.100 RCW.

**NEW SECTION. Sec. 10.** This act applies retroactively to July 1, 2006.

**NEW SECTION. Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 28, 2007

SB 5552 Prime Sponsor, Senator Rockefeller: Changing compensation and penalties for oil spills. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.48.366 and 1994 sp.s. c 9 s 855 are each amended to read as follows:

~~((By July 1, 1991,))~~ The department, in consultation with the departments of ~~((fisheries,))~~ fish and wildlife(;) and natural resources, and the parks and recreation commission, shall adopt rules establishing a compensation schedule for the discharge of oil in violation of this chapter and chapter 90.56 RCW. The amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than ~~((fifty))~~ one hundred dollars per gallon of oil spilled. The compensation schedule shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost for any adverse environmental, recreational, aesthetic, or other effects caused by the spill and shall take into account:

(1) Characteristics of any oil spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources;

(2) The sensitivity of the affected area as determined by such factors as: (a) The location of the spill; (b) habitat and living resource sensitivity; (c) seasonal distribution or sensitivity of living resources; (d) areas of recreational use or aesthetic importance; (e) the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law; (f) significant archaeological resources as determined by the ~~((office))~~ department of archaeology and historic preservation; and (g) other areas of special ecological or recreational importance, as determined by the department ~~((If the department has adopted rules for a compensation table prior to July 1, 1992, the sensitivity of significant archaeological resources shall only be included among factors to be used in the compensation table when the department revises the rules for the compensation table after July 1, 1992));~~ and

(3) Actions taken by the party who spilled oil or any party liable for the spill that: (a) Demonstrate a recognition and affirmative

acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or (b) enhance or impede the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

**Sec. 2.** RCW 90.48.368 and 1994 c 264 s 92 are each amended to read as follows:

(1) The department shall adopt rules establishing a formal process for preassessment screening of damages resulting from spills to the waters of the state causing the death of, or injury to, fish, animals, vegetation, or other resources of the state. The rules shall specify the conditions under which the department shall convene a preassessment screening committee. The preassessment screening process shall occur concurrently with reconnaissance activities. The committee shall use information obtained from reconnaissance activities as well as any other relevant resource and resource use information. For each incident, the committee shall determine whether a damage assessment investigation should be conducted, or, whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 should be used to assess damages. The committee may accept restoration or enhancement projects or studies proposed by the liable parties in lieu of some or all of: (a) The compensation schedule authorized under RCW 90.48.366 and 90.48.367; or (b) the claims from damage assessment studies authorized under RCW 90.48.142.

(2) A preassessment screening committee may consist of representatives of the departments of ecology, archaeology and historic preservation, fish and wildlife, health, and natural resources, ~~((social and health services, and emergency management,))~~ and the parks and recreation commission, ~~((the office of archaeology and historic preservation,))~~ as well as other federal, state, and local agencies, and tribal and local governments whose presence would enhance the reconnaissance or damage assessment aspects of spill response. The department shall chair the committee and determine which representatives will be needed on a spill-by-spill basis.

(3) The committee shall consider the following factors when determining whether a damage assessment study authorized under RCW 90.48.367 should be conducted: (a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources; (b) the potential loss in services provided by resources injured or likely to be injured and the expected value of the potential loss; (c) whether a restoration project to return lost services is technically feasible; (d) the accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method; (e) the extent to which likely injury to resources can be verified with available quantification methods; and (f) whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) When a resource damage assessment is required for an oil spill in the ~~((navigable))~~ waters of the state, as defined in RCW 90.56.010, the state trustee agency responsible for the resource and habitat damaged shall conduct the damage assessment and pursue all appropriate remedies with the responsible party.

(5) Oil spill damage assessment studies authorized under RCW 90.48.367 may only be conducted if the committee, after considering the factors enumerated in subsection (3) of this section, determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred.

(6) As new information becomes available, the committee may reevaluate the scope of damage assessment using the factors listed in subsection (3) of this section and may reduce or expand the scope of damage assessment as appropriate.

(7) The preassessment screening process shall provide for the ongoing involvement of persons who may be liable for damages resulting from an oil spill. The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the compensation authorized under RCW 90.48.366 and 90.48.367 or the damage assessment studies authorized under RCW 90.48.367.

(8) For the purposes of this section and RCW 90.48.367, the cost of a damage assessment shall be considered "reasonable" when

the anticipated cost of the damage assessment is expected to be less than the anticipated damage that may have occurred or may occur.

**Sec. 3.** RCW 90.56.330 and 1992 c 73 s 36 are each amended to read as follows:

Except as otherwise provided in RCW 90.56.390, any person who negligently discharges oil, or causes or permits the entry of the same, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ~~((twenty))~~ one hundred thousand dollars for every such violation, and for each day the spill poses risks to the environment as determined by the director. Any person who intentionally or recklessly discharges or causes or permits the entry of oil into the waters of the state shall incur, in addition to any other penalty authorized by law, a penalty of up to ~~((one))~~ five hundred thousand dollars for every such violation and for each day the spill poses risks to the environment as determined by the director. The amount of the penalty shall be determined by the director after taking into consideration the size of the business of the violator, the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, the speed and thoroughness of the collection and removal of the oil, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty ~~((herein))~~ provided for in this section shall be imposed pursuant to RCW 43.21B.300.

**Sec. 4.** RCW 88.40.011 and 2003 c 56 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barge" means a vessel that is not self-propelled.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel, fishing vessel, or a passenger vessel, of three hundred or more gross tons.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from any vessel with an oil carrying capacity over two hundred fifty barrels or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Fishing vessel" means a self-propelled commercial vessel of three hundred or more gross tons that is used for catching or processing fish.

(9) "Gross tons" means tonnage as determined by the United States coast guard under 33 C.F.R. section 138.30.

(10) "Hazardous substances" means any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and

flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any ((naturally occurring)) kind that is liquid ((hydrocarbons)) at atmospheric temperature ((and pressure coming from the earth, including condensate and natural gasoline;)) and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(18) "Spill" means an unauthorized discharge of oil into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

**Sec. 5.** RCW 88.46.010 and 2000 c 69 s 1 are each amended to read as follows:

~~((Unless the context clearly requires otherwise;))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(6) "Department" means the department of ecology.

(7) "Director" means the director of the department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any ((naturally occurring)) kind that is liquid ((hydrocarbons)) at atmospheric temperature ((and pressure coming from the earth, including condensate and natural gasoline;)) and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(18) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(19) "Spill" means an unauthorized discharge of oil into the waters of the state.

(20) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(21) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(22) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

**Sec. 6.** RCW 90.56.010 and 2000 c 69 s 15 are each amended to read as follows:

~~((For purposes of this chapter, the following definitions shall apply unless the context indicates otherwise.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Committee" means the preassessment screening committee established under RCW 90.48.368.

(7) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(8) "Department" means the department of ecology.

(9) "Director" means the director of the department of ecology.

(10) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(11)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(12) "Fund" means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

(13) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(14) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

(17) "Oil" or "oils" means ~~((naturally occurring))~~ oil of any kind that is liquid ((hydrocarbons)) at atmospheric temperature ((and pressure coming from the earth, including condensate and natural gasoline,)) and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(18) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(24) "Spill" means an unauthorized discharge of oil or hazardous substances into the waters of the state.

(25) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(26) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(27) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Dickerson; Eickmeyer; Grant; Kagi; McCoy; Strow and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

March 29, 2007

ESSB 5558 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Regulating house-banked social card games. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. POLICY STATEMENT. In keeping with the gambling policy statement in RCW 9.46.010, the legislature intends to:

(1) Limit the number of licenses that may be issued for conducting house-banked social card games; and

(2) Grant local jurisdictions limited authority to determine the areas within which house-banked social card games may be conducted.

NEW SECTION, Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

LIMIT ON HOUSE-BANKED CARD GAME LICENSES. (1) Except as provided in RCW 9.46.295 and section 4 of this act, the commission may not accept or approve an application to be licensed to conduct house-banked social card games unless the applicant:

(a) As of March 31, 2007, was in operation under an unrevoked and unexpired license to conduct house-banked social card games in the location identified in the license;

(b) As of March 31, 2007, had submitted a completed application as determined by the commission to obtain a license to conduct house-banked social card games at an identified location;

(c) Has purchased a substantial interest in, or substantially all of the assets of, a business issued a license under (a) or (b) of this subsection to conduct house-banked social card games and the application is for a license to continue to conduct such games in the location identified in the previous license; or

(d) Having been issued a license under (a), (b), or (c) of this subsection, submits a timely application to renew the license for the location identified in the license.

(2) Notwithstanding any ordinance, resolution, or legislative act in existence before the effective date of this section, a city, town, or county may not prohibit the holder of a license issued by the commission to conduct house-banked social card games from conducting such games in the location identified by such license except as follows:

(a) The jurisdiction has a prohibition in effect, enacted after the effective date of this section, applying to house-banked social card games that complies with RCW 9.46.295(1)(a).

(b) A jurisdiction, with a prohibition in effect applying to house-banked social card games that complies with RCW 9.46.295(1)(a), that annexes territory within which a holder of a license issued by the commission to conduct house-banked social

card games is conducting such games may prohibit that licensee from conducting such games. To prohibit such activities of the licensee, the jurisdiction must adopt an ordinance, resolution, or other legislative act prohibiting house-banked social card games in the annexed territory and this prohibition may not take effect for eighteen months after the ordinance, resolution, or other legislative act is adopted.

(3) This section does not restrict a holder of a license issued by the commission to conduct house-banked social card games from:

(a) Selling, exchanging, or otherwise transferring such interests in gambling equipment, subject to commission rules regarding the transfer of gambling equipment; or

(b) Relocating that business, subject to the commission's review and approval, but only if the jurisdiction to which the licensee proposes to relocate has in effect an ordinance, resolution, or other legislative act enacted pursuant to section 4 of this act and the proposed location complies with section 4 of this act.

**Sec. 3.** RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to read as follows:

LOCAL JURISDICTION OPTIONS. (1) Any license to engage in any of the gambling activities authorized by this chapter (~~as now exists or as hereafter amended~~) and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city or town located therein with respect to that city or town, or a county with respect to all areas within that county except for such cities or towns, may:

(a) ~~Absolutely prohibit~~ (~~but may not change the scope of license~~) any or all of the gambling activities for which the license was issued. However, such prohibition enacted after the effective date of this section relating to house-banked social card games may not be repealed for at least three years from the effective date of the ordinance, resolution, or other legislative act enacting the prohibition; or

(b) Determine, in accordance with section 4 of this act, the areas within which house-banked social card games may be relocated.

(2) This section does not authorize any city, town, or county to adopt or enforce any ordinance, resolution, or other legislative act changing or purporting to change the scope of a license issued under this chapter.

(3) Until July 1, 2010, an ordinance, resolution, or other legislative act that absolutely prohibits the operation of house-banked social card games under subsection (1)(a) of this section that is adopted by a city or town on or after the effective date of this act is subject to referendum under the referendum procedures of RCW 35A.11.100 and 35A.29.170. This subsection does not apply to a legislative act prohibiting house-banked social card games in an annexed territory under section 2(2)(b) of this act.

**NEW SECTION, Sec. 4.** A new section is added to chapter 9.46 RCW to read as follows:

RELOCATION ZONING ORDINANCES AUTHORIZED. (1) A city, town, or county that has, pursuant to chapter 36.70A RCW, adopted a comprehensive land use plan containing a statement identifying the jurisdiction's policy regarding the extent to which licensed gambling activity is to be allowed within the jurisdiction may enact, amend, and enforce an ordinance, resolution, or other legislative act, consistent with the policy statement in the comprehensive plan and subject to subsection (2) of this section, that does the following:

(a) Allows the relocation of house-banked social card games within all or part of the city, town, or county. If the ordinance, resolution, or other legislative act allows such games in only part of the jurisdiction, it must:

(i) Designate a land use zone or zones that is not less than and that is wholly contained in one-third of the land use zone or zones within which eating and drinking establishments licensed by the liquor control board are allowed to operate;

(ii) Apply uniformly throughout each designated land use zone or zones within the jurisdiction, with no authority to grant variances or nonconforming uses based on house-banked social card games; and

(iii) Apply only to house-banked social card games that did not have an identified location under section 2(1) of this act in the jurisdiction. However, the house-banked card game licensee may relocate that business into the designated land use zone if it meets the requirements of this section; or

(b)(i) Prohibits house-banked social card games from relocating within up to five hundred feet of any of the following uses that existed on the initial date of application for relocation of the license:

(A) A building used exclusively for religious worship, religious schooling, or other activity in connection therewith;

(B) A residence located in a zone that is identified specifically in a local ordinance or legislative enactment as being composed predominantly of single-family or multifamily residences;

(C) A tax-supported public elementary or secondary school or private school meeting the requirements for private schools under Title 28A RCW; or

(D) Publicly owned or leased buildings designated within the jurisdiction's comprehensive plan and used exclusively by the jurisdiction as a place of business for its employees, elected officials, or for public meetings, including but not limited to any library, courthouse, jail, police station, or fire station.

(ii) Any distances established for the purposes of this subsection

(1)(b) must be measured in a straight line from the perimeter property line of the grounds of the use identified under this subsection to the nearest property line of the property within which an applicant has applied to locate house-banked social card games.

(2) The repeal of a land use zone enacted pursuant to this section may not apply for at least three years from the effective date of such ordinance, resolution, or other legislative act to the holder of a license issued by the commission to conduct house-banked social card games who is conducting such games in that location within the jurisdiction on the date that the repeal took effect.

(3) For the purposes of this section, "land use zone" means any area within a jurisdiction that: (a) Is defined by an action of a jurisdiction's legislative body and appears on the jurisdiction's land use zoning map; (b) is situated within a single, continuous, and discrete boundary perimeter; and (c) has land uses within the area that are subject to the same zoning regulations, definitions, or standards as may be determined by the jurisdiction.

(4) The land use petition act, chapter 36.70C RCW, governs challenges regarding the adoption or enforcement of an ordinance, resolution, or other legislative act enacted or amended pursuant to this section.

(5) The commission, its members, and staff are absolutely immune from any legal action relating to a decision of the commission: To issue, renew, or not issue a license under this section or section 2 of this act; or that is based on the commission's interpretation of this section, section 2 of this act, or any local ordinance, resolution, or other legislative act enacted or amended under this section. No court, board, agency, entity, or tribunal of any kind has jurisdiction to join the commission as a party to any such legal action.

**Sec. 5.** RCW 9.46.070 and 2002 c 119 s 1 are each amended to read as follows:

**POWERS AND DUTIES OF GAMBLING COMMISSION.**

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto and to revoke or suspend ~~((said))~~ such licenses for violation of any provisions of this chapter or any rules ~~((and regulations))~~ adopted pursuant thereto ~~((: PROVIDED, That))~~. However, except as provided in section 2 of this act, the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued ~~((: PROVIDED FURTHER, That))~~. The commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin ~~((:~~

~~AND PROVIDED FURTHER, That))~~. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto permitting ~~((said))~~ such person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto and to revoke or suspend ~~((said))~~ such licenses for violation of any provisions of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto ~~((: PROVIDED, That))~~. However, except as provided in section 2 of this act, the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued ~~((: PROVIDED FURTHER, That))~~. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules ~~((and regulations))~~ adopted by the commission pursuant to this chapter ~~((as now or hereafter amended))~~, permitting ~~((said))~~ such person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by this chapter;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules ~~((and regulations))~~ adopted pursuant thereto ~~((: PROVIDED, That))~~. All licensing fees shall be submitted with an application therefor and such portion of ~~((said))~~ such fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof ~~((: PROVIDED FURTHER, That))~~. If in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant ~~((: AND PROVIDED FURTHER, That))~~. The commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission ~~((: PROVIDED, That))~~. All persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or (b) participating as an employee in the operation of any gambling

activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application (~~(- PROVIDED FURTHER, That)~~). The commission shall require fingerprinting and national criminal history background checks on any persons seeking licenses, certifications, or permits under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. All national criminal history background checks shall be conducted using fingerprints submitted to the United States department of justice-federal bureau of investigation. The commission must establish rules to delineate which persons named on the application are subject to national criminal history background checks. In identifying these persons, the commission must take into consideration the nature, character, size, and scope of the gambling activities requested by the persons making such applications;

(8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule (~~(or regulation)~~) of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(10) To regulate and establish maximum limitations on income derived from bingo. In establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character, and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes. However, the commission's powers and duties granted by this subsection are discretionary and not mandatory;

(11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by this chapter, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

(12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.0282;

(13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(14) In accordance with RCW 9.46.080, to adopt such rules (~~(and regulations)~~) as are deemed necessary to carry out the purposes and provisions of this chapter. All rules (~~(and regulations)~~) shall be adopted pursuant to the administrative procedure act, chapter 34.05 RCW;

(15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized by this chapter;

(16) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments. However, the commissioner's powers and duties granted by this subsection are discretionary and not mandatory.

In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply

and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

(19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter; and

(20) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 6. CAPTIONS. Captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5566 Prime Sponsor, Senate Committee On Government Operations & Elections: Providing for privacy protection for certain voter registration information. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.08.720 and 2005 c 246 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the identity of the office at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. In the case of voter registration records received through an agency designated under RCW 29A.08.310, the identity of the agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information

regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710, poll books, absentee ballot return envelopes, precinct lists, and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. Voter signatures and telephone numbers are not available for copying, but may be available for public inspection. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section."

Correct the title.

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5613 Prime Sponsor, Senator Kilmer: Concerning entrepreneurial training opportunities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Hasegawa; McIntire; Roberts and Sommers.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Jarrett.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 5647 Prime Sponsor, Senate Committee On Economic Development, Trade & Management: Clarifying the use of existing lodging tax revenues for tourism promotion. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 67.28.080 and 1997 c 452 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acquisition" includes, but is not limited to, siting, acquisition, design, construction, refurbishing, expansion, repair, and improvement, including paying or securing the payment of all or any portion of general obligation bonds, leases, revenue bonds, or other

obligations issued or incurred for such purpose or purposes under this chapter.

(2) "Municipality" means any county, city or town of the state of Washington.

(3) "Operation" includes, but is not limited to, operation, management, and marketing.

(4) "Person" means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

(5) "Tourism" means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.

(6) "Tourism promotion" means activities, operations, and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding the marketing of or the operation of special events and festivals designed to attract tourists.

(7) "Tourism-related facility" means real or tangible personal property with a usable life of three or more years, or constructed with volunteer labor(-) that is: (a)(i) Owned by a public entity; (ii) owned by a nonprofit organization described under section 501(c)(3) of the federal internal revenue code of 1986, as amended; or (iii) owned by a nonprofit organization described under section 501(c)(6) of the federal internal revenue code of 1986, as amended, a business organization, destination marketing organization, main street organization, lodging association, or chamber of commerce and (b) used to support tourism, performing arts, or to accommodate tourist activities.

(8) "Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage, or culture.

**NEW SECTION. Sec. 2.** A new section is added to chapter 67.28 RCW to read as follows:

(1) Lodging tax revenues under this chapter may be used, directly by local jurisdictions or indirectly through a convention and visitors bureau or destination marketing organization, for the marketing and operations of special events and festivals and to support the operations and capital expenditures of tourism-related facilities owned by nonprofit organizations described under 501(c)(3) and 501(c)(6) of the internal revenue code of 1986, as amended.

(2) Local jurisdictions that use the lodging tax revenues under this section must submit an annual economic impact report for these expenditures to the department of community, trade, and economic development beginning January 1, 2008. This economic impact report, at a minimum, must include: (a) The total revenue received under this chapter for each year; (b) the list of festivals, special events, or nonprofit 501(c)(3) or 501(c)(6) organizations that received funds under this chapter; (c) the amount of revenue expended on each festival, special event, or tourism-related facility owned by a nonprofit 501(c)(3) or 501(c)(6) organization; (d) the estimated number of tourists and lodging stays generated per festival, special event, or tourism-related facility owned by a nonprofit 501(c)(3) or 501(c)(6) organization; (e) an estimated increase in sales and use tax revenues attributable to the special event, festival, or tourism-related facility owned by a nonprofit 501(c)(3) or 501(c)(6) organization; and (f) any other measurements the local government finds that demonstrate the impact of the increased tourism attributable to the festival, special event, or tourism-related facility owned by a nonprofit 501(c)(3) or 501(c)(6) organization.

(3) The joint legislative audit and review committee must report to the legislature and the governor on the use and economic impact of lodging tax revenues by local jurisdictions since the effective date of this act to support festivals, special events, and tourism-related facilities owned by a nonprofit organization under section 501(c)(3) or 501(c)(6) of the internal revenue code of 1986, as amended, and the economic impact generated by these festivals, events, and facilities. This report shall be due September 1, 2012.

NEW SECTION. Sec. 3. This act expires June 30, 2013."

Correct the title.

Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Chase; Darneille and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Haler and Rolfes.

Passed to Committee on Rules for second reading.

March 29, 2007

ESB 5675 Prime Sponsor, Senator Franklin: Increasing minimum industrial insurance benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Referred to Committee on Appropriations.

March 30, 2007

SB 5685 Prime Sponsor, Senator Tom: Restoring the business and occupation tax credit for high technology research and development spending. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Ericks; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; Condotta, Assistant Ranking Minority Member; Conway and McIntire.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5711 Prime Sponsor, Senator Parlette: Expanding the offender score to include offenses concerning the influence of intoxicating liquor or any drug. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 29, 2007

ESSB 5726 Prime Sponsor, Senate Committee On Consumer Protection & Housing: Creating the insurance fair conduct act. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the insurance fair conduct act.

Sec. 2. RCW 48.30.010 and 1997 c 409 s 107 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive after a review of all comments received during the notice and comment rule-making period.

(3)(a) In defining other methods of competition and other acts and practices in the conduct of such business to be unfair or deceptive, and after reviewing all comments and documents received during the notice and comment rule-making period, the commissioner shall identify his or her reasons for defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive and shall include a statement outlining these reasons as part of the adopted rule.

(b) The commissioner shall include a detailed description of facts upon which he or she relied and of facts upon which he or she failed to rely, in defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive, in the concise explanatory statement prepared under RCW 34.05.325(6).

(c) Upon appeal the superior court shall review the findings of fact upon which the regulation is based de novo on the record.

(4) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated.

(5) If the commissioner has cause to believe that any person is violating any such regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

(6) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

(7) An insurer engaged in the business of insurance may not unreasonably deny a claim for coverage or payment of benefits to any first party claimant. "First party claimant" has the same meaning as in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 48.30 RCW to read as follows:

(1) Any first party claimant to a policy of insurance who is unreasonably denied a claim for coverage or payment of benefits by an insurer may bring an action in the superior court of this state to recover the actual damages sustained, together with the costs of the action, including reasonable attorneys' fees and litigation costs, as set forth in subsection (3) of this section.

(2) The superior court may, after finding that an insurer has acted unreasonably in denying a claim for coverage or payment of benefits or has violated a rule in subsection (5) of this section, increase the total award of damages to an amount not to exceed three times the actual damages.

(3) The superior court shall, after a finding of unreasonable denial of a claim for coverage or payment of benefits, or after a finding of a violation of a rule in subsection (5) of this section, award

reasonable attorneys' fees and actual and statutory litigation costs, including expert witness fees, to the first party claimant of an insurance contract who is the prevailing party in such an action.

(4) "First party claimant" means an individual, corporation, association, partnership, or other legal entity asserting a right to payment as a covered person under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such a policy or contract.

(5) A violation of any of the following is a violation for the purposes of subsections (2) and (3) of this section:

(a) WAC 284-30-330, captioned "specific unfair claims settlement practices defined";

(b) WAC 284-30-350, captioned "misrepresentation of policy provisions";

(c) WAC 284-30-360, captioned "failure to acknowledge pertinent communications";

(d) WAC 284-30-370, captioned "standards for prompt investigation of claims";

(e) WAC 284-30-380, captioned "standards for prompt, fair and equitable settlements applicable to all insurers"; or

(f) An unfair claims settlement practice rule adopted under RCW 48.30.010 by the insurance commissioner intending to implement this section. The rule must be codified in chapter 284-30 of the Washington Administrative Code.

(6) This section does not limit a court's existing ability to make any other determination regarding an action for an unfair or deceptive practice of an insurer or provide for any other remedy that is available at law."

Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Hurst; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Rodne.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 5731 Prime Sponsor, Senate Committee On Higher Education: Creating a committee on the education of students in high demand fields. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The state of Washington leads the nation in providing employment for people with baccalaureate degrees, but only ranks thirty-sixth in the nation in the production of degrees. Beginning in 2007 it is estimated that for job openings in Washington that require a bachelor's degree, forty-seven percent will be in fields identified as high demand or high impact, but that only fourteen percent of Washington students each year graduate with degrees in one of these fields. Washington ranks among the top ten states in scientists and computer specialists employed per capita and leads the nation in engineers employed per capita, but must import employees to meet employer demands. Additionally, Washington does not produce a sufficient number of newly prepared workers in areas that require more than one year but less than four years of higher education. The in-state supply at this mid-level of education and training is sufficient to fill only eighty-three percent of employer job openings that require that level of training. Therefore, the legislature finds that Washington needs to produce eight to ten thousand additional baccalaureate degrees per year so that Washington employers will not have to look out of state to find employees. The legislature further finds that Washington needs to enroll over fourteen thousand additional students at the mid-level of education and training in order to meet employer demand.

**NEW SECTION. Sec. 2.** (1) A committee on the education of students in high demand fields is established to:

(a) Develop a plan to increase the number of baccalaureate degrees granted by Washington institutions of higher education by ten thousand per year and to significantly increase the number of certificates and associate degrees granted by 2020 with a special emphasis directed toward high impact, high demand areas of study;

(b) Develop a marketing project to inform students, parents, and educators of opportunities in high demand fields;

(c) Investigate ways to motivate students to take more mathematics and science courses in high school and college; and

(d) Identify ways that the business community can enter into more partnerships with the state to ensure that Washington institutions of higher education produce graduates in high demand fields that are ready and able to find employment in Washington.

(2) The committee shall be convened by the prosperity partnership and cochaired by a member of the house of representatives and a member of the senate. It shall consist of:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(b) Two members of the senate, appointed by the president of the senate;

(c) One person representing the higher education coordinating board, appointed by the director of the board;

(d) One person representing the state board for community and technical colleges, appointed by the director of the state board;

(e) One person representing the state workforce training and education coordinating board, appointed by the director of the board;

(f) One person representing the office of the superintendent of public instruction, appointed by the superintendent of public instruction;

(g) One person representing each of the following, appointed by the governor:

(i) The labor council;

(ii) The council of presidents;

(iii) The prosperity partnership;

(iv) The council of faculty representatives; and

(v) One employer of persons in high demand fields; and

(h) A graduate student member of the Washington student lobby, appointed by the governor.

(3) The prosperity partnership shall report the committee's findings and recommendations to appropriate committees of the legislature by December 1, 2007.

(4) This section expires December 31, 2007."

Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Passed to Committee on Rules for second reading.

March 30, 2007

ESB 5738 Prime Sponsor, Senator Oemig: Modifying absentee ballot and related election provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 4, insert the following:

"**Sec. 1.** RCW 29A.36.111 and 2004 c 271 s 128 are each amended to read as follows:

Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes. Each position, together with the names of the candidates for that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly

separated from each other. No paper ballot or ballot card may be marked (~~in any way~~) or coded using a bar code, unique number, symbol, or any other method that would link or associate the ballot to a specific voter or voter identification, or would permit the identification of the person who voted that ballot."

Renumber the sections consecutively and correct any internal references accordingly.

On page 3, line 16, after "have" strike "two witnesses" and insert "a witness who is at least eighteen years of age"

On page 3, line 30, after "have" strike "two witnesses" and insert "a witness who is at least eighteen years of age"

On page 4, line 37, after "of" strike "two witnesses who are registered voters and who" and insert "a witness who is at least eighteen years of age to"

Correct the title.

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 30, 2007

ESSB 5770 Prime Sponsor, Senate Committee On Higher Education: Changing public works provisions for institutions of higher education. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.350 and 2001 c 38 s 1 are each amended to read as follows:

(1) When the cost to The Evergreen State College(~~(:)~~) or any regional (~~(university:)~~) or state university(~~(:)~~) of any building, construction, renovation, remodeling, or demolition, other than maintenance or repairs, will equal or exceed the sum of (~~(thirty-five)~~) fifty-five thousand dollars, or thirty-five thousand dollars if the work involves one trade or craft area, complete plans and specifications for (~~(such)~~) the work shall be prepared (~~(and such)~~), the work shall be put out for public bid(~~(s)~~), and the contract shall be awarded to the (~~(lowest)~~) responsible bidder (~~(if in accordance with the bid specifications: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling, or demolition equals or exceeds the sum of twenty-five thousand dollars, such project shall be deemed a public works and "the prevailing rate of wage," under chapter 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds fifteen thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works roster procedure authorized in RCW 39.04.155 or under any other procedure authorized for an institution of higher education)) who submits the lowest responsive bid.~~

(2) Any building, construction, renovation, remodeling, or demolition project that exceeds the dollar amounts in subsection (1) of this section is subject to the provisions of chapter 39.12 RCW.

(3) The Evergreen State College(~~(:)~~) or any regional (~~(university:)~~) or state university may require a project to be put to public bid even when it is not required to do so under subsection (1) of this section. Any project publicly bid under this subsection is subject to the provisions of chapter 39.12 RCW.

(~~(3))~~ (4) Where the estimated cost (~~(to The Evergreen State College, any regional university, or state university))~~ of any building, construction, renovation, remodeling, or demolition is less than (~~(twenty-five)~~) fifty-five thousand dollars or the contract is awarded by the small works roster procedure authorized in RCW 39.04.155, the publication requirements of RCW 39.04.020 (shall be inapplicable) do not apply.

(~~(4))~~ (5) In the event of any emergency when the public interest or property of The Evergreen State College(~~(:)~~) or a regional (~~(university:)~~) or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of (~~(such)~~) an emergency and, reciting the facts constituting the same, may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency(~~(: PROVIDED, That an "emergency,"~~)). For the purposes of this section, "emergency" means a condition likely to result in immediate physical injury to persons or to property of (~~(such)~~) the college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

(6) This section does not apply when a contract is awarded by the small works roster procedure authorized in RCW 39.04.155 or under any other procedure authorized for an institution of higher education.

**Sec. 2.** RCW 28B.50.330 and 1993 c 379 s 108 are each amended to read as follows:

(1) The boards of trustees of college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds (~~(twenty-five)~~) fifty-five thousand dollars, or thirty-five thousand dollars if the work involves one trade or craft area, complete plans and specifications for (~~(such)~~) the work shall be prepared (~~(and such)~~), the work shall be put out for a public bid(~~(s)~~), and the contract shall be awarded to the (~~(lowest)~~) responsible bidder (~~(if in accordance with the bid specifications: PROVIDED, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications)) who submits the lowest responsive bid. Any project regardless of dollar amount may be put to public bid.~~

(2) This (~~(subsection shall)~~) section does not apply when a contract is awarded by the small works roster procedure authorized in RCW (~~(39.04.150: PROVIDED FURTHER, That any project regardless of dollar amount may be put to public bid)~~) 39.04.155.

(3) Where the estimated cost to any college of any building, improvements, or repairs, or other work, is less than (~~(twenty-five thousand dollars)~~) fifty-five thousand dollars, or thirty-five thousand dollars if the work involves one trade or craft area, the publication requirements of RCW 39.04.020 (shall be inapplicable) do not apply."

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Armstrong, Assistant Ranking Minority Member; Green; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Kretz.

Passed to Committee on Rules for second reading.

March 29, 2007

ESSB 5774 Prime Sponsor, Senate Committee On Human Services & Corrections: Revising background check requirements for the department of social and health services and the department of early learning. (REVISED FOR ENGROSSED: Revising background check processes.) Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.43 RCW to read as follows:

(1) In order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through the Washington state patrol and the federal bureau of investigation at anytime, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

(3) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(4) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(5) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall

be paid by the department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) Foster care as required under RCW 74.15.030.

(6) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(7) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(8) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(9) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

**Sec. 2.** RCW 26.33.190 and 1991 c 136 s 3 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report and shall include a statement of training or experience that qualifies the person preparing the report to discuss relevant adoption issues. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

- (a) The concept of adoption as a lifelong developmental process and commitment;
- (b) The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents;
- (c) Disclosure of the fact of adoption to the child;
- (d) The child's possible questions about birth parents and relatives; and
- (e) The relevance of the child's racial, ethnic, and cultural heritage.

(3) All preplacement reports shall include ~~((an investigation))~~ a background check of ((the)) any conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The ((investigation)) background check shall include an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system ((as described in chapter 43.43 RCW)) including, but not limited to, a fingerprint-based background check of national crime information databases for any person being investigated. It shall also include a review of any child abuse and neglect history of any adult living in the prospective adoptive parents' home. The background check of the child abuse and neglect history shall include a review of the child abuse and neglect registries of all states in which the prospective adoptive parents or any other adult living in the home have lived during the five years preceding the date of the preplacement report.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

**Sec. 3.** RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make

reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((13))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((14))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((15))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**Sec. 4.** RCW 43.43.842 and 1998 c 10 s 4 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active protective order under RCW 74.34.130, nor have been: (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830 ~~(; or (iv) the subject in a protective proceeding under chapter 74.34 RCW).~~

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 5.** RCW 74.15.030 and 2006 c 265 s 402 and 2006 c 54 s 8 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) ~~((The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons;~~

~~In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure;~~

~~No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this~~

~~expense would work a hardship on the licensee, the department shall pay the expense.~~

~~The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;~~

~~((e)) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;~~

~~(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;~~

~~(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;~~

~~(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:~~

~~(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;~~

~~(ii) Foster care and adoption placements; and~~

~~(iii) Any adult living in a home where a child may be placed;~~

~~(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;~~

~~(g) The cost of fingerprint background check fees will be paid as required in section 1 of this act;~~

~~(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;~~

~~(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;~~

~~((d)) (j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;~~

~~((e)) (k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;~~

~~((f)) (l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and~~

~~((g)) (m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;~~

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child

protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies;

(9) To engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with RCW 74.15.035 and with other affected interests before adopting requirements that affect family child care licensees; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

**NEW SECTION. Sec. 6.** Federal and state law require the balancing of the privacy interests of individuals with the government's interest in the protection of children and vulnerable adults. The legislature finds that the balancing of these interests may be skewed in favor of the privacy rights of individuals. Therefore, a work group is created to research the current laws regarding background checks for prospective employees of public and private entities which work with vulnerable adults or children. The legislature finds that a comprehensive background check which includes both civil and criminal information is a valuable tool in safeguarding vulnerable adults and children from preventable risk.

**NEW SECTION. Sec. 7.** (1) The department of social and health services shall convene a work group to review the current federal and state laws and administrative rules and practices with respect to sharing confidential information.

(2)(a) The work group shall include but not be limited to the following members, chosen by the chief executive officer of each entity:

(i) A representative of the department of social and health services;

(ii) A representative of the department of early learning;

(iii) A representative of the department of health;

(iv) A representative of the office of the superintendent of public instruction;

(v) A representative of the department of licensing;

(vi) A representative of the Washington state patrol;

(vii) A representative from the Washington state bar association;

(viii) A representative of the Washington association of sheriffs and police chiefs;

(ix) A representative of the Washington association of criminal defense attorneys;

(x) A representative from the administrative office of the courts; and

(xi) A representative from the department of information services.

(b) The work group shall also include as nonvoting ex officio members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(c) Additional voting members may be invited to participate as determined by the work group.

(3) Appointments to the work group shall be completed within thirty days of the effective date of this section.

(4) The work group may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the work group.

(5) Legislative members of the work group shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The secretary of the department of social and health services or the secretary's designee shall serve as chair of the work group.

(7) The department of social and health services shall provide staff support to the work group.

(8) The work group shall:

(a) Provide an interim report to the legislature and the governor by December 1, 2007; and

(b) Make recommendations to the legislature and the governor by July 1, 2008, regarding improving current processes for sharing information, including but not limited to the feasibility of creating a clearinghouse of information.

(9) This section expires November 30, 2008.

**Sec. 8.** RCW 41.06.475 and 2002 c 354 s 222 are each amended to read as follows:

The director shall adopt rules, in cooperation with the ~~((secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons))~~ director of the department of early learning, for the background investigation of current employees and of persons being actively considered for positions with the department who will or may have unsupervised access to children. The director shall also adopt rules, in cooperation with the director of the department of early learning, for background investigation of positions otherwise required by federal law to meet employment standards. "Considered for positions" includes decisions about (1) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (2) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

**Sec. 9.** RCW 43.43.830 and 2005 c 421 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(2) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual

abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative (~~orders~~) findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right (~~afforded to him or her~~) to administratively challenge such findings (~~made by the department of social and health services or the department of health under chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW~~).

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(10) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

**Sec. 10.** RCW 43.43.832 and 2006 c 263 s 826 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's conviction record (~~for convictions~~) as defined in chapter 10.97 RCW.

(2) The legislature also finds that the Washington professional educator standards board may request of the Washington state patrol criminal identification system information regarding a certificate applicant's conviction record (~~for convictions~~) under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) (~~The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:~~

~~(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;~~

~~(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;~~

~~(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;~~

~~(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;~~

~~(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.~~

(5)) The director of the department of early learning shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(5) The director of the department of early learning shall adopt rules and investigate conviction records, pending charges, and other

information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(6) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

~~((6))~~ (7)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

~~((7) If a federal bureau of investigation check is required in addition to the state background check by the department of social~~

~~and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.))~~

NEW SECTION. Sec. 11. If specific funding for the purposes of sections 6 and 7 of this act, referencing sections 6 and 7 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 6 and 7 of this act are null and void."

Correct the title.

Signed by Representatives Kagi, Chairman; Appleton; Pettigrew and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 30, 2007

2SSB 5806 Prime Sponsor, Senate Committee On Ways & Means: Regarding tuition limits and billing disclosures. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chairman; Sells, Vice Chairman; Anderson, Ranking Minority Member; Buri, Assistant Ranking Minority Member; Hasegawa; Jarrett; McIntire; Roberts and Sommers.

Referred to Committee on Appropriations.

March 29, 2007

ESSB 5827 Prime Sponsor, Senate Committee On Consumer Protection & Housing: Regarding consumer privacy. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Kelley, Vice Chairman; Hurst; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Strow, Assistant Ranking Minority Member; Rodne.

Passed to Committee on Rules for second reading.

March 27, 2007

SSB 5839 Prime Sponsor, Senate Committee On Human Services & Corrections: Revising provisions relating to false reporting of child abuse or neglect. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Hinkle; Pettigrew and Roberts.

Passed to Committee on Rules for second reading.

March 29, 2007

E2SSB 5841 Prime Sponsor, Senate Committee On Ways & Means: Enhancing student learning opportunities and achievement. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to read as follows:

~~((The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:~~

~~—(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;~~

~~—(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;~~

~~—(3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and~~

~~—(4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities;)~~

The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand diverse perspectives, to enjoy productive and satisfying lives, and to develop a public school system that focuses on the educational achievement of all students, which includes high expectations for and prepares students to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; world history, cultures, and geography; civics and arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems;

(4) Understand the importance of work and personal financial literacy and how performance, effort, and decisions directly affect future career and educational opportunities; and

(5) Understand and be fully prepared to exercise the responsibilities of civic participation in a pluralistic society.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.150 RCW to read as follows:

**ALL-DAY KINDERGARTEN PROGRAMS--FUNDING.** (1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of

changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;  
(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.630 RCW to read as follows:

**ENGLISH AS A SECOND LANGUAGE PROJECTS.** (1) The goals of the English as a second language demonstration project are to develop recommendations:

(a) Identifying foundational competencies for developing academic English skills in English language learner students that all teachers should acquire in initial teacher preparation programs;

(b) Identifying components of a professional development program that builds classroom teacher competence for developing academic English skills in English language learner students; and

(c) Identifying job-embedded practices that connect the English language learner teacher and classroom teachers to coordinate instruction to support the work of the student.

(2) The English as a second language demonstration project shall use two field strategies in the development of recommendations.

(a) The first strategy is to conduct a field study of an ongoing project in a number of schools and school districts in which Spanish is the predominate language other than English.

(b) The second strategy is to conduct a project that provides professional development and planning time resources to approximately three large schools in which there are many first languages among the students. The participants of this project shall partner with an institution of higher education or a professional development provider with expertise in supporting student acquisition of academic English. The superintendent of public instruction shall select the participants in the project under this subsection (2)(b).

(3)(a) The Washington state institute for public policy shall conduct the field study work and collect additional information from the project schools. In conducting its work, the institute shall review current literature regarding best practices and consult with state and national experts as appropriate.

(b) The institute shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(4) This section expires September 1, 2010.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.215 RCW to read as follows:

**COMMUNITY LEARNING CENTER PROGRAM.** (1) The Washington community learning center program is established. The program shall be administered by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, advocacy, and programmatic support to after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title I of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that support and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and professional development of community learning center staff, the activities of intermediary after-school organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009.

**NEW SECTION. Sec. 5. CAREER PATHWAYS PROGRAMS.** (1) Subject to funds appropriated for this purpose, the superintendent of public instruction shall provide grants to support development of career pathways programs in high-demand fields. A portion of the appropriated funds shall be administered by an experienced nonprofit health organization and be used to create health care career pathways with geographically dispersed high school partnerships. The remaining funds shall be used to provide grants to geographically dispersed high school partnerships to create career pathways in the trades, mechanics and engineering, or other field identified by the partnership as high demand and appropriate to meet the workforce education needs in its region.

(2) To be eligible for a grant, high schools must form partnerships of parents, students, special populations, academic and career and technical education teachers and administrators, workforce development faculty and administrators, career guidance and academic counselors, representatives of tech-prep consortia, local workforce development councils, representatives of local skill centers and local skills panels, apprenticeship councils, and business and labor organizations in the community.

(3) Grant recipients must develop and implement a model curriculum for their selected career pathway. Grant funds shall be used for start-up costs, primarily for the development of the curriculum and assessments described in this section and for professional development for teachers. If sufficient funds remain, grant funds may be used to upgrade equipment within the program to meet industry standards.

(4) A career pathways program shall:

(a) Integrate core academic standards for reading, writing, and mathematics with high-quality career and technical preparation based on accepted industry standards in the field;

(b) Incorporate secondary and postsecondary education elements;

(c) Be coherent, sequenced, and articulated to community and technical college courses to provide high school students with dual credit for both high school graduation and college, and to prepare students to succeed in postsecondary education programs in the field;

(d) Lead to an industry-recognized credential or certificate at the postsecondary level or an associate or baccalaureate degree; and

(e) Emphasize projects and application of knowledge and skills and provide extensive opportunities for work-based learning and internships.

(5) Students who are struggling with core academic skills, including the Washington assessment of student learning, shall receive supplemental assistance and instruction within the program, including assistance to create a career and technical collection of evidence as an alternative to the Washington assessment of learning.

(6) Participants in a high-demand career pathways program should expect to complete a high school diploma and the appropriate courses in a high-quality career and technical program and graduate ready to pursue postsecondary education.

(7) With assistance from the office of the superintendent of public instruction and the workforce training and education coordinating board, grant recipients shall develop end-of-program assessments for their high-demand career pathways program. The assessments shall be integrated to include academic, work readiness, and technical knowledge and skills. The legislature's intent is to use these assessments as prototypes for possible future additional alternative assessments for career and technical education students to demonstrate they meet the state's learning standards.

(8) Grant recipients must develop a communications strategy for parents and students in other area high schools and middle schools to promote the model career pathways programs as a high-quality learning option for students and prepare plans for replication of the programs.

(9) For the purposes of this section, "career pathways program" has the same meaning as a career and technical program of study under P.L. 109-270, the Carl D. Perkins career and technical education improvement act of 2006.

(10) This section expires July 1, 2009.

**NEW SECTION. Sec. 6.** Section 4 of this act takes effect August 1, 2007.

**NEW SECTION. Sec. 7.** Captions used in this act are not any part of the law."

Correct the title.

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Referred to Committee on Appropriations.

March 27, 2007

E2SSB 5859 Prime Sponsor, Senate Committee On Ways & Means: Changing the formula for determining how many spirits, beer, and wine restaurant liquor licenses can be issued in the state. (REVISED FOR ENGROSSED: Addressing retail liquor licenses.) Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.375 and 1997 c 321 s 61 are each amended to read as follows:

"Society or organization" as used in RCW 66.24.380 means a not-for-profit group organized and operated (1) solely for charitable, religious, social, political, educational, civic, fraternal, athletic, or benevolent purposes, or (2) as a local wine industry association registered under section 501(c)(6) of the internal revenue code as it exists on the effective date of this section. No portion of the profits from events sponsored by a not-for-profit group may be paid directly or indirectly to members, officers, directors, or trustees except for services performed for the organization. Any compensation paid to its officers and executives must be only for actual services and at levels comparable to the compensation for like positions within the state. A society or organization which is registered with the secretary of state or the federal internal revenue service as a nonprofit organization (~~(may)~~) shall submit such registration, upon request, as proof that it is a not-for-profit group.

**Sec. 2.** RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity

of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and at one additional off-site retail only location and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW. This section does not prohibit a brewery or microbrewery holding a spirits, beer, and wine restaurant license or a beer and/or wine license under chapter 66.24 RCW operated on the premises of the brewery or microbrewery from holding a second retail only license at a location separate from the premises of the brewery or microbrewery.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered ~~((as a))~~ under section 501(c)(3) ((under)) of the internal revenue code, or a local wine industry association registered under section 501(c)(6) of the internal revenue code as it exists on the effective date of this section, and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from jointly producing brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.

(h) Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

**Sec. 3.** RCW 66.08.150 and 2003 c 320 s 1 are each amended to read as follows:

The action, order, or decision of the board as to any denial of an application for the reissuance of a permit or license or as to any revocation, suspension, or modification of any permit or license shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(2) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in subsection (4) of this section, prior to the suspension of any permit or license.

(3) No hearing shall be required until demanded by the applicant, permittee, or licensee.

(4) The board may summarily suspend a license or permit for a period of up to one hundred eighty days without a prior hearing if it finds that public health, safety, or welfare imperatively require emergency action, and it incorporates a finding to that effect in its order ~~((and))~~. Proceedings for revocation or other action must be promptly instituted and determined. An administrative law judge may extend the summary suspension period for up to one calendar year in the event the proceedings for revocation or other action cannot be completed during the initial one hundred eighty day period due to actions by the licensee or permittee. The board's enforcement division shall complete a preliminary staff investigation of the violation before requesting an emergency suspension by the board.

**Sec. 4.** RCW 66.24.244 and 2006 c 302 s 3 and 2006 c 44 s 2 are each reenacted and amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Any microbrewery licensed under this section may act as a distributor for beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) The board may issue a license allowing a microbrewery to operate a spirits, beer, and wine restaurant under RCW 66.24.420.

(4) The board may issue ~~((an endorsement to this))~~ a license allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. ~~((Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.~~

~~((4))~~ The microbrewer ~~((obtaining such endorsement))~~ must determine, at the time the ~~((endorsement))~~ license is issued, whether the licensed premises will be operated ~~((either))~~ as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5) If the microbrewery licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant, operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant or a beer and/or

wine restaurant, at a location separate from the licensed brewery premises.

~~(6)~~(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection ~~((5))~~ (6) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ~~((5))~~ (6) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((5))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection ~~((5))~~ (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

**Sec. 5.** RCW 66.24.244 and 2006 c 44 s 2 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

~~(3) The board may issue a license allowing a microbrewery to operate a spirits, beer, and wine restaurant under RCW 66.24.420.~~

~~(4) The board may issue ((an endorsement to this)) a license allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. ((Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.~~

~~((4)) The microbrewer ((obtaining such endorsement)) must determine, at the time the ((endorsement)) license is issued, whether the licensed premises will be operated ((either)) as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.~~

~~(5) If the microbrewery licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant, operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant, at a location separate from the licensed brewery premises.~~

~~(6)~~(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection ~~((5))~~ (6) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ~~((5))~~ (6) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((5))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection ~~((5))~~ (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

**Sec. 6.** RCW 66.24.240 and 2006 c 302 s 2 and 2006 c 44 s 1 are each reenacted and amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(6), licensed under this section may also act as a retailer for beer of its own production. Any domestic brewery licensed under this section may act as a distributor for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) A domestic brewery may hold a retail license under this chapter. This retail license is separate from the brewery license. A brewery that holds a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320 and 66.24.420.

(4) If the brewery licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant at a location separate from the brewery premises.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(6), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

~~((4))~~ (6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list

must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010(8) and (9). An authorization granted under this subsection ~~((4))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

**Sec. 7.** RCW 66.24.240 and 2006 c 44 s 1 are each amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(6), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises

in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) A domestic brewery may hold a retail license under this chapter. This retail license is separate from the brewery license. A brewery that holds a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320 and 66.24.420.

(4) If the brewery licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant at a location separate from the brewery premises.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(6), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

~~((4))~~ (6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010(8) and (9). An authorization granted under this subsection ~~((4))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

**Sec. 8.** RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are each reenacted and amended to read as follows:

(1) The spirits, beer, and wine restaurant license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for a spirits, beer, and wine restaurant license shall be graduated according to the dedicated dining area and type of service provided as follows:

Less than 50% dedicated dining area	\$2,000
50% or more dedicated dining area	\$1,600
Service bar only	\$1,000

(b) The annual fee for the license when issued to any other spirits, beer, and wine restaurant licensee outside of incorporated cities and towns shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(c) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a restaurant in an airport terminal facility must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and such food service shall be available on request in other licensed places on the premises. An additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(d) Where the license shall be issued to any corporation, association, or person operating dining places at a publicly or privately owned civic or convention center with facilities for sports, entertainment, or conventions, or a combination thereof, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a dining place at such a publicly or privately owned civic or convention center must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and food service shall be available on request in other licensed places on the premises. An additional license fee of ten dollars shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a spirits, beer, and wine restaurant licensed hotel, property owned or

controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place. The holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license. An additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine spirits, beer, and wine restaurant licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue spirits, beer, and wine restaurant licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of spirits, beer, and wine restaurant licenses issued in the state of Washington by the board, not including spirits, beer, and wine private club licenses, shall not in the aggregate at any time exceed one license for each one thousand (~~four~~) three hundred (~~ffty~~) of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a spirits, beer, and wine restaurant license to any applicant if in the opinion of the board the spirits, beer, and wine restaurant licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(6)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and, except as provided in subsection (7) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(7) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or passenger vessel, as the case may be, and the retail licensee shall be in writing,

contain no exclusivity clauses regarding the (~~alcohol~~) alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

**Sec. 9.** RCW 66.24.320 and 2006 c 362 s 1 and 2006 c 101 s 2 are each reenacted and amended to read as follows:

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine that was purchased for consumption with a meal.

(1) The annual fee shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license.

(2)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are authorized under the on-premises license privileges for sale and service at event locations at a specified date and, except as provided in subsection (3) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(3) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or the passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the (~~alcohol~~) alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

(4) The holder of this license or its manager may furnish beer or wine to the licensee's employees free of charge as may be required for use in connection with instruction on beer and wine. The instruction may include the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The beer and/or wine licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the beer and/or wine licensee.

(5) If the license is issued to a person who contracts with the Washington state ferry system to provide food and alcohol service on

a designated ferry route, the license shall cover any vessel assigned to the designated route. A separate license is required for each designated ferry route.

**Sec. 10.** RCW 66.04.010 and 2006 c 225 s 1 and 2006 c 101 s 1 are each reenacted and amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced anywhere outside Washington by a brewery or winery which does not hold a certificate of approval issued by the board; and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its exclusive authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title. The board may waive the requirement for the written agreement of exclusivity in situations consistent with the normal marketing practices of certain products, such as classified growths.

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(7) "Board" means the liquor control board, constituted under this title.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(9) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(10) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(11) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(12) "Distiller" means a person engaged in the business of distilling spirits.

(13) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(14) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(15) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(16) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(17) "Employee" means any person employed by the board.

(18) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

(19) "Fund" means 'liquor revolving fund.'

(20) "Hotel" means ~~((every building or other structure)) buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests ((and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms)). The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.~~

(21) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(22) "Imprisonment" means confinement in the county jail.

(23) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(24) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(25) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(26) "Package" means any container or receptacle used for holding liquor.

(27) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

(28) "Permit" means a permit for the purchase of liquor under this title.

(29) "Person" means an individual, copartnership, association, or corporation.

(30) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(31) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(32) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(33) "Regulations" means regulations made by the board under the powers conferred by this title.

(34) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(35) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(36) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(37) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

(38) "Store" means a state liquor store established under this title.

(39) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(40) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(41)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(42) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

(43) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title.

**NEW SECTION. Sec. 11.** A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a retailer's license to be designated as a hotel license. No license may be issued to a hotel offering rooms to its guests on an hourly basis. Food service provided for room service, banquets or conferences, or restaurant operation under this license shall meet the requirements of rules adopted by the board.

(2) The hotel license authorizes the licensee to:

(a) Sell spirituous liquor, beer, and wine, by the individual glass, at retail, for consumption on the premises, including mixed drinks and cocktails compounded and mixed on the premises, at dining places in the hotel.

(b) Sell, at retail, from locked honor bars, in individual units, spirits not to exceed fifty milliliters, beer in individual units not to exceed twelve ounces, and wine in individual bottles not to exceed three hundred eighty-five milliliters, to registered guests of the hotel for consumption in guest rooms. The licensee shall require proof of age from the guest renting a guest room and requesting the use of an honor bar. The guest shall also execute an affidavit verifying that no one under twenty-one years of age shall have access to the spirits, beer, and wine in the honor bar;

(c) Provide without additional charge, to overnight guests, spirits, beer, and wine by the individual serving for on-premises consumption at a specified regular date, time, and place as may be fixed by the board. Self-service by attendees is prohibited;

(d) Sell beer, including strong beer, wine, or spirits, in the manufacturer's sealed container or by the individual drink to guests through room service, or through service to occupants of private residential units;

(e) Sell beer, including strong beer, or wine, in the manufacturer's sealed container at retail sales locations within the hotel premises;

(f) Sell for on or off-premises consumption, including through room service and service to occupants of private residential units managed by the hotel, wine carrying a label exclusive to the hotel license holder;

(g) Place in guest rooms at check-in, a complimentary bottle of beer, including strong beer, or wine in a manufacturer-sealed container, and make a reference to this service in promotional material.

(3) If all or any facilities for alcoholic beverage service and the preparation, cooking, and serving of food are operated under contract or joint venture agreement, the operator may hold a license separate from the license held by the operator of the hotel. Food and beverage inventory used in separate licensed operations at the hotel may not be shared and shall be separately owned and stored by the separate licensees.

(4) All spirits to be sold under this license must be purchased from the board.

(5) All on-premise alcoholic beverage service must be done by an alcohol server as defined in RCW 66.20.300 and must comply with RCW 66.20.310.

(6)(a) The hotel license allows the licensee to remove from the liquor stocks at the licensed premises, liquor for sale and service at event locations at a specified date and place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that

the sponsor must be a society or organization as defined by RCW 66.24.375 is waived.

(b) The holder of this license shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) Licensees may cater events on a domestic winery premises.

(7) The holder of this license or its manager may furnish spirits, beer, or wine to the licensee's employees who are twenty-one years of age or older free of charge as may be required for use in connection with instruction on spirits, beer, and wine. The instruction may include the history, nature, values, and characteristics of spirits, beer, or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling spirits, beer, or wine. The licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the licensee.

(8) Minors may be allowed in all areas of the hotel where alcohol may be consumed; however, the consumption must be incidental to the primary use of the area. These areas include, but are not limited to, tennis courts, hotel lobbies, and swimming pool areas. If an area is not a mixed use area, and is primarily used for alcohol service, the area must be designated and restricted to access by minors.

(9) The annual fee for this license is two thousand dollars.

(10) As used in this section, "hotel," "spirits," "beer," and "wine" have the meanings defined in RCW 66.24.410 and 66.04.010.

**Sec. 12.** RCW 66.44.310 and 1998 c 126 s 14 are each amended to read as follows:

(1) Except as otherwise provided by RCW 66.44.316 (~~and~~), 66.44.350, and section 11 of this act, it shall be a misdemeanor:

(a) To serve or allow to remain in any area classified by the board as off-limits to any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain in any area classified as off-limits to such a person, but persons under twenty-one years of age may pass through a restricted area in a facility holding a spirits, beer, and wine private club license;

(c) For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or securing admission to, or remaining in any area classified by the board as off-limits to such a person.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify licensed premises or portions of licensed premises as off-limits to persons under the age of twenty-one years of age.

**Sec. 13.** RCW 66.24.400 and 2005 c 152 s 2 are each amended to read as follows:

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only (~~(-PROVIDED, That a hotel, or)~~). A club licensed under chapter 70.62 RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the (~~hotel or~~) club for consumption in guest rooms, hospitality rooms, or at banquets in the (~~hotel or~~) club (~~(-PROVIDED FURTHER, That)~~). A patron of a bona fide (~~hotel~~) restaurant (~~(;)~~) or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have purchased liquor from the (~~hotel or~~) club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants (~~(-hotels)~~) and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall

determine are qualified to have, and in the discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

(2) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this subsection is one hundred twenty dollars.

(3) The holder of a spirits, beer, and wine license or its manager may furnish beer, wine, or spirituous liquor to the licensee's employees free of charge as may be required for use in connection with instruction on beer, wine, or spirituous liquor. The instruction may include the history, nature, values, and characteristics of beer, wine, or spirituous liquor, the use of wine lists, and the methods of presenting, serving, storing, and handling beer, wine, and spirituous liquor. The spirits, beer, and wine restaurant licensee must use the beer, wine, or spirituous liquor it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the spirits, beer, and wine restaurant licensee.

**Sec. 14.** RCW 66.08.180 and 2000 c 192 s 1 are each amended to read as follows:

Except as provided in RCW 66.24.290(1), moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title.

(1) All license fees, penalties and forfeitures derived under chapter 13, Laws of 1935 from spirits, beer, and wine restaurant; spirits, beer, and wine private club; hotel; and sports entertainment facility licenses or spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licensees shall every three months be disbursed by the board as follows:

(a) Three hundred thousand dollars per biennium, to the death investigations account for the state toxicology program pursuant to RCW 68.50.107; and

(b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050;

(2) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and 66.24.360, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050; and

(4) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

**Sec. 15.** RCW 66.08.220 and 1999 c 281 s 2 are each amended to read as follows:

The board shall set aside in a separate account in the liquor revolving fund an amount equal to ten percent of its gross sales of

liquor to spirits, beer, and wine restaurant; spirits, beer, and wine private club; hotel; and sports entertainment facility licensees collected from these licensees pursuant to the provisions of RCW 82.08.150, less the fifteen percent discount provided for in RCW 66.24.440; and the moneys in said separate account shall be distributed in accordance with the provisions of RCW 66.08.190, 66.08.200 and 66.08.210(~~(- PROVIDED, HOWEVER, That)~~). No election unit in which the sale of liquor under spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses is unlawful shall be entitled to share in the distribution of moneys from such separate account.

**Sec. 16.** RCW 66.20.010 and 1998 c 126 s 1 are each amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee shall issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit;

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit;

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit;

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation at prices to be fixed by the board;

(8) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a spirits, beer, and wine restaurant licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a spirits, beer, and wine restaurant licensee and any such

beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board and any such beer or wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(11) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility," as used in this subsection, means a (~~hotel or similar~~) facility offering from one to eight lodging units and breakfast to travelers and guests.

**Sec. 17.** RCW 66.20.310 and 1997 c 321 s 45 are each amended to read as follows:

(1)(a) There shall be an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There shall be an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every person employed, under contract or otherwise, by an annual retail liquor licensee holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, section 11 of this act, or 66.24.570, who as part of his or her employment participates in any manner in the sale or service of alcoholic beverages shall have issued to them a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued shall be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder shall present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit shall be valid for employment at any retail licensed premises described in (a) of this subsection.

(c) No licensee described in (a) of this subsection, except as provided in (d) of this subsection, may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor shall have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the

licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350.

**Sec. 18.** RCW 66.24.410 and 1983 c 3 s 164 are each amended to read as follows:

(1) "Spirituous liquor," as used in RCW 66.24.400 to 66.24.450, inclusive, means "liquor" as defined in RCW 66.04.010, except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 to 66.24.450, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders or such food and victuals as sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

(3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66.24.400 to 66.24.450, inclusive, with the meaning given in chapter 66.04 RCW(~~(-PROVIDED, That any such hotel shall be provided with special space and accommodations where, in consideration of payment, food is habitually furnished to the public: PROVIDED FURTHER, That the board shall be satisfied that such hotel is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders, sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition).~~)).

**Sec. 19.** RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are each reenacted and amended to read as follows:

(1) The spirits, beer, and wine restaurant license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for a spirits, beer, and wine restaurant license shall be graduated according to the dedicated dining area and type of service provided as follows:

Less than 50% dedicated dining area	\$2,000
50% or more dedicated dining area	\$1,600
Service bar only	\$1,000

(b) The annual fee for the license when issued to any other spirits, beer, and wine restaurant licensee outside of incorporated cities and towns shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(c) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a restaurant in an airport terminal facility must maintain in a

substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and such food service shall be available on request in other licensed places on the premises. An additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(d) Where the license shall be issued to any corporation, association, or person operating dining places at a publicly or privately owned civic or convention center with facilities for sports, entertainment, or conventions, or a combination thereof, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a dining place at such a publicly or privately owned civic or convention center must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and food service shall be available on request in other licensed places on the premises. An additional license fee of ten dollars shall be required for such duplicate licenses.

~~((c) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a spirits, beer, and wine restaurant licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place. The holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license. An additional license fee of twenty dollars shall be required for such duplicate licenses.))~~

(2) The board, so far as in its judgment is reasonably possible, shall confine spirits, beer, and wine restaurant licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue spirits, beer, and wine restaurant licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of spirits, beer, and wine restaurant licenses issued in the state of Washington by the board, not including spirits, beer, and wine private club licenses, shall not in the aggregate at any time exceed one license for each one thousand four hundred fifty of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a spirits, beer, and wine restaurant license to any applicant if in the opinion of the board the spirits, beer, and wine restaurant licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(6)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and, except as provided in subsection (7) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring

individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(7) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel under the following conditions:

(a) Agreements between the domestic winery or passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcohol beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

**Sec. 20.** RCW 66.24.440 and 1998 c 126 s 8 are each amended to read as follows:

Each spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, and sports entertainment facility licensee shall be entitled to purchase any spirituous liquor items salable under such license from the board at a discount of not less than fifteen percent from the retail price fixed by the board, together with all taxes.

**NEW SECTION. Sec. 21.** Sections 4 and 6 of this act expire June 30, 2008.

**NEW SECTION. Sec. 22.** Sections 5 and 7 of this act take effect June 30, 2008.

**NEW SECTION. Sec. 23.** Sections 10 through 20 of this act take effect July 1, 2008."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 29, 2007

**SSB 5881** Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Modifying water power license fees. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.16.050 and 1929 c 105 s 1 are each amended to read as follows:

(1) Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the state of Washington for power development, shall on or before the first day of ~~((July, 1929, and on or before the first day of))~~ January of each year ~~((thereafter))~~ pay to the state of Washington in advance an annual license fee, based upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

(a) For projects in operation: For each and every theoretical horsepower claimed up to and including one thousand horsepower, at the rate of ~~((ten))~~ eighteen cents per horsepower; for each and every theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of ~~((two))~~

three and six-tenths cents per horsepower; for each and every theoretical horsepower in excess of ten thousand horsepower, at the rate of one and eight-tenths cents per horsepower.

(b) For federal energy regulatory commission projects in operation, the following fee schedule applies in addition to the fees in (a) of this subsection: For each theoretical horsepower of capacity up to and including one thousand horsepower, at the rate of thirty-two cents per horsepower; for each theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of six and four-tenths cents per horsepower; for each theoretical horsepower in excess of ten thousand horsepower, at the rate of three and two-tenths cents per horsepower.

(c) To justify the appropriate use of fees collected under (b) of this subsection, the department of ecology shall submit a progress report to the appropriate committees of the legislature prior to December 31, 2009, and biennially thereafter.

(i) The progress report will: (A) Describe how license fees were expended in the federal energy regulatory commission licensing process during the current biennium, and expected workload and full-time equivalent employees for federal energy regulatory commission licensing in the next biennium; (B) include any recommendations based on consultation with the departments of ecology and fish and wildlife, hydropower project operators, and other interested parties; and (C) recognize hydropower operators that exceed their environmental regulatory requirements.

(ii) The fees required in (b) of this subsection expire June 30, 2017. The biennial progress reports submitted by the department of ecology will serve as a record for considering the extension of the fee structure in (b) of this subsection.

(2) The following are exceptions to the fee schedule in subsection (1) of this section:

(a) For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed and in operation shall be the full annual license fee ~~((above))~~ specified in subsection (1) of this section for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects. ~~((PROVIDED, That upon the filing of statement, as hereinafter required, by the United States or the state claiming the right to the use of water to any extent for the generation of power, or any other claimant to the use of water for the generation of fifty horsepower, or less, shall be exempted from the payment of all fees hereinafter required; and PROVIDED FURTHER, That))~~

(b) The fees required in subsection (1) of this section do not apply to any hydropower project owned by the United States.

(c) The fees required in subsection (1) of this section do not apply to the use of water for the generation of fifty horsepower or less.

(d) The fees required in subsection (1) of this section for projects developed by an irrigation district in conjunction with the irrigation district's water conveyance system shall be reduced by fifty percent to reflect the portion of the year when the project is not operable.

(e) Any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water for irrigation, ~~((may))~~ upon the filing of a statement ~~((;))~~ showing the amount of power used for irrigation pumping, ~~((be exempted))~~ is exempt from the fees in subsection (1) of this section to the extent of the power ~~((so))~~ used ~~((from the payment of the annual license fee herein provided))~~ for irrigation pumping.

**Sec. 2.** RCW 90.16.090 and 1988 c 127 s 79 are each amended to read as follows:

(1) All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation ~~((revolving))~~ account created in RCW 89.16.020 and subject to legislative appropriation, be allocated and expended by the director of ecology for:

(a) Investigations and surveys of natural resources in cooperation with the federal government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys ~~((; PROVIDED;~~

That in any one biennium all said expenditures shall not exceed total receipts from said power license fees collected during said biennium: AND PROVIDED FURTHER, That the portion of money allocated by said director to be expended in cooperation with the federal government shall be contingent upon the federal government making available equal amounts for such investigations and surveys); and

(b) Expenses associated with staff at the departments of ecology and fish and wildlife working on federal energy regulatory commission relicensing and license implementation.

(2) Unless otherwise required by the omnibus biennial appropriations acts, the expenditures for these purposes must be proportional to the revenues collected under RCW 90.16.050(1)."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy; Orcutt and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Hailey and Newhouse.

Referred to Committee on Appropriations.

March 29, 2007

ESSB 5909 Prime Sponsor, Senate Committee On Human Services & Corrections: Supporting the needs of children who have been in foster care. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The family policy council shall conduct a review and survey of the service needs and gaps in transitional and independent living services available to eligible youth throughout the state. The council shall consider the relevant research already completed by other agencies and service providers, including but not limited to the greater Pierce county community network. By December 1, 2007, the council shall report to the appropriate policy committees of the legislature regarding their findings and shall recommend improvements to the delivery of services to youth who are preparing to transition out of foster care or who have transitioned from foster care to independent living.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department, in consultation with stakeholders, including foster youth, former foster youth, and the community public health and safety networks established by the family policy council, and based on the findings and recommendations of the family policy council under section 1 of this act, shall create a program for expanding and enhancing transitional and independent living services with state-funded services that supplement federally funded services. The program shall be designed to ensure continued access to federal funding and to make the most efficient use of federal and state funding in serving foster youth and former foster youth who are eligible for transitional and independent living services and supports.

(2) The department shall report to the appropriate committees of the legislature regarding implementation of the program by December 1, 2009.

NEW SECTION. Sec. 3. Section 1 of this act expires January 31, 2008."

Correct the title.

Signed by Representatives Kagi, Chairman; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton; Pettigrew and Roberts.

Referred to Committee on Appropriations.

March 30, 2007

SSB 5910 Prime Sponsor, Senate Committee On Judiciary: Modifying the notice requirement of intent to file a medical malpractice claim. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5927 Prime Sponsor, Senator Delvin: Regarding nondisclosure of certain information of gambling commission licensees. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Independent auditors' reports and financial statements of house-banked social card game licensees required by the gambling commission pursuant to regulations adopted under chapter 9.46 RCW;

(c) Financial or proprietary information supplied to the liquor control board including the amount of beer or wine sold by a domestic winery, brewery, microbrewery, or certificate of approval holder under RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or wine purchased by a retail licensee in connection with a retail licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of shipments of beer or wine(-);

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; and

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or

operator who requested the plan, or the farm plan is used for the application or issuance of a permit.

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW 42.56.610 and 90.64.190.

**Sec. 2.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Independent auditors' reports and financial statements of house-banked social card game licensees required by the gambling commission pursuant to regulations adopted under chapter 9.46 RCW;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; and

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit.

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190.

NEW SECTION. Sec. 3. Section 1 of this act expires June 30, 2008.

NEW SECTION. Sec. 4. Section 2 of this act takes effect June 30, 2008."

Correct the title.

Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green; Kretz; McDermott; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

March 28, 2007

SSB 5937 Prime Sponsor, Senate Committee On Transportation: Providing for additional patrols along high-accident corridors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Hudgins; Lovick; Rodne; Simpson;

Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Ericksen; Kristiansen and Rolfes.

Passed to Committee on Rules for second reading.

March 30, 2007

ESB 5983 Prime Sponsor, Senator Stevens: Requiring juvenile courts to provide truancy hearing notice within the court's resources. (REVISED FOR ENGROSSED: Requiring juvenile courts to provide truancy hearing notice using the court's resources.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, line 20, after "(13)" insert "If, after the court assumes jurisdiction, the court sets a date for a hearing on a show cause contempt order related to the petition filed by a school district pursuant to RCW 28A.225.030(5) and this section, and the court either declines to provide notice of such hearing or delegates to or directs any public agency or political subdivision of the state to serve notice of the hearing by certified mail or by personal service, the court must reimburse the public agency or political subdivision for the cost of providing notice by certified mail or personal service."

(14)"

On page 3, line 23, strike "(14)" and insert "((14)) (15)"

On page 3, line 27, strike "(15)" and insert "((15)) (16)"

Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Pedersen and Ross.

Referred to Committee on Appropriations.

March 29, 2007

2SSB 5995 Prime Sponsor, Senate Committee On Ways & Means: Providing for the role of the economic development commission in state government. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.162.005 and 2003 c 235 s 1 are each amended to read as follows:

The legislature finds that Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The current economic development system is fragmented among numerous programs, councils, centers, and organizations with inadequate overall coordination and insufficient guidance built into the system to ensure that the system is responsive to its customers. The current economic development system's data-gathering and evaluation methods are inconsistent and unable to provide adequate information

for determining how well the system is performing on a regular basis so the system may be held accountable for its outcomes.

The legislature also finds that developing ((an effective)) a comprehensive economic development ((strategy for the state and operating)) strategic plan to guide the operation of effective economic development programs, including workforce training, infrastructure development, small business assistance, technology transfer, and export assistance, ((are)) is vital to the state's efforts to increase the competitiveness of state businesses, encourage employment growth, increase state revenues, and generate economic well-being. ((In addition, the legislature finds that)) There is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. The legislature finds that there is a need for the development of coordination criteria for business recruitment, expansion, and retention activities carried out by the state and local entities. It is the intent of the legislature to create an economic development commission that will ((develop and update the state's economic development strategy and performance measures and provide advice to and oversight of the department of community, trade, and economic development)) provide planning, coordination, evaluation, monitoring, and policy analysis and development for the state economic development system as a whole, and advice to the governor and legislature concerning the state economic development system.

**Sec. 2.** RCW 43.162.010 and 2003 c 235 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established to oversee the economic development strategies and policies of the department of community, trade, and economic development.

(2)(a) The Washington state economic development commission shall consist of ((at least seven and no more than nine)) eleven voting members appointed by the governor with the consent of the senate as follows: Six representatives of the private sector, one representative of labor, one representative of port districts, one representative of a four-year state public institution of higher education, one representative of a state community or technical college, and one representative of associate development organizations. The director of the department of community, trade, and economic development, the director of the workforce training and education coordinating board, the commissioner of the employment security department, and the chairs of the standing committees of the house of representatives and the senate overseeing economic development policies shall serve as nonvoting ex officio members.

The chair of the commission shall be a voting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role the state's economic development system has in meeting those needs. Each member of the commission may appoint a designee to function in his or her place and designees appointed by a voting member shall have the right to vote.

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. ((Representation shall derive primarily from the)) Private sector((, including, but not limited to,)) members shall represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses((, but other sectors of the economy that have experience in economic development, including labor organizations and nonprofit organizations, shall be represented as well. A minimum of seventy-five percent of the members shall represent the private sector)). Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in

economic development or disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for three-year terms((, except that through June 30, 2004, members currently serving on the economic development commission created by executive order may continue to serve at the pleasure of the governor. Of the initial members appointed to serve after June 30, 2004, two members shall serve one-year terms, three members shall serve two-year terms, and the remainder of the commission members shall serve three-year terms)).

(4) ((The commission chair shall be selected from among the appointed members by the majority vote of the members.

~~—(5))~~ The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(5) The executive director of the commission shall be appointed by the governor with the consent of the voting members of the commission. The governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor.

(6) The commission may adopt rules for its own governance.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.162 RCW to read as follows:

(1) The commission shall employ an executive director. The executive director shall serve as chief executive officer of the commission and shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, utilize staff of existing operating agencies to the fullest extent possible, and employ outside consulting and service agencies when appropriate.

(2) The executive director may not be the chair of the commission.

(3) The executive director shall appoint necessary staff who shall be exempt from the provisions of chapter 41.06 RCW. The executive director's appointees shall serve at the executive director's pleasure on such terms and conditions as the executive director determines but subject to chapter 42.52 RCW.

(4) The executive director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the commission.

(5) The executive director shall exercise such additional powers, other than rule making, as may be delegated by the commission.

**Sec. 4.** RCW 43.162.020 and 2003 c 235 s 3 are each amended to read as follows:

The Washington state economic development commission shall ~~((perform the following duties:~~

~~—(1) Review and periodically update the state's economic development strategy, including implementation steps, and performance measures, and perform an annual evaluation of the strategy and the effectiveness of the state's laws, policies, and programs which target economic development;~~

~~—(2) Provide policy, strategic, and programmatic direction to the department of community, trade, and economic development regarding strategies to:~~

~~—(a) Promote business retention, expansion, and creation within the state;~~

~~—(b) Promote the business climate of the state and stimulate increased national and international investment in the state;~~

~~—(c) Promote products and services of the state;~~

~~—(d) Enhance relationships and cooperation between local governments, economic development councils, federal agencies, state agencies, and the legislature;~~

~~—(e) Integrate economic development programs, including work force training, technology transfer, and export assistance; and~~

~~—(f) Make the funds available for economic development purposes more flexible to meet emergent needs and maximize opportunities;~~

~~—(3) Identify policies and programs to assist Washington's small businesses;~~

— (4) Assist the department of community, trade, and economic development with procurement and deployment of private funds for business development, retention, expansion, and recruitment as well as other economic development efforts;

— (5) Meet with the chairs and ranking minority members of the legislative committees from both the house of representatives and the senate overseeing economic development policies; and

— (6) Make a biennial report to the appropriate committees of the legislature regarding the commission's review of the state's economic development policy, the commission's recommendations, and steps taken by the department of community, trade, and economic development to implement the recommendations. The first report is due by December 31, 2004);

(1) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system;

(2) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. In developing the state comprehensive plan for economic development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

(3) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs;

(4)(a) Periodically review for consistency with the state comprehensive plan for economic development the policies and plans established for:

(i) Business and technical assistance by the small business development center, the Washington manufacturing service, the Washington technology center, associate development organizations, the department of community, trade, and economic development, and the office of minority and women-owned enterprises;

(ii) Export assistance by the small business export finance assistance center, the international marketing program for agricultural commodities and trade, the department of agriculture, the center for international trade in forest products, associate development organizations, and the department of community, trade, and economic development; and

(iii) Infrastructure development by the department of community, trade, and economic development and the department of transportation; and

(b) Review and make recommendations to the office of financial management and the legislature on budget requests and legislative proposals relating to the state economic development system for purposes of consistency with the state comprehensive plan for economic development;

(5) Provide for coordination among the different agencies, organizations, and components of the state economic development system at the state level and at the regional level;

(6) Advocate for the state economic development system and for meeting the needs of industry associations, industry clusters, businesses, and employees;

(7) Identify partners and develop a plan to develop a consistent and reliable database on participation rates, costs, program activities, and outcomes from publicly funded economic development programs in this state by January 1, 2011.

(a) In coordination with the development of the database, the commission shall establish standards for data collection and maintenance for providers in the economic development system in a format that is accessible to use by the commission. The commission shall require a minimum of common core data to be collected by each entity providing economic development services with public funds and shall develop requirements for minimum common core data in consultation with the economic climate council, the office of financial management, and the providers of economic development services;

(b) The commission shall establish minimum common standards and metrics for program evaluation of economic development programs, and monitor such program evaluations; and

(c) The commission shall, beginning no later than January 1, 2012, periodically administer, based on a schedule established by the commission, scientifically based outcome evaluations of the state economic development system including, but not limited to, surveys of industry associations, industry cluster associations, and businesses served by publicly funded economic development programs; matches with employment security department payroll and wage files; and matches with department of revenue tax files;

(8) Evaluate proposals for expenditure from the economic development strategic reserve account and recommend expenditures from the account; and

(9) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination.

The commission may delegate to the director any of the functions of this section.

**NEW SECTION. Sec. 5.** (1) The commission must develop and update a state comprehensive plan for economic development and an initial inventory of economic development programs, as required under section 4 of this act, by June 30, 2008.

(2) Using the information from the inventory, public input, and such other information as it deems appropriate, the commission shall, by September 1, 2008, provide a report with findings, analysis, and recommendations to the governor and the legislature on the appropriate state role in economic development and the appropriate administrative and regional structures for the provision of economic development services. The report shall address how best to organize the state system to ensure that the state's economic development efforts:

(a) Are organized around a clear central mission and aligned with the state's comprehensive plan for economic development;

(b) Are capable of providing focused and flexible responses to changing economic conditions;

(c) Generate greater local capacity to respond to local opportunities and needs;

(d) Face no administrative barriers to efficiency and effectiveness;

(e) Maximize results through partnerships and the use of intermediaries; and

(f) Provide increased accountability to the public, the executive branch, and the legislature.

(3) The report should address the potential value of creating or consolidating specific programs if doing so would be consistent with an agency's core mission, and the potential value of removing specific programs from an agency if the programs are not central to the agency's core mission.

**Sec. 6.** RCW 43.162.030 and 2003 c 235 s 4 are each amended to read as follows:

((1) The Washington state economic development commission shall receive the necessary staff support from the staff resources of the governor, the department of community, trade, and economic development, and other state agencies as appropriate, and within existing resources and operations.

— (2) Creation of the Washington state economic development commission shall not be construed to modify any authority or

budgetary responsibility of the governor or the department of community, trade, and economic development.

**Sec. 7.** RCW 82.33A.010 and 1998 c 245 s 168 are each amended to read as follows:

(1) The economic climate council is hereby created.

(2) The council shall, in consultation with the Washington economic development commission, select a series of ~~((no more than ten))~~ benchmarks that characterize the competitive environment of the state. The benchmarks should be indicators of the cost of doing business; the education and skills of the work force; a sound infrastructure; and the quality of life. In selecting the appropriate benchmarks, the council shall use the following criteria:

(a) The availability of comparative information for other states and countries;

(b) The timeliness with which benchmark information can be obtained; and

(c) The accuracy and validity of the benchmarks in measuring the economic climate indicators named in this section.

(3) Each year the council shall prepare an official state economic climate report on the present status of benchmarks, changes in the benchmarks since the previous report, and the reasons for the changes. The reports shall include current benchmark comparisons with other states and countries, and an analysis of factors related to the benchmarks that may affect the ability of the state to compete economically at the national and international level.

(4) All agencies of state government shall provide to the council immediate access to all information relating to economic climate reports.

**Sec. 8.** RCW 82.33A.020 and 1996 c 152 s 4 are each amended to read as follows:

~~((+))~~ The economic climate council shall ~~((create an advisory committee to assist the council))~~ consult with the Washington economic development commission in selecting benchmarks and developing economic climate reports and benchmarks. The ~~((advisory committee))~~ commission shall provide for a process to ensure public participation in the selection of the benchmarks. ~~((The advisory committee shall consist of no more than seven members. At least two of the members of the advisory committee shall have experience in and represent business, and at least two of the members shall have experience in and represent labor. All of the members of the advisory committee shall have special expertise and interest in the state's economic climate and competitive strategies. Appointments to the advisory committee shall be recommended by the chair of the council and approved by a two-thirds vote of the council. The chair of the advisory committee shall be selected by the members of the committee.~~

~~(2) The advisory committee shall meet as determined by the chair of the committee until September 30, 1996, and shall meet at least twice per year thereafter in advance of the economic climate reports due on March 31st and September 30th of each year.~~

~~(3) Members of the advisory council shall serve without compensation but shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 while attending meetings of the advisory committee, sessions of the economic climate council, or on official business authorized by the council.)"~~

Correct the title.

Signed by Representatives Kenney, Chairman; Pettigrew, Vice Chairman; Chase; Darneille; Rolfes and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Haler.

Referred to Committee on Appropriations.

March 30, 2007

ESSB 6001 Prime Sponsor, Senate Committee On Water, Energy & Telecommunications: Mitigating the

impacts of climate change. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Washington is especially vulnerable to climate change because of the state's dependence on snow pack for summer stream flows and because the expected rise in sea levels threatens our coastal communities. Extreme weather, a warming Pacific Northwest, reduced snow pack, and sea level rise are four major ways that climate change is disrupting Washington's economy, environment, and communities;

(b) Washington's greenhouse gases emissions are continuing to increase, despite international scientific consensus that worldwide emissions must be reduced significantly below current levels to avert catastrophic climate change;

(c) Washington state greenhouse gases are substantially caused by the transportation sector of the economy;

(d) Washington has been a leader in actions to reduce the increase of greenhouse gases emissions, such as being the first state in the nation to adopt a carbon dioxide mitigation program for new thermal electric plants, mandating integrated resource planning for electric utilities to include life-cycle costs of carbon dioxide emissions, including the adoption of clean car standards, stronger appliance energy efficiency standards, increased production and use of renewable liquid fuels, and increased renewable energy sources by electrical utilities;

(e) A greenhouse gases emissions performance standard will work in unison with the state's carbon dioxide mitigation policy for fossil-fueled thermal electric generation facilities located in the state under chapter 80.70 RCW and its related rules;

(f) While these actions are significant, there is a need to assess the trend of greenhouse gases emissions statewide over the next several decades, and to take sufficient actions so that Washington meets its responsibility to contribute to the global actions needed to reduce the impacts and the pace of global warming;

(g) Actions to reduce greenhouse gases emissions will spur technology development and increase efficiency, thus resulting in benefits to Washington's economy and businesses; and

(h) The state of Washington has an obligation to provide clear guidance for the procurement of baseload electric generation to alleviate regulatory uncertainty while addressing risks that can affect the ability of electric utilities to make necessary and timely investments to ensure an adequate, reliable, and cost-effective supply of electricity.

(2) The legislature finds that companies that generate greenhouse gases emissions or manufacture products that generate such emissions are purchasing carbon credits from landowners and from other companies that provide carbon credits. Companies that are purchasing carbon credits would benefit from a program to trade and to bank carbon credits. Washington forests are one of the most effective resources that can absorb carbon dioxide from the atmosphere. Forests, and other planted lands and waters, provide carbon storage and mitigate greenhouse gases emissions. Washington contains the most productive forests in the world and both public and private landowners could benefit from a carbon storage trading and banking program.

(3) The legislature intends by this act to establish statutory goals for the statewide reduction in greenhouse gases emissions and to adopt the recommendations provided by the Washington climate change challenge stakeholder group, which is charged with designing and recommending a comprehensive set of policies to the legislature and the governor on how to achieve the goals. The legislature further intends by this act to authorize immediate actions in the electric power generation sector for the reduction of greenhouse gases emissions and to accelerate efficiency in the transportation sector.

(4) The legislature finds that:

(a) To the extent energy efficiency and renewable resources are unable to satisfy increasing energy and capacity needs, the state will rely on clean and efficient fossil fuel-fired generation and will encourage the development of cost-effective, highly efficient, and environmentally sound supply resources to provide reliability and consistency with the state's energy priorities;

(b) It is vital to ensure all electric utilities internalize the significant and underrecognized cost of emissions and to reduce Washington's exposure to costs associated with future regulation of these emissions, which is consistent with the objectives of integrated resource planning by electric utilities under chapter 19.280 RCW; and

(c) The state of California recently enacted a law establishing a greenhouse gases emissions performance standard for electric utility procurement of baseload electric generation that is based on the emissions of a combined-cycle thermal electric generation facility fueled by natural gas.

(5) The legislature finds that the climate change challenge stakeholder group provides a process for identifying the policies necessary to achieve the economic and emissions reduction goals in sections 3 and 4 of this act. The climate change challenge stakeholder group should seek emission reduction policies and strategies, to the maximum extent possible, that minimize economic disruptions and protect jobs for Washington state workers, citizens, and businesses, while avoiding policies and strategies that would result in the transfer or outsourcing of economic advantages or jobs to other states, regions, or nations.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Average available greenhouse gases emissions output" means the average greenhouse gases emissions from combined-cycle natural gas thermal electric generation turbines available for sale in the United States as surveyed and reported by the energy policy division of the department of community, trade, and economic development under section 7 of this act.

(4) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(5) "Climate change challenge stakeholder group" means the consultation group established by Executive Order 07-02 to consider and recommend policies for the state to adopt to achieve greenhouse gases emissions goals.

(6) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(7) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(8) "Commission" means the Washington utilities and transportation commission.

(9) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(10) "Department" means the department of ecology.

(11) "Distributed generation" means electric generation connected to the distribution level of the transmission and

distribution grid, which is usually located at or near the intended place of use.

(12) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(13) "Electric utility" means an electrical company or a consumer-owned utility.

(14) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(15) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(16) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(17) "Net emissions" means the formula for calculating total carbon dioxide emissions as determined according to chapter 173-407 WAC as it existed on July 1, 2007.

(18) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(19) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by the energy facility site evaluation council or a local jurisdiction.

(20) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits as of the effective date of this section, but may result in incidental increases in generation capacity.

**NEW SECTION. Sec. 3.** (1) The following greenhouse gases emissions reduction and clean energy economy goals are established for Washington state:

(a) By 2020, reduce overall greenhouse gases emissions in the state to 1990 levels, which equals seventy-eight million five hundred thousand metric tons of carbon dioxide equivalent emissions;

(b) By 2035, reduce overall greenhouse gases emissions in the state to twenty-five percent below 1990 levels, which equals fifty-eight million eight hundred eighty thousand metric tons of carbon dioxide equivalent emissions;

(c) By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to fifty percent below 1990 levels, which equals thirty-nine million two hundred fifty thousand million metric tons of carbon dioxide equivalent emissions, or seventy percent below the state's expected emissions that year; and

(d) By 2020, increase the number of clean energy sector jobs to twenty-five thousand from the eight thousand four hundred jobs the state had in 2004.

(2) By December 31st of each even-numbered year beginning in 2010, the departments of ecology and community, trade, and economic development shall report to the governor and the appropriate committees of the senate and house of representatives the total greenhouse gases emissions for the preceding two years, and totals in each major source sector.

**NEW SECTION. Sec. 4.** (1) The following greenhouse gases emissions reduction goals with respect to electricity generation are established for the electricity sector in Washington state:

(a) By 2020, reduce greenhouse gases emissions in the state to 1990 levels, which equals seven million four hundred thirty thousand metric tons of carbon dioxide equivalent emissions;

(b) By 2035, reduce greenhouse gases emissions in the state to twenty-five percent below 1990 levels, which equals five million five

hundred seventy thousand metric tons of carbon dioxide equivalent emissions; and

(c) By 2050, the state will do its part to reach global climate stabilization levels by reducing emissions to fifty percent below 1990 levels, which equals three million seven hundred twenty thousand metric tons of carbon dioxide equivalent emissions, or seventy percent below the state's expected emissions that year.

(2) By December 31st of each even-numbered year beginning in 2010, the departments of ecology and community, trade, and economic development shall report to the governor and the appropriate committees of the senate and house of representatives the total greenhouse gas emissions for the preceding two years, and totals in each major source sector.

**NEW SECTION. Sec. 5.** The climate change challenge stakeholder group shall develop policy recommendations to the governor and the legislature as to what policies must be put in place in order for the state to meet the greenhouse gases emissions reduction standards established in sections 3 and 4 of this act. These recommendations must be submitted to the legislature and the governor by December 1, 2007.

**NEW SECTION. Sec. 6.** (1) Beginning July 1, 2008, the greenhouse gases emissions performance standard for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after such date is the lower of:

(a) One thousand one hundred pounds of greenhouse gases per megawatt-hour; or

(b) The average available greenhouse gases emissions output as determined by the department of community, trade, and economic development under section 7 of this act.

(2) Even if their actual emissions are higher than the greenhouse gases emissions performance standard, all baseload electric generation facilities in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse gases emissions performance standard established under this section until the facilities are the subject of long-term financial commitments.

(3) All electric generating facilities or power plants powered by renewable resources, as defined in RCW 19.280.020, are deemed to be in compliance with the greenhouse gases emissions performance standard established under this section. For the purposes of this section, "renewable resources" include, but are not limited to, hydroelectric generation.

(4) Even if their actual emissions are higher than the greenhouse gases emissions performance standard, all baseload electric generation facilities that begin operation after June 30, 2008, are deemed to be in compliance with the greenhouse gases emissions performance standard established under this section provided that the baseload electric generation facility mitigates its total carbon dioxide emissions under RCW 80.70.020.

(5) In determining the rate of emissions of greenhouse gases for baseload electric generation, the net emissions resulting from the production of electricity by the baseload electric generation must be included.

(6) Carbon dioxide that is sequestered so as to prevent releases into the atmosphere, which is in compliance with applicable laws and regulations, may not be counted as net emissions of the power plant in determining compliance with the greenhouse gases emissions performance standard.

(7) In adopting and implementing the greenhouse gases emissions performance standard, the department, in consultation with the commission, the Bonneville power administration, the western electricity coordination council, the energy facility site evaluation council, the department of community, trade, and economic development energy policy division, electric utilities, public interest representatives, and consumer representatives shall consider the effects of the greenhouse gases emissions performance standard on system reliability and overall costs to electricity customers.

(8) In developing and implementing the greenhouse gases emissions performance standard, the department shall to the extent practicable, with assistance of the commission, the department of community, trade, and economic development energy policy

division, and electric utilities, address electricity from unspecified sources in a manner consistent with this chapter.

(9) By December 1, 2007, the climate change challenge stakeholder group shall develop policy recommendations to the governor and the legislature on implementation of the greenhouse gases emissions performance standards established in this section. These recommendations must include, but not be limited to:

(a) Procedures regarding verification and enforcement of the greenhouse gases emissions performance standard;

(b) Whether existing mechanisms for carbon sequestration under chapter 80.70 RCW and its related rules are sufficient;

(c) A transition plan for phasing out carbon dioxide mitigation under chapter 80.70 RCW as a means of achieving the goals of this act;

(d) A process for replacing the highest emitting thermal electric plants that have exceeded their expected useful life with newer technologies that have lower greenhouse gases emission levels; and

(e) Methods to utilize indigenous resources, such as landfill gas, geothermal resources, and other assets that might reduce greenhouse gases emissions consistent with the purposes of this act.

**NEW SECTION. Sec. 7.** The energy policy division of the department of community, trade, and economic development shall survey combined-cycle natural gas thermal electric generation facilities available for sale in the United States and determine an average rate of emission of greenhouse gases for these facilities. The department of community, trade, and economic development shall report the results of its survey to the legislature on a biennial basis, starting June 30, 2008.

**Sec. 8.** RCW 80.70.020 and 2004 c 224 s 2 are each amended to read as follows:

(1) The provisions of this chapter apply to:

(a) New fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more and fossil-fueled floating thermal electric generation facilities of one hundred thousand kilowatts or more under RCW 80.50.020(14)(a), for which an application for site certification is made to the council after July 1, 2004;

(b) New fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, for which an application for an order of approval has been submitted after July 1, 2004;

(c) Fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more that have an existing site certification agreement and, after July 1, 2004, apply to the council to increase the output of carbon dioxide emissions by fifteen percent or more through permanent changes in facility operations or modification or equipment; and

(d) Fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, that have an existing order of approval and, after July 1, 2004, apply to the department or authority, as appropriate, to permanently modify the facility so as to increase its station-generating capability by at least twenty-five thousand kilowatts or to increase the output of carbon dioxide emissions by fifteen percent or more, whichever measure is greater.

(2)(a) A proposed site certification agreement submitted to the governor under RCW 80.50.100 and a final site certification agreement issued under RCW 80.50.100 shall include an approved carbon dioxide mitigation plan.

(b) For fossil-fueled thermal electric generation facilities not under jurisdiction of the council, the order of approval shall require an approved carbon dioxide mitigation plan.

(c) Site certification agreement holders or order of approval holders may request, at any time, a change in conditions of an approved carbon dioxide mitigation plan if the council, department,

or authority, as appropriate, finds that the change meets all requirements and conditions for approval of such plans.

(3) An applicant for a fossil-fueled thermal electric generation facility shall include one or a combination of the following carbon dioxide mitigation options as part of its mitigation plan:

- (a) Payment to a third party to provide mitigation;
- (b) Direct purchase of permanent carbon credits; or
- (c) Investment in applicant-controlled carbon dioxide mitigation projects, including combined heat and power (cogeneration).

(4) Fossil-fueled thermal electric generation facilities that receive site certification approval or an order of approval shall provide mitigation ~~((for twenty percent of))~~ to reduce the total carbon dioxide emissions produced by the facility to one thousand one hundred pounds of greenhouse gases per megawatt-hour or the average available greenhouse gases emissions output as determined under section 7 of this act, whichever is lower.

(5) If the certificate holder or order of approval holder chooses to pay a third party to provide the mitigation, the mitigation rate shall be one dollar and sixty cents per metric ton of carbon dioxide to be mitigated. For a cogeneration plant, the monetary amount is based on ~~((the difference between twenty percent of))~~ the total carbon dioxide emissions ~~((and))~~ minus one thousand one hundred pounds of greenhouse gases per megawatt-hour or the average available greenhouse gases emissions output as determined under section 7 of this act, whichever is lower, minus the cogeneration credit.

(a) Through rule making, the council may adjust the rate per ton biennially as long as any increase or decrease does not exceed fifty percent of the current rate. The department or authority shall use the adjusted rate established by the council pursuant to this subsection for fossil-fueled thermal electric generation facilities subject to the provisions of this chapter.

(b) In adjusting the mitigation rate the council shall consider, but is not limited to, the current market price of a ton of carbon dioxide. The council's adjusted mitigation rate shall be consistent with RCW 80.50.010(3).

(6) The applicant may choose to make to the third party a lump sum payment or partial payment over a period of five years.

(a) Under the lump sum payment option, the payment amount is determined by ~~((multiplying the total carbon dioxide emissions by the twenty percent mitigation requirement under subsection (4) of this section and))~~ calculating the difference between the total carbon dioxide emissions and one thousand one hundred pounds of greenhouse gases per megawatt-hour or the average available greenhouse gases emissions output as determined under section 7 of this act, whichever is lower, multiplied by the per ton mitigation rate established under subsection (5) of this section.

(b) No later than one hundred twenty days after the start of commercial operation, the certificate holder or order of approval holder shall make a one-time payment to the independent qualified organization for the amount determined under subsection (5) of this section.

(c) As an alternative to a one-time payment, the certificate holder or order of approval holder may make a partial payment of twenty percent of the amount determined under subsection (5) of this section no later than one hundred twenty days after commercial operation and a payment in the same amount or as adjusted according to subsection (5)(a) of this section, on the anniversary date of the initial payment in each of the following four years. With the initial payment, the certificate holder or order of approval holder shall provide a letter of credit or other comparable security acceptable to the council or the department for the remaining eighty percent mitigation payment amount including possible changes to the rate per metric ton from rule making under subsection (5)(a) of this section.

(7)(a) All electric utilities that enter into long-term financial commitments for baseload generation located outside the state shall meet the greenhouse gases emissions performance standard under chapter 80.-- RCW (sections 1 through 7 and 9 through 11 of this act). Electric utilities shall provide mitigation for greenhouse gases emissions in excess of the greenhouse gases emissions standard established in section 6 of this act.

(b) The electric utility shall choose one or a combination of the following carbon dioxide mitigation options to mitigate for carbon dioxide emissions:

- (i) Payment to a third party to provide mitigation;
- (ii) Direct purchase of permanent carbon credits as specified under RCW 80.70.030; or
- (iii) Investment in load-serving utility-controlled carbon dioxide mitigation projects, including combined heat and power (cogeneration).

**NEW SECTION. Sec. 9.** (1) No electrical company may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 6 of this act.

(2) In order to enforce the requirements of this chapter, the commission shall review in a general rate case or as provided in subsection (5) of this section any long-term financial commitment entered into by an electrical company after June 30, 2008, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 6 of this act.

(3) In determining whether a long-term financial commitment is for baseload electric generation, the commission shall consider:

- (a) The design of the power plant and its intended use, based upon the electricity purchase contract, if any;
- (b) Permits necessary for the operation of the power plant; and
- (c) Any other matter the commission determines is relevant under the circumstances.

(4) Upon application by an electric company, the commission may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) Upon application by an electrical company, the commission shall make a determination regarding the company's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity that complies with the greenhouse gases emissions performance standard established under section 6 of this act, as to the need for the resource, and the appropriateness of the specific resource selected. The commission shall take into consideration each electric company's most recent integrated resource plan. In addition, the commission shall provide for recovery of the prudently incurred capital and operating cost of these resources and may impose such conditions as it finds necessary to ensure that rates are fair, just, reasonable, and sufficient, coincident with the in-service date of the project or the effective date of the power purchase agreement.

(6) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with the long-term financial commitment, including operating and maintenance costs, depreciation, taxes, and cost of invested capital. The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and ends on the effective date of the final decision by the commission regarding recovery in rates of these deferred costs. Creation of such a deferral account does not by itself determine whether recovery of any or all of these costs is appropriate.

(7) The commission shall adopt procedures to verify net emissions of greenhouse gases from baseload electric generation under section 6 of this act.

(8) The commission shall adopt rules for the enforcement of this section with respect to electrical companies and adopt procedural rules for approving costs incurred by an electrical company under subsection (4) of this section.

(9) The commission shall adopt the rules necessary to implement this section by December 31, 2008.

**NEW SECTION. Sec. 10.** (1) No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 6 of this act.

(2) The governing board of a consumer-owned utility shall review and make a determination on any long-term financial commitment by the utility, pursuant to this chapter, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 6 of this act. No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 6 of this act.

(3) In confirming that a long-term financial commitment is for baseload electric generation, the governing board shall consider: (a) The design of the power plant and the intended use of the power plant based upon the electricity purchase contract, if any; (b) permits necessary for the operation of the power plant; and (c) any other matter the governing board determines is relevant under the circumstances.

(4) The governing board may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) The governing board shall adopt procedures to verify net emissions of greenhouse gases from baseload electric generation under section 6 of this act, and may request assistance from the department in doing so.

(6) For consumer-owned utilities, the auditor is responsible for auditing compliance under this chapter and rules adopted under this chapter that apply to those utilities and the attorney general is responsible for enforcing that compliance.

**NEW SECTION. Sec. 11.** For the purposes of sections 6, 7, 9, and 10 of this act and RCW 80.70.020, the department, in consultation with the commission and the governing boards of consumer-owned utilities, shall review the greenhouse gases emission performance standard established in this chapter to determine need, applicability, and effectiveness no less than every five years following the effective date of this section, or upon implementation of a federal or state law or rule regulating carbon dioxide emissions of electrical utilities, and report to the legislature.

**NEW SECTION. Sec. 12.** Sections 1 through 7 and 9 through 11 of this act constitute a new chapter in Title 80 RCW."

Correct the title.

Signed by Representatives Morris, Chairman; McCoy, Vice Chairman; Hudgins; Hurst; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Ericksen and Hankins.

Referred to Committee on Appropriations.

March 29, 2007

**2SSB 6016** Prime Sponsor, Senate Committee On Ways & Means: Concerning good cause reasons for failure to participate in WorkFirst program components. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.270 and 2002 c 89 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of one year (~~except that at the time a child reaches the age of three months, the recipient is required to participate in one of the following for up to twenty hours per week:~~

~~(i) Instruction or training which has the purpose of improving parenting skills or child well-being;~~

~~(ii) Preemployment or job readiness training;~~

~~(iii) Course study leading to a high school diploma or GED; or~~

~~(iv) Volunteering in a child care facility licensed under chapter 74.15 RCW so long as the child care facility agrees to accept the recipient as a volunteer and the child without compensation while the parent is volunteering at the facility. The volunteer recipient and his or her child shall not be counted for the purposes of determining licensed capacity or the staff to child ratio of the facility).~~

(2) A parent or other caregiver claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section whose comprehensive evaluation indicates a need for mental health, alcohol, or drug treatment, or for domestic violence services may be required to cooperate with treatment or services as appropriate up to twenty hours per week.

~~(3) Nothing in this section shall prevent a recipient from participating ((fully)) in the WorkFirst program on a voluntary basis. ((A recipient who chooses to participate fully in the WorkFirst program shall be considered to be fulfilling the requirements of this section.~~

~~(3) For any recipient who claims a good cause reason for failure to participate in the WorkFirst program based on the fact that the recipient has a child under the age of one year, the department shall, within existing resources, conduct an assessment of the recipient within ninety days and before a job search component is initiated in order to determine if the recipient has any specific service needs or employment barriers. The assessment may include identifying the need for substance abuse treatment, mental health treatment, or domestic violence services, and shall be used in developing the recipient's individual responsibility plan.~~

~~(4) A parent may only receive the exemption under subsection (1)(b) of this section one time, for one child.)"~~

Signed by Representatives Kagi, Chairman; Walsh, Assistant Ranking Minority Member; Appleton; Pettigrew and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Haler, Ranking Minority Member.

Referred to Committee on Appropriations.

March 29, 2007

**ESSB 6023** Prime Sponsor, Senate Committee On Early Learning & K-12 Education: Concerning the Washington assessment of student learning. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature maintains a strong commitment to high expectations and high academic achievement for all students. The legislature finds that Washington

schools and students are making significant progress in improving achievement in reading and writing. Schools are adapting instruction and providing remediation for students who need additional assistance. Reading and writing are being taught across the curriculum. Therefore, the legislature does not intend to make changes to the Washington assessment of student learning or high school graduation requirements in reading and writing.

(2) However, students are having difficulty improving their academic achievement in mathematics and science, particularly as measured by the high school Washington assessment of student learning. The legislature finds that corrections are needed in the state's high school assessment system that will improve alignment between learning standards, instruction, diagnosis, and assessment of students' knowledge and skills in high school mathematics and science. The legislature further finds there is a sense of urgency to make these corrections and intends to revise high school graduation requirements in mathematics and science only for the minimum period for corrections to be fully implemented.

**Sec. 2.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or section 4 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards ~~((for that))~~ in the reading or writing content areas if the student has ~~((retaken))~~ taken the Washington assessment of student learning at least twice. In the remaining content areas, a student may use the objective alternative assessments if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of ~~((2010))~~ 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) ~~((Beginning in 2006,))~~ School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) ~~((Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006,))~~ Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b) A student's score on the mathematics or reading portion of the preliminary scholastic assessment test (PSAT)~~((;))~~ or on the mathematics, reading or English, or writing portion of the scholastic assessment test (SAT)~~((;))~~ or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the ~~((mathematics))~~ state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the ~~((mathematics))~~ relevant portion of the PSAT, SAT, or ACT to meet or exceed the state standard ~~((for mathematics))~~ in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, ~~((2006, and thereafter))~~ 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards ~~((for mathematics))~~.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. ~~((This requirement shall be phased in as follows:))~~

~~((i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan:))~~

~~(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.~~

~~(iii)) (i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.~~

~~((iv)) (ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

~~(b) (Beginning with the 2005-06 school year and every year thereafter,) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.~~

~~(i) The parent or guardian of ((a)) the student ((described in this subsection (12)(b))) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.~~

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

**Sec. 3.** RCW 28A.155.045 and 2004 c 19 s 104 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in section 4 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the graduating class of 2008 and until the graduating class of 2012, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics standard on the high school Washington assessment of student learning, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(d)(i) For the graduating class of 2008, successfully earn one additional high school mathematics credit after the student's eleventh grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning; and

(ii) For the remaining graduating classes under this section, successfully earn two additional mathematics credits after the student's tenth grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning.

(2) This section expires August 31, 2013.

**Sec. 5.** RCW 28A.655.070 and 2005 c 497 s 106 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system ~~((shall))~~ may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

~~(5)((a))~~ The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((b)) Assessments measuring the essential academic learning requirements in the content area of science shall be available for~~

mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment:))

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

**Sec. 6.** RCW 28A.655.063 and 2006 c 115 s 5 are each amended to read as follows:

Subject to the availability of funds appropriated for this purpose, ~~((school districts shall reimburse))~~ the office of the superintendent of public instruction shall provide funds to school districts, arrange for students to receive a testing fee waiver, or make other arrangements to compensate students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the ~~((mathematics))~~ results as an objective alternative assessment.

**Sec. 7.** RCW 28A.655.200 and 2006 c 117 s 4 are each amended to read as follows:

(1) ~~((In the absence of mandatory, statewide, norm-referenced assessments,))~~ The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance ~~((guidance and planning for students and to))~~ student learning at all grade levels and provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under ~~((subsection (5) of))~~ this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) ~~((By September 1, 2005, subject to available funds,))~~ The office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic

assessments in reading, writing, mathematics, and science in elementary and middle school grades available to school districts ((diagnostic assessments that)). Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school Washington assessment of student learning. To the greatest extent possible, the assessments shall be:

(a) Aligned to the state's grade level expectations;  
(b) Individualized to each student's performance level;  
(c) Administered efficiently to provide results either immediately or within two weeks;

(d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;

(e) Readily available to parents; and  
(f) Cost-effective.

(5) ~~((Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional strategies to assist students before the high school Washington assessment of student learning.~~

~~—((6))~~ The office of the superintendent of public instruction ~~((is encouraged to))~~ shall offer training at statewide and regional staff development activities ~~((training opportunities that would assist practitioners))~~ in:

(a) The interpretation of diagnostic assessments; and  
(b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

**NEW SECTION. Sec. 8.** (1)(a) The state board of education, in consultation with the superintendent of public instruction, shall examine and recommend changes to the high school Washington assessment of student learning in the content areas of mathematics and science.

(b) In its examination and recommendations, the state board shall address the following issues:

(i) Timeliness of the return of score results;  
(ii) The diagnostic value of score results;  
(iii) Cost of administration of the assessment and the burden on school districts; and

(iv) Opportunities to improve alignment of curriculum, instruction, and the assessment.

(c) One of the changes the state board shall examine under this subsection (1) is replacing the current high school Washington assessment of student learning with a limited series of end-of-course assessments in mathematics and science. The board's examination of end-of-course assessments shall include:

(i) An objective analysis of the potential strengths and weaknesses of end-of-course assessments as the primary high school assessment tool for student and school accountability;

(ii) Analysis of the possible impact of end-of-course assessments on curriculum and instruction in mathematics and science;

(iii) The appropriate mathematics and science content to be covered by end-of-course assessments; and

(iv) Recommended implementation timelines and issues to be addressed in replacing the current assessment.

(2) In conducting its examination under subsection (1) of this section, the state board of education shall seek input from independent national assessment experts; examine the experience of other states, particularly states that have implemented end-of-course assessments; and use a deliberative public process to ensure adequate input from teachers, school and district administrators, the business community, parents, and other interested individuals and organizations.

(3) In any request for proposals for a new testing contractor for the Washington assessment of student learning, the superintendent of public instruction shall include the possible changes being examined by the state board of education so that additional information about

the cost and feasibility of the changes can be provided by prospective testing contractors.

(4) The state board of education shall also examine and make recommendations regarding:

(a) Options for and possible impacts of compensatory models for setting the standard on the Washington assessment of student learning for graduation purposes; and

(b) The effectiveness of current authorized alternative assessments and opportunities for additional alternative assessments, including the use of one or more standardized norm-referenced student achievement tests.

(5) The state board of education shall submit a progress report along with any preliminary recommendations on the issues required to be examined under this section to the education committees of the legislature by January 10, 2008. The state board of education shall submit a final report to the education committees of the legislature by December 1, 2008. The final report shall include recommendations for changes to the high school Washington assessment of student learning in mathematics and science and a recommended timeline that provides for expedited implementation of the recommended changes. The changes recommended by the state board of education under this section shall be able to be implemented no later than the 2010-11 school year in order to apply to the graduating class of 2013.

(6) This section expires June 30, 2009.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) In allocating state funds for the promoting academic success program, the legislature has recognized that high school students whose scores represent a near miss of the state standard on the Washington assessment of student learning require fewer remedial resources to ensure that they meet the state standard on the next attempt. However, there is significant variation among the remaining students whose scores represent a far miss of the state standard regarding their levels of knowledge and skills, and consequently the levels of remediation they will need.

(2) School districts receiving funding allocations through the promoting academic success program for high school students scoring more than one standard error of measurement from meeting the state standard shall assign more resources per student to support students scoring at level one on the Washington assessment of student learning than are assigned to support students scoring at level two."

Correct the title.

Signed by Representatives Quall, Chairman; Barlow, Vice Chairman; Haigh; McDermott; Santos and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Roach.

Referred to Committee on Appropriations.

March 28, 2007

**SSB 6053** Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Creating a legislative task force on the structure of the department of fish and wildlife. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) A legislative task force on the structure of the department of fish and wildlife is established, with members as provided in this section.

(i) The two largest caucuses of the senate shall each appoint one member.

(ii) The two largest caucuses of the house of representatives shall each appoint one member.

(iii) The president of the senate and the speaker of the house of representatives jointly shall appoint nine members representing the timber industry, the farming community, the environmental community, the ranching community, the shellfish community, the sport fishing community, the commercial fishing community, the hunting community, and a citizen with no affiliation with any of these or related groups.

(iv) The governor shall appoint two members representing the department of fish and wildlife as nonvoting members.

(b) The task force shall choose its chair from among its legislative membership.

(2) The task force's review and recommendations shall include, but not be limited to, the following:

(a) The effectiveness and accountability of the current fish and wildlife commission model;

(b) Whether or not the fish and wildlife commission should retain the power to hire and terminate the director;

(c) Whether or not the fish and wildlife commissioner appointment process is effective and whether or not commissioners should be limited to no more than two consecutive terms in office;

(d) Whether or not a citizens' ombuds function should be added to the fish and wildlife commission model and if so, what would the role of the ombuds be;

(e) Whether or not it is necessary to restructure the policy authority of the fish and wildlife commission;

(f) Possible alternative models for fish and wildlife commission structures;

(g) Whether or not the fish and wildlife commission's role should be limited to that of an advisory body;

(h) Possible alternatives for appointment and confirmation of fish and wildlife commission members;

(i) Whether or not the fish and wildlife commission's effectiveness and accountability would be improved with the addition of either policy staff or fiscal staff, or both;

(j) Whether or not the role of regulating recreational fishing and hunting policy and season setting should be separated from commercial activities, regulatory role/functions, land management, and other departmental administrative functions;

(k) The effectiveness and responsiveness to the public, the office of the governor, and the legislature of the fish and wildlife commission and department of fish and wildlife management structure; and

(l) Whether or not the existing geographic, consultation, and expertise mandates for fish and wildlife commission appointments meet the needs of the state or whether or not the fish and wildlife commission should be restructured.

(3) Staff support for the task force shall be provided by the house office of program research and senate committee services.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the governor, the fish and wildlife commission, the director of fish and wildlife, and the appropriate committees of the legislature by December 1, 2007. Final recommendations shall be officially adopted according to rules agreed to by a majority of the legislators or the task force.

(7) This section expires June 30, 2008."

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member;

Dickerson; Eickmeyer; Grant; Hailey; Kagi; McCoy; Newhouse; Orcutt; Strow and Van De Wege.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 6059 Prime Sponsor, Senator Carrell: Allowing attorneys to recover actual costs for service of process. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 6081 Prime Sponsor, Senate Committee On Ways & Means: Regarding outdoor burning in small cities. Reported by Committee on Select Committee on Environmental Health

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Chairman; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Hailey and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins, Vice Chairman; Chase; Hunt and Morrell.

Referred to Committee on Appropriations.

March 30, 2007

SSB 6100 Prime Sponsor, Senate Committee On Judiciary: Limiting the use of charitable donations in charging decisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, after line 11, add the following:

"**Sec. 3.** RCW 10.01.160 and 2005 c 263 s 2 are each amended to read as follows:

(1) The court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution or pretrial supervision may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-

ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not (~~sentenced~~) order a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been (~~sentenced~~) ordered to pay costs and who is not in contumacious default in the payment thereof may at any time petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170."

Correct the title.

Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

March 29, 2007

E2SSB 6117 Prime Sponsor, Senate Committee On Ways & Means: Regarding reclaimed water. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) Since the 1992 enactment of the reclaimed water act, the value of reclaimed water as a new source of supply has received increasing recognition across the state and across the nation. New information on the matters in this section has increased awareness of the need to better manage, protect, and conserve water resources and to use reclaimed water in that process. The legislature now finds the following:

(a) Global warming and climate change. Global warming has reduced the volume of glaciers in the North Cascade mountains to between eighteen to thirty-two percent since 1983, and up to seventy-five percent of the glaciers are at risk of disappearing under projected temperatures for this century. Mountain snow pack has declined at virtually every measurement location in the Pacific Northwest, reducing the proportion of annual river flow to Puget Sound during summer months by eighteen percent since 1948. Global warming has also shifted peak stream flows earlier in the year in watersheds covering much of Washington state, including the Columbia river basin, jeopardizing the state's salmon fisheries. The state's recent report on the economic impacts of climate change indicate that water resources will be one of the areas most affected, and that many utilities may need to invest major resources in new supply and conservation measures. Developing and implementing adaptation strategies, such as water conservation that includes the use of reclaimed water, can extend existing water supply systems to help address the global warming impacts. In particular, because reclaimed water uses existing sources of supply and fairly constant base flows of wastewater, it has year-round dependability, without regard to any

given year's climate variability. This is particularly important during summer months, when outdoor demands peak and stream flows are critical for fish.

(b) Puget Sound. The governor has initiated a Puget Sound partnership, with a request for an initial strategy to address high priority problems. In December, the partnership delivered a strategy that includes expanded use of reclaimed water both in order to improve the Puget Sound's water quality by reducing wastewater discharges and by replacing current sources of supply for nonpotable uses that detrimentally affect stream flows and habitat.

(c) Salmon recovery. The federal fisheries services recently approved a salmon recovery plan for the Puget Sound, which was developed across multiple watersheds by numerous local governments, tribal governments, and other parties to achieve sustainable populations of salmon and other species. That plan includes an adaptive management component where continued efforts will be made to address issues, including problems with instream flows, identified as a limiting factor in virtually all the watersheds, through strategies that will be developed by regional and watershed implementation groups. A potentially significant strategy may be the substitution of reclaimed water for nonpotable uses where it will benefit streams and habitat.

(d) Water quality. Increasingly stringent federal standards for water quality are forcing a number of communities to develop strategies for wastewater treatment that, in addition to providing higher treatment levels, will reduce the quantity of discharges. For many of those communities, facilities to produce reclaimed water will be a necessary approach to achieve both water quality and water supply objectives.

(e) Watershed plans. Under the watershed planning act of 1997, approximately two-thirds of the watersheds in the state have used a bottom-up approach to developing collaborative plans for meeting future water supply needs. Many of those plans include the use of reclaimed water for meeting those needs.

(f) Columbia river water management. Pursuant to legislation and funding provided in 2006, federal, state, and local governments and agencies, along with tribal governments, user groups, environmental organizations, and others are developing a comprehensive strategy for the mainstem Columbia that will ensure supplies for future growth while protecting stream flows and fish habitat. The strategy will include multiple tools that may include the potential development of new storage, conservation measures, and water use efficiency. One pathway toward conservation and efficiency is likely to be identification and implementation of reclaimed water opportunities.

(g) Development schedule. The time frame required to plan, design, construct, and begin use of reclaimed water can be extensive due to the public information and acceptance efforts required in addition to planning, design, and environmental assessment required for infrastructure projects. This extended time frame necessitates the initiation of reclaimed water projects as soon as possible.

(2) It is therefore the intent of the legislature to:

(a) Effectuate and reinvigorate the original intent behind the reclaimed water act to expand the use of reclaimed water for nonpotable uses throughout the state;

(b) Restate and emphasize the use of reclaimed water as a matter of water resource management policy;

(c) Address current barriers to the use of reclaimed water, where changes in state law will resolve such issues;

(d) Develop information from the state agencies responsible for promoting the use of reclaimed water and address regulatory, financial, planning, and other barriers to the expanded use of reclaimed water, relying on state agency expertise and experience with reclaimed water;

(e) Facilitate achieving state, regional, and local objectives through use of reclaimed water for water supply purposes in high priority areas of the state, and in regional and local watershed and water planning;

(f) Provide planning tools to local governments to incorporate reclaimed water and related water conservation into land use plans, consistent with water planning;

(g) Expand the scope of work of the advisory committee established under chapter 279, Laws of 2006 to identify other reclaimed water issues that should be addressed; and

(h) Provide initial funding, and evaluate options for providing additional direct state funding, for reclaimed water projects.

**Sec. 2.** RCW 90.46.005 and 2001 c 69 s 1 are each amended to read as follows:

The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its environment, the state of Washington will continue to use water in the best interests of present and future generations.

To facilitate the immediate use of reclaimed water (~~as soon as is practicable, the legislature encourages the cooperative efforts of the public and private sectors and the use of pilot projects~~) for uses approved by the departments of ecology and health, the state shall expand both direct financial support and financial incentives for capital investments in water reuse and reclaimed water to effectuate the goals of this chapter. The legislature further directs the department of health and the department of ecology to coordinate efforts towards developing an efficient and streamlined process for creating and implementing processes for the use of reclaimed water.

It is hereby declared that the people of the state of Washington have a primary interest in the development of facilities to provide reclaimed water to replace potable water in nonpotable applications, to supplement existing surface and ground water supplies, and to assist in meeting the future water requirements of the state.

The legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife habitat creation and enhancement purposes, including wetland enhancement, will contribute to the peace, health, safety, and welfare of the people of the state of Washington. To the extent reclaimed water is appropriate for beneficial uses, it should be so used to preserve potable water for drinking purposes, contribute to the restoration and protection of instream flows that are crucial to preservation of the state's salmonid fishery resources, contribute to the restoration of Puget Sound by reducing wastewater discharge, provide a drought resistant source of water supply for nonpotable needs, or be a source of supply integrated into state, regional, and local strategies to respond to population growth and global warming. Use of reclaimed water constitutes the development of new basic water supplies needed for future generations and local and regional water management planning should consider coordination of infrastructure, development, storage, water reclamation and reuse, and source exchange as strategies to meet water demands associated with population growth and impacts of global warming.

The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW.

The legislature finds that other states, including California, Florida, and Arizona, have successfully used reclaimed water to supplement existing water supplies without threatening existing resources or public health.

It is the intent of the legislature that the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state.

The legislature further finds and declares that reclaimed water facilities are water pollution control facilities as defined in chapter 70.146 RCW and are eligible for financial assistance as provided in chapter 70.146 RCW. The legislature finds that funding demonstration projects will ensure the future use of reclaimed water. The demonstration projects in RCW 90.46.110 are varied in nature and will provide the experience necessary to test different facets of the standards and refine a variety of technologies so that water purveyors can begin to use reclaimed water technology in a more cost-effective manner. This is especially critical in smaller cities and

communities where the feasibility for such projects is great, but there are scarce resources to develop the necessary facilities.

The legislature further finds that the agricultural processing industry can play a critical and beneficial role in promoting the efficient use of water by having the opportunity to develop and reuse agricultural industrial process water from food processing.

**Sec. 3.** RCW 90.46.120 and 2003 1st sp.s. c 5 s 13 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use ~~((and))~~ distribution ~~((of the))~~, and the recovery from aquifer storage of reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW 90.03.250 and 90.44.060, provided that a permit for recovery of reclaimed water from aquifer storage and recovery shall be reviewed under the standards established under RCW 90.03.370(2). Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding.

(2) If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of ~~((the))~~ any regional water supply plan or plans addressing potable water supply service by multiple water purveyors. Such water supply plans include plans developed by multiple jurisdictions under the relevant provisions of chapters 43.20, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW. The method by which such plans are approved shall remain unchanged. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans.

(3) Where opportunities for the use of reclaimed water exist within the period of time addressed by a water system plan, a water supply plan, or a coordinated water system plan developed under chapters 43.20 ~~((or))~~, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW, these plans must be developed and coordinated to ensure that opportunities for reclaimed water are evaluated. The requirements of this subsection (3) do not apply to water system plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.

**Sec. 4.** RCW 90.46.130 and 2002 c 329 s 5 are each amended to read as follows:

(1)(a) Except as provided in subsections (2) and (5) of this section, facilities that reclaim water under this chapter shall not impair any existing water right downstream from any freshwater discharge points of such facilities unless ~~((compensation or mitigation for such impairment is agreed to by the holder of the affected water right))~~ the impairment is mitigated or the holder of the water right receives just compensation for the impairment. For purposes of this subsection, "just compensation" has the same meaning as provided in Title 8 RCW.

(b) Any reclaimed water project that reduces the quantity of sewage treatment plant effluent discharged directly into marine waters is deemed to not impair any existing water rights.

(2) Agricultural water use of agricultural industrial process water and use of industrial reuse water under this chapter shall not impair existing water rights within the water source that is the source of supply for the agricultural processing plant or the industrial processing and, if the water source is surface water, the existing water rights are downstream from the agricultural processing plant's discharge points existing on July 22, 2001, or from the industrial processing's discharge points existing on June 13, 2002.

(3) The department of ecology shall convene and staff a task force to review potential barriers or issues related to development of reclaimed water projects pursuant to the evaluation of water rights impairment under this section and related impairment issues and shall report the findings and any recommendations of this review to the appropriate standing committees of the legislature no later than

December 31, 2007. The task force shall be cochaired by a representative from the water quality and the water resources programs at the department, and shall consist of representatives of interested groups, including the attorney general, the department of health, local governments, tribal governments, water utilities, reclaimed water utilities, wastewater utilities, environmental organizations, agricultural organizations, and businesses including golf course owners. The task force and report shall address the following topics at a minimum: (a) Internal processing of reclaimed water permits by the department, including the ability to deliver timely decisions on potential impairment of water rights; (b) compliance with state and federal water quality standards on existing and future discharges, including potential requirements on wastewater utilities to reduce discharges to water and increase upland discharges; (c) nature of water that is imported into a watershed or potentially exported from the watershed in the form of effluent or reclaimed water; (d) inequities or different treatment of processing of reclaimed water permits and wastewater permits for similar treatment and facilities; (e) ability of existing provisions of state law, such as chapter 90.48 RCW, to address possible impacts to, and mitigation for, stream flows and fish habitat; (f) technical ability to determine impacts to water sources from reclaimed water facilities; (g) approaches to these issues in other western states with significant use of reclaimed water; (h) the ability of subsection (1)(a) of this section to adequately, efficiently, and equitably address impairment compensation and mitigation.

(4) For purposes of determining a claim of impairment under subsection (1)(a) of this section, of a downstream water right existing as of August 18, 1997, the applicant for a reclaimed water permit shall publish notice of an application for a permit for a reclaimed water facility in the same manner as provided for in RCW 90.48.170. If the department receives a claim of impairment within thirty days of the last publication of notice, the department shall investigate the claim of impairment and issue a written decision. The decision must include any conditions the department finds necessary to mitigate any impairment. The decision must be issued within one hundred eighty days and is appealable by any party under RCW 43.21B.310, regardless of whether the party submits a claim of impairment within thirty days of the last publication of notice, upon the issuance of the decision or as part of the overall reclaimed water permit upon the issuance of a reclaimed water permit. This section may not be construed as exempting a reclaimed water project from the provisions of chapter 43.21C RCW.

(5) This section may not be construed as establishing any right for a downstream water right holder to the continued discharge from an upstream wastewater treatment plant or reclaimed water facility.

**Sec. 5.** 2006 c 279 s 3 (uncodified) is amended to read as follows:

(1) In order to identify and pursue other measures to facilitate achieving the objectives in RCW 90.46.005 for expanded, appropriate, and safe use of reclaimed water, the department of ecology and the department of health shall provide the legislature with relevant information through periodic progress reports, as provided in this section.

(2) The department of ecology ~~((must present))~~ shall provide interim reports to the appropriate committees of the legislature by January 1, 2008, and January 1, 2009, that summarize the steps taken to that date towards the final rule making required by ~~((section 1 of this act))~~ RCW 90.46.015. The reports ~~((must))~~ shall include, at a minimum, a summary of participation in the rule advisory ~~((group and))~~ committee, the topics considered by the department, and issues identified by the rule advisory committee as barriers to expanded use of reclaimed water that may not be addressed within the rules to be adopted by the department.

(3) In addition to subsection (2) of this section, the department shall form a subtask force consisting of not more than ten members chosen from the existing rule advisory committee, and reclaimed water users, to further identify and recommend actions to increase the promotion of reclaimed water as a water supply and water resource management option. At a minimum, the subtask force shall consider (a) issues assigned by the rule advisory committee; (b) staffing levels, resources, and roles within both state agencies; (c) optimizing

organizational structure; (d) unresolved legal issues specific to reclaimed water use; and (e) a more appropriate name to describe reclaimed water. Information regarding these topics shall be appended to the required interim reports as the topics are considered by the advisory group.

**Sec. 6.** RCW 90.82.043 and 2003 1st sp.s. c 4 s 3 are each amended to read as follows:

(1) Within one year of accepting funding under RCW 90.82.040(2)(e), the planning unit must complete a detailed implementation plan. Submittal of a detailed implementation plan to the department is a condition of receiving grants for the second and all subsequent years of the phase four grant.

(2) Each implementation plan must contain strategies to provide sufficient water for: (a) Production agriculture; (b) commercial, industrial, and residential use; and (c) instream flows. Each implementation plan must contain timelines to achieve these strategies and interim milestones to measure progress.

(3) The implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; any needed state or local administrative approvals and permits that must be secured; and specific funding mechanisms.

(4) In developing the implementation plan, the planning unit must consult with other entities planning in the watershed management area and identify and seek to eliminate any activities or policies that are duplicative or inconsistent.

(5)(a) By December 1, 2003, and by December 1st of each subsequent year, the director of the department shall report to the appropriate legislative standing committees regarding statutory changes necessary to enable state agency approval or permit decision making needed to implement a plan approved under this chapter.

(b) Beginning with the December 1, 2007, report, and then every two years thereafter, the director shall include in each report the extent to which reclaimed water has been identified in the watershed plans as potential sources or strategies to meet future water needs, and provisions in any watershed implementation plans that discuss barriers to implementation of the water reuse elements of those plans. The department's report shall include an estimate of the potential cost of reclaimed water facilities and identification of potential sources of funding for them.

**NEW SECTION. Sec. 7.** (1) By January 1, 2008, the department of health shall file a brief report with the appropriate committees of the legislature on the general status of:

(a) Development of permit fees for industrial and commercial uses of reclaimed water as required by RCW 90.46.030;

(b) Development of standards and guidelines for greywater use as required by RCW 90.46.140; and

(c) Permitting of greywater use by local health officers and plumbing officials in accordance with standards and guidelines developed pursuant to RCW 90.46.140.

(2) The report shall also identify:

(a) A general description of the number, type, and location of reclaimed water opportunities included in water supply and coordinated water system plans since 2003, as required by RCW 90.46.140;

(b) The best information currently available regarding potential public health risks associated with reclaimed water, if any, any known occurrences of any public health incidents associated with reclaimed water use, the approaches to reclaimed water-related public health issues taken in other states, and resource needs of the department to evaluate any known public health risks; and

(c) A description of a basic public information and public acceptance program necessary to generate public support for the beneficial use of reclaimed water.

(3) In order to ensure brevity of the report, the department should include references to existing documents, reports, internet sites, and other sources of detailed information on the foregoing issues.

**Sec. 8.** RCW 90.54.020 and 1997 c 442 s 201 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 107 or 108 of this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

(5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency (~~and~~), conservation, and use of reclaimed water shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. Use of reclaimed water should be employed through state and local planning and programs with incentives for state financial assistance recognizing programs and plans that encourage the use of conservation and reclaimed water use, and state agencies shall continue to review and reduce regulatory barriers and streamline permitting for the use of reclaimed water where appropriate.

(8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

**Sec. 9.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred.

(2) Increased water use efficiency and reclaimed water should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, waste water recycling, and impoundment of waters. Where reclaimed water is a feasible replacement source of water, it shall be used by state agencies and state facilities for nonpotable water uses in lieu of the use of potable water. For purposes of this requirement, feasible replacement source means (a) the reclaimed water is of adequate quality and quantity for the proposed use; (b) the proposed use is approved by the departments of ecology and health; (c) the reclaimed water can be reliably supplied by a local public agency or public water system; and (d) the cost of the reclaimed water is reasonable relative to the costs of conservation or other potentially available supplies of potable water, after taking into account all costs and benefits, including environmental costs and benefits.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1).

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; regional areas that the governor has identified as high priority for investments in improved water quality and quantity, including the Spokane river, the Columbia river basin, and the Puget Sound; areas most likely to be affected by global warming; and areas where projected water needs, including those for instream flows, exceed available supplies.

(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public ~~((education))~~ information programs on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.46 RCW to read as follows:

(1) The department of ecology shall establish a subtask force from the existing rule advisory committee, and reclaimed water users, by July 31, 2007, composed of no more than ten members including a representative from the department of ecology, who shall serve as chair, a representative from the department of health, and representatives from city, county, and water-sewer district utilities, and the environmental and business communities. By January 1, 2008, the subtask force shall submit to the appropriate legislative committees a recommendation for a long-term dedicated funding program to construct reclaimed water facilities. To minimize the administrative burden, the subtask force shall work toward a coordinated effort with the current clean water state revolving fund and centennial clean water fund integrated program under which reclaimed water projects with a water quality benefit are currently eligible and shall review the "2006 Inventory of State Infrastructure Programs" produced by the joint legislative audit and review committee. The subtask force shall also review current existing conservation and water reuse plans or programs for cities, counties, and districts and provide a report to the appropriate legislative committees regarding the number, general nature, and extent that conservation and reclaimed water use is identified or incorporated into such plans. The subtask force also shall consider, and recommend, provisions on: (a) The inclusion of reclaimed water use criteria or requirements as an element of water use efficiency requirements required under RCW 70.119A.180 and for water system, public water system, and/or regional water plans as required under chapters 43.20 and 70.119 RCW; and (b) the current and potential use of water conservation plans or ordinances, water conservation measures in regional watershed plans, and water conservation programs adopted by cities, towns, or counties addressing the use of reclaimed water where potable water is not required by the department of health.

(2) The recommendation shall provide a comprehensive funding, loan, and grant program that includes the following:

(a) Eligibility requirements: Eligible components should include the additional water reclamation components to treat wastewater effluent to reclaimed water standards, distribution pump stations, storage, trunk lines, and distribution lines, and multiple-purpose projects in proportion to the costs allocated to reclaimed water;

(b) Competitive process for funding: The funding should be competitive and establish a maximum percentage or maximum funding amount available to any applicant;

(c) Priorities for funding that target reclaimed water projects ready to proceed, local support for the project, projects in areas that have adopted mandatory use ordinances or letters of intent to execute user contracts, projects providing broader public benefits to environmental water quality or water resource needs such as Puget Sound restoration, Columbia river water management strategies, water quality improvements, wetlands habitat, and instream flows, projects with benefits that clearly extend to citizens other than the utility ratepayers; and

(d) A proposed grant program for projects in identified high priority areas.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.46 RCW to read as follows:

(1) The legislature finds that the state should take a lead in increasing the visibility of the use of reclaimed water.

(2) The department of general administration shall develop a proposal to provide a comprehensive campus-wide plan for the use of nonpotable water in lieu of the use of potable water for irrigation and related outdoor uses, to serve as a demonstration project for the use of reclaimed water. The department of general administration shall work with the city of Olympia to provide a report to the legislature by December 1, 2007, of the needed infrastructure, cost, and potential funding sources for the project."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Dickerson; Eickmeyer; Grant; Kagi; Lantz; McCoy and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Hailey; Newhouse and Orcutt.

Referred to Committee on Appropriations.

March 28, 2007

SB 6129 Prime Sponsor, Senator Murray: Providing additional funding for the state patrol highway account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Armstrong; Campbell; Curtis; Dickerson; Eddy; Hailey; Hankins; Hudgins; Kristiansen; Lovick; Rodne; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen and Rolfes.

Passed to Committee on Rules for second reading.

March 29, 2007

SSB 6141 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Regarding forest health. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass without the amendments by the Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Walsh.

Passed to Committee on Rules for second reading.

March 30, 2007

SSJM 8012 Prime Sponsor, Senate Committee On Government Operations & Elections: Requesting the Washington Air and Army National Guard not be federalized. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chairman; Appleton, Vice Chairman; Green; Kretz; McDermott; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5050 Prime Sponsor, Senate Committee On Consumer Protection & Housing: Modifying the mileage tolling calculation in the motor vehicle lemon law. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.118.041 and 1998 c 298 s 4 are each amended to read as follows:

(1) If the manufacturer, its agent, or the new motor vehicle dealer is unable to conform the new motor vehicle to the warranty by repairing or correcting any nonconformity after a reasonable number of attempts, the manufacturer, within forty calendar days of a consumer's written request to the manufacturer's corporate, dispute resolution, zone, or regional office address shall, at the option of the consumer, replace or repurchase the new motor vehicle.

(a) The replacement motor vehicle shall be identical or reasonably equivalent to the motor vehicle to be replaced as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options. Where the manufacturer supplies a replacement motor vehicle, the manufacturer shall be responsible for sales tax, license, registration fees, and refund of any incidental costs. Compensation for a reasonable offset for use shall be paid by the consumer to the manufacturer in the event that the consumer accepts a replacement motor vehicle.

(b) When repurchasing the new motor vehicle, the manufacturer shall refund to the consumer the purchase price, all collateral charges, and incidental costs, less a reasonable offset for use. When repurchasing the new motor vehicle, in the instance of a lease, the manufacturer shall refund to the consumer all payments made by the consumer under the lease including but not limited to all lease payments, trade-in value or inception payment, security deposit, all collateral charges and incidental costs less a reasonable offset for use. The manufacturer shall make such payment to the lessor and/or lienholder of record as necessary to obtain clear title to the motor vehicle and upon the lessor's and/or lienholder's receipt of that payment and payment by the consumer of any late payment charges, the consumer shall be relieved of any future obligation to the lessor and/or lienholder.

(c) The reasonable offset for use shall be computed by multiplying the number of miles that the vehicle traveled directly attributable to use by the consumer during the time between the original purchase, lease, or in-service date and the date beginning the first attempt to diagnose or repair a nonconformity which ultimately results in the repurchase or replacement of the vehicle multiplied times the purchase price, and dividing the product by one hundred twenty thousand, except in the case of a motor home, in which event it shall be divided by ninety thousand. However, the reasonable offset for use calculation total for a motor home is subject to modification by the board by decreasing or increasing the offset total up to a maximum of one-third of the offset total. The board may modify the offset total in those circumstances where the board determines that the wear and tear on those portions of the motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space are significantly greater or significantly less than that which could be reasonably expected based on the mileage attributable to the consumer's use of the motor home. Except in the case of a motor home, where a manufacturer repurchases or replaces a vehicle solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that the vehicle traveled directly attributable to use by the consumer" shall be limited to the period between the original purchase, lease, or in-service date and the date of the fifteenth cumulative calendar day out of service. Where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the consumer selects repurchase

of the motor vehicle, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be ~~((calculated from))~~ limited to the period between the date of purchase (or), lease by, or transfer to the consumer and the date of the consumer's initial attempt to obtain diagnosis or repair of a nonconformity which ultimately results in the repurchase or replacement of the vehicle or which adds to thirty or more cumulative calendar days out of service. Where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the consumer selects replacement of the motor vehicle, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be calculated from the date of the original purchase, lease, or in-service date and the first attempt to diagnose or repair a nonconformity which ultimately results in the replacement of the vehicle. Except in the case of a motor home, where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the manufacturer replaces the vehicle solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be calculated from the date of the original purchase, lease, or in service date and the date of the fifteenth cumulative calendar day out of service.

(d) In the case of a motor vehicle that is a motor home, where a manufacturer repurchases or replaces a motor home from the first purchaser, lessee, or transferee or from the second or subsequent purchaser, lessee, or transferee solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that a motor home traveled directly attributable to use by the consumer" shall be limited to the period between the original purchase, lease, or in-service date and the date of the thirtieth cumulative calendar day out-of-service.

(2) Reasonable number of attempts, except in the case of a new motor vehicle that is a motor home acquired after June 30, 1998, shall be deemed to have been undertaken by the manufacturer, its agent, or the new motor vehicle dealer to conform the new motor vehicle to the warranty within the warranty period, if: (a) The same serious safety defect has been subject to diagnosis or repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the serious safety defect continues to exist; (b) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or (c) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first. A new motor vehicle is deemed to have been "subject to diagnose or repair" when a consumer presents the new motor vehicle for warranty service at a service and repair facility authorized, designated, or maintained by a manufacturer to provide warranty services or a facility to which the manufacturer or an authorized facility has directed the consumer to obtain warranty service. A new motor vehicle has not been "subject to diagnose or repair" if the consumer refuses to allow the facility to attempt or complete a recommended warranty repair, or demands return of the vehicle to the consumer before an attempt to diagnose or repair can be completed.

(3)(a) In the case of a new motor vehicle that is a motor home acquired after June 30, 1998, a reasonable number of attempts shall be deemed to have been undertaken by the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers to conform the new motor vehicle to the warranty within the warranty period, if: (i) The same serious safety defect has been subject to diagnosis or repair one or more times during the period of coverage of the applicable motor home manufacturer's written warranty, plus a final attempt to repair the vehicle as provided for in (b) of this subsection, and the serious safety defect continues to exist; (ii) the same nonconformity has been subject to repair three or more times, at least one of which is during the period of coverage

of the applicable motor home manufacturer's written warranty, plus a final attempt to repair the vehicle as provided for in (b) of this subsection, and the nonconformity continues to exist; or (iii) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of sixty calendar days aggregating all motor home manufacturer days out of service, and the motor home manufacturers have had at least one opportunity to coordinate and complete an inspection and any repairs of the vehicle's nonconformities after receipt of notification from the consumer as provided for in (c) of this subsection. For purposes of this subsection, each motor home manufacturer's written warranty must be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(b) In the case of a new motor vehicle that is a motor home, after one attempt has been made to repair a serious safety defect, or after three attempts have been made to repair the same nonconformity, the consumer shall give written notification of the need to repair the nonconformity to each of the motor home manufacturers at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers to coordinate and complete a final attempt to cure the nonconformity. The motor home manufacturers each have fifteen days, commencing upon receipt of the notification, to respond and inform the consumer of the location of the facility where the vehicle will be repaired. If the vehicle is unsafe to drive due to a serious safety defect, or to the extent the repair facility is more than one hundred miles from the motor home location, the motor home manufacturers are responsible for the cost of transporting the vehicle to and from the repair facility. The motor home manufacturers have a cumulative total of thirty days, commencing upon delivery of the vehicle to the designated repair facility by the consumer, to conform the vehicle to the applicable motor home manufacturer's written warranty. This time period may be extended if the consumer agrees in writing. If a motor home manufacturer fails to respond to the consumer or perform the repairs within the time period prescribed, that motor home manufacturer is not entitled to a final attempt to cure the nonconformity.

(c) In the case of a new motor vehicle that is a motor home, if the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities by the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers for a cumulative total of thirty or more days aggregating all motor home manufacturer days out of service, the consumer shall so notify each motor home manufacturer in writing at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers an opportunity to coordinate and complete an inspection and any repairs of the vehicle's nonconformities. The motor home manufacturers have fifteen days, commencing upon receipt of the notification, to respond and inform the consumer of the location of the facility where the vehicle will be repaired. If the vehicle is unsafe to drive due to a serious safety defect, or to the extent the repair facility is more than one hundred miles from the motor home location, the motor home manufacturers are responsible for the cost of transporting the vehicle to and from the repair facility. Once the buyer delivers the vehicle to the designated repair facility, the inspection and repairs must be completed by the motor home manufacturers either (i) within ten days or (ii) before the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for sixty days, whichever time period is longer. This time period may be extended if the consumer agrees in writing. If a motor home manufacturer fails to respond to the consumer or perform the repairs within the time period prescribed, that motor home manufacturer is not entitled to at least one opportunity to inspect and repair the vehicle's nonconformities after receipt of notification from the buyer as provided for in this subsection (3)(c).

(4) No new motor vehicle dealer may be held liable by the manufacturer for any collateral charges, incidental costs, purchase price refunds, or vehicle replacements. Manufacturers shall not have a cause of action against dealers under this chapter. Consumers shall not have a cause of action against dealers under this chapter, but a violation of any responsibilities imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW. Consumers may

pursue rights and remedies against dealers under any other law, including chapters 46.70 and 46.71 RCW. Manufacturers and consumers may not make dealers parties to arbitration board proceedings under this chapter."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5053 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Creating the office of the ombudsman for workers of industrial insurance self-insured employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.14 RCW to read as follows:

The office of the ombudsman for workers of industrial insurance self-insured employers is created. The ombudsman shall be appointed by the governor and report directly to the director of the department. The office of the ombudsman may be contracted by the governor but shall not be physically housed within the industrial insurance division.

NEW SECTION. Sec. 2. A new section is added to chapter 51.14 RCW to read as follows:

The person appointed ombudsman shall hold office for a term of six years and shall continue to hold office until reappointed or until his or her successor is appointed. The governor may remove the ombudsman only for neglect of duty, misconduct, or inability to perform duties. Any vacancy shall be filled by similar appointment for the remainder of the unexpired term.

NEW SECTION. Sec. 3. A new section is added to chapter 51.14 RCW to read as follows:

Any ombudsman appointed under this chapter shall have training or experience, or both, in the following areas:

- (1) Industrial insurance including self-insurance programs;
- (2) The legal system;
- (3) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

NEW SECTION. Sec. 4. A new section is added to chapter 51.14 RCW to read as follows:

During the first two years after the office of the ombudsman is created, the staffing level shall be no more than four persons, including the ombudsman and any administrative staff. Thereafter, the staffing levels shall be determined based upon the office of the ombudsman's workload and whether any additional locations are needed.

NEW SECTION. Sec. 5. A new section is added to chapter 51.14 RCW to read as follows:

The office of the ombudsman shall have the following powers and duties:

- (1) To act as an advocate for injured workers of self-insured employers;
- (2) To offer and provide information on industrial insurance as appropriate to workers of self-insured employers;

(3) To identify, investigate, and facilitate resolution of industrial insurance complaints from workers of self-insured employers; (4) To maintain a statewide toll-free telephone number for the receipt of complaints and inquiries; and

(5) To refer complaints to the department when appropriate.

NEW SECTION. Sec. 6. A new section is added to chapter 51.14 RCW to read as follows:

(1) The office of the ombudsman shall develop referral procedures for complaints by workers of self-insured employers. The department shall act as quickly as possible on any complaint referred to them by the office of the ombudsman.

(2) The department shall respond to any complaint against a self-insured employer referred to it by the office of the ombudsman and shall forward the office of the ombudsman a summary of the results of the investigation and action proposed or taken.

NEW SECTION. Sec. 7. A new section is added to chapter 51.14 RCW to read as follows:

(1) No ombudsman is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any employee of a self-insured employer for any communication made, or information given or disclosed, to assist the ombudsman in carrying out its duties and responsibilities, unless the same was done maliciously. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by the ombudsman, if reasonably related to the requirements of his or her responsibilities under this chapter and done in good faith, are privileged and confidential, and this shall serve as a defense to any action in libel or slander.

(4) Representatives of the office of the ombudsman are exempt from being required to testify as to any privileged or confidential matters except as the court may deem necessary to enforce this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 51.14 RCW to read as follows:

All records and files of the ombudsman relating to any complaint or investigation made pursuant to carrying out its duties and the identities of complainants, witnesses, or injured workers shall remain confidential unless disclosure is authorized by the complainant or injured worker or his or her guardian or legal representative. No disclosures may be made outside the office of the ombudsman without the consent of any named witness or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

NEW SECTION. Sec. 9. A new section is added to chapter 51.14 RCW to read as follows:

The ombudsman shall integrate into existing posters and brochures information explaining the ombudsman program. Both the posters and the brochures shall contain the ombudsman's toll-free telephone number. Every self-insured employer must place a poster in an area where all workers have access to it. The self-insured employer must provide a brochure to all injured workers at the time the employer is notified of the worker's injury.

NEW SECTION. Sec. 10. A new section is added to chapter 51.14 RCW to read as follows:

(1) To provide start-up funding for the office of the ombudsman, the department shall impose a one-time assessment on all self-insurers. The amount of the assessment shall be determined by the department and shall not exceed the amount needed to pay the start-up costs.

(2) Ongoing funding for the office of the ombudsman shall be obtained as part of an annual administrative assessment of self-insurers under RCW 51.44.150. This assessment shall be proportionately based on the number of claims for each self-insurer during the past year.

**Sec. 11.** RCW 51.44.150 and 1971 ex.s. c 289 s 59 are each amended to read as follows:

The director shall impose and collect assessments each fiscal year upon all self-insurers in the amount of the estimated costs of administering their portion of this title during such fiscal year. These assessments shall also include the assessments for the ombudsman's office provided for in section 10 of this act. The time and manner of imposing and collecting assessments due the department shall be set forth in regulations promulgated by the director in accordance with chapter 34.05 RCW.

**NEW SECTION. Sec. 12.** A new section is added to chapter 51.14 RCW to read as follows:

(1) The ombudsman shall provide the governor with an annual report that includes the following:

(a) A description of the issues addressed during the past year and a very brief description of case scenarios in a form that does not compromise confidentiality;

(b) An accounting of the monitoring activities by the ombudsman; and

(c) An identification of the deficiencies in the industrial insurance system related to self-insurers, if any, and recommendations for remedial action in policy or practice.

(2) The first annual report shall be due on or before October 1, 2008. Subsequent reports shall be due on or before October 1st."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5384 Prime Sponsor, Senator Fraser: Expanding the University of Washington's and Washington State University's local borrowing authority. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature hereby recognizes that the University of Washington and Washington State University will require additional methods of funding to meet the universities' educational and research missions and remain competitive in a challenging environment. State appropriations are sufficient to meet only a portion of these research universities' funding requirements. The state authorizes the universities to collect student tuition, services and activities fees, building fees, and technology fees, subject to statutory limits. In addition, the universities generate revenue from other sources such as grants, contracts, other fees, sales and services, and investment income. The legislature finds that the research universities are able to leverage these local nonstate-appropriated funds to enhance university facilities and services for the benefit of students, faculty, and the larger community. The legislature intends that the research universities be permitted to borrow and incur obligations for any university purpose, so long as repayment is limited to local nonappropriated university funds and so long as the state's credit or general state revenues are not obligated or used for repayment. To permit the University of Washington to refinance the real and personal property acquired between August and October 2006 before the end of the fiscal biennium, sections of chapter . . . , Laws of 2007 (this act) necessary to accomplish this limited purpose are made effective before the end of the biennium.

**NEW SECTION. Sec. 2.** The board of regents of the University of Washington and Washington State University may issue bonds, notes, or other evidences of indebtedness for any university purpose. The board of regents of the University of Washington and Washington State University may obligate all or a component of the fees and revenues of the university for the payment of such bonds, notes, or evidences of indebtedness: PROVIDED, That such fees and revenues are not subject to appropriation by the legislature and do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to RCW 39.42.060. Such bonds, notes, and other indebtedness shall not constitute bonds, notes, or other evidences of indebtedness secured by the full faith and credit of the state or required to be paid, directly or indirectly, from general state revenues for the purposes of RCW 39.42.060. Bonds, notes, or other evidences of indebtedness issued under this chapter shall be issued in accordance with the procedures in RCW 28B.10.310 and 28B.10.315 or the provisions applicable to either the state or local governments under chapter 39.46 or 39.53 RCW.

**NEW SECTION. Sec. 3.** The University of Washington and Washington State University must report annually to the ways and means committee of the senate, the capital budget committee of the house of representatives, and the office of the state treasurer on any bonds, notes, and other evidences of indebtedness issued under this chapter as a part of a public securities offering. The report shall include a summary of the total outstanding debt of the university, a summary of any public securities offerings issued that year by purpose, including rating information from at least one nationally recognized credit rating agency, issuance costs, interest rate information, sources of repayment, and a copy of the annual bondholder report filed by the University of Washington and Washington State University in accordance with Rule 15c2-12 of the securities and exchange commission.

**NEW SECTION. Sec. 4.** The board of regents of the University of Washington may issue bonds, notes, or other evidences of indebtedness under this section for the purpose of refinancing real and personal property acquired by the University of Washington during the period between August and October 2006. The board of regents of the University of Washington may obligate all or a component of the fees and revenues of the university for the payment of such bonds, notes, or evidences of indebtedness: PROVIDED, That such fees and revenues are not subject to appropriation by the legislature and do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to RCW 39.42.060. Bonds, notes, or other evidences of indebtedness issued under this section shall be issued in accordance with the procedures in RCW 28B.10.310 and 28B.10.315 or the provisions applicable to either the state or local governments under chapter 39.46 or 39.53 RCW. Such bonds, notes, and other indebtedness shall not constitute bonds, notes, or other evidences of indebtedness secured by the full faith and credit of the state or required to be paid, directly or indirectly, from general state revenues for the purposes of RCW 39.42.060.

**NEW SECTION. Sec. 5.** The authority granted by this chapter is in addition and supplemental to any previously granted or future authority granted to the University of Washington or Washington State University and shall not be construed to limit the existing or future powers or authority of these universities, including without limitation the authority to issue bonds, notes, and other evidences of indebtedness pursuant to RCW 28B.10.300 through 28B.10.330, 28B.20.145, or 28B.20.395 through 28B.20.398, or chapter 28B.140 RCW, or to participate in state reimbursable bond, certificate of participation, or other state debt programs.

**NEW SECTION. Sec. 6.** Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2007.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 28B RCW."

Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Dunshee; Flannigan; Goodman; Hankins; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representative Hasegawa.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5551 Prime Sponsor, Senator Prentice: Enhancing enforcement of liquor and tobacco laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 3, after line 3, insert the following:

"**Sec. 4.** RCW 82.26.110 and 2005 c 180 s 9 are each amended to read as follows:

(1)(a) Where tobacco products upon which the tax imposed by this chapter has been reported and paid(§) are shipped or transported outside this state by the distributor to a person engaged in the business of selling tobacco products, to be sold by that person, or are returned to the manufacturer by the distributor or destroyed by the distributor, or are sold by the distributor to the United States or any of its agencies or instrumentalities, or are sold by the distributor to any Indian tribal organization, credit of such tax may be made to the distributor in accordance with rules prescribed by the department.

(b) For purposes of this subsection, the following definitions apply:

(i) "Indian distributor" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of distributor under RCW 82.26.010, if federally recognized Indian tribes and tribal entities were not excluded from the definition of person in RCW 82.26.010.

(ii) "Indian retailer" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of retailer under RCW 82.26.010, if federally recognized Indian tribes and tribal entities were not excluded from the definition of person in RCW 82.26.010.

(iii) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian distributor or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country.

(2) Credit allowed under this section shall be determined based on the tax rate in effect for the period for which the tax imposed by this chapter, for which a credit is sought, was paid."

Correct the title.

On page 3, after line 3, insert the following:

NEW SECTION. **Sec. 4.** A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to compensation allowed under RCW 82.24.295 for wholesalers and retailers for their services in affixing the stamps required under chapter 82.24 RCW. For purposes of this section, "wholesaler," "retailer," and "stamp" have the same meaning as in chapter 82.24 RCW."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Referred to Committee on Finance.

March 30, 2007

SSB 5554 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Concerning self-service storage facilities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5702 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Requiring notice to certain employees of a claim of exemption from paying unemployment insurance taxes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.44.040 and 1977 ex.s. c 292 s 17 are each amended to read as follows:

The term "employment" as used in RCW 50.44.010, 50.44.020, and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; however, the employer shall notify its employees as required by section 2 of this act; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) ~~(Before January 1, 1978, in the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education"; or~~

~~(4))~~ (4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

~~((5))~~ (5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

~~((6))~~ (6) For a custodial or penal institution by an inmate of the custodial or penal institution; or

~~((7))~~ (7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

~~((8))~~ (8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the

time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

~~((9))~~ (8) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers; or

~~((10) Before January 1, 1978, in the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis; or~~

~~—((11) Before January 1, 1978, in the employ of the legislature of the state of Washington by an individual who is compensated pursuant to an agreement which provides for a guaranteed rate of compensation for irregular hours worked; or~~

~~—((12))~~ (9) In the employ of a nongovernmental preschool which is devoted exclusively to the area of child development training of preschool age children through an established curriculum of formal classroom or laboratory instruction which did not employ four or more individuals on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week; or

~~((13) After December 31, 1977;)~~ (10) In the employ of the state or any of its instrumentalities or political subdivisions of this state in any of its instrumentalities by an individual in the exercise of duties:

- (a) As an elected official;
- (b) As a member of the national guard or air national guard; or
- (c) In a policymaking position the performance of the duties of which ordinarily do not require more than eight hours per week.

**NEW SECTION. Sec. 2.** A new section is added to chapter 50.44 RCW to read as follows:

A church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches shall inform each individual performing services exempt from "employment" under RCW 50.44.040(1) that the individual may not be eligible to receive unemployment benefits based on such services. The employer shall provide a written notice of this exclusion to the individual at the time of hire. The employer shall display a poster giving notice of this exclusion in a conspicuous place. The employer's compliance with these notice requirements shall not affect an individual's eligibility for benefits. The employment security department shall make posters available to employers without charge."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 30, 2007

ESB 5723 Prime Sponsor, Senator Rasmussen: Creating and funding the community agricultural worker safety grant program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that agricultural workers are challenged not only in finding full-time, year-round work, but also face difficulties in upgrading their agricultural skills. The legislature also finds that the agricultural industry's demand for skilled workers far outnumbers the current supply. In addition, the legislature finds that despite recent advances in the safety of agricultural production, additional training of agricultural workers should assist the agricultural sector in ongoing efforts to reduce occupational injuries.

**NEW SECTION. Sec. 2.** A new section is added to chapter 15.04 RCW to read as follows:

(1) The community agricultural worker safety grant program is created within the department.

(2) Subject to amounts appropriated for this specific purpose, the department shall conduct a competitive grant process and award a grant to a nonprofit organization exempt from federal income tax under section 501(c)(3) of the internal revenue code to develop and provide practical, hands-on training for the state's agricultural workers.

(3) The grant recipient may receive up to two hundred fifty thousand dollars per year.

(4) (a) In developing practical, hands-on training for the state's agricultural workers, the grant recipient shall work with specific stakeholders as follows:

(i) The grant recipient shall work with farmers, farm workers, and related organizations to develop training related to tractor and farm machinery skills and safety and pesticides; and

(ii) The grant recipient shall work with community and technical colleges to develop training related to adult basic skills, civics, English as a second language, commercial drivers' licensing, and other related topics.

(b) Stakeholders identified under this subsection (4) shall not receive compensation for their participation with the grant recipient.

(5) The department shall monitor the effectiveness of any training developed and provided under this section.

(6) The department shall report to the appropriate committees of the legislature on or before December 1, 2008, on the implementation of this act, including information about the competitive grant process used, the grant recipient selected, any training developed and provided by the grant recipient, the number of people trained by the grant recipient, and any reduction in workplace injuries.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 4.** This act expires July 1, 2009."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 30, 2007

ESSB 5788 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development:

Requiring the licensing of home inspectors.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert a new section to read as follows:

"**NEW SECTION. Sec. 1.** (1) The department of licensing shall conduct a study of the home inspector profession and make recommendations to the legislature as to whether the home inspector profession should be regulated for the purpose of protecting the public interest under the criteria set forth in RCW 18.118.010.

(2) In conducting the study, the department shall consider the factors, to the extent appropriate, in RCW 18.118.030.

(3) The department must hold public hearings as part of its study. The department must file notice of the hearings with the code reviser for publication in the Washington State Register. The notice must state that information is sought regarding possible regulation of the home inspector profession; and when, where, and how public members may present information about the home inspector profession and possible regulation. The department must request names of interested individuals and organizations from legislators and other identified interested parties and send these individuals and organizations copies of the notice filed with the code reviser.

(4) The department shall submit a report detailing its findings and recommendations under this section to the appropriate legislative committees by December 1, 2008."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 30, 2007

ESSB 5915 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Providing unemployment and industrial insurance notices to employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 50.12 RCW to read as follows:

When an employer initially files a master application under chapter 19.02 RCW for the purpose, in whole or in part, of registering to pay unemployment insurance taxes, the employment security department shall send to the employer any printed material the department recommends or requires the employer to post. Any time the printed material has substantive changes in the information, the department shall send a copy to each employer.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.22 RCW to read as follows:

When an employer initially files a master application under chapter 19.02 RCW for the purpose, in whole or in part, of registering to pay industrial insurance taxes, the department shall send to the employer any printed material the department recommends or requires the employer to post. Any time the printed material has substantive changes in the information, the department shall send a copy to each employer."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5984 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Allowing only structural engineers to provide engineering services for significant structures. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 6090 Prime Sponsor, Senator Delvin: Regarding persons who perform crowd management or guest services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's supplemental committee reports sheet under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., April 2, 2007, the 85th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTY FIFTH DAY

House Chamber, Olympia, Monday, April 2, 2007

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4652, by Representatives McDonald, Orcutt, Armstrong, Hinkle, Dunshee, Jarrett, McIntire and Walsh

WHEREAS, Almost half of the signers of the Declaration of Independence were of Scottish descent, and nine governors of the original thirteen states were of Scottish ancestry; and

WHEREAS, Many early explorers and settlers of the Pacific Northwest were of Scottish or Scots-Irish ancestry and include: William Clark of Lewis and Clark fame; John McLoughlin, Chief Factor at Fort Vancouver, a fur trader, and empire builder; James Douglas, Chief Factor at Fort Vancouver; Archibald McKinley, Factor at Fort Walla Walla; Ulysses S. Grant, Civil War General and President who served at Fort Vancouver and for whom Grant County was named; J.C. Mac Grimmon, a Yakima Valley pioneer and orchardist; Alexander Colin Campbell, farmer, banker, miner, and former mayor of Puyallup; James Dinnie, fur trader and founder of the city of Cathlamet; James Urquart, founder of the city of Napavine and three-term member of the Territorial Legislature; and Abigail Scott Duniway, a suffragette who helped bring passage of the suffrage amendment to the state Constitution; and

WHEREAS, Many current and former legislators and elected officials are of Scottish or Scots-Irish ancestry and include: The late Senator George Sellar and former Senator Dan McDonald; former appointed and elected officials: William Wallace, territorial governor of Washington and Washington's representative to Congress; and Ralph Munro, former Secretary of State. Current elected officials of Scottish or Scots-Irish ancestry are Governor Christine O. Gregoire and Secretary of State Sam Reed; and current members of the Legislature of Scottish or Scots-Irish heritage are: Senators Karen Fraser, Jim Honeyford, Cheryl Pflug, and Val Stevens; and Representatives Glen Anderson, Mike Armstrong, Tom Campbell, Bill Hinkle, Joyce McDonald, Ed Orcutt, and Maureen Walsh; and

WHEREAS, The Scots-Irish are Americans of Scottish origin whose ancestors first colonized northern Ireland in the late 1600s before emigrating to the English colonies of North America during the 1700s; and

WHEREAS, The Scots-Irish immigrants to America were devout Presbyterians who dedicated their lives to God and to the ideals of freedom and liberty; and

WHEREAS, The Scots-Irish immigrants to America valued a strong worth ethic and embraced a philosophy of common sense; and

WHEREAS, The Scottish Treaty of Arbroath on April 6, 1320, inspired the contents for America's Declaration of Independence; and

WHEREAS, National Tartan Day is observed each year on the sixth day of April; and

WHEREAS, The Scots-Irish played a pivotal role in winning the American Revolution; and

WHEREAS, The Scots-Irish were in the vanguard of frontiersman who carved a great civilization out of the American wilderness; and

WHEREAS, According to the United States Census Bureau's 2005 American Community Survey, there are more than 157,000 people of Scots-Irish ancestry in the State of Washington; and

WHEREAS, In April 2006, the Triad St. Andrews Society, the Triad Highland Games, and the Scottish-America Military Society proclaimed and declared April 2006 and every April thereafter as National Scots, Scots-Irish Heritage Month; and

WHEREAS, The Governor of the State of Washington has proclaimed April 2007 and every April thereafter as "Scots, Scots-Irish Heritage Month" in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize Scots, Scots-Irish Heritage Month and the unique and invaluable contributions of Scots-Irish to America and to the State of Washington.

HOUSE RESOLUTION NO. 4652 was adopted.

HOUSE RESOLUTION NO. 2007-4655, by Representatives Kagi and Chase

WHEREAS, The Lake Forest Park Community Wildlife Habitat Project is a volunteer program that teaches people how to certify their backyards as wildlife sanctuaries; and

WHEREAS, Certified habitats include landscaping for wildlife-friendly environments that offer food, water, cover, and places to raise offspring; and

WHEREAS, The program is helping to make Lake Forest Park a better place for songbirds, butterflies, and other wildlife species, and is encouraging volunteerism and community pride; and

WHEREAS, Engaging in the project is an easy way for individuals to improve the quality of the environment and enjoy nature and wildlife; and

WHEREAS, The city of Lake Forest Park has become the third city in Washington, and the 21st city in the nation, certified through the National Wildlife Federation's Community Wildlife Habitat Program; and

WHEREAS, Participation includes Lake Forest Park residents and businesses, as well as the state Department of Fish and Wildlife, the National Wildlife Federation, the Lake Forest Park Stewardship Foundation, and other nonprofit organizations; and

WHEREAS, The city of Lake Forest Park has provided support for this project; and

WHEREAS, Both of Lake Forest Park's elementary schools have also participated in this project; and

WHEREAS, Lake Forest Park's Mayor and city staff have provided outstanding support of its citizens working towards certification by the National Wildlife Federation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the outstanding efforts of the Lake Forest Park Community Wildlife Habitat Project and the city of Lake Forest Park for the support and organization of wildlife conservation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the coordinator of the Lake Forest Park Project, Libby Fiene, and to Dave Hutchison, the Mayor of Lake Forest Park.

HOUSE RESOLUTION NO. 4655 was adopted.

HOUSE RESOLUTION NO. 2007-4656, by Representatives Kenney and O'Brien

WHEREAS, It is the policy of the legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The O'Dea High School Fighting Irish basketball team, from Seattle, won the 2007 class AAA state basketball championship; and

WHEREAS, The O'Dea basketball coaches showed leadership and skill in focusing their team on their goal of winning the state AAA basketball championship with a 25-5 record; and

WHEREAS, The Fighting Irish basketball team wish to acknowledge the dedication of the seniors for loyalty and contributions to the O'Dea basketball program; and

WHEREAS, The captains of the team, Jamelle McMillan and Chris Banchemo, contributed greatly to winning the state championship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the O'Dea Fighting Irish basketball team and coach Phil Lumpkin and his assistant coaches for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to coach Phil Lumpkin, the members of the O'Dea Fighting Irish basketball team, and the principal and faculty of O'Dea High School.

HOUSE RESOLUTION NO. 4656 was adopted.

**MESSAGES FROM THE SENATE**

March 31, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1097,  
SUBSTITUTE HOUSE BILL NO. 1138,  
SUBSTITUTE HOUSE BILL NO. 1337,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 31, 2007

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5011,  
ENGROSSED SENATE BILL NO. 5166,  
SUBSTITUTE SENATE BILL NO. 5191,  
SENATE BILL NO. 5253,

SENATE BILL NO. 5620,  
SUBSTITUTE SENATE BILL NO. 5625,  
SENATE BILL NO. 5635,  
SENATE BILL NO. 5759,  
SUBSTITUTE SENATE BILL NO. 5898,  
SUBSTITUTE SENATE BILL NO. 5952,  
SENATE BILL NO. 5957,  
SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 31, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 5882, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 2399 by Representatives Chase, Hasegawa, Dunn, Green and Linville

AN ACT Relating to the payment of sales and use taxes by school districts and educational service districts; amending RCW 82.12.0284; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, HOUSE BILL NO. 1882 was returned to the Committee on Rules.

There being no objection, the Committee on Appropriations was relieved of further consideration of SECOND SUBSTITUTE SENATE BILL NO. 5923, and the bill was referred to the Committee on Rules for second reading.

There being no objection, the House reverted to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 30, 2007

HB 2378 Prime Sponsor, Representative Flannigan: Expediting new vessel construction for Washington state ferries. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 30, 2007

ESSB 5037 Prime Sponsor, Senate Committee on Transportation: Restricting the use of a wireless communications device while operating a moving motor vehicle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Dickerson; Hankins; Hudgins; Lovick; Rolfes; Sells; Simpson; Springer; B. Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Curtis; Hailey; Rodne and Takko.

Passed to Committee on Rules for second reading.

March 31, 2007

E2SSB 5070 Prime Sponsor, Senate Committee on Ways & Means: Changing provisions affecting offenders who are leaving confinement. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Dickerson; Hankins; Hudgins; Lovick; Rolfes; Sells; Simpson; Springer; B. Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Curtis; Hailey; Rodne and Takko.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5078 Prime Sponsor, Senate Committee on Transportation: Implementing rules for drivers when approaching stationary emergency, roadside assistance, and police vehicles on highways having less than four lanes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 31, 2007

2SSB 5090 Prime Sponsor, Senate Committee on Ways & Means: Promoting innovation partnership zones. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Washington is home to some of the world's most innovative companies, researchers, entrepreneurs, and workers. Talent and creativity exist in all areas of Washington, but economic experience around the world shows that economic impact can be particularly large where talent and resources are densely concentrated. All over the world, small, specific areas are becoming focal points for economic change and leadership. These areas have name recognition, attract some of the best talent, and provide a strong sense of community among the people who work there. Washington is home to some of these areas now and needs to have more of them in the future. It is the intent of the legislature that Washington support the identification and promotion of innovation partnership zones to advance Washington's position in the world economy. Washington is a national leader in economic strategy based on clusters of industries, promoting the connections among firms, suppliers, customers, and public resources. Washington's innovation partnership zone strategy is an extension of that policy to promote research-based firms and industries in specific areas that become globally recognized as hubs of innovation and expertise.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

(1) The director shall designate innovation partnership zones on the basis of the following criteria:

(a) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(i) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(ii) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(iii) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone.

(b) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The innovation partnership zone administrator must be an economic development council, port, workforce development council, city, or county.

(2) On October 1st of each year, the director shall designate innovation partnership zones on the basis of applications that meet the legislative criteria, estimated economic impact of the zone, and evidence of forward planning for the zone.

(3) Innovation partnership zones are eligible for funds and other resources as provided by the legislature or at the discretion of the governor.

(4) If the innovation partnership zone meets the other requirements of the fund sources, then the zone is eligible for the following funds relating to:

(a) The local infrastructure financing tools program;

(b) The sales and use tax for public facilities in rural counties; and

(c) Job skills.

(5) An innovation partnership zone shall be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

(6) The department shall convene annual information sharing events for innovation partnership zone administrators and other interested parties.

(7) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The Washington state economic development commission may review annually the individual innovation partnership zone's performance measures.

**Sec. 3.** RCW 39.102.070 and 2006 c 181 s 205 are each amended to read as follows:

The use of local infrastructure financing under this chapter is subject to the following conditions:

(1) No funds may be used to finance, design, acquire, construct, equip, operate, maintain, remodel, repair, or reequip public facilities funded with taxes collected under RCW 82.14.048;

(2)(a) Except as provided in (b) of this subsection no funds may be used for public improvements other than projects identified within the capital facilities, utilities, housing, or transportation element of a comprehensive plan required under chapter 36.70A RCW;

(b) Funds may be used for public improvements that are historical preservation activities as defined in RCW 39.89.020;

(c) Funds may be used for innovation partnership zones, as provided under section 2 of this act;

(3) The public improvements proposed to be financed in whole or in part using local infrastructure financing are expected to encourage private development within the revenue development area and to increase the fair market value of real property within the revenue development area;

(4) A sponsoring local government, participating local government, or participating taxing district has entered or expects to enter into a contract with a private developer relating to the development of private improvements within the revenue development area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revenue development area;

(5) Private development that is anticipated to occur within the revenue development area, as a result of the public improvements, will be consistent with the county-wide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(6) The governing body of the sponsoring local government, and any cosponsoring local government, must make a finding that local infrastructure financing:

(a) Is not expected to be used for the purpose of relocating a business from outside the revenue development area, but within this state, into the revenue development area; and

(b) Will improve the viability of existing business entities within the revenue development area;

(7) The governing body of the sponsoring local government, and any cosponsoring local government, finds that the public improvements proposed to be financed in whole or in part using local infrastructure financing are reasonably likely to:

(a) Increase private residential and commercial investment within the revenue development area;

(b) Increase employment within the revenue development area;

(c) Improve the viability of any existing communities that are based on mixed-use development within the revenue development area; and

(d) Generate, over the period of time that the local option sales and use tax will be imposed under RCW 82.14.475, state excise tax allocation revenues and state property tax allocation revenues derived from the revenue development area that are equal to or greater than the respective state contributions made under this chapter;

(8) The sponsoring local government may only use local infrastructure financing in areas deemed in need of economic development or redevelopment within boundaries of the sponsoring local government.

**Sec. 4.** RCW 82.14.370 and 2004 c 130 s 2 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties or for innovation partnership zones, as provided under section 2 of this act. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report to the office of the state auditor, no later than October 1st of each year, a list of new projects from the prior fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection.

(c) For the purposes of this section, (i) "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington; and (ii) "economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program,

including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of this act and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of section 5 of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 7.** Section 3 of this act expires June 30, 2039."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

Passed to Committee on Rules for second reading.

March 31, 2007

**SSB 5092** Prime Sponsor, Senate Committee on Ways & Means: Revising provisions for contracts with associate development organizations for economic development services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that economic development success requires coordinated state and local efforts. The legislature further finds that economic development happens at the local level. County-designated associate development organizations serve as a networking tool and resource hub for business retention, expansion, and relocation in Washington. Economic development success requires an adequately funded and coordinated state effort and an adequately funded and coordinated local effort. The legislature intends to bolster the partnership between state and local economic development efforts, provide increased funding for local economic development services, and increase local economic development service effectiveness, efficiency, and outcomes.

**Sec. 2.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to read as follows:

~~((H))~~ The department shall contract with county-designated associate development organizations ~~((or other local organizations))~~ to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, ~~((private industry))~~ workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The ~~((department shall be responsible for determining the))~~ scope of services delivered under these contracts(~~(-~~

~~(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.~~

~~(3) The department shall consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of service delivery regions throughout the state. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively.~~

~~(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region.~~

~~(5)) shall include two broad areas of work:~~

~~(1) Direct assistance, including business planning, to companies who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance includes:~~

~~(a) Partnering with workforce development organizations, port districts, community colleges and higher education institutions, small business assistance programs, and other federal, state, and local programs to facilitate the alignment of planning efforts and the seamless delivery of business support services in the county;~~

~~(b) Providing information on state and local permitting processes, tax issues, and other essential information for operating and expanding a business in Washington;~~

~~(c) Marketing Washington as an excellent location to expand or relocate a business and positioning Washington as a globally competitive place to grow business;~~

~~(d) Working with businesses on site location and selection assistance; and~~

~~(e) Providing business retention and expansion services, including business outreach and monitoring efforts to identify and address challenges and opportunities faced by businesses; and~~

(2) Support for regional economic research and regional planning efforts to implement target industry strategies and other economic development strategies that support increased living standards throughout Washington. Activities include:

(a) Participation in regional planning efforts involving combined strategies around workforce development and economic development policies and programs. The contracting organization shall participate with the work force training and education coordinating board as created in chapter 28C.18 RCW, and any regional entities designated by that board, in providing for the coordination of job skills training within its region;

(b) Collecting and reporting local and regional economic information to inform local, regional, and statewide strategic decisions regarding business development policy and economic development aspects of growth management act planning. In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans, early detection of potential relocations or layoffs, training needs, and other appropriate economic information;

(c) In conjunction with other governmental jurisdictions and institutions, participate in the development of a countywide economic development plan, consistent with the state comprehensive plan for economic development developed by the Washington state economic development commission.

NEW SECTION. Sec. 3. (1) Contracting associate development organizations shall provide the department with measures of their performance. Annual reports shall include information on the impact of the contracting organization on employment, wages, tax revenue, and capital investment. Specific measures shall be developed in the contracting process between the department and the contracting organization every two years. Performance measures should be consistent across regions to allow for statewide evaluation.

(2)(a) The department and contracting organizations shall agree upon specific target levels for the performance measures in subsection (1) of this section. Comparison of agreed thresholds and actual performance shall occur annually.

(b) Contracting organizations that fail to achieve the agreed performance targets in more than one-half of the agreed measures shall develop remediation plans to address performance gaps. The remediation plans shall include revised performance thresholds specifically chosen to provide evidence of progress in making the identified service changes.

(c) Contracts and state funding shall be terminated for one year for organizations that fail to achieve the agreed upon progress toward improved performance defined under (b) of this subsection. During the year in which termination for nonperformance is in effect, organizations shall review alternative delivery strategies to include reorganization of the contracting organization, merging of previous efforts with existing regional partners, and other specific steps toward improved performance. At the end of the period of termination, the department may contract with the associate development organization or its successor as it deems appropriate.

(3) The department shall report to the legislature and the Washington economic development commission by December 31st of each year on the performance results of the contracts with associate development organizations.

NEW SECTION. Sec. 4. Up to five associate development organizations per year contracting with the department under this act that apply for the Washington state quality award or its equivalent shall receive reimbursement for the award application fee, but may not be reimbursed more than once every three years.

NEW SECTION. Sec. 5. To the extent that funds are specifically appropriated therefor, contracts with associate development organizations for the provision of services under RCW 43.330.080(1) shall be awarded according to the following annual schedule:

(1) For associate development associations serving urban counties, which are counties other than rural counties as defined in

RCW 43.160.020, a locally matched allocation of up to ninety cents per capita, totaling no more than three hundred thousand dollars per organization; and

(2) For associate development associations in rural counties, as defined in RCW 43.160.020, a per county base allocation of up to forty thousand dollars and a locally matched allocation of up to ninety cents per capita.

**NEW SECTION. Sec. 6.** Sections 3 through 5 of this act are each added to chapter 43.330 RCW.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

Passed to Committee on Rules for second reading.

April 2, 2007

E2SSB 5098 Prime Sponsor, Senate Committee on Ways & Means: Creating the Washington guaranteed scholarship program. (REVISED FOR ENGROSSED: Creating the Washington college bound scholarship program.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

Passed to Committee on Rules for second reading.

April 2, 2007

SSB 5101 Prime Sponsor, Senate Committee on Higher Education: Expanding higher education tuition waivers to include certain certificated instructional staff. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Higher Education.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.558 and 2005 c 249 s 4 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the tuition and services and

activities fees for state employees as defined under subsection (2) of this section and teachers and other certificated instructional staff under subsection (3) of this section. The enrollment of these persons is pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics that would affect budgetary determinations; and

(c) Persons registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means persons employed half-time or more in one or more of the following employee classifications:

(a) Permanent employees in classified service under chapter 41.02 RCW;

(b) Permanent employees governed by chapter 41.56 RCW pursuant to the exercise of the option under RCW 41.56.201;

(c) Permanent classified employees and exempt paraprofessional employees of technical colleges; and

(d) Faculty, counselors, librarians, and exempt professional and administrative employees at institutions of higher education as defined in RCW 28B.10.016.

(3) The waivers available to state employees under this section shall also be available to teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area.

(4) In awarding waivers, an institution of higher education may award waivers to eligible persons employed by the institution before considering waivers for eligible persons who are not employed by the institution.

~~((4))~~ (5) If an institution of higher education exercises the authority granted under this section, it shall include all eligible state employees in the pool of persons eligible to participate in the program.

~~((5))~~ (6) In establishing eligibility to receive waivers, institutions of higher education may not discriminate between full-time employees and employees who are employed half-time or more."

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Dunn.

Passed to Committee on Rules for second reading.

March 31, 2007

SSB 5108 Prime Sponsor, Senate Committee on Agriculture & Rural Economic Development: Creating the office of farmland preservation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold;

Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Dunn.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5134 Prime Sponsor, Senator Haugen: Authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Uptegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 31, 2007

2SSB 5188 Prime Sponsor, Senate Committee on Transportation: Establishing a wildlife rehabilitation program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Uptegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 2, 2007

ESB 5204 Prime Sponsor, Senator Rasmussen: Enforcing animal health laws. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 31, 2007

SSB 5224 Prime Sponsor, Senate Committee on Natural Resources, Ocean & Recreation: Concerning the governor's salmon recovery office. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.85.010 and 2005 c 309 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 77.85.060(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreements, a nonprofit organization, regional fisheries enhancement group, or one or more private citizens. A project sponsored by a state agency may be funded by the board only if it is included on the habitat project list submitted by the lead entity for that area and the state agency has a local partner that would otherwise qualify as a project sponsor.

(7) "Regional recovery organization" or "regional salmon recovery organization" means an entity formed under RCW 77.85.090 for the purpose of recovering salmon, which is recognized in statute or by the governor's salmon recovery office created in RCW 77.85.030.

(8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(9) "Salmon recovery plan" means a state or regional plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(10) "Salmon recovery region" means geographic areas of the state identified or formed under RCW 77.85.090 that encompass groups of watersheds in the state with common stocks of salmon identified for recovery activities, and that generally are consistent with the geographic areas within the state identified by the national oceanic and atmospheric administration or the United States fish and wildlife service for activities under the federal endangered species act.

(11) "Salmon recovery strategy" means the strategy adopted under RCW 77.85.150 and includes the compilation of all subbasin and regional salmon recovery plans developed in response to a proposed or actual listing under the federal endangered species act with state hatchery, harvest, and hydropower plans compiled in accordance with RCW 77.85.150.

(12) "Tribe" or "tribes" means federally recognized Indian tribes.

(13) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(14) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

**Sec. 2.** RCW 77.85.020 and 2005 c 309 s 3 are each amended to read as follows:

(1) ~~((By December 1, 2006))~~ No later than January 31, 2009, and every odd-numbered year until and including 2015, the governor's salmon recovery office shall submit a biennial state of the salmon report to the legislature and the governor regarding the implementation of the state's salmon recovery strategy. The report ~~((may))~~ must include the following:

~~(a) ((A description of the amount of in-kind and financial contributions, including volunteer, private, and state, federal, tribal as available, and local government money directly spent on salmon recovery in response to actual, proposed, or expected endangered species act listings;~~

~~(b))~~ A summary of habitat projects including but not limited to:

(i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;

(ii) A summary of salmon restoration efforts undertaken in the past two years;

(iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and

(iv) A summary of efforts taken to protect salmon habitat;

~~((c) A summary of collaborative efforts undertaken with adjoining states or Canada;~~

~~(d))~~ (b) A summary of harvest and hatchery management activities affecting salmon recovery;

~~((c) A summary of information regarding impediments to successful salmon recovery efforts;~~

~~(f))~~ (c) A summary of the number and types of violations of existing laws pertaining to ~~((: (i) Water quality; and (ii)))~~ salmon. The summary ~~((shall))~~ may include information about the types of sanctions imposed for these violations ~~((;~~

~~(g) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998; and~~

~~(h) Recommendations to the legislature that would further the success of salmon recovery. The recommendations may include:~~

~~(i) The need to expand or improve nonregulatory programs and activities;~~

~~(ii) The need to expand or improve state and local laws and regulations; and~~

~~(iii) Recommendations for state funding assistance to recovery activities and projects)).~~

(2) The report may include the following:

(a) A description of the amount of in-kind financial contributions, including volunteer, private, state, federal, tribal, as available, and local government funds directly spent on salmon recovery in response to endangered species act listings; and

(b) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998.

(3) The report shall summarize the monitoring data coordinated by the ~~((monitoring))~~ forum on monitoring salmon recovery and watershed health. The summary ~~((must))~~ may include but is not limited to data and analysis related to:

(a) Measures of progress in fish recovery;

(b) Measures of factors limiting recovery as well as trends in such factors; and

(c) The status of implementation of projects and activities.

(4) The department, the department of ecology, the department of natural resources, the state conservation commission, and the forum on monitoring salmon recovery and watershed health shall provide to the governor's salmon recovery office information requested by the office necessary to prepare the state of the salmon report and other reports produced by the office.

**Sec. 3.** RCW 77.85.030 and 2005 c 309 s 4 are each amended to read as follows:

(1) The governor's salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150.

(2) The governor's salmon recovery office is responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) The governor's salmon recovery office shall also gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans. The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery. The governor's salmon recovery office shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans; ~~((and))~~

(c) Provide periodic reports pursuant to RCW 77.85.020;

(d) Provide, as appropriate, technical and administrative support to the independent science panel or other science-related panels on issues pertaining to salmon recovery;

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

~~((2))~~ (5) This section expires June 30, ~~((2007))~~ 2015.

**Sec. 4.** RCW 77.85.040 and 2005 c 309 s 5 are each amended to read as follows:

(1) The governor ~~((shall))~~ may request the ~~((national))~~ Washington academy of sciences, ~~((the American fisheries society, or a comparable institution to screen candidates to serve as members on the))~~ when organized pursuant to chapter 305, Laws of 2005, to impanel an independent science panel on salmon recovery to respond to requests for review pursuant to subsection (2) of this section. ~~((The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate.))~~ The ~~((candidates))~~ panel shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

~~((2))~~ The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years.)) Based upon available funding, the governor's salmon recovery office may contract for services ~~((with members))~~ of the independent science panel for compensation under chapter 39.29 RCW.

~~((4))~~ (2) The independent science panel shall be governed by ~~((generally accepted))~~ guidelines and practices governing the activities of ~~((independent science boards such as))~~ the ~~((national))~~ Washington academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office may, during the time it is constituted, request ~~((review of regional salmon recovery plans by the science review panel))~~ that the panel review, investigate, and provide its findings on scientific questions relating to the state's salmon recovery efforts. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 77.85.050 or 77.85.060 or to make policy decisions. The panel shall ~~((periodically))~~ submit its findings and recommendations under this subsection to the legislature and the governor.

**Sec. 5.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office created in RCW 77.85.030, during the time it is constituted, as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

**Sec. 6.** RCW 77.85.150 and 2005 c 309 s 9 are each amended to read as follows:

(1) The governor shall, with the assistance of the governor's salmon recovery office, ~~((shall))~~ during the time it is constituted, maintain and revise, as appropriate, a statewide salmon recovery strategy.

(2) The governor and the salmon recovery office shall be guided by the following considerations in maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) ~~((Beginning on September 1, 2000;))~~ If the strategy ~~((shall be))~~ is updated ~~((through))~~, an active and thorough public involvement process, including early and meaningful opportunity for public comment, must be utilized. In obtaining public comment, the

governor's salmon recovery office shall ~~((hold public meetings))~~ work with regional salmon recovery organizations throughout the state and shall encourage regional and local recovery planning efforts to ~~((similarly))~~ ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

**Sec. 7.** RCW 43.41.270 and 2001 c 227 s 2 are each amended to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome-focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the governor's salmon recovery office, during the time it is constituted, shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome-focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.210.

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section. ~~((The office of financial management shall report to the appropriate legislative committees of the legislature on the agencies' implementation of this section, including any necessary changes in current law, and funding requirements by July 31, 2002. Natural resource agencies shall assist the office of financial management in preparing the report, including complying with time frames for submitting information established by the office of financial management.))~~

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the interagency committee for outdoor recreation, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW ~~((79.24.580))~~ 79.105.150; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public ~~((work[s]))~~ works trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

**NEW SECTION. Sec. 8.** A new section is added to chapter 77.85 RCW to read as follows:

(1) The legislature finds that pursuant to chapter 298, Laws of 2001, and acting upon recommendations of the state's independent science panel, the monitoring oversight committee developed recommendations for a comprehensive statewide strategy for monitoring watershed health, with a focus upon salmon recovery, entitled *The Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. The legislature further finds that funding to begin implementing the strategy and action plan was provided in the 2003-2005 biennial budget, and that executive order 04-03 was issued to coordinate state

agency implementation activities. It is therefore the purpose of this section to adopt the strategy and action plan and to provide guidance to ensure that the coordination activities directed by executive order 04-03 are effectively carried out.

(2) The forum on monitoring salmon recovery and watershed health is created. The governor shall appoint a person with experience and expertise in natural resources and environmental quality monitoring to chair the forum. The chair shall serve four-year terms and may serve successive terms. The forum shall include representatives of the following state agencies and regional entities that have responsibilities related to monitoring of salmon recovery and watershed health:

- (a) Department of ecology;
- (b) Salmon recovery funding board;
- (c) Salmon recovery office;
- (d) Department of fish and wildlife;
- (e) Department of natural resources;
- (f) Puget Sound action team, or a successor state agency;
- (g) Conservation commission;
- (h) Department of agriculture;
- (i) Department of transportation; and
- (j) Each of the regional salmon recovery organizations.

(3) The forum on monitoring salmon recovery and watershed health shall provide a multiagency venue for coordinating technical and policy issues and actions related to monitoring salmon recovery and watershed health.

(4) The forum on monitoring salmon recovery and watershed health shall recommend a set of measures for use by the governor's salmon recovery office in the state of the salmon report to convey results and progress on salmon recovery and watershed health in ways that are easily understood by the general public.

(5) The forum on monitoring salmon recovery and watershed health shall invite the participation of federal, tribal, regional, and local agencies and entities that carry out salmon recovery and watershed health monitoring, and work toward coordination and standardization of measures used.

(6) The forum on monitoring salmon recovery and watershed health shall periodically report to the governor and the appropriate standing committees of the senate and house of representatives on the forum's activities and recommendations for improving monitoring programs by state agencies, coordinating with the governor's salmon recovery office biennial report as required by RCW 77.85.020.

(7) The forum shall review pilot monitoring programs including those that integrate (a) data collection, management, and access; and (b) information regarding habitat projects and project management.

(8) The forum on monitoring salmon recovery and watershed health shall review and make recommendations to the office of financial management and the appropriate legislative committees on agency budget requests related to monitoring salmon recovery and watershed health. These recommendations must be made no later than September 15th of each year. The goal of this review is to prioritize and integrate budget requests across agencies.

(9) This section expires June 30, 2015.

**NEW SECTION. Sec. 9.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2007."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5242 Prime Sponsor, Senate Committee on Transportation: Establishing an internship program for wounded combat veterans. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 31, 2007

SSB 5244 Prime Sponsor, Senate Committee on Human Services & Corrections: Implementing the deficit reduction act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by son; Chandler; Dunn; Hinkle and Kretz.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5250 Prime Sponsor, Senate Committee on Transportation: Regarding the transfer of motor vehicle ownership. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 2, 2007

ESSB 5267 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Providing for the use of the school district capital projects funds for technology. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Capital Budget and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature recognizes that technology has become an integral part of the facilities and educational delivery systems in our schools. In order to prepare our

state's students to participate fully in our state's economy, school districts are making substantial capital investments in their technology systems, facilities, and projects. Districts are implementing, applying, and modernizing their technology systems. Software companies are shifting from selling software as a one-time package to a license or an extended contractual relationship requiring a subscription and ongoing payments. School districts must be empowered to respond to the changing business models in the software industry and be given flexibility and authority to use capital projects funds to pay for licenses or online application fees. It is the intent of the legislature that these investments be deemed major capital purpose and are also permitted uses of the district's two to six-year levies authorized by RCW 84.52.053.

**Sec. 2.** RCW 28A.320.330 and 2002 c 275 s 2 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, and earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications

must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. Proceeds of federally tax-exempt obligations issued or incurred pursuant to authority granted in RCW 28A.530.010 or 28A.530.080 or under chapter 39.94 RCW may not be used for the purpose under this subsection (2)(f)(ii). However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

**Sec. 3.** RCW 84.52.053 and 1997 c 260 s 1 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2)(f), in the year in which the first annual levy is made (~~PROVIDED, That~~).

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

Signed by Representatives Fromhold, Chairman; Ormsby, Vice Chairman; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Blake; Chase; Dunshee; Eickmeyer; Flannigan; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Schual-Berke; Sells; Skinner; Strow and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representative Goodman.

Passed to Committee on Rules for second reading.

SB 5272 Prime Sponsor, Senator Haugen: Modifying the administration of fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.36.010 and 2001 c 270 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Blended fuel" means a mixture of motor vehicle fuel and another liquid, other than a de minimis amount of the liquid, that can be used as a fuel to propel a motor vehicle.

(2) "Bond" means a bond duly executed with a corporate surety qualified under chapter 48.28 RCW, which bond is payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter.

(3) "Bulk transfer" means a transfer of motor vehicle fuel by pipeline or vessel.

(4) "Bulk transfer-terminal system" means the motor vehicle fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor vehicle fuel in a refinery, pipeline, vessel, or terminal is in the bulk transfer-terminal system. Motor vehicle fuel in the fuel tank of an engine, motor vehicle, or in a railcar, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer-terminal system.

(5) ~~("Dealer" means a person engaged in the retail sale of motor vehicle fuel.~~

~~(6))~~ "Department" means the department of licensing.

~~((7))~~ (6) "Director" means the director of licensing.

~~((8))~~ (7) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement; misrepresentation of fact; or other act of deception; or

(b) An intentional: Omission; failure to file a return or report; or other act of deception.

~~((9))~~ (8) "Export" means to obtain motor vehicle fuel in this state for sales or distribution outside the state.

~~((10))~~ (9) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

~~((11))~~ (10) "Import" means to bring motor vehicle fuel into this state by a means of conveyance other than the fuel supply tank of a motor vehicle.

(11) "International fuel tax agreement licensee" means a motor vehicle fuel user operating qualified motor vehicles in interstate commerce and licensed by the department under the international fuel tax agreement.

(12) "Licensee" means a person holding a motor vehicle fuel supplier, motor vehicle fuel importer, motor vehicle fuel exporter, motor vehicle fuel blender, motor vehicle distributor, or international fuel tax agreement license issued under this chapter.

~~(13) ("Marine fuel dealer" means a person engaged in the retail sale of motor vehicle fuel whose place of business and/or sale outlet is located upon a navigable waterway.~~

~~(14))~~ "Motor vehicle fuel blender" means a person who produces blended motor fuel outside the bulk transfer-terminal system.

~~((15))~~ (14) "Motor vehicle fuel distributor" means a person who acquires motor vehicle fuel from a supplier, distributor, or licensee for subsequent sale and distribution.

~~((16))~~ (15) "Motor vehicle fuel exporter" means a person who purchases motor vehicle fuel in this state and directly exports the fuel by a means other than the bulk transfer-terminal system to a destination outside of the state. If the exporter of record is acting as an agent, the person for whom the agent is acting is the exporter. If there is no exporter of record, the owner of the motor fuel at the time of exportation is the exporter.

~~((17))~~ (16) "Motor vehicle fuel importer" means a person who imports motor vehicle fuel into the state by a means other than the bulk transfer-terminal system. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record, the owner of the motor vehicle fuel at the time of importation is the importer.

~~((18))~~ (17) "Motor vehicle fuel supplier" means a person who holds a federal certificate of registry that is issued under the internal revenue code and authorizes the person to enter into federal tax-free transactions on motor vehicle fuel in the bulk transfer-terminal system.

~~((19))~~ (18) "Motor vehicle" means a self-propelled vehicle designed for operation upon land utilizing motor vehicle fuel as the means of propulsion.

~~((20))~~ (19) "Motor vehicle fuel" means gasoline and any other inflammable gas or liquid, by whatsoever name the gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats.

~~((21))~~ (20) "Person" means a natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

~~((22))~~ (21) "Position holder" means a person who holds the inventory position in motor vehicle fuel, as reflected by the records of the terminal operator. A person holds the inventory position in motor vehicle fuel if the person has a contractual agreement with the terminal for the use of storage facilities and terminating services at a terminal with respect to motor vehicle fuel. "Position holder" includes a terminal operator that owns motor vehicle fuel in their terminal.

~~((23))~~ (22) "Rack" means a mechanism for delivering motor vehicle fuel from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer.

~~((24))~~ (23) "Refiner" means a person who owns, operates, or otherwise controls a refinery.

~~((25))~~ (24) "Removal" means a physical transfer of motor vehicle fuel other than by evaporation, loss, or destruction.

~~((26))~~ (25) "Terminal" means a motor vehicle fuel storage and distribution facility that has been assigned a terminal control number by the internal revenue service, is supplied by pipeline or vessel, and from which reportable motor vehicle fuel is removed at a rack.

~~((27))~~ (26) "Terminal operator" means a person who owns, operates, or otherwise controls a terminal.

~~((28))~~ (27) "Two-party exchange" or "buy-sell agreement" means a transaction in which taxable motor vehicle fuel is transferred from one licensed supplier to another licensed supplier under an exchange or buy-sell agreement whereby the supplier that is the position holder agrees to deliver taxable motor vehicle fuel to the other supplier or the other supplier's customer at the rack of the terminal at which the delivering supplier is the position holder.

Sec. 2. RCW 82.36.020 and 2001 c 270 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon motor vehicle fuel ~~((users))~~ licensees, other than motor vehicle fuel distributors, a tax at the rate computed in the manner provided in RCW 82.36.025 on each gallon of motor vehicle fuel.

(2) The tax imposed by subsection (1) of this section is imposed when any of the following occurs:

(a) Motor vehicle fuel is removed in this state from a terminal if the motor vehicle fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(b) Motor vehicle fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the motor vehicle fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(c) Motor vehicle fuel enters into this state ~~((for sale, consumption, use, or storage))~~ if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Motor vehicle fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the motor vehicle fuel;

(e) Blended motor vehicle fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended motor vehicle fuel subject to the tax is the difference between the total number of gallons of blended motor vehicle fuel removed or sold and the number of gallons of previously taxed motor vehicle fuel used to produce the blended motor vehicle fuel;

(f) Motor vehicle fuel is sold by a licensed motor vehicle fuel supplier to a motor vehicle fuel distributor, motor vehicle fuel importer, ~~((or))~~ motor vehicle fuel blender, or international fuel tax agreement licensee and the motor vehicle fuel is not removed from the bulk transfer-terminal system.

(3) The proceeds of the motor vehicle fuel excise tax shall be distributed as provided in RCW 46.68.090.

**Sec. 3.** RCW 82.36.025 and 2005 c 314 s 101 are each amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(2) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of five cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(4) Beginning July 1, 2006, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(5) Beginning July 1, 2007, an additional and cumulative motor vehicle fuel tax rate of two cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(6) Beginning July 1, 2008, an additional and cumulative motor vehicle fuel tax rate of one and one-half cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

**Sec. 4.** RCW 82.36.026 and 2001 c 270 s 3 are each amended to read as follows:

(1) A licensed supplier shall ~~((remit))~~ be liable for and pay tax to the department as provided in RCW 82.36.020. On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer ~~((who))~~ shall ~~((buyer shall remit))~~ be liable for and pay the tax.

(2) A refiner shall ~~((remit))~~ be liable for and pay tax to the department on motor vehicle fuel removed from a refinery as provided in RCW 82.36.020(2)(b).

(3) ~~((Am))~~ A licensed importer shall ((remit)) be liable for and pay tax to the department on motor vehicle fuel imported into this state as provided in RCW 82.36.020(2)(c).

(4) A licensed blender shall ~~((remit))~~ be liable for and pay tax to the department on the removal or sale of blended motor vehicle fuel as provided in RCW 82.36.020(2)(e).

(5) Nothing in this chapter shall prohibit the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to the tax.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.36 RCW to read as follows:

International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.36.020 to the department on motor vehicle fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.36.020 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.

**Sec. 6.** RCW 82.36.027 and 1998 c 176 s 9 are each amended to read as follows:

A terminal operator is jointly and severally liable for ~~((remitting))~~ payment of the tax imposed under RCW 82.36.020(1) if, at the time of removal:

(1) The position holder with respect to the motor vehicle fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under 26 C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

**Sec. 7.** RCW 82.36.031 and 1998 c 176 s 11 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax imposed under this chapter, and to periodically update license information, each licensee, other than a motor vehicle fuel distributor or an international fuel tax agreement licensee, shall file monthly tax reports with the department, on a form prescribed by the department. An international fuel tax licensee shall file quarterly tax reports with the department, on a form prescribed by the department.

A report shall be filed with the department even though no motor vehicle fuel tax is due for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and made under penalties of perjury, which declaration has the same force and effect as a verification of the report and is in lieu of the verification. The report shall show information as the department may require for the proper administration and enforcement of this chapter. Tax reports shall be filed on or before the twenty-fifth day of the next succeeding calendar month following the period to which the reports relate. If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date.

The department, if it deems it necessary in order to ensure payment of the tax imposed under this chapter, or to facilitate the administration of this chapter, may require the filing of reports and tax remittances at shorter intervals than one month.

**Sec. 8.** RCW 82.36.045 and 1998 c 176 s 16 are each amended to read as follows:

(1) If the department determines that the tax reported by a licensee is deficient, the department shall assess the deficiency on the basis of information available to it, and shall add a penalty of two percent of the amount of the deficiency.

(2) If a licensee, or person acting as such, fails, neglects, or refuses to file a motor vehicle fuel tax report the department shall, on the basis of information available to it, determine the tax liability of the licensee or person for the period during which no report was filed. The department shall add the penalty provided in subsection (1) of this section to the tax. An assessment made by the department under this subsection or subsection (1) of this section is presumed to be correct. In any case, where the validity of the assessment is questioned, the burden is on the person who challenges the assessment to establish by a fair preponderance of evidence that it is erroneous or excessive, as the case may be.

(3) If a licensee or person acting as such files a false or fraudulent report with intent to evade the tax imposed by this chapter, the department shall add to the amount of deficiency a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsections (1) and (2) of this section and all other penalties prescribed by law.

(4) Motor vehicle fuel tax, penalties, and interest payable under this chapter bears interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion of it should have been paid until the date of payment. If a licensee or person acting as such establishes by a fair preponderance of evidence that the failure to pay the amount of tax due was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty. The department may waive the interest when it determines the cost of processing or collection of the interest exceeds the amount of interest due.

(5) Except in the case of a fraudulent report, neglect or refusal to make a report, or failure to pay or to pay the proper amount, the department shall assess the deficiency under subsection (1) or (2) of this section within five years from the last day of the succeeding calendar month after the reporting period for which the amount is proposed to be determined or within five years after the return is filed, whichever period expires later.

(6) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interest of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(7) A licensee or person acting as such against whom an assessment is made under subsection (1) or (2) of this section may petition for a reassessment within thirty days after service upon the licensee of notice of the assessment. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the petitioner has so requested in its petition, shall grant the petitioner an oral hearing and give the petitioner twenty days' notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service of notice upon the petitioner.

An assessment made by the department becomes due and payable when it becomes final. If it is not paid to the department when due and payable, the department shall add a penalty of ten percent of the amount of the tax.

(8) In a suit brought to enforce the rights of the state under this chapter, the assessment showing the amount of taxes, penalties, interest, and cost unpaid to the state is prima facie evidence of the facts as shown.

(9) A notice of assessment required by this section must be served personally or by certified or registered mail. If it is served by mail, service shall be made by deposit of the notice in the United States mail, postage prepaid, addressed to the respondent at the most current address furnished to the department.

~~((10) The tax imposed by this chapter, if required to be collected by the seller, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.))~~

**Sec. 9.** RCW 82.36.060 and 2001 c 270 s 5 are each amended to read as follows:

(1) An application for a license issued under this chapter shall be made to the department on forms to be furnished by the department and shall contain such information as the department deems necessary.

(2) Every application for a license must contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints or those of the officers of a corporation making the application;

(b) The applicant's form and place of organization including proof that the individual, partnership, or corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has an unsatisfied judgment in a federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime that directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered a judgment within the preceding five years in a civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners.

(3) An applicant for a license as a motor vehicle fuel importer must list on the application each state, province, or country from which the applicant intends to import motor vehicle fuel and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(4) An applicant for a license as a motor vehicle fuel exporter must list on the application each state, province, or country to which the exporter intends to export motor vehicle fuel received in this state by means of a transfer outside of the bulk transfer-terminal system and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(5) An applicant for a license as a motor vehicle fuel supplier must have a federal certificate of registry that is issued under the internal revenue code and authorizes the applicant to enter into federal tax-free transactions on motor vehicle fuel in the terminal transfer system.

(6) After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth are true. The director shall require a fingerprint record check of the applicant through the Washington state patrol criminal identification system and the federal bureau of investigation before issuance of a license. The results of the background investigation including criminal history information may be released to authorized department personnel as the director deems necessary. The department shall charge a license holder or license applicant a fee of fifty dollars for each background investigation conducted.

An applicant who makes a false statement of a material fact on the application may be prosecuted for false swearing as defined by RCW 9A.72.040.

(7) Except as provided by subsection (8) of this section, before granting any license issued under this chapter, the department shall require applicant to file with the department, in such form as shall be prescribed by the department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds shall be fixed by the department and may be increased or reduced by the department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds, the department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the department may deem proper. If at any time the estimated excise tax to become due during the succeeding month amounts to more than fifty percent of the established bond, the department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

The total amount of the bond or bonds required of any licensee shall never be less than five thousand dollars nor more than one hundred thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a licensee may deposit with the state treasurer, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the department.

Any surety on a bond furnished by a licensee as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond; and unless the licensee, on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the department shall forthwith cancel the license. Whenever a new bond is furnished by a licensee, the department shall cancel the old bond as soon as the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The department may require a licensee to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in its opinion, the security of the surety bond theretofore filed by such licensee, or the market value of the properties deposited as security by the licensee, shall become impaired or inadequate; and upon the failure of the licensee to give such new or additional surety bond or to deposit additional securities within thirty days after being requested so to do by the department, the department shall forthwith cancel his or her license.

(8) The department may waive the requirements of subsection (7) of this section for licensed distributors if, upon determination by the department, the licensed distributor has sufficient resources, assets, other financial instruments, or other means, to adequately make payments on the estimated monthly motor vehicle fuel tax payments, penalties, and interest arising out of this chapter. The department shall adopt rules to administer this subsection. An application for an international fuel tax agreement license must be made to the department. The application must be filed upon a form prescribed by the department and contain such information as the department may require. The department shall charge a fee of ten dollars per set of international fuel tax agreement decals issued to each applicant or licensee. The department shall transmit the fee to the state treasurer for deposit in the motor vehicle fund.

**Sec. 10.** RCW 82.36.080 and 1998 c 176 s 20 are each amended to read as follows:

(1) It shall be unlawful for any person to engage in business in this state as any of the following unless the person is the holder of an uncanceled license issued by the department authorizing the person to engage in that business:

- (a) Motor vehicle fuel supplier;
- (b) Motor vehicle fuel distributor;
- (c) Motor vehicle fuel exporter;
- (d) Motor vehicle fuel importer; ~~((or))~~
- (e) Motor vehicle fuel blender; or
- (f) International fuel tax agreement licensee.

(2) A person engaged in more than one activity for which a license is required must have a separate license classification for each activity, but a motor vehicle fuel supplier is not required to obtain a separate license classification for any other activity for which a license is required.

(3) If any person acts as a licensee without first securing the license required herein the excise tax shall be immediately due and payable on account of all motor vehicle fuel distributed or used by the person. The director shall proceed forthwith to determine from the best available sources, the amount of the tax, and the director shall immediately assess the tax in the amount found due, together

with a penalty of one hundred percent of the tax, and shall make a certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty, or both, such certificate shall be prima facie evidence that the person therein named is indebted to the state in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this chapter with reference to delinquency in payment of the tax or by an action at law, which the attorney general shall commence and prosecute to final determination at the request of the director. The foregoing remedies of the state shall be cumulative and no action taken pursuant to this section shall relieve any person from the penal provisions of this chapter.

**Sec. 11.** RCW 82.36.160 and 1998 c 176 s 27 are each amended to read as follows:

Every licensee shall maintain in the office of his or her principal place of business in this state, for a period of five years, records of motor vehicle fuel received, sold, distributed, or used by the licensee, in such form as the director may prescribe, together with invoices, bills of lading, and other pertinent papers as may be required under the provisions of this chapter.

~~((Every dealer purchasing motor vehicle fuel taxable under this chapter for the purpose of resale, shall maintain within this state, for a period of two years a record of motor vehicle fuels received, the amount of tax paid to the licensee as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the director shall require.))~~

**Sec. 12.** RCW 82.36.180 and 1998 c 176 s 30 are each amended to read as follows:

The director, or duly authorized agents, may make such examinations of the records, stocks, facilities, and equipment of any licensee, ~~((and service stations,))~~ and make such other investigations as deemed necessary in carrying out the provisions of this chapter. If such examinations or investigations disclose that any reports of licensees theretofore filed with the director pursuant to the requirements of this chapter have shown incorrectly the gallonage of motor vehicle fuel distributed or the tax ~~((accruing))~~ liability thereon, the director may make such changes in subsequent reports and payments of such licensees as deemed necessary to correct the errors disclosed.

Every such licensee or such other person not maintaining records in this state so that an audit of such records may be made by the director or a duly authorized representative shall be required to make the necessary records available to the director upon request and at a designated office within this state; or, in lieu thereof, the director or a duly authorized representative shall proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.36 RCW to read as follows:

Motor vehicle fuel that is used exclusively for racing and is illegal for use on the public highways of this state under state or federal law is exempt from the tax imposed under this chapter.

**Sec. 14.** RCW 82.36.320 and 1961 c 15 s 82.36.320 are each amended to read as follows:

Any person claiming refund on motor vehicle fuel used other than in motor vehicles as herein provided ~~((; and any person purchasing motor vehicle fuel from a dealer who is claiming refund on account of the sale of such fuel under RCW 82.36.305))~~ may be required by the director to also furnish information regarding the amount of motor vehicle fuel purchased from other sources or for other purposes during the period reported for which no refund is claimed.

**Sec. 15.** RCW 82.36.340 and 1961 c 15 s 82.36.340 are each amended to read as follows:

The director may in order to establish the validity of any claim for refund require the claimant ~~((; or, in the case of a dealer filing a claim for refund as provided by RCW 82.36.305, the person to whom such fuel was sold,))~~ to furnish such additional proof of the validity

of the claim as the director may determine, and may examine the books and records of the claimant or said person to whom the fuel was sold for such purpose. The records shall be sufficient to substantiate the accuracy of the claim and shall be in such form and contain such information as the director may require. The failure to maintain such records or to accede to a demand for an examination of such records may be deemed by the director as sufficient cause for denial of all right to the refund claimed on account of the transaction in question.

**Sec. 16.** RCW 82.36.370 and 1998 c 176 s 42 are each amended to read as follows:

(1) A refund shall be made in the manner provided in this chapter or a credit given to a licensee allowing for the excise tax paid or accrued on all motor vehicle fuel which is lost or destroyed, while ~~((applicant shall be the owner thereof))~~ the licensee was the owner, through fire, lightning, flood, wind storm, or explosion.

(2) A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel of five hundred gallons or more which is lost or destroyed, while ~~((applicant shall be))~~ the licensee was the owner thereof, through leakage or other casualty except evaporation, shrinkage or unknown causes: PROVIDED, That the director shall be notified in writing as to the full circumstances surrounding such loss or destruction and the amount of the loss or destruction within thirty days from the day of discovery of such loss or destruction.

(3) Recovery for such loss or destruction under either subsection (1) or (2) must be susceptible to positive proof thereby enabling the director to conduct such investigation and require such information as the director may deem necessary.

In the event that the director is not satisfied that the fuel was lost or destroyed as claimed, wherefore required information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, the director may deem as sufficient cause the denial of all right relating to the refund or credit for the excise tax on motor vehicle fuel alleged to be lost or destroyed.

**Sec. 17.** RCW 82.36.380 and 2003 c 358 s 13 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Evade a tax or fee imposed under this chapter;

(b) File a false statement of a material fact on a motor fuel license application or motor fuel refund application;

(c) Act as a motor fuel importer, motor fuel blender, or motor fuel supplier unless the person holds an uncanceled motor fuel license issued by the department authorizing the person to engage in that business;

(d) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(e) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) A violation of subsection (1) of this section is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(3) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

**Sec. 18.** RCW 82.36.450 and 1995 c 320 s 2 are each amended to read as follows:

((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's motor vehicle fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY-92-248-JLO.)) (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding motor vehicle fuel taxes included in the price of fuel delivered to a retail station wholly owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement may provide mutually agreeable means to address any tribal immunities or any preemption of the state motor vehicle fuel tax.

(2) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act. The state and the tribe may agree to substitute an agreement negotiated under this section for an existing agreement or consent decree, or to enter into an agreement using a methodology similar to the state/tribal fuel tax agreements in effect on the effective date of this act.

(3) If a new agreement is negotiated, the agreement must:

(a) Require that the tribe or the tribal retailer acquire all motor vehicle fuel only from persons or companies operating lawfully in accordance with this chapter as a motor vehicle fuel distributor, supplier, importer, or blender, or from a tribal distributor, supplier, importer, or blender lawfully doing business according to all applicable laws;

(b) Provide that the tribe will expend fuel tax proceeds or equivalent amounts on: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway-related purposes;

(c) Include provisions for audits or other means of ensuring compliance to certify the number of gallons of motor vehicle fuel purchased by the tribe for resale at tribal retail stations, and the use of fuel tax proceeds or their equivalent for the purposes identified in (b) of this subsection. Compliance reports must be delivered to the director of the department of licensing.

(4) Information from the tribe or tribal retailers received by the state or open to state review under the terms of an agreement shall be deemed to be personal information under RCW 42.56.230(3)(b) and exempt from public inspection and copying.

(5) The governor may delegate the power to negotiate fuel tax agreements to the department of licensing.

(6) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

**NEW SECTION. Sec. 19.** A new section is added to chapter 82.36 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.36.020 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

**Sec. 20.** RCW 82.38.030 and 2005 c 314 s 102 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel ~~((users))~~ licensees, other than special fuel distributors, a tax at the rate of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(4) Beginning July 1, 2006, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(5) Beginning July 1, 2007, an additional and cumulative tax rate of two cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(6) Beginning July 1, 2008, an additional and cumulative tax rate of one and one-half cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(7) Taxes are imposed when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is ~~((to))~~ by a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage, unless the fuel enters this state for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320, if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((8)) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax~~

~~collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax-))~~

**Sec. 21.** RCW 82.38.032 and 1998 c 176 s 52 are each amended to read as follows:

~~((The tax under RCW 82.38.030, if not previously imposed and paid, must be paid over to the department by special fuel users and persons licensed under the international fuel tax agreement or other fuel tax reciprocity agreements entered into with the state of Washington, on the use of special fuel to operate motor vehicles on the highways of this state, unless the use is exempt from the tax under this chapter.)) International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.38.030 to the department on special fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.38.030 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.~~

**Sec. 22.** RCW 82.38.035 and 2005 c 314 s 107 are each amended to read as follows:

(1) A licensed supplier shall ~~((remit))~~ be liable for and pay tax on special fuel to the department as provided in RCW 82.38.030(7)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall ~~((remit))~~ be liable for and pay the tax.

(2) A refiner shall ~~((remit))~~ be liable for and pay tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(7)(b).

(3) ~~((An))~~ A licensed importer shall ~~((remit))~~ be liable for and pay tax to the department on special fuel imported into this state as provided in RCW 82.38.030(7)(c).

(4) A licensed blender shall ~~((remit))~~ be liable for and pay tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(7)(e).

(5) A licensed dyed special fuel user shall ~~((remit))~~ be liable for and pay tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(7)(f).

~~((6)) Nothing in this chapter prohibits the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to such tax.~~

**Sec. 23.** RCW 82.38.050 and 1990 c 250 s 82 are each amended to read as follows:

~~((Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to the user for thirty days or more and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state: PROVIDED, That)) A lessor who is engaged regularly in the business of leasing or renting for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued ~~((a))~~ an international fuel tax agreement license ~~((as a special fuel user))~~ when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he or she is the lessee from reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid ~~((special fuel user's))~~ international fuel tax agreement license.~~

~~((Every such lessor shall file with the application for a special fuel user's license one copy of the lease form or service contract the~~

lessor enters into with the various lessees of the lessor's motor vehicles-)) When the ((special fuel user's)) license has been secured, such lessor shall make and assign to each motor vehicle leased for interstate operation a photocopy of such license to be carried in the cab compartment of the motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of the license issued and its return to the lessor with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for less than thirty days.

**Sec. 24.** RCW 82.38.100 and 1999 c 270 s 2 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit that shall be good for a period of three consecutive days beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued.

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, ((Washington state patrol;)) department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit.

**Sec. 25.** RCW 82.38.130 and 1998 c 176 s 65 are each amended to read as follows:

The department may revoke the license of any licensee for any of the grounds constituting cause for denial of a license set forth in RCW 82.38.120 or for other reasonable cause. Before revoking such license the department shall notify the licensee to show cause within twenty days of the date of the notice why the license should not be revoked: PROVIDED, That at any time prior to and pending such hearing the department may, in the exercise of reasonable discretion, suspend such license.

The department shall cancel any special fuel license immediately upon surrender thereof by the holder.

Any surety on a bond furnished by a licensee as provided in this chapter shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of forty-five days

from the date which such surety shall have lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the forty-five day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond, and unless the licensee, on or before the expiration of the forty-five day period, files a new bond, in accordance with this section, the department ((forthwith)) shall cancel the ((special fuel dealer's or special fuel user's)) license.

The department may require a new or additional surety bond of the character specified in RCW 82.38.020(3) if, in its opinion, the security of the surety bond therefor filed by such licensee, shall become impaired or inadequate. Upon failure of the licensee to give such new or additional surety bond within forty-five days after being requested to do so by the department, or after he or she shall fail or refuse to file reports and remit or pay taxes at the intervals fixed by the department, the department forthwith shall cancel his or her license.

**Sec. 26.** RCW 82.38.140 and 1998 c 176 s 66 are each amended to read as follows:

(1) Every licensee and every person importing, manufacturing, refining, ((dealing in;)) transporting, blending, or storing special fuel in this state shall keep for a period of not less than five years open to inspection at all times during the business hours of the day to the department or its authorized representatives, a complete record of all special fuel purchased or received and all of such products sold, delivered, or used by them. Such records shall show:

- (a) The date of each receipt;
- (b) The name and address of the person from whom purchased or received;
- (c) The number of gallons received at each place of business or place of storage in the state of Washington;
- (d) The date of each sale or delivery;
- (e) The number of gallons sold, delivered, or used for taxable purposes;
- (f) The number of gallons sold, delivered, or used for any purpose not subject to the tax imposed in this chapter;
- (g) The name, address, and special fuel license number of the purchaser if the special fuel tax is not collected on the sale or delivery;
- (h) The inventories of special fuel on hand at each place of business at the end of each month.

(2)(a) All international fuel tax agreement licensees and dyed special fuel users authorized to use dyed special fuel on highway in vehicles licensed for highway operation shall maintain detailed mileage records on an individual vehicle basis.

(b) Such operating records shall show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle.

(c) In the absence of operating records that show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle, fuel consumption must be computed under RCW 82.38.060.

(3) The department may require a person other than a licensee engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering special fuel to submit periodic reports to the department regarding the disposition of the fuel. The reports must be on forms prescribed by the department and must contain such information as the department may require.

(4) Every person operating any conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk shall have and possess during the entire time the person is hauling special fuel, an invoice, bill of sale, or other statement showing the name, address, and license number of the seller or consigner, the destination, name, and address of the purchaser or consignee, license number, if applicable, and the number of gallons. The person hauling such special fuel shall at the request of any law enforcement officer or authorized representative of the department, or other person authorized by law to inquire into, or investigate those types of matters, produce for inspection such invoice, bill of sale, or other statement and shall permit such official to inspect and gauge the contents of the vehicle.

**Sec. 27.** RCW 82.38.150 and 1998 c 176 s 67 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax herein imposed, and to periodically update license information, each licensee, other than a special fuel distributor, an international fuel tax agreement licensee, or a dyed special fuel user, shall file monthly tax reports with the department, on forms prescribed by the department.

Dyed special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and dyed special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly. Special fuel users licensed under the international fuel tax agreement shall file reports quarterly. ~~((Special fuel distributors))~~ Heating oil dealers subject to the pollution liability insurance agency fee and reporting requirements shall remit pollution liability insurance agency returns and any associated payment due to the department annually.

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to the licensee's address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter. ~~((For counties within which an additional excise tax on special fuel has been levied by that jurisdiction under RCW 82.80.010, the report must show the quantities of special fuel sold, distributed, or withdrawn from bulk storage by the reporting dealer or user within the county's boundaries and the tax liability from its levy.))~~ A licensee shall file a tax report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

**Sec. 28.** RCW 82.38.180 and 1998 c 176 s 71 are each amended to read as follows:

Any person who has purchased special fuel on which tax has been paid ~~((a special fuel tax either directly or to the vendor from whom it was purchased))~~ may file a claim with the department for a refund of the tax ~~((so paid and shall be reimbursed and repaid the amount of))~~ for:

(1) ~~((Any))~~ Taxes previously paid on special fuel used for purposes other than for the propulsion of motor vehicles upon the public highways in this state.

(2) ~~((Any))~~ Taxes previously paid on special fuel exported for use outside of this state. Special fuel carried from this state in the fuel tank of a motor vehicle is deemed to be exported from this state. Special fuel distributed to a federally recognized Indian tribal

reservation located within the state of Washington is not considered exported outside this state.

(3) ~~((Any))~~ Tax, penalty, or interest erroneously or illegally collected or paid.

(4) ~~((Any))~~ Taxes previously paid on all special fuel which is lost or destroyed, while ~~((applicant))~~ the licensee shall be the owner thereof, through fire, lightning, flood, wind storm, or explosion.

(5) ~~((Any))~~ Taxes previously paid on all special fuel of five hundred gallons or more which is lost or destroyed while ~~((applicant))~~ the licensee shall be the owner thereof, through leakage or other casualty except evaporation, shrinkage, or unknown causes.

(6) ~~((Any))~~ Taxes previously paid on special fuel that is inadvertently mixed with dyed special fuel.

Recovery for such loss or destruction under either subsection (4), (5), or (6) of this section must be susceptible to positive proof thereby enabling the department to conduct such investigation and require such information as ~~((they))~~ it may deem necessary. In the event that the department is not satisfied that the fuel was lost, destroyed, or contaminated as claimed because information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, ~~((they))~~ it may deem such as sufficient cause to deny all right relating to the refund or credit for the excise tax paid on special fuel alleged to be lost or destroyed.

No refund or claim for credit shall be approved by the department unless the gallons of special fuel claimed as nontaxable satisfy the conditions specifically set forth in this section and the nontaxable event or use occurred during the period covered by the refund claim. Refunds or claims for credit ~~((by sellers or users of special fuel))~~ shall not be allowed for anticipated nontaxable use or events.

**Sec. 29.** RCW 82.38.270 and 2003 c 358 s 14 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Have dyed diesel in the fuel supply tank of a vehicle that is licensed or required to be licensed for highway use or maintain dyed diesel in bulk storage for highway use, unless the person or corporation maintains an uncanceled dyed diesel user license or is otherwise exempted by this chapter;

(b) Evade a tax or fee imposed under this chapter;

(c) File a false statement of a material fact on a special fuel license application or special fuel refund application;

(d) Act as a special fuel importer, special fuel blender, or special fuel supplier unless the person holds an uncanceled special fuel license issued by the department authorizing the person to engage in that business;

(e) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(f) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2)(a) A single violation of subsection (1)(a) of this section is a gross misdemeanor under chapter 9A.20 RCW.

(b) Multiple violations of subsection (1)(a) of this section and violations of subsection (1)(b) through (f) of this section are a class C felony under chapter 9A.20 RCW.

(3) In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1)(b) through (f) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(4) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership,

corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

**Sec. 30.** RCW 82.38.310 and 1995 c 320 s 3 are each amended to read as follows:

((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's special fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY 92-248-JLO.)) (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding special fuel taxes included in the price of fuel delivered to a retail station wholly owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement may provide mutually agreeable means to address any tribal immunities or any preemption of the state special fuel tax.

(2) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act. The state and the tribe may agree to substitute an agreement negotiated under this section for an existing agreement or consent decree, or to enter into an agreement using a methodology similar to the state/tribal fuel tax agreements in effect on the effective date of this act.

(3) If a new agreement is negotiated, the agreement must:

(a) Require that the tribe or the tribal retailer acquire all special fuel only from persons or companies operating lawfully in accordance with this chapter as a special fuel distributor, supplier, importer, or blender, or from a tribal distributor, supplier, importer, or blender lawfully doing business according to all applicable laws;

(b) Provide that the tribe will expend fuel tax proceeds or equivalent amounts on: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway-related purposes;

(c) Include provisions for audits or other means of ensuring compliance to certify the number of gallons of special fuel purchased by the tribe for resale at tribal retail stations, and the use of fuel tax proceeds or their equivalent for the purposes identified in (b) of this subsection. Compliance reports must be delivered to the director of the department of licensing.

(4) Information from the tribe or tribal retailers received by the state or open to state review under the terms of an agreement shall be deemed personal information under RCW 42.56.230(3)(b) and exempt from public inspection and copying.

(5) The governor may delegate the power to negotiate fuel tax agreements to the department of licensing.

(6) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

**Sec. 31.** RCW 82.38.320 and 1998 c 176 s 83 are each amended to read as follows:

(1) An international fuel tax agreement licensee who meets the qualifications in subsection (2) of this section may be given special authorization by the department to purchase special fuel delivered into bulk storage without payment of the special fuel tax at the time the fuel is purchased. The special authorization applies only to full truck-trailer loads filled at a terminal rack and delivered directly to the bulk storage facilities of the special authorization holder. The licensee shall pay special fuel tax on the fuel at the time the licensee files their international fuel tax agreement tax return and accompanying schedule with the department. The accompanying schedule shall be provided in a form and manner determined by the department and shall contain information on purchases and usage of all nondyed special fuel purchased during the reporting period. In addition, by the fifteenth day of the month following the month in which fuel under the special authorization was purchased, the

licensee must report to the department, the name of the seller and the number of gallons purchased for each purchase of such fuel, and any other information as the department may require.

(2) To receive or maintain special authorization under subsection (1) of this section, the following conditions regarding the international fuel tax agreement licensee must apply:

(a) During the period encompassing the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year, the number of gallons consumed outside the state of Washington as reported on the licensee's international fuel tax agreement tax returns must have been equal to at least twenty percent of the nondyed special fuel gallons, including fuel used on-road and off-road, purchased by the licensee in the state of Washington, as reported on the accompanying schedules required under subsection (1) of this section;

(b) The licensee must have been licensed under the provisions of the international fuel tax agreement during each of the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year; and

(c) The licensee has not violated the reporting requirements of this section.

(3) Only a licensed special fuel supplier or special fuel importer may sell special fuel to a special authorization holder in the manner prescribed by this section.

(4) A special fuel ((distributor)) supplier or importer who sells special fuel under the special authorization provisions of this section is not liable for the special fuel tax on the fuel. ((By the fifteenth day of the month following the month in which the fuel was sold, the special fuel distributor shall report to the department, the name and special authorization number of the purchaser and the number of gallons sold for each purchase of such special fuel, and any other information as the department may require.)) The special fuel supplier or importer will report such sales, in a manner prescribed by the department, at the time the special fuel supplier or importer submits the monthly tax report.

((4) A supplier selling special fuel under the provisions of this section shall not be responsible for taxes due for special fuel purchased under the provisions of this section.

(5) An international fuel tax agreement licensee who qualifies for a special authorization under this section for calendar year 1999 is not subject to the special fuel user requirements of RCW 82.38.289.))

**NEW SECTION. Sec. 32.** A new section is added to chapter 82.38 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.38.030 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

**NEW SECTION. Sec. 33.** The following acts or parts of acts are each repealed:

(11) RCW 82.36.042 (Notice by supplier of distributor's failure to pay tax--License suspension--Notice to suppliers--Revocation or suspension upon continued noncompliance) and 1998 c 176 s 14;

(12) RCW 82.36.273 (Refunds to licensee for fuel purchased by exempt person--Exception--Invoice or proof) and 1998 c 176 s 35;

(13) RCW 82.36.305 (Refunds to dealer delivering fuel exclusively for marine use--Limitations--Supporting certificate) and 1965 ex.s. c 79 s 12 & 1961 c 15 s 82.36.305;

(14) RCW 82.36.360 (Separate invoices for nontaxed fuel) and 1961 c 15 s 82.36.360;

(15) RCW 82.36.373 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 43;

(16) RCW 82.36.407 (Tax liability of user--Payment--Exceptions) and 1998 c 176 s 48;

(17) RCW 82.38.070 (Credit for sales for which no consideration was received--Report--Adjustment) and 1998 c 176 s 58, 1990 c 250 s 83, & 1971 ex.s. c 175 s 8;

(18) RCW 82.38.071 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 59;

(19) RCW 82.38.081 (Exemptions--Motor vehicle fuel used for racing) and 1998 c 115 s 6;

(20) RCW 82.38.185 (Refunds--Tax paid purchased by exempt person--Application) and 1998 c 176 s 73;

(21) RCW 82.38.285 (Tax liability of user--Exceptions) and 1998 c 176 s 81; and

(22) RCW 82.38.165 (Notice by supplier of distributor's failure to pay tax--License suspension--Notice to suppliers--Revocation or suspension upon continued noncompliance) and 1998 c 176 s 69.

**NEW SECTION. Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne.

Passed to Committee on Rules for second reading.

March 31, 2007

SSB 5320 Prime Sponsor, Senate Committee on Judiciary: Creating an office of public guardianship as an independent agency of the judiciary. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** In establishing an office of public guardianship, the legislature intends to promote the availability of guardianship services for individuals who need them and for whom adequate services may otherwise be unavailable. The legislature reaffirms its commitment to treat liberty and autonomy as paramount values for all Washington residents and to authorize public guardianship only to the minimum extent necessary to provide for health or safety, or to manage financial affairs, when the legal conditions for appointment of a guardian are met. It does not intend to alter those legal conditions or to expand judicial authority to determine that any individual is incapacitated.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Office" means the office of public guardianship.

(2) "Public guardian" means an individual or entity providing public guardianship services.

(3) "Public guardianship services" means the services provided by a guardian or limited guardian appointed under chapters 11.88 and 11.92 RCW, who is compensated under a contract with the office of public guardianship.

(4) "Long-term care services" means services provided through the department of social and health services either in a hospital or skilled nursing facility, or in another setting under a home and community-based waiver authorized under 42 U.S.C. Sec. 1396n.

**NEW SECTION. Sec. 3.** (1) There is created an office of public guardianship as an independent agency of the judicial branch.

(2) The supreme court shall appoint a public guardianship administrator to establish and administer a public guardianship program in the office of public guardianship. The public guardianship administrator serves at the pleasure of the supreme court.

**NEW SECTION. Sec. 4.** The public guardianship administrator is authorized to establish and administer a public guardianship program as follows:

(1)(a) The office shall contract with public or private entities or individuals to provide public guardianship services to persons age eighteen or older whose income does not exceed two hundred percent of the federal poverty level determined annually by the United States department of health and human services or who are receiving long-term care services through the Washington state department of social and health services. Neither the public guardianship administrator nor the office may act as public guardian or limited guardian or act in any other representative capacity for any individual.

(b) The office is exempt from RCW 39.29.008 because the primary function of the office is to contract for public guardianship services that are provided in a manner consistent with the requirements of this chapter. The office shall otherwise comply with chapter 39.29 RCW and is subject to audit by the state auditor.

(c) Public guardianship service contracts are dependent upon legislative appropriation. This chapter does not create an entitlement.

(d) The initial implementation of public guardianship services shall be on a pilot basis in a minimum of two geographical areas that include one urban area and one rural area. There may be one or several contracts in each area.

(2) The office shall, within one year of the commencement of its operation, adopt eligibility criteria to enable it to serve individuals with the greatest need when the number of cases in which courts propose to appoint a public guardian exceeds the number of cases in which public guardianship services can be provided. In adopting such criteria, the office may consider factors including, but not limited to, the following: Whether an incapacitated individual is at significant risk of harm from abuse, exploitation, abandonment, neglect, or self-neglect; and whether an incapacitated person is in imminent danger of loss or significant reduction in public services that are necessary for the individual to live successfully in the most integrated and least restrictive environment that is appropriate in light of the individual's needs and values.

(3) The office shall adopt minimum standards of practice for public guardians providing public guardianship services. Any public guardian providing such services must be certified by the certified professional guardian board established by the supreme court.

(4) The office shall require a public guardian to visit each incapacitated person for which public guardianship services are provided no less than monthly to be eligible for compensation.

(5) The office shall not petition for appointment of a public guardian for any individual. It may develop, and shall consult with the advisory committee regarding the need to develop, a proposal for the legislature to make affordable legal assistance available to petition for guardianships.

(6) The office shall not authorize payment for services for any entity that is serving more than twenty incapacitated persons per certified professional guardian.

(7) The office shall monitor and oversee the use of state funding to ensure compliance with this chapter.

(8) The office shall collect uniform and consistent basic data elements regarding service delivery. This data shall be made available to the legislature and supreme court in a format that is not identifiable by individual incapacitated person to protect confidentiality.

(9) The office shall report to the legislature on how services other than guardianship services, and in particular services that might reduce the need for guardianship services, might be provided under contract with the office by December 1, 2009. The services to be considered should include, but not be limited to, services provided under powers of attorney given by the individuals in need of the services.

(10) The office shall submit a biennial budget request.

(11) The office shall require public guardianship providers to seek reimbursement of fees from program clients who are receiving long-term care services through the department of social and health services to the extent, and only to the extent, that such reimbursement may be paid, consistent with an order of the superior court, from income that would otherwise be required by the department to be paid toward the cost of the client's care. Fees reimbursed shall be remitted by the provider to the office unless a different disposition is directed by the public guardianship administrator.

(12) The office shall require public guardianship providers to certify annually that for each individual served they have reviewed the need for continued public guardianship services and the appropriateness of limiting, or further limiting, the authority of the public guardian under the applicable guardianship order, and that where termination or modification of a guardianship order appears warranted, the superior court has been asked to take the corresponding action.

(13) The office shall adopt a process for receipt and consideration of and response to complaints against the office and contracted providers of public guardianship services. The process shall include investigation in cases in which investigation appears warranted in the judgment of the administrator. The office shall provide the advisory committee with a summary and analysis of the results of these complaints. When requested by the complaining party, his or her identity shall not be disclosed to the advisory committee created under section 5 of this act.

(14) The office shall contract with the Washington state institute for public policy for a study. An initial report is due two years following the effective date of this section and a second report by December 1, 2011. The study shall analyze costs and off-setting savings to the state from the delivery of public guardianship services.

(15) The office shall develop standardized forms and reporting instruments that may include, but are not limited to, intake, initial assessment, guardianship care plan, decisional accounting, staff time logs, changes in condition or abilities of an incapacitated person, and values history. The office shall collect and analyze the data gathered from these reports and submit it to the advisory committee periodically.

(16) The office shall identify training needs for guardians it contracts with, and shall make recommendations, after consultation with the advisory committee, to the supreme court, the certified professional guardian board, and the legislature for improvements in guardianship training. The office may offer training to individuals providing services pursuant to this chapter.

(17) The office shall establish a system for monitoring the performance of public guardians, and office staff shall make in-home visits to a randomly selected sample of public guardianship clients. The office may conduct further monitoring, including in-home visits, as the administrator deems appropriate. For monitoring purposes, office staff shall have access to any information relating to a public guardianship client that is available to the guardian. The office shall confer with the advisory committee in developing its monitoring process.

(18) During the first five years of its operations, the office shall issue annual reports of its activities, after review of and comment by the advisory committee.

**NEW SECTION. Sec. 5.** (1) There is created a public guardianship advisory committee consisting of the following members:

- (a) Two persons appointed by the supreme court;
- (b) Two persons appointed by the board for judicial administration;
- (c) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;
- (d) One person appointed by the governor;
- (e) One person appointed by the secretary of the department of social and health services;
- (f) Two persons appointed by the director of the Washington protection and advocacy system;

(g) One person appointed by the chairperson of the governor's committee on disability issues and employment;

(h) Two persons appointed by the chairperson of the developmental disabilities council;

(i) One person appointed by the long-term care ombudsman;

(j) One person appointed by the Washington state bar association; and

(k) One person appointed by the dean of the University of Washington school of social work.

(2) During the term of his or her appointment, an appointee may not be employed by a provider of public guardianship services.

(3) Except as provided in subsection (4) of this section, members shall each serve a three-year term, subject to renewal for no more than one additional three-year term.

(4) The first appointments to the advisory committee shall be for terms of varying durations as follows: By the supreme court for two and four years; by the board for judicial administration for three and four years; by the president of the senate for two and three years; by the speaker of the house of representatives for two and three years; by the governor for four years; by the secretary of the department of social and health services for two years; by the director of the Washington protection and advocacy system for one and three years; by the chairperson of the governor's committee on disability issues and employment for four years; by the chairperson of the developmental disabilities council for two and four years; by the long-term care ombudsman for three years; by the Washington state bar association for three years; and by the dean of the University of Washington school of social work for four years.

(5) Members of the advisory committee receive no compensation for their services as members of the advisory committee, but may be reimbursed for travel and other expenses in accordance with rules adopted by the office of financial management.

(6) The advisory committee: Shall review the activities of the office; shall review the performance of the public guardianship administrator; and may make recommendations to the supreme court, the certified professional guardian board, and the legislature on issues relating to the provision of public guardianship services.

(7) The meetings of the advisory committee shall be open to the public, with agendas published in advance and minutes kept and made available to the public. The public notice of all meetings shall indicate that accommodations for disability will be available upon request.

**NEW SECTION. Sec. 6.** The courts shall waive court costs and filing fees in any proceeding in which an incapacitated person is receiving public guardianship services funded under this chapter.

**NEW SECTION. Sec. 7.** The public guardianship administrator may develop rules to implement this chapter. The administrator shall request and consider recommendations from the advisory committee in the development of rules.

**NEW SECTION. Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 9.** Sections 1 through 8 of this act constitute a new chapter in Title 2 RCW."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler and Kretz.

Passed to Committee on Rules for second reading.

March 31, 2007

SSB 5321 Prime Sponsor, Senate Committee on Human Services & Corrections: Addressing child welfare. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by the Committee on Early Learning & Children's Services. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler and Kretz.

Passed to Committee on Rules for second reading.

March 31, 2007

ESSB 5372 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Creating the Puget Sound partnership. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Select Committee on Puget Sound.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND INTENT.** (1) The legislature finds that:

(a) Puget Sound, including Hood Canal, and the waters that flow to it are a national treasure and a unique resource. Residents enjoy a way of life centered around these waters that depends upon clean and healthy marine and freshwater resources.

(b) Puget Sound is in serious decline, and Hood Canal is in a serious crisis. This decline is indicated by loss of and damage to critical habitat, rapid decline in species populations, increases in aquatic nuisance species, numerous toxics contaminated sites, urbanization and attendant storm water drainage, closure of beaches to shellfish harvest due to disease risks, low-dissolved oxygen levels causing death of marine life, and other phenomena. If left unchecked, these conditions will worsen.

(c) Puget Sound must be restored and protected in a more coherent and effective manner. The current system is highly fragmented. Immediate and concerted action is necessary by all levels of government working with the public, nongovernmental organizations, and the private sector to ensure a thriving natural system that exists in harmony with a vibrant economy.

(d) Leadership, accountability, government transparency, thoughtful and responsible spending of public funds, and public involvement will be integral to the success of efforts to restore and protect Puget Sound.

(2) The legislature therefore creates a new Puget Sound partnership to coordinate and lead the effort to restore and protect Puget Sound, and intends that all governmental entities, including federal and state agencies, tribes, cities, counties, ports, and special purpose districts, support and help implement the partnership's restoration efforts. The legislature further intends that the partnership will:

(a) Define a strategic action agenda prioritizing necessary actions, both basin-wide and within specific areas, and creating an approach that addresses all of the complex connections among the

land, water, web of species, and human needs. The action agenda will be based on science and include clear, measurable goals for the recovery of Puget Sound by 2020;

(b) Determine accountability for performance, oversee the efficiency and effectiveness of money spent, educate and engage the public, and track and report results to the legislature, the governor, and the public;

(c) Not have regulatory authority, nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(3) It is the goal of the state that the health of Puget Sound be restored by 2020.

**Sec. 2.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ("Action team" means the Puget Sound water quality action team.

(2) "Chair" means the chair of the action team.

(3) "Council" means the Puget Sound council created in RCW 90.71.030.

(4) "Puget Sound management plan" means the 1994 Puget Sound water quality management plan as it exists June 30, 1996, and as subsequently amended by the action team.

(5) "Support staff" means the staff to the action team.

(6) "Work plan" means the work plan and budget developed by the action team.) "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in sections 12 and 13 of this act.

(2) "Action area" means the geographic areas delineated as provided in section 8 of this act.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under section 13 of this act.

(8) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photics zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

(9) "Panel" means the Puget Sound science panel.

(10) "Partnership" means the Puget Sound partnership.

(11) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas I through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(12) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in section 16 of this act, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

(13) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine resource committees including those working with the northwest straits commission, nearshore groups, and watershed lead entities.

(14) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound

waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

**NEW SECTION. Sec. 3. PUGET SOUND PARTNERSHIP--AGENCY CREATED.** An agency of state government, to be known as the Puget Sound partnership, is created to oversee the restoration of the environmental health of Puget Sound by 2020. The agency shall consist of a leadership council, an executive director, an ecosystem coordination board, and a Puget Sound science panel.

**NEW SECTION. Sec. 4. LEADERSHIP COUNCIL--STRUCTURE--PROCEDURES.** (1) The partnership shall be led by a leadership council composed of seven members appointed by the governor, with the advice and consent of the senate. The governor shall appoint members who are publicly respected and influential, are interested in the environmental and economic prosperity of Puget Sound, and have demonstrated leadership qualities. The governor shall designate one of the seven members to serve as chair and a vice-chair shall be selected annually by the membership of the council.

(2) The initial members shall be appointed as follows:

(a) Three of the initial members shall be appointed for a term of two years;

(b) Two of the initial members shall be appointed for a term of three years; and

(c) Two of the initial members shall be appointed for a term of four years.

(3) The initial members' successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds.

(4) Members of the council are eligible for reappointment.

(5) Any member of the council may be removed by the governor for cause.

(6) Members whose terms expire shall continue to serve until reappointed or replaced by a new member.

(7) A majority of the council constitutes a quorum for the transaction of business.

(8) Council decisions and actions require majority vote approval of all council members.

**NEW SECTION. Sec. 5. LEADERSHIP COUNCIL--POWERS AND DUTIES.** (1) The leadership council shall have the power and duty to:

(a) Provide leadership and have responsibility for the functions of the partnership, including adopting, revising, and guiding the implementation of the action agenda, allocating funds for Puget Sound recovery, providing progress and other reports, setting strategic priorities and benchmarks, adopting and applying accountability measures, and making appointments to the board and panel;

(b) Adopt rules, in accordance with chapter 34.05 RCW;

(c) Create subcommittees and advisory committees as appropriate to assist the council;

(d) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions to effectuate the purposes of this chapter;

(e) Make grants to governmental and nongovernmental entities to effectuate the purposes of this chapter;

(f) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the partnership to effectuate the purposes of this chapter;

(g) Promote extensive public awareness, education, and participation in Puget Sound protection and recovery;

(h) Work collaboratively with the Hood Canal coordinating council established in chapter 90.88 RCW on Hood Canal-specific issues;

(i) Maintain complete and consolidated financial information to ensure that all funds received and expended to implement the action agenda have been accounted for; and

(j) Such other powers and duties as are necessary and appropriate to carry out the provisions of this chapter.

(2) The council may delegate functions to the chair and to the executive director, however the council may not delegate its decisional authority regarding developing or amending the action agenda.

(3) The council shall work closely with existing organizations and all levels of government to ensure that the action agenda and its implementation are scientifically sound, efficient, and achieve necessary results to accomplish recovery of Puget Sound to health by 2020.

(4) The council shall support, engage, and foster collaboration among watershed groups to assist in the recovery of Puget Sound.

(5) When working with federally recognized Indian tribes to develop and implement the action agenda, the council shall conform to the procedures and standards required in a government-to-governmental relationship with tribes under the 1989 Centennial Accord between the state of Washington and the sovereign tribal governments in the state of Washington.

(6) Members of the council shall be compensated in accordance with RCW 43.03.220 and be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 6. EXECUTIVE DIRECTOR--POWERS AND DUTIES.** (1) The partnership shall be administered by an executive director who serves as a communication link between all levels of government, the private sector, tribes, nongovernmental organizations, the council, the board, and the panel. The executive director shall be accountable to the council and the governor for effective communication, actions, and results.

(2) The executive director shall be appointed by and serve at the pleasure of the governor, in consultation with the council. The governor shall consider the recommendations of the council when appointing the executive director.

(3) The executive director shall have complete charge of and supervisory powers over the partnership, subject to the guidance from the council.

(4) The executive director shall employ a staff, who shall be state employees under Title 41 RCW.

(5) Upon approval of the council, the executive director may take action to create a private nonprofit entity, which may take the form of a nonprofit corporation, to assist the partnership in restoring Puget Sound by:

(a) Raising money and other resources through charitable giving, donations, and other appropriate mechanisms;

(b) Engaging and educating the public regarding Puget Sound's health, including efforts and opportunities to restore Puget Sound ecosystems; and

(c) Performing other similar activities as directed by the partnership.

**NEW SECTION. Sec. 7. ECOSYSTEM COORDINATION BOARD.** (1) The council shall convene the ecosystem coordination board not later than October 1, 2007.

(2) The board shall consist of the following:

(a) One representative from the geographic area of each of the action areas specified in section 8 of this act, appointed by the council. The council shall solicit nominations from, at a minimum, counties, cities, and watershed groups;

(b) Two members representing general business interests, appointed by the council;

(c) Two members representing environmental interests, appointed by the council;

(d) Three representatives of tribal governments located in Puget Sound, invited by the governor to participate as members of the board;

(e) One representative each from counties, cities, and port districts, appointed by the council from nominations submitted by statewide associations representing such local governments;

(f) Three representatives of state agencies with environmental management responsibilities in Puget Sound, representing the interests of all state agencies, one of whom shall be the commissioner of public lands or his or her designee; and

(g) Three representatives of federal agencies with environmental management responsibilities in Puget Sound, representing the

interests of all federal agencies and invited by the governor to participate as members of the board.

(3) The president of the senate shall appoint two senators, one from each major caucus, as legislative liaisons to the board. The speaker of the house of representatives shall appoint two representatives, one from each major caucus, as legislative liaisons to the board.

(4) The board shall elect one of its members as chair, and one of its members as vice-chair.

(5) The board shall advise and assist the council in carrying out its responsibilities in implementing this chapter, including development and implementation of the action agenda. The board's duties include:

(a) Assisting cities, counties, ports, tribes, watershed groups, and other governmental and private organizations in the compilation of local programs for consideration for inclusion in the action agenda as provided in section 8 of this act;

(b) Upon request of the council, reviewing and making recommendations regarding activities, projects, and programs proposed for inclusion in the action agenda, including assessing existing ecosystem scale management, restoration and protection plan elements, activities, projects, and programs for inclusion in the action agenda;

(c) Seeking public and private funding and the commitment of other resources for plan implementation;

(d) Assisting the council in conducting public education activities regarding threats to Puget Sound and about local implementation strategies to support the action agenda; and

(e) Recruiting the active involvement of and encouraging the collaboration and communication among governmental and nongovernmental entities, the private sector, and citizens working to achieve the recovery of Puget Sound.

(6) Members of the board, except for federal and state employees, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 8. INTEGRATING WATERSHED PROGRAMS AND ECOSYSTEM SCALE PLANS INTO THE ACTION AGENDA.** (1) The partnership shall develop the action agenda in part upon the foundation of existing watershed programs that address or contribute to the health of Puget Sound. To ensure full consideration of these watershed programs in a timely manner to meet the required date for adoption of the action agenda, the partnership shall rely largely upon local watershed groups, tribes, cities, counties, special purpose districts, and the private sector, who are engaged in developing and implementing these programs.

(2) The partnership shall organize this work by working with these groups in the following geographic action areas of Puget Sound, which collectively encompass all of the Puget Sound basin and include the areas draining to the marine waters in these action areas:

- (a) Strait of Juan de Fuca;
- (b) The San Juan Islands;
- (c) Whidbey Island;
- (d) North central Puget Sound;
- (e) South central Puget Sound;
- (f) South Puget Sound; and
- (g) Hood Canal.

(3) The council shall define the geographic delineations of these action areas based upon the common issues and interests of the entities in these action areas, and upon the characteristics of the Sound's physical structure, and the water flows into and within the Sound.

(4) The executive director, working with the board representatives from each action area, shall invite appropriate tribes, local governments, and watershed groups to convene for the purpose of compiling the existing watershed programs relating or contributing to the health of Puget Sound. The participating groups should work to identify the applicable local plan elements, projects, and programs, together with estimated budget, timelines, and proposed funding sources, that are suitable for adoption into the action agenda. This may include a prioritization among plan elements, projects, and programs.

(5) The partnership may provide assistance to watershed groups in those action areas that are developing and implementing programs included within the action agenda, and to improve coordination among the groups to improve and accelerate the implementation of the action agenda.

(6) The executive director, working with the board, shall also compile and assess ecosystem scale management, restoration, and protection plans for the Puget Sound basin.

(a) At a minimum, the compilation shall include the Puget Sound nearshore estuary project, clean-up plans for contaminated aquatic lands and shorelands, aquatic land management plans, state resource management plans, habitat conservation plans, and recovery plans for salmon, orca, and other species in Puget Sound that are listed under the federal endangered species act.

(b) The board should work to identify and assess applicable ecosystem scale plan elements, projects, and programs, together with estimated budget, timelines, and proposed funding sources, that are suitable for adoption into the action agenda.

(c) When the board identifies conflicts or disputes among ecosystem scale projects or programs, the board may convene the agency managers in an attempt to reconcile the conflicts with the objective of advancing the protection and recovery of Puget Sound.

(d) If it determines that doing so will increase the likelihood of restoring Puget Sound by 2020, the partnership may explore the utility of federal assurances under the endangered species act, 16 U.S.C. Sec. 1531 et seq., and shall confer with the federal services administering that act.

(7) The executive director shall integrate and present the proposed elements from watershed programs and ecosystem-level plans to the council for consideration for inclusion in the action agenda not later than July 1, 2008.

**NEW SECTION. Sec. 9. SCIENCE PANEL--CREATED.** (1) The council shall appoint a nine-member Puget Sound science panel to provide independent, nonrepresentational scientific advice to the council and expertise in identifying environmental indicators and benchmarks for incorporation into the action agenda.

(2) In establishing the panel, the council shall request the Washington academy of sciences, created in chapter 70.220 RCW, to nominate fifteen scientists with recognized expertise in fields of science essential to the recovery of Puget Sound. Nominees should reflect the full range of scientific and engineering disciplines involved in Puget Sound recovery. At a minimum, the Washington academy of sciences shall consider making nominations from scientists associated with federal, state, and local agencies, tribes, the business and environmental communities, members of the K-12, college, and university communities, and members of the board. The solicitation should be to all sectors, and candidates may be from all public and private sectors. Persons nominated by the Washington academy of sciences must disclose any potential conflicts of interest, and any financial relationship with any leadership council member, and disclose sources of current financial support and contracts relating to Puget Sound recovery.

(3) The panel shall select a chair and a vice-chair. Panel members shall serve four-year terms, except that the council shall determine initial terms of two, three, and four years to provide for staggered terms. The council shall determine reappointments and select replacements or additional members of the panel. No panel member may serve longer than twelve years.

(4) The executive director shall designate a lead staff scientist to coordinate panel actions, and administrative staff to support panel activities. The legislature intends to provide ongoing funding for staffing of the panel to ensure that it has sufficient capacity to provide independent scientific advice.

(5) The executive director of the partnership and the science panel shall explore a shared state and federal responsibility for the staffing and administration of the panel. In the event that a federally sponsored Puget Sound recovery office is created, the council may propose that such office provide for staffing and administration of the panel.

(6) The panel shall assist the council in developing and revising the action agenda, making recommendations to the action agenda, and making recommendations to the council for updates or revisions.

(7) Members of the panel shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, and based upon the availability of funds, the council may contract with members of the panel for compensation for their services under chapter 39.29 RCW. If appointees to the panel are employed by the federal, state, tribal, or local governments, the council may enter into interagency personnel agreements.

**NEW SECTION. Sec. 10. SCIENCE PANEL--FUNCTIONS AND DUTIES.** (1) The panel shall:

(a) Assist the council, board, and executive director in carrying out the obligations of the partnership, including preparing and updating the action agenda;

(b) As provided in section 8 of this act, assist the partnership in developing an ecosystem level strategic science program that:

(i) Addresses monitoring, modeling, data management, and research; and

(ii) Identifies science gaps and recommends research priorities;

(c) Develop and provide oversight of a competitive peer-reviewed process for soliciting, strategically prioritizing, and funding research and modeling projects;

(d) Provide input to the executive director in developing biennial implementation strategies; and

(e) Offer an ecosystem-wide perspective on the science work being conducted in Puget Sound and by the partnership.

(2) The panel should collaborate with other scientific groups and consult other scientists in conducting its work. To the maximum extent possible, the panel should seek to integrate the state-sponsored Puget Sound science program with the Puget Sound science activities of federal agencies, including working toward an integrated research agenda and Puget Sound science work plan.

(3) By July 31, 2008, the panel shall identify environmental indicators measuring the health of Puget Sound, and recommend environmental benchmarks that need to be achieved to meet the goals of the action agenda. The council shall confer with the panel on incorporating the indicators and benchmarks into the action agenda.

**NEW SECTION. Sec. 11. SCIENCE PANEL--PROGRAMS, UPDATES, AND WORK PLANS.** (1) The strategic science program shall be developed by the panel with assistance and staff support provided by the executive director. The science program may include:

(a) Continuation of the Puget Sound assessment and monitoring program, as provided in RCW 90.71.060, as well as other monitoring or modeling programs deemed appropriate by the executive director;

(b) Development of a monitoring program, in addition to the provisions of RCW 90.71.060, including baselines, protocols, guidelines, and quantifiable performance measures, to be recommended as an element of the action agenda;

(c) Recommendations regarding data collection and management to facilitate easy access and use of data by all participating agencies and the public; and

(d) A list of critical research needs.

(2) The strategic science program may not become an official document until a majority of the members of the council votes for its adoption.

(3) A Puget Sound science update shall be developed by the panel with assistance and staff support provided by the executive director. The panel shall submit the initial update to the executive director by April 2010, and subsequent updates as necessary to reflect new scientific understandings. The update shall:

(a) Describe the current scientific understanding of various physical attributes of Puget Sound;

(b) Serve as the scientific basis for the selection of environmental indicators measuring the health of Puget Sound; and

(c) Serve as the scientific basis for the status and trends of those environmental indicators.

(4) The executive director shall provide the Puget Sound science update to the Washington academy of sciences, the governor, and appropriate legislative committees, and include:

(a) A summary of information in existing updates; and

(b) Changes adopted in subsequent updates and in the state of the Sound reports produced pursuant to section 19 of this act.

(5) A biennial science work plan shall be developed by the panel, with assistance and staff support provided by the executive director, and approved by the council. The biennial science work plan shall include, at a minimum:

(a) Identification of recommendations from scientific and technical reports relating to Puget Sound;

(b) A description of the Puget Sound science-related activities being conducted by various entities in the region, including studies, models, monitoring, research, and other appropriate activities;

(c) A description of whether the ongoing work addresses the recommendations and, if not, identification of necessary actions to fill gaps;

(d) Identification of specific biennial science work actions to be done over the course of the work plan, and how these actions address science needs in Puget Sound; and

(e) Recommendations for improvements to the ongoing science work in Puget Sound.

**NEW SECTION. Sec. 12. ACTION AGENDA--GOALS AND OBJECTIVES.** (1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, and identification of responsible entities. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, near shore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

**NEW SECTION. Sec. 13. ACTION AGENDA--DEVELOPMENT AND ELEMENTS.** (1) The council shall develop a science-based action agenda that leads to the recovery of Puget Sound by 2020 and achievement of the goals and objectives established in section 12 of this act. The action agenda shall:

(a) Address all geographic areas of Puget Sound including upland areas and tributary rivers and streams that affect Puget Sound;

(b) Describe the problems affecting Puget Sound's health using supporting scientific data, and provide a summary of the historical environmental health conditions of Puget Sound so as to determine past levels of pollution and restorative actions that have established the current health conditions of Puget Sound;

(c) Meet the goals and objectives described in section 12 of this act, including measurable outcomes for each goal and objective specifically describing what will be achieved, how it will be quantified, and how progress towards outcomes will be measured.

The action agenda shall include near-term and long-term benchmarks designed to ensure continuous progress needed to reach the goals, objectives, and designated outcomes by 2020. The council shall consult with the panel in developing these elements of the plan;

(d) Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound and to achieve the goals and objectives described in section 12 of this act;

(e) Identify the agency, entity, or person responsible for completing the necessary strategies and actions, and potential sources of funding;

(f) Include prioritized actions identified through the assembled proposals from each of the seven action areas and the identification and assessment of ecosystem scale programs as provided in section 8 of this act;

(g) Include specific actions to address aquatic rehabilitation zone one, as defined in RCW 90.88.010;

(h) Incorporate, any additional goals adopted by the council; and

(i) Incorporate appropriate actions to carry out the science work plan created in section 11 of this act.

(2) In developing the action agenda and any subsequent revisions, the council shall, when appropriate, incorporate the following:

(a) Water quality, water quantity, sediment quality, watershed, marine resource, and habitat restoration plans created by governmental agencies, watershed groups, and marine and shoreline groups. The council shall consult with the board in incorporating these plans;

(b) Recovery plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act;

(c) Existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies;

(d) Appropriate portions of the Puget Sound water quality management plan existing on the effective date of this section.

(3) Until the action agenda is adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program described in section 320 of the federal clean water act, until replaced by the action agenda and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.

(4) The council shall adopt the action agenda by September 1, 2008. The council shall revise the action agenda as needed, and revise the implementation strategies every two years using an adaptive management process informed by tracking actions and monitoring results in Puget Sound. In revising the action agenda and the implementation strategies, the council shall consult the panel and the board and provide opportunity for public review and comment. Biennial updates shall:

(a) Contain a detailed description of prioritized actions necessary in the biennium to achieve the goals, objectives, outcomes, and benchmarks of progress identified in the action agenda;

(b) Identify the agency, entity, or person responsible for completing the necessary action; and

(c) Establish biennial benchmarks for near-term actions.

(5) The action agenda shall be organized and maintained in a single document to facilitate public accessibility to the plan.

**NEW SECTION. Sec. 14. DEVELOPMENT OF BIENNIAL BUDGET REQUESTS.** (1) State agencies responsible for implementing elements of the action agenda shall:

(a) Provide to the partnership by June 1st of each even-numbered year their estimates of the actions and the budget resources needed for the forthcoming biennium to implement their portion of the action agenda; and

(b) Work with the partnership in the development of biennial budget requests to achieve consistency with the action agenda to be submitted to the governor for consideration in the governor's biennial budget request. The agencies shall seek the concurrence of the partnership in the proposed funding levels and sources included in this proposed budget.

(2) If a state agency submits an amount different from that developed in subsection (1)(a) of this section as part of its biennial budget request, the partnership and state agency shall jointly identify the differences and the reasons for these differences and present this information to the office of financial management by October 1st of each even-numbered year.

**NEW SECTION. Sec. 15. FUNDING FROM PARTNERSHIP--ACCOUNTABILITY.** (1) Any funding made available directly to the partnership from the Puget Sound recovery account created in section 23 of this act and used by the partnership for loans, grants, or funding transfers to other entities shall be prioritized according to the action agenda developed pursuant to section 13 of this act.

(2) The partnership shall condition, with interagency agreements, any grants or funding transfers to other entities to ensure accountability in the expenditure of the funds and to ensure that the funds are used by the recipient entity in the manner determined by the partnership to be the most consistent with the priorities of the action agenda. Any conditions placed on federal funding under this section shall incorporate and be consistent with requirements under signed agreements between the entity and the federal government.

(3) If the partnership finds that the provided funding was not used as instructed in the interagency agreement, the partnership may suspend or further condition future funding to the recipient entity.

(4) The partnership shall require any entity that receives funds for implementing the action agenda to publicly disclose and account for expenditure of those funds.

**NEW SECTION. Sec. 16. IMPLEMENTATION--FISCAL ACCOUNTABILITY.** (1) The legislature intends that fiscal incentives and disincentives be used as accountability measures designed to achieve consistency with the action agenda by:

(a) Ensuring that projects and activities in conflict with the action agenda are not funded;

(b) Aligning environmental investments with strategic priorities of the action agenda; and

(c) Using other state and loan programs to encourage consistency with the action agenda.

(2) The council shall adopt measures to ensure that funds appropriated for implementation of the action agenda and identified by proviso in the omnibus appropriations act pursuant to RCW 43.88.030(1)(g) are expended in a manner that will achieve the intended results. In developing such performance measures, the council shall establish criteria for the expenditure of the funds consistent with the responsibilities and timelines under the action agenda, and require reporting and tracking of funds expended. The council may adopt other measures, such as requiring interagency agreements regarding the expenditure of provided Puget Sound funds.

(3) The partnership shall work with other state agencies providing grant and loan funds or other financial assistance for projects and activities that impact the health of the Puget Sound ecosystem under chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and 90.50A RCW to, within the authorities of the programs, develop consistent funding criteria that prohibits funding projects and activities that are in conflict with the action agenda.

(4) The partnership shall develop a process and criteria by which entities that consistently achieve outstanding progress in implementing the action agenda are designated as Puget Sound partners. State agencies shall work with the partnership to revise their grant, loan, or other financial assistance allocation criteria to create a preference for entities designated as Puget Sound partners for funds allocated to the Puget Sound basin, pursuant to RCW 43.155.070, 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520, and 90.50A.040.

(5) Any entity that receives state funds to implement actions required in the action agenda shall report biennially to the council on progress in completing the action and whether expected results have been achieved within the time frames specified in the action agenda.

**NEW SECTION. Sec. 17. ACCOUNTABILITY FOR IMPLEMENTATION.** (1) The council is accountable for achieving

the action agenda. The legislature intends that all governmental entities within Puget Sound will exercise their existing authorities to implement the applicable provisions of the action agenda.

(2) The partnership shall involve the public and implementing entities to develop standards and processes by which the partnership will determine whether implementing entities are taking actions consistent with the action agenda and achieving the outcomes identified in the action agenda. Among these measures, the council may hold management conferences with implementing entities to review and assess performance in undertaking implementation strategies with a particular focus on compliance with and enforcement of existing laws. Where the council identifies an inconsistency with the action agenda, the council shall offer support and assistance to the entity with the objective of remedying the inconsistency. The results of the conferences shall be included in the state of the Sound report required under section 19 of this act.

(3) In the event the council determines that an entity is in substantial noncompliance with the action agenda, it shall provide notice of this finding and supporting information to the entity. The council or executive director shall thereafter meet and confer with the entity to discuss the finding and, if appropriate, develop a corrective action plan. If no agreement is reached, the council shall hold a public meeting to present its findings and the proposed corrective action plan. If the entity is a state agency, the meeting shall include representatives of the governor's office and office of financial management. If the entity is a local government, the meeting shall be held in the jurisdiction and electoral representatives from the jurisdictions shall be invited to attend. If, after this process, the council finds that substantial noncompliance continues, the council shall issue written findings and document its conclusions. The council may recommend to the governor that the entity be ineligible for state financial assistance until the substantial noncompliance is remedied. Instances of noncompliance shall be included in the state of the Sound report required under section 19 of this act.

(4) The council shall provide a forum for addressing and resolving problems, conflicts, or a substantial lack of progress in a specific area that it has identified in the implementation of the action agenda, or that citizens or implementing entities bring to the council. The council may use conflict resolution mechanisms such as but not limited to, technical and financial assistance, facilitated discussions, and mediation to resolve the conflict. Where the parties and the council are unable to resolve the conflict, and the conflict significantly impairs the implementation of the action agenda, the council shall provide its analysis of the conflict and recommendations resolution to the governor, the legislature, and to those entities with jurisdictional authority to resolve the conflict.

(5) When the council or an implementing entity identifies a statute, rule, ordinance or policy that conflicts with or is an impediment to the implementation of the action agenda, or identifies a deficiency in existing statutory authority to accomplish an element of the action agenda, the council shall review the matter with the implementing entities involved. The council shall evaluate the merits of the conflict, impediment, or deficiency, and make recommendations to the legislature, governor, agency, local government or other appropriate entity for addressing and resolving the conflict.

(6) The council may make recommendations to the governor and appropriate committees of the senate and house of representatives for local or state administrative or legislative actions to address barriers it has identified to successfully implementing the action agenda.

**NEW SECTION. Sec. 18. LIMITATIONS ON AUTHORITY.**

(1) The partnership shall not have regulatory authority nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(2) The action agenda may not create a legally enforceable duty to review or approve permits, or to adopt plans or regulations. The action agenda may not authorize the adoption of rules under chapter 34.05 RCW creating a legally enforceable duty applicable to the review or approval of permits or to the adoption of plans or regulations. No action of the partnership may alter the forest practices rules adopted pursuant to chapter 76.09 RCW, or any

associated habitat conservation plan. Any changes in forest practices identified by the processes established in this chapter as necessary to fully recover the health of Puget Sound by 2020 may only be realized through the processes established in RCW 76.09.370 and other designated processes established in Title 76 RCW. Nothing in this subsection or subsection (1) of this section limits the accountability provisions of this chapter.

(3) Nothing in this chapter limits or alters the existing legal authority of local governments, nor does it create a legally enforceable duty upon local governments. When a local government proposes to take an action inconsistent with the action agenda, it shall inform the council and identify the reasons for taking the action. If a local government chooses to take an action inconsistent with the action agenda or chooses not to take action required by the action agenda, it will be subject to the accountability measures in this chapter which can be used at the discretion of the council.

**NEW SECTION. Sec. 19. REPORTS.** (1) By September 1st of each even-numbered year beginning in 2008, the council shall provide to the governor and the appropriate fiscal committees of the senate and house of representatives its recommendations for the funding necessary to implement the action agenda in the succeeding biennium. The recommendations shall:

- (a) Identify the funding needed by action agenda element;
- (b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding; and
- (c) Address funding needed to support the work of the partnership, the panel, the ecosystem work group, and entities assisting in coordinating local efforts to implement the plan.

(2) In the 2008 report required under subsection (1) of this section, the council shall include recommendations for projected funding needed through 2020 to implement the action agenda; funding needs for science panel staff; identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery. In preparing the science panel staffing proposal, the council shall consult with the panel.

(3) By November 1st of each odd-numbered year beginning in 2009, the council shall produce a state of the Sound report that includes, at a minimum:

- (a) An assessment of progress by state and nonstate entities in implementing the action agenda, including accomplishments in the use of state funds for action agenda implementation;
- (b) A description of actions by implementing entities that are inconsistent with the action agenda and steps taken to remedy the inconsistency;
- (c) The comments by the panel on progress in implementing the plan, as well as findings arising from the assessment and monitoring program;
- (d) A review of citizen concerns provided to the partnership and the disposition of those concerns;
- (e) A review of the expenditures of funds to state agencies for the implementation of programs affecting the protection and recovery of Puget Sound, and an assessment of whether the use of the funds is consistent with the action agenda; and
- (f) An identification of all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

(4)(a) The council shall review state programs that fund facilities and activities that may contribute to action agenda implementation. By November 1, 2009, the council shall provide initial recommendations to the governor and appropriate fiscal and policy committees of the senate and house of representatives. By November 1, 2010, the council shall provide final recommendations, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the senate and house of representatives.

(b) The review in this subsection shall be conducted with the active assistance and collaboration of the agencies administering these programs, and in consultation with local governments and other entities receiving funding from these programs:

- (i) The water quality account, chapter 70.146 RCW;

- (ii) The water pollution control revolving fund, chapter 90.50A RCW;
  - (iii) The public works assistance account, chapter 43.155 RCW;
  - (iv) The aquatic lands enhancement account, RCW 79.105.150;
  - (v) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;
  - (vi) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;
  - (vii) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;
  - (viii) The community economic revitalization board, chapter 43.160 RCW;
  - (ix) Other state financial assistance to water quality-related projects and activities; and
  - (x) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.
- (c) The council's review shall include but not be limited to:
- (i) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the action agenda;
  - (ii) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the action agenda;
  - (iii) Assessing methods for ensuring that the goals and priorities of the action agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;
  - (iv) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;
  - (v) Assessing ways to incorporate a strategic funding approach for the action agenda within the outcome-focused performance measures required by RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs.

**NEW SECTION. Sec. 20. BASIN-WIDE RESTORATION PROGRESS.** By December 1, 2010, and subject to available funding, the Washington academy of sciences shall conduct an assessment of basin-wide restoration progress. The assessment shall include, but not be limited to, a determination of the extent to which implementation of the action agenda is making progress toward the action agenda goals, and a determination of whether the environmental indicators and benchmarks included in the action agenda accurately measure and reflect progress toward the action agenda goals.

**NEW SECTION. Sec. 21. PERFORMANCE AUDIT.** (1) The joint legislative audit and review committee shall conduct two performance audits of the partnership, with the first audit to be completed by December 1, 2011, and the second to be completed by December 1, 2016.

(2) The audit shall include but not be limited to:

- (a) A determination of the extent to which funds expended by the partnership or provided in biennial budget acts expressly for implementing the action agenda have contributed toward meeting the scientific benchmarks and the recovery goals of the action agenda;
  - (b) A determination of the efficiency and effectiveness of the partnership's oversight of action agenda implementation, based upon the achievement of the objectives as measured by the established environmental indicators and benchmarks; and
  - (c) Any recommendations for improvements in the partnership's performance and structure, and to provide accountability for action agenda results by action entities.
- (3) The partnership may use the audits as the basis for developing changes to the action agenda, and may submit any recommendations requiring legislative policy or budgetary action to the governor and to the appropriate committees of the senate and house of representatives.

**Sec. 22.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read as follows:

In addition to other powers and duties specified in this chapter, the ~~((action team shall ensure))~~ panel, with the approval of the council, shall guide the implementation and coordination of ~~((the))~~ a Puget Sound ~~((ambient))~~ assessment and monitoring program ~~((established in the Puget Sound management plan. The program shall include, at a minimum:~~

~~— (1) A research program, including but not limited to methods to provide current research information to managers and scientists, and to establish priorities based on the needs of the action team;~~

~~— (2) A monitoring program, including baselines, protocols, guidelines, and quantifiable performance measures. In consultation with state agencies, local and tribal governments, and other public and private interests, the action team shall develop and track quantifiable performance measures that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources. The performance measures shall be developed by June 30, 1997. The performance measures shall include, but not be limited to a methodology to track the progress of: Fish and wildlife habitat; sites with sediment contamination; wetlands; shellfish beds; and other key indicators of Puget Sound health. State agencies shall assist the action team in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area).~~

**NEW SECTION. Sec. 23. PUGET SOUND RECOVERY ACCOUNT.** The Puget Sound recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. Federal grants, gifts, or other financial assistance received by the Puget Sound partnership and other state agencies from nonstate sources for the specific purpose of recovering Puget Sound may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the protection and recovery of Puget Sound.

**Sec. 24.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

- (a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;
- (b) The local government must have developed a capital facility plan; and
- (c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by section 25 of this act, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

~~((e))~~ (e) The cost of the project compared to the size of the local government and amount of loan money available;

~~((f))~~ (f) The number of communities served by or funding the project;

~~((g))~~ (g) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((h))~~ (h) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((i))~~ (i) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((j))~~ (j) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1st of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded

under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.155 RCW to read as follows:

In developing a priority process for public works projects under RCW 43.155.070, the board shall give preferences only to Puget Sound partners, as defined in RCW 90.71.010, over other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 26.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by section 27 of this act, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act;

(g) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

~~((h))~~ (h) The recommendations of the Puget Sound ~~(action team)~~ partnership created in section 3 of this act and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 27.** A new section is added to chapter 70.146 RCW to read as follows:

When making grants or loans for water pollution control facilities under RCW 70.146.070, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 28.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications (~~(, and the commission shall utilize)~~);

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental (~~benefit[s] in its grant prioritization and selection process-~~) benefits;

(ii) Whether, except as conditioned by section 29 of this act, the applicant is a Puget Sound partner, as defined in RCW 90.71.010; and

(iii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act; and

(c) Not provide funding, after January 1, 2010, for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program.

(b) The commission shall work with the districts to develop uniform performance measures across participating districts (-) and to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 29.** A new section is added to chapter 89.08 RCW to read as follows:

When administering water quality and habitat protection grants under this chapter, the commission shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 30.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment. ((For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel.))

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act, shall, except as conditioned by section 31 of this act, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. ((During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel

equipment and for storm water planning and implementation activities.

~~(b))~~ (c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

**NEW SECTION. Sec. 31.** A new section is added to chapter 70.105D RCW to read as follows:

When administering funds under this chapter, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 32.** RCW 79.105.150 and 2005 c 518 s 946 and 2005 c 155 s 121 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects.

(2) In providing grants for aquatic lands enhancement projects, ~~the (department))~~ interagency committee for outdoor recreation shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications(~~(~~and the department shall));

(b) Utilize the statement of environmental benefits, ~~consideration, except as provided in section 33 of this act, of whether~~

the applicant is a Puget Sound partner, as defined in RCW 90.71.010, and whether a project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act, in its prioritization and selection process(~~(~~The department shall also)); and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

~~((3) During the fiscal biennium ending June 30, 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.))~~ (5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 33.** A new section is added to chapter 79.105 RCW to read as follows:

When administering funds under this chapter, the interagency committee for outdoor recreation shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 34.** RCW 79A.15.040 and 2005 c 303 s 3 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for natural areas projects under subsection (1) (b) of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

(6)(a) Except as otherwise conditioned by section 35 of this act, the committee shall consider the following in determining distribution priority:

(i) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010; and

(ii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(7) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 35.** A new section is added to chapter 79A.15 RCW to read as follows:

When administering funds under this chapter, the committee shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 36.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and 2005 c 257 s 3 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat; ~~((and))~~

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding;

(vi) Are, except as provided in section 37 of this act, sponsored by an entity that is a Puget Sound partner, as defined in RCW 90.71.010; and

(vii) Are projects referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation; ~~((and))~~

(iv) Involve members of the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 37.** A new section is added to chapter 77.85 RCW to read as follows:

When administering funds under this chapter, the board shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 38.** RCW 90.50A.030 and 1996 c 37 s 4 are each amended to read as follows:

The department ~~((of ecology))~~ shall use the moneys in the water pollution control revolving fund to provide financial assistance as provided in the water quality act of 1987 and as provided in RCW 90.50A.040:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized not later than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; and

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act.

(3) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

(4) ~~((Beginning with the biennium ending June 30, 1997,))~~ The department shall present a biennial progress report on the use of moneys from the account to the ~~((chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year))~~ appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

(5) The department may not use the moneys in the water pollution control revolving fund for grants.

**Sec. 39.** RCW 90.50A.040 and 1988 c 284 s 5 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department ~~((of ecology))~~. In administering the fund, the department shall:

(1) Consistent with RCW 90.50A.030 and section 40 of this act, allocate funds for loans in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act

amendments of 1987 and estuary programs developed under section 320 of that act; ~~((and))~~

(7) Comply with provisions of the water quality act of 1987; and

(8) After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 40.** A new section is added to chapter 90.50A RCW to read as follows:

(1) In administering the fund, the department shall give priority consideration to:

(a) A public body that is a Puget Sound partner, as defined in RCW 90.71.010; and

(b) A project that is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(2) When implementing this section, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**NEW SECTION. Sec. 41. TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM.** (1) The Puget Sound action team is hereby abolished and its powers, duties, and functions are hereby transferred to the Puget Sound partnership as consistent with this chapter. All references to the chair or the Puget Sound action team in the Revised Code of Washington shall be construed to mean the executive director or the Puget Sound partnership.

(2)(a) All employees of the Puget Sound action team are transferred to the jurisdiction of the Puget Sound partnership.

(b) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Puget Sound action team shall be delivered to the custody of the Puget Sound partnership. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the Puget Sound action team shall be made available to the Puget Sound partnership. All funds, credits, or other assets held by the Puget Sound action team shall be assigned to the Puget Sound partnership.

(c) Any appropriations made to the Puget Sound action team shall, on the effective date of this section, be transferred and credited to the Puget Sound partnership.

(d) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the Puget Sound action team shall be continued and acted upon by the Puget Sound partnership. All existing contracts and obligations shall remain in full force and shall be performed by the Puget Sound partnership.

(4) The transfer of the powers, duties, functions, and personnel of the Puget Sound action team shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

**NEW SECTION. Sec. 42.** CAPTIONS NOT LAW. Captions used in this chapter are not any part of the law.

**Sec. 43.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read as follows:

(1)(a) ~~The ((action team)) department of health shall ((establish~~ manage the established shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. ~~The ((action team)) department of health shall provide funds to local health jurisdictions to be used as grants or loans to individuals for improving their on-site sewage systems. The grants or loans may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas.~~

(b) A recipient of a grant or loan shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction.

(c) ~~The ((action team)) department of health shall work closely with local health jurisdictions and ((shall endeavor)) it shall be the goal of the department of health to attain geographic equity between Grays Harbor, Willapa Bay, and ((the)) Puget Sound when making funds available under this program.~~

(d) For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants or loans at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In ~~((the))~~ Puget Sound, ~~the ((action team)) department of health shall give first priority to areas that are:~~

(a) Identified as "areas of special concern" under WAC 246-272-01001; ~~((or))~~

(b) Included within a shellfish protection district under chapter 90.72 RCW; or

(c) Identified as a marine recovery area under chapter 70.118A RCW.

(3) In Grays Harbor and Pacific counties, ~~the ((action team)) department of health shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.~~

(4) ~~The ((action team)) department of health and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.~~

(5) ~~The ((action team)) department of health may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.~~

(6) ((For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present)) As part of the grant program created in this section, the department of health may use any unexpended and unobligated funds from the oyster reserve land account, created in RCW 77.60.160, that are remaining after the implementation of subsection (1) of this section to fund research projects related to oyster reserves. If the department chooses to expend funds for oyster reserve research, it may recover additional costs to administer the research program up to ten percent of the funds expended for research. The department shall select research projects in consultation with the department of fish and wildlife and the appropriate reserve advisory committee created in RCW 77.60.150(2).

**NEW SECTION. Sec. 44.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff.

**Sec. 45.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, ~~((and))~~ (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**Sec. 46.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, ~~((and))~~ (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 47.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the

president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, ~~((personnel appeals board;))~~ board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**Sec. 48.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species, except for program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

**Sec. 49.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read as follows:

(1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance in this state.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds that this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective*

*Action Plan* published by the state agency known as the Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature also finds numerous public, private, and community organizations are working to provide public education and identify potential solutions. The legislature recognizes that, while some information and research is now available and some potential solutions have been identified, more research and analysis is needed to fully develop a program to address Hood Canal's low-dissolved oxygen concentrations.

(4) The legislature finds a need exists for the state to take action to address Hood Canal's low-dissolved oxygen concentrations. The legislature also finds establishing an aquatic rehabilitation zone for Hood Canal will serve as a statutory framework for future regulations and programs directed at recovery of this important aquatic resource.

(5) The legislature therefore intends to establish an aquatic rehabilitation zone for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. The legislature also intends to incorporate provisions in the new statutory chapter creating the designation as solutions are identified regarding this problem.

**Sec. 50.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read as follows:

(1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

(4) The Puget Sound ~~((action team))~~ partnership and the Hood Canal coordinating council must each approve and must concur on projects under the rehabilitation program authorized in this section.

**Sec. 51.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read as follows:

(1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to RCW 90.88.020. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in RCW 90.88.020 and when establishing funding criteria according to subsection (7) of this section, the Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, and the local management board shall solicit participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The local management board also may appoint technical advisory committees as needed.

(3) The local management board and the Puget Sound ~~((action team))~~ partnership shall participate in the development of the program authorized under RCW 90.88.020.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter

into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound (~~(action team)~~) partnership each may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound (~~(action team)~~) partnership and the local management board shall jointly coordinate a process to prioritize projects, studies, and activities for which the Puget Sound (~~(action team)~~) partnership receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound (~~(action team)~~) partnership shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. Final approval for projects under this section requires the consent of both the Puget Sound (~~(action team)~~) partnership and the local management board. Projects under this section must be managed by the Puget Sound (~~(action team)~~) partnership and the local management board. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to RCW 90.88.020 to the appropriate committees of the legislature.

**Sec. 52.** RCW 90.88.901 and 2005 c 479 s 5 are each amended to read as follows:

Nothing in chapter 479, Laws of 2005 provides any regulatory authority to the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, or the Hood Canal coordinating council.

**Sec. 53.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read as follows:

The activities of the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and the Hood Canal coordinating council required by chapter 479, Laws of 2005 are subject to the availability of amounts appropriated for this specific purpose.

**Sec. 54.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound (~~(water quality authority)~~) partnership, created in section 3 of this act. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption

or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

**Sec. 55.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to read as follows:

The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound (~~(action team)~~) partnership shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

**Sec. 56.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to read as follows:

The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound (~~(action team)~~) partnership.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft

excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound (~~(action team's)~~) partnership's water quality work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

**Sec. 57.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to read as follows:

The legislature finds that the department provides, manages, and monitors aquatic land dredged material disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors, and shipping lanes. These disposal sites are approved through a cooperative planning process by the departments of natural resources and ecology, the United States army corps of engineers, and the United States environmental protection agency in cooperation with the Puget Sound (~~(action team)~~) partnership. These disposal sites are essential to the commerce and well-being of the citizens of the state of Washington. Management and environmental monitoring of these sites are necessary to protect environmental quality and to assure appropriate use of state-owned aquatic lands. The creation of an aquatic land dredged material disposal site account is a reasonable means to enable and facilitate proper management and environmental monitoring of these disposal sites.

**Sec. 58.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read as follows:

(1) The aquatic nuisance species committee is created for the purpose of fostering state, federal, tribal, and private cooperation on aquatic nuisance species issues. The mission of the committee is to minimize the unauthorized or accidental introduction of nonnative aquatic species and give special emphasis to preventing the introduction and spread of aquatic nuisance species. The term "aquatic nuisance species" means a nonnative aquatic plant or animal species that threatens the diversity or abundance of native species, the ecological stability of infested waters, or commercial, agricultural, or recreational activities dependent on such waters.

(2) The committee consists of representatives from each of the following state agencies: Department of fish and wildlife, department of ecology, department of agriculture, department of health, department of natural resources, Puget Sound (~~(water quality action team)~~) partnership, state patrol, state noxious weed control board, and Washington sea grant program. The committee shall encourage and solicit participation by: Federally recognized tribes of Washington, federal agencies, Washington conservation organizations, environmental groups, and representatives from industries that may either be affected by the introduction of an aquatic nuisance species or that may serve as a pathway for their introduction.

(3) The committee has the following duties:

(a) Periodically revise the state of Washington aquatic nuisance species management plan, originally published in June 1998;

(b) Make recommendations to the legislature on statutory provisions for classifying and regulating aquatic nuisance species;

(c) Recommend to the state noxious weed control board that a plant be classified under the process designated by RCW 17.10.080 as an aquatic noxious weed;

(d) Coordinate education, research, regulatory authorities, monitoring and control programs, and participate in regional and national efforts regarding aquatic nuisance species;

(e) Consult with representatives from industries and other activities that may serve as a pathway for the introduction of aquatic nuisance species to develop practical strategies that will minimize the risk of new introductions; and

(f) Prepare a biennial report to the legislature with the first report due by December 1, 2001, making recommendations for better accomplishing the purposes of this chapter, and listing the accomplishments of this chapter to date.

(4) The committee shall accomplish its duties through the authority and cooperation of its member agencies. Implementation of all plans and programs developed by the committee shall be through the member agencies and other cooperating organizations.

**Sec. 59.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(f) The recommendations of the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

**Sec. 60.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to read as follows:

The department may not use funds appropriated to implement an element of the action agenda developed by the Puget Sound (~~(water quality authority plan)~~) partnership under section 13 of this act to conduct any activity required under chapter 281, Laws of 1994.

**Sec. 61.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to read as follows:

(1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of

the task force is to provide a coordinated and comprehensive approach to implementation of chapter 516, Laws of 1993. The task force shall consist of the commissioner of public lands, the director of the department of fish and wildlife, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget Sound ~~((water quality authority))~~ partnership, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community, trade, and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in RCW 43.21J.040, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with RCW 43.21J.040; and

(c) To determine funding allocations for projects to be funded from the account created in RCW 43.21J.020 and for projects or programs as designated in the omnibus operating and capital appropriations acts.

**Sec. 62.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to read as follows:

(1) Subject to the limitations of RCW 43.21J.020, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after July 1, 1993:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to rules adopted by the agency then known as the Puget Sound water quality authority ~~((rules adopted))~~ for local planning and management of nonpoint source pollution;

(b) Conservation district projects that provide water quality and habitat improvements;

(c) Indian tribe projects that provide water quality and habitat improvements; or

(d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(3) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

**Sec. 63.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to read as follows:

(1) The sea grant and cooperative extension shall jointly administer a program to provide field agents to work with local governments, property owners, and the general public to increase the propagation of shellfish, and to address Puget Sound water quality problems within Kitsap, Mason, and Jefferson counties that may limit shellfish propagation potential. The sea grant and cooperative extension shall each make available the services of no less than two agents within these counties for the purposes of this section.

(2) The responsibilities of the field agents shall include but not be limited to the following:

(a) Provide technical assistance to property owners, marine industry owners and operators, and others, regarding methods and practices to address nonpoint and point sources of pollution of Puget Sound;

(b) Provide technical assistance to address water quality problems limiting opportunities for enhancing the recreational harvest of shellfish;

(c) Provide technical assistance in the management and increased production of shellfish to facility operators or to those interested in establishing an operation;

(d) Assist local governments to develop and implement education and public involvement activities related to Puget Sound water quality;

(e) Assist in coordinating local water quality programs with region-wide and statewide programs;

(f) Provide information and assistance to local watershed committees.

(3) The sea grant and cooperative extension shall mutually coordinate their field agent activities to avoid duplicative efforts and to ensure that the full range of responsibilities under RCW 28B.30.632 through 28B.30.636 are carried out. They shall consult with the Puget Sound ~~((water quality authority))~~ partnership, created in section 3 of this act, and ensure consistency with ~~((the authority's))~~ any of the Puget Sound partnership's water quality management plans.

(4) Recognizing the special expertise of both agencies, the sea grant and cooperative extension shall cooperate to divide their activities as follows:

(a) Sea grant shall have primary responsibility to address water quality issues related to activities within Puget Sound, and to provide

assistance regarding the management and improvement of shellfish production; and

(b) Cooperative extension shall have primary responsibility to address upland and freshwater activities affecting Puget Sound water quality and associated watersheds.

NEW SECTION. Sec. 64. RCW 90.71.902 and 90.71.903 are each decodified.

NEW SECTION. Sec. 65. RCW 90.71.100 is recodified as a new section in chapter 70.118 RCW.

NEW SECTION. Sec. 66. The following acts or parts of acts are each repealed:

(23) RCW 90.71.005 (Findings) and 1998 c 246 s 13 & 1996 c 138 s 1;

(24) RCW 90.71.015 (Environmental excellence program agreements--Effect on chapter) and 1997 c 381 s 30;

(25) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 & 1996 c 138 s 3;

(26) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996 c 138 s 4;

(27) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;

(28) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s 6;

(29) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;

(30) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;

(31) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15; and

(32) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

NEW SECTION. Sec. 67. Sections 1, 3 through 21, 23, 41, and 42 of this act are each added to chapter 90.71 RCW.

NEW SECTION. Sec. 68. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 69. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Buri; Chandler; Dunn and Kretz.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5412 Prime Sponsor, Senate Committee on Transportation: Clarifying goals, objectives, and responsibilities of certain transportation agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that the citizens of the state expect clear and concise goals, objectives, and responsibilities regarding the operation of the statewide transportation system. Furthermore, the state's citizens expect that the state periodically receive clear and streamlined information that measures whether the goals and objectives are being satisfied. Therefore, it is the intent of the legislature that this act serve to clarify existing goals, objectives, and responsibilities related to the operation of an efficient statewide transportation system.

Sec. 2. RCW 47.01.011 and 1977 ex.s. c 151 s 1 are each amended to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a statewide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state, and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency. The powers, duties, and functions of the department of transportation must be performed in a manner consistent with the policy goals set forth in RCW 47.01.012 (as recodified by this act).

Sec. 3. RCW 47.01.012 and 2002 c 5 s 101 are each amended to read as follows:

(1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals ((shall consist of, but not be limited to, the following)) established under this section are deemed consistent with the benchmark categories((s)) adopted by the state's blue ribbon commission on transportation on November 30, 2000. ((In addition to improving safety,)) Public investments in transportation ((shall) should support achievement of these ((and other priority)) policy goals:

((No interstate highways, state routes, and local arterials shall be in poor condition; no bridges shall be structurally deficient, and safety retrofits shall be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean; delay per driver shall be significantly reduced and no worse than the national mean; per capita vehicle miles traveled shall be maintained at 2000 levels; the nonauto share of commuter trips shall be increased in urban areas; administrative costs as a percentage of transportation spending shall achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living-))

(a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;

(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section.

(3) These policy goals (~~shall~~) are intended to be the basis for (~~establishment of~~) establishing detailed and measurable objectives and related performance (~~benchmarks~~) measures.

(4) It is the intent of the legislature that the (~~transportation commission~~) office of financial management establish objectives and performance measures for the department of transportation and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels (~~; and the transportation commission should work with appropriate government entities to accomplish this~~) progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The office of financial management shall submit initial objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during the 2008 legislative session. The office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) This section does not create a private right of action.

**Sec. 4.** RCW 47.01.071 and 2006 c 334 s 3 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems (~~to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy~~). The policies must be aligned with the goals established in RCW 47.01.012 (as recodified by this act). To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) (~~Propose a transportation policy for the state;~~) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(~~(c) To~~) (d) Integrate the statewide transportation plan with the needs of the elderly and (~~handicapped~~) persons with disabilities, and (~~to~~) coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan (~~which shall be~~) consistent

with the state's growth management goals and based on the transportation policy (~~adopted by the governor and the legislature,~~) goals provided under RCW 47.01.012 (as recodified by this act) and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation (~~; prior to each regular session of the legislature during an even-numbered year thereafter. The plan shall be subject to the approval of the legislature in the biennial transportation budget act~~).

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining the policy goals under RCW 47.01.012 (as recodified by this act) in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter, the office of financial management shall submit to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.01.012 (as recodified by this act), as measured by the objectives and performance measures established by the office of financial management under RCW 47.01.012 (as recodified by this act);

(6) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(~~(6)~~) (7) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(~~(7)~~) (8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(~~(8)~~) (9) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

(~~(9)~~) (10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

**Sec. 5.** RCW 47.01.075 and 2006 c 334 s 4 are each amended to read as follows:

(1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. (~~It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry.~~) At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues. The commission shall consider the input

gathered at the forums as it establishes the statewide transportation plan under RCW 47.01.071(4).

~~(2) ((Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report and propose to the office of financial management transportation priorities for the ensuing biennium. The report must:~~

- ~~— (a) Consider the citizen input gathered at the forums;~~
- ~~— (b) Be developed with the assistance of state transportation-related agencies and organizations;~~
- ~~— (c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, key transportation stakeholders, and the office of financial management;~~
- ~~— (d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;~~
- ~~— (e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year for consideration by the governor.~~

~~— ((3)) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.~~

~~— ((4)) (3) In order to promote a better transportation system, the commission ((shall)) may offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:~~

- ~~(a) Transportation finance;~~
- ~~(b) Preserving, maintaining, and operating the statewide transportation system;~~
- ~~(c) Transportation infrastructure needs;~~
- ~~(d) Promoting best practices for adoption and use by transportation-related agencies and programs;~~
- ~~(e) Transportation efficiencies that will improve service delivery and/or coordination;~~
- ~~(f) Improved planning and coordination among transportation agencies and providers; and~~
- ~~(g) Use of intelligent transportation systems and other technology-based solutions((and~~
- ~~— (h) Reporting of performance against goals, targets, and benchmarks)).~~

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.01 RCW to read as follows:

To support achievement of the policy goals described in RCW 47.01.012, the department shall:

- (1) Maintain an inventory of the condition of structures and corridors, and maintain a list of those structures and corridors in most urgent need of retrofit or rehabilitation;
- (2) Develop long-term financing plans that sustainably support ongoing maintenance and preservation of the transportation infrastructure;
- (3) Balance system safety and convenience through all phases of a project to accommodate all users of the transportation system, including vehicles, freight, pedestrians, bicyclists, and transit users, to safely, reliably, and efficiently provide mobility to people and goods;
- (4) Develop strategies to gradually reduce the per capita vehicle miles traveled based on consideration of a range of reduction methods including, but not limited to: Consideration of enhancements to and expansion of public transportation options; transportation demand management; bicycle and pedestrian infrastructure; vanpool and carpool programs; incentive programs; and innovative design approaches;
- (5) Utilize efficiency tools, including high-occupancy vehicle and high-occupancy toll lanes, corridor-specific and systemwide pricing strategies, active traffic management, commute trip reduction, and other demand management tools;
- (6) Promote integrated multimodal planning, incorporating a variety of modal approaches; and
- (7) Select engineers and architects to design environmentally sustainable, context-sensitive transportation systems that are integrated into the communities they serve.

**Sec. 7.** RCW 47.05.030 and 2006 c 334 s 45 are each amended to read as follows:

~~(1) The ((transportation commission)) office of financial management shall ((develop)) propose a comprehensive ten-year investment program ((specifying program objectives and performance measures)) for the preservation and improvement programs defined in this section, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act). The ((adopted)) proposed ten-year investment program must be forwarded as a recommendation ((to)) by the ((governor and)) office of financial management to the legislature, and ((is subject to the approval of the legislature in the biennial transportation budget act. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program)) must be based upon the needs identified in the ((state-owned highway component of the)) statewide ((comprehensive)) transportation plan established under RCW 47.01.071(4).~~

~~— ((+)) (2) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. ((The preservation program must require use of the most cost-effective pavement surfaces, considering:~~

- ~~— (a) Life-cycle cost analysis;~~
- ~~— (b) Traffic volume;~~
- ~~— (c) Subgrade soil conditions;~~
- ~~— (d) Environmental and weather conditions;~~
- ~~— (e) Materials available; and~~
- ~~— (f) Construction factors.~~

~~The comprehensive ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.~~

~~— (2)) (3) The improvement program consists of investments needed to address identified deficiencies on the state highway system to ((increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate)) meet the goals established in RCW 47.01.012 (as recodified by this act).~~

**Sec. 8.** RCW 47.05.035 and 2006 c 334 s 46 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

~~— ((3)) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as~~

compared to roadway and bridge preservation program activities and adjust those programs accordingly.

~~(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:~~

~~(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;~~

~~(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;~~

~~(c) The continuity of future transportation development with those improvements previously programmed; and~~

~~(d) The availability of dedicated funds for a specific type of work.~~

~~(5) The department shall consider the findings in this section in the development of the ten-year investment program.)~~

**Sec. 9.** RCW 47.06.020 and 1993 c 446 s 2 are each amended to read as follows:

The specific role of the department in transportation planning ~~((shall))~~ must be, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act): (1) Ongoing coordination and development of statewide transportation policies that guide all Washington transportation providers; (2) ongoing development of a statewide multimodal transportation plan that includes both state-owned and state-interest facilities and services; (3) coordinating the state high-capacity transportation planning and regional transportation planning programs; ~~((and))~~ (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of statewide significance; and (5) assisting the transportation commission in the development of the statewide transportation plan required under RCW 47.01.071(4). Specific requirements for each of these state transportation planning components are described in this chapter.

**Sec. 10.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read as follows:

The state-owned facilities component of the statewide multimodal transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways ~~((that meet benchmarks established by the transportation commission))~~. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include

but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

**Sec. 11.** RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

The legislature declares the following transportation facilities and services to be of statewide significance: Highways of statewide significance as designated by the legislature under chapter 47.05 RCW, the interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal transportation plan, or to highways of statewide significance designated by the legislature under chapter 47.05 RCW, are essential state public facilities under RCW 36.70A.200.

The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement

of people and goods and the needs of local communities using these facilities.

**Sec. 12.** RCW 35.95A.120 and 2003 c 147 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the city transportation authority may be dissolved by a vote of the people residing within the boundaries of the authority if the authority is faced with significant financial problems. However, the authority may covenant with holders of its bonds that it may not be dissolved and shall continue to exist solely for the purpose of continuing to levy and collect any taxes or assessments levied by it and pledged to the repayment of debt and to take other actions, including the appointment of a trustee, as necessary to allow it to repay any remaining debt. No such debt may be incurred by the authority on a project until thirty days after a final environmental impact statement on that project has been issued as required by chapter 43.21C RCW. The amount of the authority's initial bond issue is limited to the amount of the project costs in the subsequent two years as documented by a certified engineer or by submitted bids, plus any reimbursable capital expenses already incurred at the time of the bond issue. The authority may size the first bond issue consistent with the internal revenue service five-year spend down schedule if an independent financial advisor recommends such an approach is financially advisable. Any referendum petition to dissolve the city transportation authority must be filed with the city council and contain provisions for dissolution of the authority. Within seven days, the city prosecutor must review the validity of the petition and submit its report to the petitioner and city council. If the petitioner's claims are deemed valid by the city prosecutor, within ten days of the petitioner's filing, the city council will confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title must be posed as a question and an affirmative vote on the measure results in authority retention and a negative vote on the measure results in the authority's dissolution. The petitioner will be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner has ninety days in which to secure on petition forms, the signatures of not less than fifteen percent of the registered voters in the authority area and to file the signed petitions with the filing officer. Each petition form must contain the ballot title and the full text of the measure to be referred. The filing officer will verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the initiative to the authority area voters at a general or special election held on one of the dates provided in RCW ((29.13.010)) 29A.04.321 as determined by the city council, which election will not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

(2) A city transportation authority is dissolved and terminated if all of the following events occur before or after the effective date of this section:

(a) A majority of the qualified electors voting at a regular or special election determine that new public monorail transportation facilities must not be built;

(b) The governing body of the authority adopts a resolution and publishes a notice of the proposed dissolution at least once every week for three consecutive weeks in a newspaper of general circulation published in the authority area. The resolution and notice must:

(i) Describe information that must be included in a notice of claim against the authority including, but not limited to, any claims for refunds of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority;

(ii) Provide a mailing address where a notice of claim may be sent;

(iii) State the deadline, which must be at least ninety days from the date of the third publication, by which the authority must receive a notice of claim; and

(iv) State that a claim will be barred if a notice of claim is not received by the deadline;

(c) The authority resolves all claims timely made under (b) of this subsection; and

(d) The governing body adopts a resolution (i) finding that the conditions of (a) through (c) of this subsection have been met and (ii) dissolving and terminating the authority.

(3) A claim against a city transportation authority is barred if (a) a claimant does not deliver a notice of claim to the authority by the deadline stated in subsection (2)(b)(iii) of this section or (b) a claimant whose claim was rejected by the authority does not commence a proceeding to enforce the claim within sixty days from receipt of the rejection notice. For purposes of this subsection, "claim" includes, but is not limited to, any right to payment, whether liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, or the right to an equitable remedy for breach of performance if the breach gives rise to a right to payment, whether or not the right to an equitable remedy is fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured, including, but not limited to, any claim for a refund of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority.

(4) The governing body of the authority may transfer any net assets to one or more other political subdivisions with instructions as to their use or disposition. The governing body shall authorize this transfer in the resolution that dissolves and terminates the authority under subsection (2)(d) of this section.

(5) Upon the dissolution and termination of the authority, the former officers, directors, employees, and agents of the authority shall be immune from personal liability in connection with any claims brought against them arising from or relating to their service to the authority, and any claim brought against any of them is barred.

(6) Upon satisfaction of the conditions set forth in subsection (2)(a) and (b) of this section, the terms of all members of the governing body of the city transportation authority, whether elected or appointed, who are serving as of the date of the adoption of the resolution described in subsection (2)(b) of this section, shall be extended, and incumbent governing body members shall remain in office until dissolution of the authority, notwithstanding any provision of any law to the contrary.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(33) RCW 47.01.370 (Review of performance and outcome measures of transportation-related agencies--Definition) and 2006 c 334 s 44;

(34) RCW 47.05.051 (Ten-year comprehensive investment program--Priority selection criteria--Improvement program criteria) and 2006 c 334 s 47, 2005 c 319 s 11, 2002 c 189 s 3, 2002 c 5 s 406, 1998 c 175 s 12, 1993 c 490 s 5, 1987 c 179 s 5, 1979 ex.s. c 122 s 5, & 1975 1st ex.s. c 143 s 4; and

(35) RCW 47.06.030 (Transportation policy plan) and 1997 c 369 s 8 and 1993 c 446 s 3.

**NEW SECTION. Sec. 14.** RCW 47.01.012 is recodified as a section in chapter 47.04 RCW."

Correct the title.

Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 2, 2007  
SB 5421 Prime Sponsor, Senator Fraser: Concerning environmental covenants. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

April 2, 2007

SSB 5447 Prime Sponsor, Senate Committee on Natural Resources, Ocean & Recreation: Regarding the coastal Dungeness crab fishery. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the coastal Dungeness crab fishery is one of the most valuable commercial fisheries in Washington. For example, the 2004-05 season resulted in landings of twenty-one million pounds with an estimated ex-vessel value of over thirty million dollars. The fishery represents a vital economic foundation for many coastal communities.

Since 1994, the coastal Dungeness crab fishery has faced significant pressure and has undergone many regulatory changes stemming from issues relating to the sustainability of the resource, the safety and sustainability of the fleet, interstate and federal jurisdiction questions, as well as allocation issues.

In order to further promote the sustainability of the coastal Dungeness crab resource, the coastal crab fleet, and coastal communities, the legislature intends for the department of fish and wildlife to develop a proposed coastal Dungeness buyback program that would be implemented in cooperation with the federal government upon future legislative direction.

**NEW SECTION. Sec. 2.** (1) The department shall develop a detailed proposed Dungeness crab-coastal fishery buyback program. The proposed program must provide for the purchase and permanent retirement of Dungeness crab-coastal fishery licenses. The department shall design this element of the proposed program with the goal of purchasing between eighty and one hundred Dungeness crab-coastal fishery licenses.

(2) In addition to license purchase and retirement, the proposed program may provide for the purchase or retirement of vessels designated on Dungeness crab-coastal fishery licenses.

(3) The proposed program must explore funding alternatives that involve federal funding, state funding, funding provided by Dungeness crab-coastal license holders, low-interest loans to license holders, and combinations thereof.

(4)(a) The department must include in the proposed program those elements necessary for the administration of the buyback, including the mechanisms by which Dungeness crab-coastal license holders may apply to participate in the program if it is authorized and by which the department will select licenses or vessels for purchase from among the applicants.

(b) The proposed program must include and clearly set forth any conditions that will be placed on Dungeness crab-coastal license holders participating in the program.

(5) The proposed program must be designed to have a neutral impact on Dungeness crab harvests in the state and federal waters off the coasts of Oregon and California.

(6) The proposed program must assume that participation by Dungeness crab-coastal license holders in the program would be entirely voluntary.

(7) The department shall consult with Dungeness crab-coastal license holders when designing the proposal.

(8) To assist the department in the development of the proposal, the department may contract with persons not employed by the state.

(9) By December 1, 2007, the department shall provide a report detailing the program proposal to the appropriate policy and fiscal committees of the senate and house of representatives.

(10) The proposed program developed under this section is not authorized to be implemented, and state funds are not authorized to be expended, without further specific legislative authorization.

(11) This section expires December 31, 2007."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

April 2, 2007

2SSB 5470 Prime Sponsor, Senate Committee on Ways & Means: Revising provisions concerning dissolution proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by the Committee on Judiciary. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

April 2, 2007

SSB 5475 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Modifying provisions affecting underground storage tanks. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 30, 2007

SSB 5483 Prime Sponsor, Senate Committee on Transportation: Retaining the distribution of city hardship assistance program funds to cities and

towns for street maintenance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 2, 2007

SSB 5503 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Licensing persons who offer athletic training services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** It is the purpose of this chapter to provide for the licensure of persons offering athletic training services to the public and to ensure standards of competence and professional conduct on the part of athletic trainers.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Athlete" means a person who participates in exercise, recreation, sport, or games requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, sports, or games are of a type conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a person who is licensed under this chapter. An athletic trainer can practice athletic training through the consultation, referral, or guidelines of a licensed health care provider working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency procedures and techniques for nonlife-threatening or life-threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in section 8 of this act; and

(v) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with section 8 of this act.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary, prefabricated or direct-formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of acupuncture as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

(5) "Committee" means the athletic training advisory committee.

(6) "Department" means the department of health.

(7) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage practitioner, acupuncturist, occupational therapist, or podiatric physician and surgeon.

(8) "Secretary" means the secretary of health or the secretary's designee.

**NEW SECTION. Sec. 3.** (1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Establish all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(e) Develop and administer, or approve, or both, examinations to applicants for a license under this chapter;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. However, denial of licenses based on unprofessional conduct or impaired practice is governed by the uniform disciplinary act, chapter 18.130 RCW;

(g) In consultation with the committee, approve examinations prepared or administered by private testing agencies or organizations for use by an applicant in meeting the licensing requirements under section 7 of this act;

(h) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states that have successfully fulfilled the requirements of section 9 of this act;

(i) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(j) Maintain the official department record of all applicants and licensees; and

(k) Establish requirements and procedures for an inactive license.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

**NEW SECTION. Sec. 4.** (1) The athletic training advisory committee is formed to further the purposes of this chapter.

(2) The committee consists of five members. Four members of the committee must be athletic trainers licensed under this chapter and residing in this state, must have not less than five years' experience in the practice of athletic training, and must be actively engaged in practice within two years of appointment. The fifth

member must be appointed from the public at large, and have an interest in the rights of consumers of health services.

(3) The committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses.

(4) The committee may be requested by the secretary to approve an examination required for licensure under this chapter.

(5) The committee, at the request of the secretary, may recommend rules in accordance with the administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of athletic training care.

(6) The committee must meet during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice-chair. A majority of the members currently serving constitute a quorum.

(7) Each member of the committee must be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committee must be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the committee.

(8) The secretary, members of the committee, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties.

**NEW SECTION. Sec. 5.** It is unlawful for any person to practice or offer to practice as an athletic trainer, or to represent themselves or other persons to be legally able to provide services as an athletic trainer, unless the person is licensed under the provisions of this chapter.

**NEW SECTION. Sec. 6.** Nothing in this chapter may prohibit, restrict, or require licensure of:

(1) Any person licensed, certified, or registered in this state and performing services within the authorized scope of practice;

(2) The practice by an individual employed by the government of the United States as an athletic trainer while engaged in the performance of duties prescribed by the laws of the United States;

(3) Any person pursuing a supervised course of study in an accredited athletic training educational program, if the person is designated by a title that clearly indicates a student or trainee status;

(4) An athletic trainer from another state for purposes of continuing education, consulting, or performing athletic training services while accompanying his or her group, individual, or representatives into Washington state on a temporary basis for no more than ninety days in a calendar year;

(5) Any elementary, secondary, or postsecondary school teacher, educator, coach, or authorized volunteer who does not represent themselves to the public as an athletic trainer; or

(6) A personal trainer employed by an athletic club or fitness center.

**NEW SECTION. Sec. 7.** An applicant for an athletic trainer license must:

(1) Have received a bachelor's or advanced degree from an accredited four-year college or university that meets the academic standards of athletic training, accepted by the secretary, as advised by the committee;

(2) Have successfully completed an examination administered or approved by the secretary, in consultation with the committee; and

(3) Submit an application on forms prescribed by the secretary and pay the licensure fee required under this chapter.

**NEW SECTION. Sec. 8.** (1) Except as necessary to provide emergency care of athletic injuries, an athletic trainer shall not provide treatment, rehabilitation, or reconditioning services to any person except as specified in guidelines established with a licensed health care provider who is licensed to perform the services provided in the guidelines.

(2) If there is no improvement in an athlete who has sustained an athletic injury within fifteen days of initiation of treatment, rehabilitation, or reconditioning, the athletic trainer must refer the

athlete to a licensed health care provider that is appropriately licensed to assist the athlete.

(3) If an athletic injury requires treatment, rehabilitation, or reconditioning for more than forty-five days, the athletic trainer must consult with, or refer the athlete to a licensed health care provider. The athletic trainer shall document the action taken.

**NEW SECTION. Sec. 9.** Each applicant and license holder must comply with administrative procedures, administrative requirements, and fees under RCW 43.70.250 and 43.70.280. The secretary shall furnish a license to any person who applies and who has qualified under the provisions of this chapter.

**NEW SECTION. Sec. 10.** Nothing in this chapter restricts the ability of athletic trainers to work in the practice setting of his or her choice.

**NEW SECTION. Sec. 11.** Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person licensed as an athletic trainer under this chapter.

**Sec. 12.** RCW 48.43.045 and 2006 c 25 s 7 are each amended to read as follows:

(1) Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

((+)) (a) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that:

((+)) (i) The provision of such health services or care is within the health care providers' permitted scope of practice; and

((+)) (ii) The providers agree to abide by standards related to:

((+)) (A) Provision, utilization review, and cost containment of health services;

((+)) (B) Management and administrative procedures; and

((+)) (C) Provision of cost-effective and clinically efficacious health services.

((+)) (b) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals, unless substantially similar information is filed with the commissioner or the national association of insurance commissioners. This requirement does not apply to a foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW that files a supplemental compensation exhibit in its annual statement as required by law.

(2) The requirements of subsection (1)(a) of this section do not apply to a licensed health care profession regulated under Title 18 RCW when the licensing statute for the profession states that such requirements do not apply.

**Sec. 13.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;  
 (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;  
 (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;  
 (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;  
 (xiv) Health care assistants certified under chapter 18.135 RCW;  
 (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;  
 (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;  
 (xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;  
 (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;  
 (xix) Denturists licensed under chapter 18.30 RCW;  
 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;  
 (xxi) Surgical technologists registered under chapter 18.215 RCW; ~~(and)~~  
 (xxii) Recreational therapists; and  
 (xxiii) Athletic trainers licensed under chapter 18.-- RCW (sections 1 through 11 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 15.** Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 16.** This act takes effect July 1, 2008.

**NEW SECTION. Sec. 17.** The secretary of health may take the necessary steps to ensure that this act is implemented on its effective date.

**NEW SECTION. Sec. 18.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Cody; Dunn; McIntire and Morrell.

Passed to Committee on Rules for second reading.

April 2, 2007

**ESB 5508** Prime Sponsor, Senator Kilmer: Providing for economic development project permitting. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that permit programs have been legislatively established to protect the health, welfare, economy, and environment of Washington's citizens and to provide a fair, competitive opportunity for business innovation and consumer confidence. The legislature also finds that uncertainty in government processes to permit an activity by a citizen of Washington state is undesirable and erodes confidence in government. The legislature further finds that in the case of projects that would further economic development in the state, information about the permitting process is critical for an applicant's planning and financial assessment of the proposed project. The legislature also finds that applicants have a responsibility to provide complete and accurate information.

(2) The legislature recommends that applicants be provided with the following information when applying for a development permit from a city, county, or state agency:

(a) The minimum and maximum time an agency will need to make a decision on a permit, including public comment requirements;

(b) The minimum amount of information required for an agency to make a decision on a permit;

(c) When an agency considers an application complete for processing;

(d) The minimum and maximum costs in agency fees that will be incurred by the permit applicant; and

(e) The reasons for a denial of a permit in writing.

(3) In providing this information to applicants, an agency should base estimates on the best information available about the permitting

program and prior applications for similar permits, as well as on the information provided by the applicant. New information provided by the applicant subsequent to the agency estimates may change the information provided by an agency per subsection (2) of this section. Project modifications by an applicant may result in more time, more information, or higher fees being required for permit processing.

(4) This section does not create an independent cause of action, affect any existing cause of action, or establish time limits for purposes of RCW 64.40.020.

(5) City, county, and state agencies issuing development permits are encouraged to track the progress in providing the information to applicants per subsection (2) of this section by preparing an annual report of its performance for the preceding fiscal year. The report should be posted on its web site made available and provided to the appropriate standing committees of the senate and house of representatives.

**Sec. 2.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

(d) The cost of the project compared to the size of the local government and amount of loan money available;

~~((f))~~ (e) The number of communities served by or funding the project;

~~((e))~~ (f) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((f))~~ (g) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((g))~~ (h) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((h))~~ (i) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

**Sec. 3.** RCW 43.160.060 and 2004 c 252 s 3 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, at least ten percent of all financial assistance provided by the board in any biennium shall consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(d) For a project the primary purpose of which is to facilitate or promote gambling.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located; ~~(and)~~

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project; and

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act.

(4) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

**Sec. 4.** RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW that has not issued bonds to finance any public improvement shall be considered a revenue development area under this chapter without creating a new increment area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4) Sponsoring local governments, and any cosponsoring local governments, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve qualified projects, up to the annual state contribution limit. Except as provided in RCW 39.102.050, approvals shall be based on the following criteria:

(a) The project potential to enhance the sponsoring local government's regional and/or international competitiveness;

(b) The project's ability to encourage mixed use development and the redevelopment of a geographic area;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

(d) Achieving an overall distribution of projects statewide that reflect geographic diversity;

~~((f))~~ (e) The estimated wages and benefits for the project is greater than the average labor market area;

~~((e))~~ (f) The estimated state and local net employment change over the life of the project;

~~((f))~~ (g) The estimated state and local net property tax change over the life of the project; and

~~((g))~~ (h) The estimated state and local sales and use tax increase over the life of the project.

(5) A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval. Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification shall be sent to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

**Sec. 5.** RCW 43.160.230 and 2005 c 425 s 2 are each amended to read as follows:

(1) The job development fund program is created to provide grants for public infrastructure projects that will stimulate job creation or assist in job retention. The program is to be administered

by the board. The board shall establish a competitive process to request and prioritize proposals and make grant awards.

(2) For the purposes of chapter 425, Laws of 2005, "public infrastructure projects" has the same meaning as "public facilities" as defined in RCW 43.160.020(11).

(3) The board shall conduct a statewide request for project applications. The board shall apply the following criteria for evaluation and ranking of applications:

(a) The relative benefits provided to the community by the jobs the project would create, including, but not limited to: (i) The total number of jobs; (ii) the total number of full-time, family wage jobs; (iii) the unemployment rate in the area; and (iv) the increase in employment in comparison to total community population;

(b) The present level of economic activity in the community and the existing local financial capacity to increase economic activity in the community;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

(d) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project;

~~((f))~~ (e) The lack of another timely source of funding available to finance the project which would likely prevent the proposed community or economic development, absent the financing available under chapter 425, Laws of 2005;

~~((f))~~ (f) The ability of the project to improve the viability of existing business entities in the project area;

~~((f))~~ (g) Whether or not the project is a partnership of multiple jurisdictions;

~~((f))~~ (h) Demonstration that the requested assistance will directly stimulate community and economic development by facilitating the creation of new jobs or the retention of existing jobs; and

~~((f))~~ (i) The availability of existing assets that applicants may apply to projects.

(4) Job development fund program grants may only be awarded to those applicants that have entered into or expect to enter into a contract with a private developer relating to private investment that will result in the creation or retention of jobs upon completion of the project. Job development fund program grants shall not be provided for any project where:

(a) The funds will not be used within the jurisdiction or jurisdictions of the applicants; or

(b) Evidence exists that the project would result in a development or expansion that would displace existing jobs in any other community in the state.

(5) The board shall, with the joint legislative audit and review committee, develop performance criteria for each grant and evaluation criteria to be used to evaluate both how well successful applicants met the community and economic development objectives stated in their applications, and how well the job development fund program performed in creating and retaining jobs.

**Sec. 6.** RCW 43.42.010 and 2003 c 71 s 2 are each amended to read as follows:

(1) The office of regulatory assistance is created in the office of financial management and shall be administered by the office of the governor to assist citizens, businesses, and project applicants.

(2) The office shall:

(a) Maintain and furnish information as provided in RCW 43.42.040;

(b) Furnish facilitation as provided in RCW 43.42.050;

(c) Furnish coordination as provided in RCW 43.42.060;

(d) Coordinate cost reimbursement as provided in RCW 43.42.070;

(e) Work with state agencies and local governments to continue to develop a range of permit assistance options for project applicants;

(f) ~~((Review initiatives developed by the transportation permit efficiency and accountability committee established in chapter 47.06C RCW and determine if any would be beneficial if implemented for other types of projects))~~ Help local jurisdictions comply with the requirements of RCW 36.70B.080 by:

(i) Providing information about best practices and compliance with the requirements of RCW 36.70B.080; and

(ii) Providing technical assistance in reducing the turnaround time between submittal of an application for a development permit and the issuance of the permit;

(g) Work to develop informal processes for dispute resolution between agencies and permit applicants; and

(h) Conduct customer surveys to evaluate its effectiveness;~~(; and~~

~~(i) Provide the following biennial reports to the governor and the appropriate committees of the legislature:~~

~~(i) A performance report, based on the customer surveys required in (h) of this subsection;~~

~~(ii) A report on any statutory or regulatory conflicts identified by the office in the course of its duties that arise from differing legal authorities and roles of agencies and how these were resolved. The report may include recommendations to the legislature and to agencies; and~~

~~(iii) A report regarding use of outside independent consultants under RCW 43.42.070, including the nature and amount of work performed and implementation of requirements relating to costs).~~

(3) A director of the office shall be hired no later than June 1, 2003.

(4) The office shall give priority to furnishing assistance to small projects when expending general fund moneys allocated to it.

**Sec. 7.** RCW 43.131.401 and 2003 c 71 s 5 are each amended to read as follows:

The office of regulatory assistance established in RCW 43.42.010 and its powers and duties shall be terminated June 30, ~~((2007))~~ 2011, as provided in RCW 43.131.402.

**Sec. 8.** RCW 43.131.402 and 2003 c 71 s 6 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2008))~~ 2012:

(1) RCW 43.42.005 and 2003 c 71 s 1 & 2002 c 153 s 1;

(2) RCW 43.42.010 and section 6 of this act, 2003 c 71 s 2, & 2002 c 153 s 2;

(3) RCW 43.42.020 and 2002 c 153 s 3;

(4) RCW 43.42.030 and 2003 c 71 s 3 & 2002 c 153 s 4;

(5) RCW 43.42.040 and 2003 c 71 s 4 & 2002 c 153 s 5;

(6) RCW 43.42.050 and 2002 c 153 s 6;

(7) RCW 43.42.060 and 2002 c 153 s 7;

(8) RCW 43.42.070 and 2002 c 153 s 8;

(9) RCW 43.42.905 and 2002 c 153 s 10;

(10) RCW 43.42.900 and 2002 c 153 s 11; and

(11) RCW 43.42.901 and 2002 c 153 s 12.

NEW SECTION. **Sec. 9.** Section 4 of this act expires June 30, 2039.

NEW SECTION. **Sec. 10.** Section 5 of this act expires June 30, 2011."

Correct the title.

Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Anderson; Dunn and McIntire.

Passed to Committee on Rules for second reading.

March 31, 2007

E2SSB 5528 Prime Sponsor, Senate Committee on Ways & Means: Requiring a review of the essential academic learning requirements in mathematics. (REVISED FOR ENGROSSED: Requiring a revision of essential academic learning requirements and grade level expectations for mathematics.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsection (3) of this section by: (a) An expert national consultant in mathematics retained by the state board; and (b) the mathematics advisory panel created under section 2 of this act, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4) By January 31, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2008 legislative session.

(5)(a) By May 15, 2008, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) By June 30, 2008, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) In selecting the recommended curricula under this subsection (5), the superintendent of public instruction shall provide information to the mathematics advisory panel created under section 2 of this act and seek the advice of the panel regarding the curricula that shall be included in the recommendations.

(d) The recommended curricula under this subsection (5) shall align with the revised essential academic learning requirements and

grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(e) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span shall be available to schools and parents online at no cost to the school or parent.

(6) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(7) Nothing in this section requires a school district to use one of the recommended curricula under subsection (5) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

(8) Subject to funds appropriated for this purpose and conditions established under this subsection, school districts that adopt one or more of the recommended curricula after the curricula have been adopted shall be reimbursed by the office of the superintendent of public instruction for the cost of purchasing the curricula. The superintendent of public instruction shall establish conditions for school districts to be eligible for curriculum reimbursement funds, including a district implementation plan, a teacher professional development plan, and other evidence that the district is able to maximize the instructional benefit of the recommended curricula.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education shall appoint a mathematics advisory panel to advise the board regarding essential academic learning requirements, grade level expectations, and recommended curricula in mathematics and to monitor implementation of these activities. In conducting its work, the panel shall provide objective reviews of materials and information provided by any expert national consultants retained by the board and shall provide a public and transparent forum for consideration of mathematics learning standards and curricula.

(2) The panel shall include no more than sixteen members with representation from individuals from academia in mathematics-related fields, individuals from business and industry in mathematics-related fields, mathematics educators, parents, and other individuals who could contribute to the work of the panel based on their experiences.

(3) Each member of the panel shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. School districts shall be reimbursed for the cost of substitutes for the mathematics educators on the panel as required under RCW 28A.300.035. Members of the panel who are employed by a public institution of higher education shall be provided sufficient time away from their regular duties, without loss of benefits or privileges, to fulfill the responsibilities of being a panel member.

(4) Panel members shall not have conflicts of interest with regard to association with any publisher, distributor, or provider of curriculum, assessment, or test materials and services purchased by or contracted through the office of the superintendent of public instruction, educational service districts, or school districts.

(5) This section expires June 30, 2012.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

Passed to Committee on Rules for second reading.

April 2, 2007

SB 5551 Prime Sponsor, Senator Prentice: Enhancing enforcement of liquor and tobacco laws. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Conway, Ericks, McIntire, Roach and Santos.

Passed to Committee on Rules for second reading.

March 31, 2007

2SSB 5597 Prime Sponsor, Senate Committee on Ways & Means: Concerning contracts with chiropractors. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Health carriers may not directly or indirectly, through contract or otherwise, refuse to reimburse a chiropractor, who has signed a participating provider agreement, for the provision of health care services if:

(a) The health care service is:

(i) Medically necessary;

(ii) Within the scope of practice of the chiropractor;

(iii) Provided by the chiropractor or the chiropractor's employees who work in the same location as the chiropractor and either are licensed under chapter 18.25 RCW or are employees specified in RCW 18.25.190 (2) or (3) to whom the chiropractor has delegated the work pursuant to rules adopted by the Washington state chiropractic quality assurance commission, and such services are determined by the carrier to be medically necessary consistent with RCW 48.43.045 and 48.43.545. Such employees must meet the health carrier's reasonable qualifications for all such providers in the relevant class, including but not limited to standards for education, background checks, and licensure, as applicable; and

(iv) Covered chiropractic health care, as defined in RCW 48.43.515, for the health plan under which the enrollee received the services; and

(b) The chiropractor complies with the terms and conditions of the participating provider agreement, including any requirements for cost containment or participation in an evidence-based quality assurance program.

(2) When offering a plan network provider contract to a chiropractic practice, whether the practice consists of two or more chiropractors as partners, members, or shareholders, health carriers must offer all chiropractors in the practice the opportunity to be participating providers, subject to the chiropractor's compliance with

RCW 48.43.045(1)(b). This subsection does not prohibit a participating provider agreement from allowing either party to terminate the agreement without cause under the terms of the agreement.

(3) This section does not relieve a chiropractor from responsibility or liability imposed by law for delegated services performed by the chiropractor's employee.

(4) Any term or condition of any participating provider agreement between a chiropractor and a health carrier that attempts to waive this section is invalid.

(5) This section applies only to participating provider agreements that are executed or renewed on or after January 1, 2008.

**Sec. 2.** RCW 41.05.017 and 2000 c 5 s 20 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, ~~((and))~~ 70.02.900, and section 1 of this act.

**NEW SECTION. Sec. 3.** This act does not affect any existing right acquired or liability or obligation incurred prior to the effective date of this act.

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Fromhold; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Ericks; Grant; Haler; Hinkle; Kretz; Linville and McDonald.

Passed to Committee on Rules for second reading.

April 2, 2007

E2SSB 5627 Prime Sponsor, Senate Committee on Ways & Means: Requiring a review and development of basic education funding. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The state's definition of basic education and the corresponding funding formulas must be regularly updated in order to keep pace with evolving educational practices and increasing state and federal requirements and to ensure that all schools have the resources they need to help give all students the opportunity to be fully prepared to compete in a global economy. The work of Washington learns steering committee and the K-12 advisory committee provides a valuable starting point from which to evaluate the current educational system and develop a unique, transparent, and stable educational funding system for Washington that supports the goals and the vision of a world-class learner-focused

K-12 educational system that were established in the final Washington learns report.

This act is intended to make provision for some significant steps towards a new basic education funding system and establishes a joint task force to address the details and next steps beyond the 2007-2009 biennium that will be necessary to implement a new comprehensive K-12 finance formula or formulas that will provide Washington schools with stable and adequate funding as the expectations for the K-12 system continue to evolve.

**NEW SECTION. Sec. 2.** (1) The joint task force on basic education finance established under this section, with research support from the Washington state institute for public policy, shall review the definition of basic education and all current basic education funding formulas, develop options for a new funding structure and all necessary formulas, and propose a new definition of basic education that is realigned with the new expectations of the state's education system as established in the November 2006 final report of the Washington learns steering committee and the basic education provisions established in chapter 28A.150 RCW.

(2) The joint task force on basic education finance shall consist of fourteen members:

(a) A chair of the task force with experience with Washington finance issues including knowledge of the K-12 funding formulas, appointed by the governor;

(b) Eight legislators, with two members from each of the two largest caucuses of the senate appointed by the president of the senate and two members from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives;

(c) A representative of the governor's office or the office of financial management, designated by the governor;

(d) The superintendent of public instruction or the superintendent's designee; and

(e) A school superintendent, a school finance officer, and an educational service district superintendent, each appointed by the governor from a list of names submitted by their respective professional associations.

(3) In conducting research directed by the task force and developing options for consideration by the task force, the Washington state institute for public policy shall consult with stakeholders and experts in the field. The institute may also request assistance from the legislative evaluation and accountability program committee, the office of the superintendent of public instruction, the office of financial management, the house office of program research, and senate committee services.

(4) In developing recommendations, the joint task force shall review and build upon the following:

(a) Reports related to K-12 finance produced at the request of or as a result of the Washington learns study, including reports completed for or by the K-12 advisory committee;

(b) High-quality studies that are available; and

(c) Research and evaluation of the cost-benefits of various K-12 programs and services developed by the institute as directed by the legislature in section 607(15), chapter 372, Laws of 2006.

(5) The Washington state institute for public policy shall provide the following reports to the joint task force:

(a) An initial report by September 15, 2007, proposing an initial plan of action, reporting dates, timelines for fulfilling the requirements of section 3 of this act, and an initial timeline for a phased-in implementation of a new funding system that does not exceed six years;

(b) A second report by December 1, 2007, including implementing legislation as necessary, for at least two but no more than four options for allocating school employee compensation. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The report must also include a projection of the expected effect of the investment made under the new funding structure. The second report shall also include a finalized timeline and plan for addressing the remaining components of a new funding system; and

(c) A final report with at least two but no more than four options for revising the remaining K-12 funding structure, including

implementing legislation as necessary, and a timeline for phasing in full adoption of the new funding structure. The final report shall be submitted to the joint task force by September 15, 2008. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The final report must also include a projection of the expected effect of the investment made under the new funding structure.

**NEW SECTION. Sec. 3.** (1) The funding structure alternatives developed by the joint task force under section 2 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) The funding structure should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing the possible strategies and models to include in the funding structure the task force shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

(b) Whether the compensation system for instructional staff shall include pay for performance, knowledge, and skills elements; regional cost-of-living elements; elements to recognize assignments that are difficult; recognition for the professional teaching level certificate in the salary allocation model; and a plan to implement the pay structure;

(c) Voluntary all-day kindergarten;

(d) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(e) Focused instructional support for students and schools;

(f) Extended school day and school year options; and

(g) Health and safety requirements.

(3) The recommendations should provide maximum transparency of the state's educational funding system in order to better help parents, citizens, and school personnel in Washington understand how their school system is funded.

(4) The funding structure should be linked to accountability for student outcomes and performance.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

April 2, 2007

**2SSB 5652** Prime Sponsor, Senate Committee on Ways & Means: Establishing the microenterprise development program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Microenterprises are an important portion of Washington's economy, providing approximately twenty percent of the employment in Washington and playing a vital role in job creation.

(b) While community-based microenterprise development organizations have expanded their assistance to their microentrepreneur customers in recent years, there remains a lack of access to capital, training, and technical assistance for low-income microentrepreneurs.

(c) Support for microenterprise development offers a means to expand business and job creation in low-income communities in both rural and urban areas of the state.

(d) Local and state charitable foundation support, federal program funding, and private sector support can be leveraged by a statewide program for development of microenterprises.

(2) It is the purpose of this act to assist microenterprises in job creation by increasing the training, technical assistance, and financial resources available to microenterprises. It is the intention of the legislature to carry out this purpose by enabling the department of community, trade, and economic development to contract with a statewide microenterprise association with the potential to provide organizational support and administer grants to local microenterprise development organizations, subject to the requirements of this act, and to leverage additional funds from sources other than moneys appropriated from the general fund.

**Sec. 2.** RCW 43.330.010 and 1993 c 280 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) "Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.

(6) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of community, trade, and economic development and local microenterprise development organizations.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.330 RCW to read as follows:

The microenterprise development program is established in the department of community, trade, and economic development. In implementing the program, the department:

(1) Shall provide organizational support to a statewide microenterprise association and shall contract with the association for the delivery of services and distribution of grants;

(a) The association shall serve as the department's agent in carrying out the purpose and service delivery requirements of this section;

(b) The association's contract with the department shall specify that in administering the funds provided for under subsection (3) of this section, the association may use no greater than ten percent of the funds to cover administrative expenses;

(2) Shall provide funds for capacity building for the statewide microenterprise association and microenterprise development organizations throughout the state;

(3) Shall provide grants to microenterprise development organizations for the delivery of training and technical assistance services;

(4) Shall identify and facilitate the availability of state, federal, and private sources of funds which may enhance microenterprise development in the state;

(5) Shall develop with the statewide microenterprise association criteria for the distribution of grants to microenterprise development organizations. Such criteria may include:

(a) The geographic representation of all regions of the state, including both urban and rural communities;

(b) The ability of the microenterprise development organization to provide business development services in low-income communities;

(c) The scope of services offered by a microenterprise development organization and their efficiency in delivery of such services;

(d) The ability of the microenterprise development organization to monitor the progress of its customers and identify technical and financial assistance needs;

(e) The ability of the microenterprise development organization to work with other organizations, public entities, and financial institutions to meet the technical and financial assistance needs of its customers;

(f) The sufficiency of operating funds for the microenterprise development organization; and

(g) Such other criteria as agreed by the department and the association;

(6) Shall require the statewide microenterprise association and any microenterprise development organization receiving funds through the microenterprise development program to raise and contribute to the effort funded by the microenterprise development program an amount equal to twenty-five percent of the microenterprise development program funds received. Such matching funds may come from private foundations, federal or local sources, financial institutions, or any other source other than funds appropriated from the legislature;

(7) Shall require an annual accounting and report from the statewide microenterprise association it contracts with, to include such outcome measures as the department specifies; and

(8) May adopt rules as necessary to implement this section.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Chandler.

Passed to Committee on Rules for second reading.

April 2, 2007

SSB 5653 Prime Sponsor, Senate Committee on Economic Development, Trade & Management: Authorizing the development of self-employment assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 50.20 RCW to read as follows:

(1) The legislature finds that the establishment of a self-employment assistance program would assist unemployed individuals and create new businesses and job opportunities in Washington state. The department shall inform individuals identified as likely to exhaust regular unemployment benefits of the opportunity to enroll in commissioner-approved self-employment assistance programs.

(2) An unemployed individual is eligible to participate in a self-employment assistance program if it has been determined that he or she:

(a) Is otherwise eligible for regular benefits as defined in RCW 50.22.010;

(b) Has been identified as likely to exhaust regular unemployment benefits under a profiling system established by the commissioner as defined in P.L. 103-152; and

(c) Is enrolled in a self-employment assistance program that is approved by the commissioner, and includes entrepreneurial training, business counseling, technical assistance, and requirements to engage in activities relating to the establishment of a business and becoming self-employed.

(3) Individuals participating in a self-employment assistance program approved by the commissioner are eligible to receive their regular unemployment benefits.

(a) The requirements of RCW 50.20.010 and 50.20.080 relating to availability for work, active search for work, and refusal to accept suitable work are not applicable to an individual in the self-employment assistance program for the first fifty-two weeks of the individual's participation in the program. However, enrollment in a self-employment assistance program does not entitle the enrollee to any benefit payments he or she would not be entitled to had he or she not enrolled in the program.

(b) An individual who meets the requirements of this section is considered to be "unemployed" under RCW 50.04.310 and 50.20.010.

(4) An individual who fails to participate in his or her approved self-employment assistance program as prescribed by the commissioner is disqualified from continuation in the program.

(5) An individual completing the program may not directly compete with his or her separating employer for a specific time period and in a specific geographic area. The time period may not, in any case, exceed one year. Both the time period and the geographic area must be reasonable, considering the following factors:

(a) Whether restraining the individual from performing services is necessary for the protection of the employer or the employer's goodwill;

(b) Whether the agreement harms the individual more than is reasonably necessary to secure the employer's business or goodwill; and

(c) Whether the loss of the employee's services and skills injures the public to a degree warranting nonenforcement of the agreement.

(6) The commissioner shall take all steps necessary in carrying out this section to assure collaborative involvement of interested parties in program development, and to ensure that the self-employment assistance programs meet all federal criteria for withdrawal from the unemployment fund. The commissioner may approve, as self-employment assistance programs, existing self-employment training programs available through community colleges, work force investment boards, or other organizations and is not obligated by this section to expend any departmental funds for the operation of self-employment assistance programs, unless specific funding is provided to the department for that purpose through federal or state appropriations.

(7) The commissioner may adopt rules as necessary to implement this section.

**Sec. 2.** RCW 50.20.095 and 1980 c 74 s 4 are each amended to read as follows:

Any individual registered at an established school in a course of study providing scholastic instruction of twelve or more hours per week, or the equivalent thereof, shall be disqualified from receiving

benefits or waiting period credit for any week during the school term commencing with the first week of such scholastic instruction or the week of leaving employment to return to school, whichever is the earlier, and ending with the week immediately before the first full week in which the individual is no longer registered for twelve or more hours of scholastic instruction per week: PROVIDED, That registration for less than twelve hours will be for a period of sixty days or longer. The term "school" includes primary schools, secondary schools, and "institutions of higher education" as that phrase is defined in RCW 50.44.037.

This disqualification shall not apply to any individual who:

(1) Is in approved training within the meaning of RCW 50.20.043; ~~((or))~~

(2) Is in an approved self-employment assistance program under section 1 of this act; or

(3) Demonstrates to the commissioner by a preponderance of the evidence his or her actual availability for work, and in arriving at this determination the commissioner shall consider the following factors:

(a) Prior work history;

(b) Scholastic history;

(c) Past and current labor market attachment; and

(d) Past and present efforts to seek work.

NEW SECTION. Sec. 3. By December 1, 2011, the employment security department shall report to the house of representatives commerce and labor committee and the senate labor, commerce, research and development committee on the performance of the self-employment assistance program. The report shall include an analysis of the following:

(1) Self-employment impacts;

(2) Wage and salary outcomes;

(3) Benefit payment outcomes; and

(4) A cost-benefit analysis.

NEW SECTION. Sec. 4. This act takes effect January 1, 2008.

NEW SECTION. Sec. 5. The commissioner of employment security may take the necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 6. This act expires July 1, 2012."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; Priest and Walsh.

Passed to Committee on Rules for second reading.

March 31, 2007

E2SSB 5659 Prime Sponsor, Senate Committee on Ways & Means: Establishing family and medical leave insurance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Commerce & Labor.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS.** The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of family care, children and family health, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child, and workers to care for seriously ill family members; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for family members while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current existing state and federal family and medical leave laws."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Ericks; Fromhold; Grant; Haler; Hinkle; Kretz; Linville and Priest.

Passed to Committee on Rules for second reading.

April 2, 2007

ESB 5675 Prime Sponsor, Senator Franklin: Increasing minimum industrial insurance benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.32.050 and 1995 c 199 s 6 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two hundred percent of the average monthly wage in the state as defined in RCW 51.08.018 shall be paid.

(2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker (~~((but not less than one hundred eighty-five dollars))~~);

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker (~~((but not less than two hundred twenty-two dollars))~~);

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker (~~((but not less than two hundred fifty-three dollars))~~);

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker (~~((but not less than two hundred seventy-six dollars))~~);

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker (~~((but not less than two hundred ninety-nine dollars))~~); or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker (~~((but not less than three hundred twenty-two dollars))~~).

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section:

(i) Exceed the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(ii) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month for a surviving spouse and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (2)(d)(ii) is greater than one hundred percent of the wages of the deceased worker as determined under RCW 51.08.178, the monthly payment due to the surviving spouse shall be equal to the greater of the monthly wages of the deceased worker or the minimum benefit set forth in this section on June 30, 2008.

(e) In addition to the monthly payments provided for in subsection (2)(a) through (c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid a sum equal to one hundred percent of the average monthly wage in the

state as defined in RCW 51.08.018, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to subsection (2)(a)(i) of this section and subject to any modifications specified under subsection (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in subsection (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in subsection (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in subsection (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under subsection (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the

total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

**Sec. 2.** RCW 51.32.060 and 1993 c 521 s 2 are each amended to read as follows:

(1) When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty-five percent of his or her wages (~~but not less than two hundred fifteen dollars per month~~).

(b) If married with one child at the time of injury, sixty-seven percent of his or her wages (~~but not less than two hundred fifty-two dollars per month~~).

(c) If married with two children at the time of injury, sixty-nine percent of his or her wages (~~but not less than two hundred eighty-three dollars~~).

(d) If married with three children at the time of injury, seventy-one percent of his or her wages (~~but not less than three hundred six dollars per month~~).

(e) If married with four children at the time of injury, seventy-three percent of his or her wages (~~but not less than three hundred twenty-nine dollars per month~~).

(f) If married with five or more children at the time of injury, seventy-five percent of his or her wages (~~but not less than three hundred fifty-two dollars per month~~).

(g) If unmarried at the time of the injury, sixty percent of his or her wages (~~but not less than one hundred eighty-five dollars per month~~).

(h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages (~~but not less than two hundred twenty-two dollars per month~~).

(i) If unmarried with two children at the time of injury, sixty-four percent of his or her wages (~~but not less than two hundred fifty-three dollars per month~~).

(j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages (~~but not less than two hundred seventy-six dollars per month~~).

(k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages (~~but not less than two hundred ninety-nine dollars per month~~).

(l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages (~~but not less than three hundred twenty-two dollars per month~~).

(2) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(3) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

(4) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(5) In no event shall the monthly payments provided in this section:

(a) Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if a worker is married and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (5)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

The limitations under this subsection shall not apply to the payments provided for in subsection (3) of this section.

(6) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(7) The benefits provided by this section are subject to modification under RCW 51.32.067.

**Sec. 3.** RCW 51.32.090 and 1993 c 521 s 3, 1993 c 299 s 1, and 1993 c 271 s 1 are each reenacted and amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3)(a) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall:

(i) For claims for injuries that occurred before May 7, 1993, continue in the proportion which the new earning power shall bear to the old; or

(ii) For claims for injuries occurring on or after May 7, 1993, equal eighty percent of the actual difference between the worker's present wages and earning power at the time of injury, but: (A) The total of these payments and the worker's present wages may not exceed one hundred fifty percent of the average monthly wage in the state as computed under RCW 51.08.018; (B) the payments may not exceed one hundred percent of the entitlement as computed under

subsection (1) of this section; and (C) the payments may not be less than the worker would have received if (a)(i) of this subsection had been applicable to the worker's claim.

(b) No compensation shall be payable under this subsection (3) unless the loss of earning power shall exceed five percent.

(4)(a) Whenever the employer of injury requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the work available with the employer of injury in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. The worker's temporary total disability payments shall continue until the worker is released by his or her physician for the work, and begins the work with the employer of injury. If the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work offered by the employer of injury, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

(b) Once the worker returns to work under the terms of this subsection (4), he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

(c) If the worker returns to work under this subsection (4), any employee health and welfare benefits that the worker was receiving at the time of injury shall continue or be resumed at the level provided at the time of injury. Such benefits shall not be continued or resumed if to do so is inconsistent with the terms of the benefit program, or with the terms of the collective bargaining agreement currently in force.

(d) In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section:

(a) Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if the worker is married and an additional ten dollars per month for each child of the worker up to a maximum of

five children. However, if the monthly payment computed under this subsection (7)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

NEW SECTION. Sec. 4. This act takes effect July 1, 2008.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle and Kretz.

Passed to Committee on Rules for second reading.

April 2, 2007

ESSB 5774 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising background check requirements for the department of social and health services and the department of early learning. (REVISED FOR ENGROSSED: Revising background check processes.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

(1) In order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through the Washington state patrol and the federal bureau of investigation at anytime, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

(3) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(4) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(5) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) Foster care as required under RCW 74.15.030.

(6) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(7) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(8) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(9) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

**Sec. 2.** RCW 26.33.190 and 1991 c 136 s 3 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report and shall include a statement of training or experience that qualifies the person preparing the report to discuss relevant adoption issues. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

(a) The concept of adoption as a lifelong developmental process and commitment;

(b) The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents;

(c) Disclosure of the fact of adoption to the child;

(d) The child's possible questions about birth parents and relatives; and

(e) The relevance of the child's racial, ethnic, and cultural heritage.

(3) All preplacement reports shall include ~~((an investigation))~~ a background check of ~~((the))~~ any conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The ~~((investigation))~~ background check shall include an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system ~~((as described in chapter 43.43 RCW))~~ including, but not limited to, a fingerprint-based background check of national crime information databases for any person being investigated. It shall also include a review of any child abuse and neglect history of any adult living in the prospective adoptive parents' home. The background check of the child abuse and neglect history shall include a review of the child abuse and neglect registries of all states in which the prospective adoptive parents or any other adult living in the home have lived during the five years preceding the date of the preplacement report.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set

a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

**Sec. 3.** RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them,

has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert

medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+3))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((+4))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((+5))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**Sec. 4.** RCW 43.43.842 and 1998 c 10 s 4 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active protective order under RCW 74.34.130, nor have been: (i) Convicted of a crime

against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830(, or (iv) the subject in a protective proceeding under chapter 74.34 RCW).

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 5.** RCW 74.15.030 and 2006 c 265 s 402 and 2006 c 54 s 8 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) ~~(The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons.~~

~~In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure.~~

~~No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense.~~

~~The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;~~

~~(e)) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;~~

~~(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;~~

~~(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;~~

~~(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:~~

~~(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;~~

~~(ii) Foster care and adoption placements; and~~

~~(iii) Any adult living in a home where a child may be placed;~~

~~(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;~~

~~(g) The cost of fingerprint background check fees will be paid as required in section 1 of this act;~~

~~(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;~~

~~(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;~~

~~((d)) (j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;~~

~~((e)) (k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-~~

being; and educational, recreational and spiritual opportunities for those served;

~~((f))~~ (l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

~~((g))~~ (m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies;

(9) To engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with RCW 74.15.035 and with other affected interests before adopting requirements that affect family child care licensees; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

**NEW SECTION. Sec. 6.** Federal and state law require the balancing of the privacy interests of individuals with the government's interest in the protection of children and vulnerable adults. The legislature finds that the balancing of these interests may be skewed in favor of the privacy rights of individuals. Therefore, a work group is created to research the current laws regarding background checks for prospective employees of public and private entities which work with vulnerable adults or children. The legislature finds that a comprehensive background check which includes both civil and criminal information is a valuable tool in safeguarding vulnerable adults and children from preventable risk.

**NEW SECTION. Sec. 7.** (1) The department of social and health services shall convene a work group to review the current federal and state laws and administrative rules and practices with respect to sharing confidential information and to examine the need for and feasibility of verifying citizenship or immigration status of persons for whom background checks are required.

(2)(a) The work group shall include but not be limited to the following members, chosen by the chief executive officer of each entity:

(i) A representative of the department of social and health services;

(ii) A representative of the department of early learning;

(iii) A representative of the department of health;

(iv) A representative of the office of the superintendent of public instruction;

(v) A representative of the department of licensing;

(vi) A representative of the Washington state patrol;

(vii) A representative from the Washington state bar association;

(viii) A representative of the Washington association of sheriffs and police chiefs;

(ix) A representative of the Washington association of criminal defense attorneys;

(x) A representative from the administrative office of the courts;

(xi) A representative from the department of information services; and

(xii) A representative from the department of licensing.

(b) The work group shall also include as nonvoting ex officio members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(c) Additional voting members may be invited to participate as determined by the work group.

(3) Appointments to the work group shall be completed within thirty days of the effective date of this section.

(4) The work group may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the work group.

(5) Legislative members of the work group shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The secretary of the department of social and health services or the secretary's designee shall serve as chair of the work group.

(7) The department of social and health services shall provide staff support to the work group.

(8) The work group shall:

(a) Provide an interim report to the legislature and the governor by December 1, 2007; and

(b) Make recommendations to the legislature and the governor by July 1, 2008, regarding improving current processes for sharing information, including but not limited to the feasibility of creating a clearinghouse of information.

(i) The clearinghouse shall simplify administrative handling of background check requests and reduce the total costs and number of full-time employees involved in doing the work, develop expertise in searching multiple databases, and include a process for reducing the total amount of time it takes to process background checks, including using workflow management software to improve transparency of process impediments.

(ii) The workgroup should consider where to locate the administrative work, possibly considering the use of the department of licensing's facilities for collecting fingerprints and other identifying information about applicants.

(9) This section expires November 30, 2008.

**Sec. 8.** RCW 41.06.475 and 2002 c 354 s 222 are each amended to read as follows:

The director shall adopt rules, in cooperation with the ~~((secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons))~~ director of the department of early learning, for the background investigation of current employees and of persons being actively considered for positions with the department who will or may have unsupervised access to children. The director shall also adopt rules, in cooperation with the director of the department of early learning, for background investigation of positions otherwise required by federal law to meet employment standards. "Considered for positions" includes decisions about (1) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (2) other decisions that result in an individual being

in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

**Sec. 9.** RCW 43.43.830 and 2005 c 421 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(2) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative ~~((orders))~~ findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right ((afforded to him or her)) to administratively challenge such findings ((made by the department of social and health services or the department of health under chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW)).

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct;

malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(10) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

**Sec. 10.** RCW 43.43.832 and 2006 c 263 s 826 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's conviction record ((for convictions)) as defined in chapter 10.97 RCW.

(2) The legislature also finds that the Washington professional educator standards board may request of the Washington state patrol criminal identification system information regarding a certificate applicant's conviction record ((for convictions)) under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

~~(4) ((The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:~~

~~(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;~~

~~(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive~~

assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

~~(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;~~

~~(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;~~

~~(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.~~

~~(5)) The director of the department of early learning shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.~~

~~(5) The director of the department of early learning shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:~~

~~(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;~~

~~(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;~~

~~(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;~~

~~(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.~~

~~(6) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.~~

~~((6)) (7)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.~~

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

~~((7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.))~~

**NEW SECTION. Sec. 11.** If specific funding for the purposes of sections 6 and 7 of this act, referencing sections 6 and 7 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 6 and 7 of this act are null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 31, 2007

2SSB 5790 Prime Sponsor, Senate Committee on Ways & Means: Regarding skill centers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Children's Services.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 30, 2007

SB 5798 Prime Sponsor, Senator Swecker: Preserving the use of design-build construction on certain transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 2, 2007

ESSB 5803 Prime Sponsor, Senate Committee on Transportation: Creating regional transportation commissions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike all material after the enacting clause and insert the following:

"NEW SECTION. Sec. 101. FINDINGS. The legislature finds that:

(1) In 2006, the regional transportation commission was created and tasked with evaluating transportation governance in the central Puget Sound area within the jurisdiction of the puget sound regional council, and with developing options for a new regional transportation governance proposal. The commission's 2006 report to the legislature strongly recommended creating a regional governance entity that has authority over the planning, prioritizing, and funding of regional projects in the area.

(2) The existing approach to transportation governance could be strengthened and improved such that a more coordinated effort is made to maintain our transportation infrastructure and road and transit capacity, as well as provide for planning and funding of transportation, that increases public confidence in governmental ability to solve transportation problems.

(3) While establishing a regional governance entity would help streamline decision-making, reduce congestion, and integrate multimodal transportation planning and prioritization in the region, such an undertaking is complex and there is considerable value in continuing to examine relevant issues as we take steps towards establishing a regional governance entity.

(4) A more unified regional transportation governance structure in the central Puget Sound region would result in improved planning, funding, and prioritization of roads and transit systems, and would better meet the current and future needs of the state."

Correct the title.

Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Dickerson; Eddy; Hudgins; Lovick; Rolfes;

Sells; Springer; B. Sullivan; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong; Ericksen; Hailey; Hankins; Rodne; Simpson and Takko.

Passed to Committee on Rules for second reading.

April 2, 2007

2SSB 5806 Prime Sponsor, Senate Committee on Ways & Means: Regarding tuition limits and billing disclosures. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Dunn.

Passed to Committee on Rules for second reading.

March 31, 2007

E2SSB 5828 Prime Sponsor, Senate Committee on Ways & Means: Regarding early child development and learning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Dunn.

Passed to Committee on Rules for second reading.

March 31, 2007

SSB 5830 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing home visitation services for families. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald;

McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Dunn.

Passed to Committee on Rules for second reading.

March 31, 2007

E2SSB 5841 Prime Sponsor, Senate Committee on Ways & Means: Enhancing student learning opportunities and achievement. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Dunn.

Passed to Committee on Rules for second reading.

April 2, 2007

E2SSB 5843 Prime Sponsor, Senate Committee on Ways & Means: Regarding educational data and data systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike all material after the enacting clause and insert the following:

"**NEW SECTION. Sec. 101. FINDINGS.** The legislature finds that:

(1) In 2006, the regional transportation commission was created and tasked with evaluating transportation governance in the central Puget Sound area within the jurisdiction of the Puget Sound regional council, and with developing options for a new regional transportation governance proposal. The commission's 2006 report to the legislature strongly recommended creating a regional governance entity that has authority over the planning, prioritizing, and funding of regional projects in the area.

(2) The existing approach to transportation governance could be strengthened and improved such that a more coordinated effort is made to maintain our transportation infrastructure and road and transit capacity, as well as provide for planning and funding of transportation, that increases public confidence in governmental ability to solve transportation problems.

(3) While establishing a regional governance entity would help streamline decision-making, reduce congestion, and integrate multimodal transportation planning and prioritization in the region, such an undertaking is complex and there is considerable value in continuing to examine relevant issues as we take steps towards establishing a regional governance entity.

(4) A more unified regional transportation governance structure in the central Puget Sound region would result in improved planning, funding, and prioritization of roads and transit systems, and would better meet the current and future needs of the state."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 30, 2007

E2SSB 5862 Prime Sponsor, Senate Committee on Ways & Means: Regarding passenger-only ferry service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.57A.220 and 2006 c 332 s 8 are each amended to read as follows:

A public transportation benefit area seeking grant funding as described in RCW 47.01.350 for a passenger-only ferry route between Kingston and Seattle shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, ~~((2006))~~ 2007. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with the Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and a long-term financial plan.

**Sec. 2.** RCW 47.01.350 and 2006 c 332 s 4 are each amended to read as follows:

(1) The department of transportation shall establish a ferry grant program subject to availability of amounts appropriated for this specific purpose. The purpose of the grant program is to provide operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW to operate passenger-only ferry service.

(2) In providing grants under this section, the department may enter into multiple year contracts with the stipulation that future year allocations are subject to the availability of funding as provided by legislative appropriation.

~~((3) Priority shall be given to grant applications that provide continuity of existing passenger-only service and the provision of local or federal matching funds.))~~

**Sec. 3.** RCW 47.60.662 and 2006 c 332 s 5 are each amended to read as follows:

The Washington state ferry system shall collaborate with new and potential passenger-only ferry service providers, as described in ~~((RCW 36.54.110(5)))~~ chapters 36.54 and 36.57A RCW, for terminal operations at its existing terminal facilities.

**Sec. 4.** 2006 c 332 s 2 (uncodified) is amended to read as follows:

~~((By October 31, 2006, the department of transportation shall have an independent appraisal of the market value of the Washington state ferries Snohomish and Chinook and present it to the transportation committees of the legislature and the governor by November 1, 2006.))~~ The department of transportation shall ~~((sell or otherwise dispose of))~~ make available for sale the Washington state ferries Snohomish and Chinook ~~((for))~~ at market value ~~((and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645 as soon as practicable upon approval by the governor of the business plan described in RCW 36.54.110(5)))~~ by June 1, 2007. Proceeds from the sale must be deposited into the passenger ferry account created in RCW 47.60.645.

**Sec. 5.** RCW 36.54.110 and 2006 c 332 s 7 are each amended to read as follows:

(1) The legislative authority of a county may adopt an ordinance creating a ferry district in all or a portion of the area of the county, including the area within the corporate limits of any city or town within the county. The ordinance may be adopted only after a public hearing has been held on the creation of a ferry district, and the county legislative authority makes a finding that it is in the public interest to create the district.

(2) A ferry district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(3) A ferry district is a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(4) The members of the county legislative authority, acting ex officio and independently, shall compose the governing body of any ferry district that is created within the county. The voters of a ferry district must be registered voters residing within the boundaries of the district.

(5) A county with a population greater than one million persons and having a boundary on Puget Sound, or a county to the west of Puget Sound with a population greater than two hundred thirty thousand but less than three hundred thousand persons, proposing to create a ferry district to assume a passenger-only ferry route between Vashon and Seattle, including an expansion of that route to include Southworth, shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, ~~((2006))~~ 2007. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan. The business plan may include provisions regarding coordination with an appropriate county to participate in a joint ferry under RCW 36.54.030 through 36.54.070. In order to be considered for assuming the route, the ferry district shall ensure that the route will be operated only by the ferry district and not contracted out to a private entity, all existing labor agreements will be honored, and operations will begin no later than July 1, ~~((2007))~~ 2008. If the route is to be expanded to include serving Southworth, the ferry district shall enter into an interlocal agreement with the public transportation benefit area serving the Southworth ferry terminal within thirty days of beginning Southworth ferry service. For the purposes of this subsection, Puget Sound is considered as extending north to Admiralty Inlet.

**Sec. 6.** RCW 36.54.130 and 2006 c 332 s 9 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities~~((:));~~

(b) The operation ~~((and))~~, maintenance, and improvement of ferry vessels and dock facilities~~((:));~~

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs.

**NEW SECTION. Sec. 7.** A new section is added to chapter 36.54 RCW to read as follows:

(1) A county ferry district may incur general indebtedness, and issue general obligation bonds, to finance the construction, purchase,

and preservation of passenger-only ferries and associated terminals and retire the indebtedness in whole or in part from the revenues received from the tax levy authorized in RCW 36.54.130.

(2) The ordinance adopted by the county legislative authority creating the county ferry district and authorizing the use of revenues received from the tax levy authorized in RCW 36.54.130 must indicate an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated.

**Sec. 8.** RCW 47.60.120 and 2003 c 373 s 2 and 2003 c 83 s 204 are each reenacted and amended to read as follows:

~~((+))~~ If the department acquires or constructs, maintains, and operates any ferry crossings upon ~~((or toll bridges over))~~ Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon ~~((or bridge over))~~ any such waters ~~((within ten miles of any such crossing or bridge operated or maintained))~~ in a manner that would interfere with the safe operation of ferries by the department ~~((excepting such)),~~ except for bridges or ferry crossings in existence~~((:))~~ and being operated and maintained ~~((under a))~~ lawfully ~~((issued franchise))~~ at the time of the location of the ferry crossing ~~((or construction of the toll bridge))~~ by the department.

~~((2))~~ The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

~~((3))~~ The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

~~((4))~~ The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

~~((5))~~ This section does not apply to the operation of passenger-only ferry service by public transportation benefit areas meeting the requirements of RCW 36.57A.200 or to the operation of passenger-only ferry service by ferry districts~~((:))~~

**Sec. 9.** RCW 47.60.658 and 2006 c 332 s 3 are each amended to read as follows:

The department shall maintain the level of service existing on January 1, 2006, for the Vashon to Seattle passenger-only ferry route until such time as the ~~((legislature approves a county ferry district's assumption of the route, as authorized under RCW 36.54.110(5)))~~ route is assumed by another entity, providing a level of service at or exceeding the state level.

**Sec. 10.** RCW 82.08.0255 and 2005 c 443 s 5 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of motor vehicle and special fuel if:

(a) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(3); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(1)(h); or

(c) The fuel is purchased by a public transportation benefit area created under chapter 36.57A RCW or a county-owned ferry or county ferry district created under chapter 36.54 RCW for use in passenger-only ferry vessels; or

(d) The fuel is taxable under chapter 82.36 or 82.38 RCW.

(2) Any person who has paid the tax imposed by RCW 82.08.020 on the sale of special fuel delivered in this state shall be entitled to a credit or refund of such tax with respect to fuel subsequently established to have been actually transported and used outside this state by persons engaged in interstate commerce. The tax shall be claimed as a credit or refunded through the tax reports required under RCW 82.38.150.

**Sec. 11.** RCW 82.12.0256 and 2005 c 443 s 6 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Special fuel purchased in this state upon which a refund is obtained as provided in RCW 82.38.180(2); and

(2) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(3); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(1)(h); or

(c) The fuel is purchased by a public transportation benefit area created under chapter 36.57A RCW or a county-owned ferry or county ferry district created under chapter 36.54 RCW for use in passenger-only ferry vessels; or

(d) The fuel is taxable under chapter 82.36 or 82.38 RCW: PROVIDED, That the use of motor vehicle and special fuel upon which a refund of the applicable fuel tax is obtained shall not be exempt under this subsection (2)((~~e~~)) (d), and the director of licensing shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue.

**NEW SECTION. Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 8 of this act which takes effect July 1, 2008."

Correct the title.

Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Dickerson; Hailey; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 31, 2007

SSB 5881 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Modifying water power license fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.16.050 and 1929 c 105 s 1 are each amended to read as follows:

(1) Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the state of Washington for power development, shall on or before the first day of (~~July, 1929, and on or before the first day of~~) January of each year (~~thereafter~~) pay to the state of Washington in advance an annual license fee, based upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

(a) For projects in operation: For each and every theoretical horsepower claimed up to and including one thousand horsepower, at the rate of (~~ten~~) eighteen cents per horsepower; for each and every theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of (~~two~~) three and six-tenths cents per horsepower; for each and every theoretical horsepower in excess of ten thousand horsepower, at the rate of one and eight-tenths cents per horsepower.

(b) For federal energy regulatory commission projects in operation, the following fee schedule applies in addition to the fees in (a) of this subsection: For each theoretical horsepower of capacity up to and including one thousand horsepower, at the rate of thirty-two cents per horsepower; for each theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of six and four-tenths cents per horsepower; for each theoretical horsepower in excess of ten thousand horsepower, at the rate of three and two-tenths cents per horsepower.

(c) To justify the appropriate use of fees collected under (b) of this subsection, the department of ecology shall submit a progress report to the appropriate committees of the legislature prior to December 31, 2009, and biennially thereafter until December 31, 2017.

(i) The progress report will: (A) Describe how license fees were expended in the federal energy regulatory commission licensing process during the current biennium, and expected workload and full-time equivalent employees for federal energy regulatory commission licensing in the next biennium; (B) include any recommendations based on consultation with the departments of ecology and fish and wildlife, hydropower project operators, and other interested parties; and (C) recognize hydropower operators that exceed their environmental regulatory requirements.

(ii) The fees required in (b) of this subsection expire June 30, 2017. The biennial progress reports submitted by the department of ecology will serve as a record for considering the extension of the fee structure in (b) of this subsection.

(2) The following are exceptions to the fee schedule in subsection (1) of this section:

(a) For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed and in operation shall be the full annual license fee (~~above~~) specified in subsection (1) of this section for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects. (~~PROVIDED, That upon the filing of statement, as hereinafter required, by the United States or the state claiming the right to the use of water to any extent for the generation of power, or any other claimant to the use of water for the generation of fifty horsepower, or less, shall be exempted from the payment of all fees hereinafter required; and PROVIDED FURTHER, That~~)

(b) The fees required in subsection (1) of this section do not apply to any hydropower project owned by the United States.

(c) The fees required in subsection (1) of this section do not apply to the use of water for the generation of fifty horsepower or less.

(d) The fees required in subsection (1) of this section for projects developed by an irrigation district in conjunction with the irrigation district's water conveyance system shall be reduced by fifty percent to reflect the portion of the year when the project is not operable.

(e) Any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water for irrigation, (~~may~~) upon the filing of a statement(~~s~~) showing the amount of power used for irrigation pumping, (~~be exempted~~) is exempt from the fees in subsection (1) of this section to the extent of

the power ~~((so))~~ used ~~((from the payment of the annual license fee herein provided))~~ for irrigation pumping.

**Sec. 2.** RCW 90.16.090 and 1988 c 127 s 79 are each amended to read as follows:

(1) All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation ~~((revolving))~~ account created in RCW 89.16.020 and subject to legislative appropriation, be allocated and expended by the director of ecology for:

(a) Investigations and surveys of natural resources in cooperation with the federal government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys ~~((PROVIDED; That in any one biennium all said expenditures shall not exceed total receipts from said power license fees collected during said biennium; AND PROVIDED FURTHER, That the portion of money allocated by said director to be expended in cooperation with the federal government shall be contingent upon the federal government making available equal amounts for such investigations and surveys)); and~~

(b) Expenses associated with staff at the departments of ecology and fish and wildlife working on federal energy regulatory commission relicensing and license implementation.

(2) Unless otherwise required by the omnibus biennial appropriations acts, the expenditures for these purposes must be proportional to the revenues collected under RCW 90.16.050(1)."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

April 2, 2007

ESSB 5894 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Clarifying the regulatory authority for on-site sewage systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Select Committee on Environmental Health.

Strike everything after the enacting clause and insert the following:

**"PART 1  
CREATING A NEW CHAPTER DEDICATED TO LARGE  
ON-SITE SEWAGE SYSTEMS**

**NEW SECTION. Sec. 1.** FINDINGS AND INTENT. The legislature finds that:

(1) Protection of the environment and public health requires properly designed, operated, and maintained on-site sewage systems. Failure of those systems can pose certain health and environmental hazards if sewage leaks above ground or if untreated sewage reaches surface or groundwater.

(2) Chapter 70.118A RCW provides a framework for ongoing management of on-site sewage systems located in marine recovery areas and regulated by local health jurisdictions under state board of

health rules. This chapter will provide a framework for comprehensive management of large on-site sewage systems statewide.

(3) The primary purpose of this chapter is to establish, in a single state agency, comprehensive regulation of the design, operation, and maintenance of large on-site sewage systems, and their operators, that provides both public health and environmental protection. To accomplish these purposes, this chapter provides for:

(a) The permitting and continuing oversight of large on-site sewage systems;

(b) The establishment by the department of standards and rules for the siting, design, construction, installation, operation, maintenance, and repair of large on-site sewage systems; and

(c) The enforcement by the department of the standards and rules established under this chapter.

**NEW SECTION. Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the state department of health.

(2) "Industrial wastewater" means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade, or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

(3) "Large on-site sewage system" means an on-site sewage system with design flows of between three thousand five hundred gallons per day and one hundred thousand gallons per day.

(4) "On-site sewage system" means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment and disposal of domestic sewage. It consists of a collection system, a treatment component or treatment sequence, and a subsurface soil disposal component. It may or may not include a mechanical treatment system. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. A holding tank that discharges to a sewer is not included in the definition of on-site sewage system. A system into which storm water or industrial wastewater is discharged is not included in the definition of on-site sewage system.

(5) "Person" means any individual, corporation, company, association, firm, partnership, governmental agency, or any other entity whatsoever, and the authorized agents of any such entities.

(6) "Secretary" means the secretary of health.

(7) "Waters of the state" has the same meaning as defined in RCW 90.48.020.

**NEW SECTION. Sec. 3.** AUTHORIZING THE DEPARTMENT TO PROVIDE COMPREHENSIVE REGULATION OF LARGE ON-SITE SEWAGE SYSTEMS. (1) For the protection of human health and the environment the department shall:

(a) Establish and provide for the comprehensive regulation of large on-site sewage systems including, but not limited to, system siting, design, construction, installation, operation, maintenance, and repair;

(b) Control and prevent pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington, except to the extent authorized by permits issued under this chapter;

(c) Issue annual operating permits for large on-site sewage systems based on the system's ability to function properly in compliance with the applicable comprehensive regulatory requirements; and

(d) Enforce the large on-site sewage system requirements.

(2) Large on-site sewage systems permitted by the department may not be used for treatment and disposal of industrial wastewater or combined sanitary sewer and storm water systems.

(3) The work group convened under RCW 70.118A.080(4) to make recommendations to the appropriate committees of the legislature for the development of certification or licensing of maintenance specialists shall include recommendations for the

development of certification or licensing of large on-site system operators.

**NEW SECTION. Sec. 4. ANNUAL OPERATING PERMITS REQUIRED--APPLICATION.** (1) A person may not install or operate a large on-site sewage system without an operating permit as provided in this chapter after July 1, 2009. The owner of the system is responsible for obtaining a permit.

(2) The department shall issue operating permits in accordance with the rules adopted under section 5 of this act.

(3) The department shall ensure the system meets all applicable siting, design, construction, and installation requirements prior to issuing an initial operating permit. Prior to renewing an operating permit, the department may review the performance of the system to determine compliance with rules and any permit conditions.

(4) At the time of initial permit application or at the time of permit renewal the department shall impose those permit conditions, requirements for system improvements, and compliance schedules as it determines are reasonable and necessary to ensure that the system will be operated and maintained properly. Each application must be accompanied by a fee as established in rules adopted by the department.

(5) Operating permits shall be issued for a term of one year, and shall be renewed annually, unless the operator fails to apply for a new permit or the department finds good cause to deny the application for renewal.

(6) Each permit may be issued only for the site and owner named in the application. Permits are not transferable or assignable except with the written approval of the department.

(7) The department may deny an application for a permit or modify, suspend, or revoke a permit in any case in which it finds that the permit was obtained by fraud or there is or has been a failure, refusal, or inability to comply with the requirements of this chapter or the standards or rules adopted under this chapter. RCW 43.70.115 governs notice of denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding to the permit applicant or permittee.

(8) For systems with design flows of more than fourteen thousand five hundred gallons per day, the department shall adopt rules to ensure adequate public notice and opportunity for review and comment on initial large on-site sewage system permit applications and subsequent permit applications to increase the volume of waste disposal or change effluent characteristics. The rules must include provisions for notice of final decisions. Methods for providing notice may include electronic mail, posting on the department's internet site, publication in a local newspaper, press releases, mailings, or other means of notification the department determines appropriate.

(9) A person aggrieved by the issuance of an initial permit, or by the issuance of a subsequent permit to increase the volume of waste disposal or to change effluent characteristics, for systems with design flows of more than fourteen thousand five hundred gallons per day, has the right to an adjudicative proceeding. The application for an adjudicative proceeding must be in writing, state the basis for contesting the action, include a copy of the decision, be served on and received by the department within twenty-eight days of receipt of notice of the final decision, and be served in a manner that shows proof of receipt. An adjudicative proceeding conducted under this subsection is governed by chapter 34.05 RCW.

(10) Any permit issued by the department of ecology for a large on-site sewage system under chapter 90.48 RCW is valid until it first expires after the effective date of this section. The system owner shall apply for an operating permit at least one hundred twenty days prior to expiration of the department of ecology permit.

(11) Systems required to meet operator certification requirements under chapter 70.95B RCW must continue to meet those requirements as a condition of the department operating permit.

**NEW SECTION. Sec. 5. RULE MAKING.** (1) For the protection of human health and the environment, the secretary shall adopt rules for the comprehensive regulation of large on-site sewage systems, which includes, but is not limited to, the siting, design, construction, installation, maintenance, repair, and permitting of the systems.

(2) In adopting the rules, the secretary shall, in consultation with the department of ecology, require that large on-site sewage systems comply with the applicable sections of chapter 90.48 RCW regarding control and prevention of pollution of waters of the state, including but not limited to:

(a) Surface and ground water standards established under RCW 90.48.035; and

(b) Those provisions requiring all known, available, and reasonable methods of treatment.

(3) In adopting the rules, the secretary shall ensure that requirements for large on-site sewage systems are consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county.

**NEW SECTION. Sec. 6. CIVIL PENALTIES.** (1) A person who violates a law or rule regulating on-site sewage systems administered by the department is subject to a penalty of not more than ten thousand dollars per day for every violation. Every violation is a separate and distinct offense. In case of a continuing violation, each day's continuing violation is a separate and distinct violation. The penalty assessed must reflect the significance of the violation and the previous record of compliance on the part of the person responsible for compliance with on-site sewage system requirements.

(2) Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section.

(3) The penalty provided for in this section must be imposed by a notice in writing to the person against whom the civil penalty is assessed and must describe the violation. The notice must be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for an adjudicative proceeding is filed as provided in subsection (4) of this section.

(4) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules.

(5) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served, and reasonable attorneys' fees as are incurred if civil enforcement of the final administrative order is required to collect the penalty.

(6) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest-bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorneys' fees for the cost of the attorney general's office in representing the department.

(7) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the on-site sewage system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(8) A judgment entered under subsection (6) or (7) of this section has the same force and effect as, and is subject to all of the

provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(9) The large on-site sewage systems account is created in the custody of the state treasurer. All receipts from penalties imposed under this section shall be deposited into the account. Expenditures from the account shall be used by the department to provide training and technical assistance to on-site sewage system owners and operators. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 7. INJUNCTIONS.** Notwithstanding the existence or use of any other remedy, the department may bring an action to enjoin a violation or threatened violation of this chapter or rules adopted under this chapter. The department may bring the action in the superior court of the county in which the large on-site sewage system is located or in the superior court of Thurston county.

**NEW SECTION. Sec. 8.** The authority and duties created in this chapter are in addition to any authority and duties already provided in law. Nothing in this chapter limits the powers of the state or any political subdivision to exercise such authority.

## PART 2

### AMENDING CHAPTERS 70.118 AND 70.05 RCW TO ENHANCE LOCAL HEALTH OFFICER ENFORCEMENT AUTHORITY REGARDING ON-SITE SYSTEMS

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.118 RCW to read as follows:

**CIVIL PENALTIES.** A local health officer who is responsible for administering and enforcing regulations regarding on-site sewage disposal systems is authorized to issue civil penalties for violations of those regulations under the same limitations and requirements imposed on the department under section 6 of this act, except that judgments shall be entered in the name of the local health jurisdiction and penalties shall be placed into the general fund or funds of the entity or entities operating the local health jurisdiction.

**Sec. 10.** RCW 70.05.070 and 1999 c 391 s 5 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:

(1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and section 9 of this act, the confidentiality provisions in RCW 70.24.105 and rules adopted to implement those provisions, and filing of actions authorized by RCW 43.70.190;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of health or his or her authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;

(8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

## PART 3

### AMENDING STATE BOARD OF HEALTH RULE-MAKING AUTHORITY FOR ON-SITE SEWAGE SYSTEMS

**Sec. 11.** RCW 43.20.050 and 1993 c 492 s 489 are each amended to read as follows:

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies.

At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by January 1st of each even-numbered year for adoption by the governor. The governor, no later than March 1st of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of

sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on-site sewage systems with design flows of less than three thousand five hundred gallons per day.

(4) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

~~((4))~~ (5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

~~((5))~~ (6) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

#### PART 4 EXEMPTING OPERATORS CERTIFIED BY THE DEPARTMENT OF HEALTH

**Sec. 12.** RCW 90.48.162 and 1972 ex.s. c 140 s 1 are each amended to read as follows:

Any county or any municipal or public corporation operating or proposing to operate a sewerage system, including any system which collects only domestic sewerage, which results in the disposal of waste material into the waters of the state shall procure a permit from the department of ecology before so disposing of such materials. This section is intended to extend the permit system of RCW 90.48.160 to counties and municipal or public corporations and the provisions of RCW 90.48.170 through ~~((90.48.210))~~ 90.48.200 and 90.52.040 shall be applicable to the permit requirement imposed under this section. A permit under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.-- RCW (sections 1 through 8 of this act) or for on-site sewage systems permitted by local health jurisdictions under rules of the state board of health.

**Sec. 13.** RCW 90.48.110 and 2002 c 161 s 5 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter. Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.-- RCW (sections 1 through 8 of this act) or for on-site sewage systems

regulated by local health jurisdictions under rules of the state board of health.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section.

#### PART 5 AMENDING RCW 36.94.010 TO CLARIFY ITS APPLICABILITY TO LARGE ON-SITE SEWAGE SYSTEMS

**Sec. 14.** RCW 36.94.010 and 1997 c 447 s 10 are each amended to read as follows:

As used in this chapter:

(1) A "system of sewerage" means and may include any or all of the following:

(a) Sanitary sewage collection, treatment, and/or disposal facilities and services, including without limitation on-site or off-site sanitary sewerage facilities, large on-site sewage systems defined under section 2 of this act, inspection services and maintenance services for private or public on-site systems, or any other means of sewage treatment and disposal approved by the county;

(b) Combined sanitary sewage disposal and storm or surface water drains and facilities;

(c) Storm or surface water drains, channels, and facilities;

(d) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, and rights and interests in property relating to the system;

(e) Combined water and sewerage systems;

(f) Point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a county;

(g) Public restroom and sanitary facilities;

(h) The facilities and services authorized in RCW 36.94.020; and

(i) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

(a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;

(b) A combined water and sewerage system;

(c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a comprehensive plan.

(a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, channels, local service areas and a general description of

the collection system to serve those areas, a description of on-site sanitary sewerage system inspection services and maintenance services, and other facilities and services as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility. The plan may also include a description of the regulations deemed appropriate to carrying out surface drainage plans.

(b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations, and monitoring and control facilities as may be required to provide a functional and implementable plan.

(c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and, to the extent then known, shall further discuss the methods of distributing the cost and expense of the system and shall indicate the economic feasibility of plan implementation. The plans may also specify local or lateral facilities and services. The sewerage and/or water general plan does not mean the final engineering construction or financing plans for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a sewer or water system, any sewer, water, diking, or drainage district, any diking, drainage, and sewerage improvement district, and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners and/or the legislative authority of a home rule charter county.

**NEW SECTION. Sec. 15.** Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 16.** Captions and part headings used in this act are not any part of the law.

**NEW SECTION. Sec. 17.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald; Priest and Walsh.

Passed to Committee on Rules for second reading.

April 2, 2007

**SSB 5919** Prime Sponsor, Senate Committee on Financial Institutions & Insurance: Providing relief from retaliatory taxes on insurance premium taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 31, 2007

**SB 5926** Prime Sponsor, Senator Kohl-Welles: Creating a joint legislative task force to review the underground economy in the construction industry. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

Passed to Committee on Rules for second reading.

March 31, 2007

**E2SSB 5930** Prime Sponsor, Senate Committee on Ways & Means: Providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

**"USE STATE PURCHASING TO IMPROVE HEALTH CARE QUALITY**

**NEW SECTION. Sec. 1.** (1) The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within their health care programs to:

(a) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;

(b) Pay for care that reflects patient preference and is of proven value;

(c) Require the use of evidence-based standards of care where available;

(d) Tie provider rate increases to measurable improvements in access to quality care;

(e) Direct enrollees to quality care systems;

(f) Better support primary care and provide a medical home to all enrollees through reimbursement policies that create incentives for providers to enter and remain in primary care practice and that address disparities in payment between specialty procedures and primary care services; and

(g) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

(2) In developing any component of the plan that links payment to health care provider performance, the authority and the department shall work in collaboration with the department of health, health carriers, local public health jurisdictions, physicians and other health care providers, the Puget Sound health alliance, and other purchasers.

(3) The plan shall (a) identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress toward those goals will be measured; and

(c) be submitted to the governor and the legislature upon completion. The agencies shall report to the legislature by September 1, 2007. Any component of the plan that links payment to health care provider performance must be submitted to the legislature for consideration prior to implementation by the department or the authority.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The legislature finds that there is growing evidence that, for preference-sensitive care involving elective surgery, patient-practitioner communication is improved through the use of high-quality decision aids that detail the benefits, harms, and uncertainty of available treatment options. Improved communication leads to more fully informed patient decisions. The legislature intends to increase the extent to which patients make genuinely informed, preference-based treatment decisions, by promoting public/private collaborative efforts to broaden the development, certification, use, and evaluation of effective decision aids and by recognition of shared decision making and patient decision aids in the state's laws on informed consent.

(2) The health care authority shall:

(a) Work in collaboration with the health professions, contracting health carriers, nonproprietary public interest or university-based research groups, and quality improvement organizations to increase awareness of appropriate, high-quality decision aids, and to train physicians and other practitioners in their use.

(b) In consultation with the national committee for quality assurance, or other decision aids certification body, identify a certification process for patient decision aids.

(c) Implement a shared decision-making demonstration project. The demonstration project shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing state purchased health care. The demonstration project shall include the following elements:

(i) Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology; and

(ii) An evaluation of the impact of the use of shared decision making with decision aids, including the use of preference-sensitive health care services selected for the demonstration project and expenditures for those services, the impact on patients, including patient understanding of the treatment options presented and concordance between patient values and the care received, and patient and practitioner satisfaction with the shared decision-making process.

(3) The health care authority may solicit and accept funding to support the demonstration and evaluation.

**Sec. 3.** RCW 7.70.060 and 1975-'76 2nd ex. s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

~~((+))~~ (a) A description, in language the patient could reasonably be expected to understand, of:

~~((+))~~ (i) The nature and character of the proposed treatment;

~~((+))~~ (ii) The anticipated results of the proposed treatment;

~~((+))~~ (iii) The recognized possible alternative forms of treatment; and

~~((+))~~ (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

~~((+))~~ (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ~~((+)) of this section~~.

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4) As used in this section, "patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific knowledge about outcomes, and that is certified by one or more national certifying organizations approved by the health care authority under section 2 of this act.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

## PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, must acknowledge the role of primary care providers and include financial and other supports to enable these providers to effectively carry out their role in chronic care management, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients best served under a chronic care

management model using predictive modeling through claims or other health risk information; and

(b) Evaluate the effectiveness of current chronic care management efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

(a) Clinical information systems and sharing and organization of patient data;

(b) Decision support to promote evidence-based care;

(c) Clinical delivery system design;

(d) Support for patients managing their own conditions; and

(e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the provider's participation in the medicaid program, the basic health plan, and health plans offered through the public employees' benefits board.

**NEW SECTION. Sec. 6.** (1) The health care authority, in collaboration with the department of health, shall design and implement a medical home for chronically ill state employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**Sec. 7.** RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the

attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

**NEW SECTION. Sec. 8.** A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect a fee of three dollars and fifty cents from the parents or other responsible party of each infant screened for congenital disorders as defined by the state board of health under RCW 70.83.020 to fund specialty clinics that provide treatment services for those with the defined disorders. The fee may be collected through the facility where a screening specimen is obtained.

#### **COST AND QUALITY INFORMATION FOR CONSUMERS AND PROVIDERS**

**NEW SECTION. Sec. 9.** A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. In collaboration with the Puget Sound health alliance and other local organizations, the forum shall:

(1) Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;

(2) Coordinate the collection of health care quality data among state health care purchasing agencies;

(3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;

(4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and

(5) Produce an annual quality report detailing clinical practice patterns for purchasers, providers, insurers, and policy makers. The agencies shall report to the legislature by September 1, 2007.

**NEW SECTION. Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health

information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and co-chairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

**Sec. 11.** RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in (~~RCW 18.79.202, until June 30, 2013; and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360~~) subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of section 12 of this act.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.70 RCW to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009.

#### **REDUCING UNNECESSARY EMERGENCY ROOM USE**

**Sec. 13.** RCW 41.05.220 and 1998 c 245 s 38 are each amended to read as follows:

(1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary health and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) The authority, in consultation with the department of health, shall work with community and migrant health clinics and other providers of care to underserved populations, to ensure that the number of people of color and underserved people receiving access to managed care is expanded in proportion to need, based upon demographic data.

(3) In contracting with community health centers to provide primary health and dental services, migrant health services, and maternity health care services under subsection (1) of this section the authority shall give priority to those community health centers working with local hospitals, local community health collaboratives, and/or local public health jurisdictions to successfully reduce unnecessary emergency room use.

**NEW SECTION. Sec. 14.** The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs that they administer and the uninsured, and then partner with community organizations and local health care providers to design a demonstration pilot to reduce such unnecessary visits.

**NEW SECTION. Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:

In collaboration with the department of social and health services, the administrator shall provide all persons enrolled in health plans under this chapter and chapter 70.47 RCW with access to a twenty-four hour, seven day a week nurse hotline.

**NEW SECTION. Sec. 16.** A new section is added to chapter 74.09 RCW to read as follows:

In collaboration with the health care authority, the department shall provide all persons receiving services under this chapter with access to a twenty-four hour, seven day a week nurse hotline. The health care authority and the department of social and health services shall determine the most appropriate way to provide the nurse hotline under section 15 of this act and this section, which may include use of the 211 system established in chapter 43.211 RCW.

### REDUCE HEALTH CARE ADMINISTRATIVE COSTS

**NEW SECTION. Sec. 17.** By September 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

### COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE

**NEW SECTION. Sec. 18.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue covering that dependent under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

**NEW SECTION. Sec. 19.** A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 20.** A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 21.** A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 22.** A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

### SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS

**NEW SECTION. Sec. 23.** (1) The department of social and health services shall develop a series of options that require federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic health program, for the medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program for individuals eligible for transitional medical benefits. When a participant in the health opportunity account demonstration program satisfies his or her deductible, the benefits provided shall be those included in the medicaid benefit package in effect during the period of the demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) Prior to submitting requests for federal waivers or state plan amendments, the department shall consult with and seek input from stakeholders and other interested parties.

(3) The department of social and health services, in collaboration with the Washington state health care authority, shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the maximum number of people within available funds. Priority enrollment in the basic health program shall be given to those who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

**NEW SECTION. Sec. 24.** A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

### REINSURANCE

**NEW SECTION. Sec. 25.** (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate options and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance markets, and submit implementing legislation and supporting information, including financing options, to the governor and the legislature by December 1, 2007. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program such as the approach used by the department of labor and industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Determine whether the Washington state health insurance pool should be retained, and if so, develop options for additional sources of funding;

(f) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

(g) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

#### THE WASHINGTON STATE HEALTH INSURANCE POOL AND THE BASIC HEALTH PLAN

**Sec. 26.** RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features and encourage enrollees to participate in chronic care and disease management and evidence-based protocols into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least two policies, one of which at a minimum includes, but is not limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, ~~((but limited to))~~ including no less than a total of one hundred eighty inpatient days in a calendar year, and ~~((limited to))~~ no less than thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) ~~((The first))~~ No less than twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians,

psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not ~~((more))~~ less than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery ~~((limited to))~~ including at least the following:

Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (6) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ~~((The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however,))~~ No limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

~~((6))~~ (7) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7))~~ (8) of this section.

~~((7))~~ (8)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a

catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (9) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(10) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate.

**Sec. 27.** RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

~~(1) (A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150))~~  
On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage consistent with this section. As a means to minimize the number of policy changes for enrollees, replacement policies provided under this subsection also may include the plan modifications authorized in RCW 48.41.110 and 48.41.120.

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the pool;
- (c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;
- (d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;
- (e) Covered persons committing fraudulent acts as to the pool;
- (f) Covered persons materially breaching the pool policy; or
- (g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of

enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace a plan under this subsection until it has completed an evaluation of the impact of replacing the plan upon:

- (i) The cost and quality of care to pool enrollees;
- (ii) Pool financing and enrollment;
- (iii) The board's ability to offer comprehensive and other plans to its enrollees;
- (iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

~~((3))~~ (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

**Sec. 28.** RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

**Sec. 29.** RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

**Sec. 30.** RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~((one))~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

**Sec. 31.** RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection (3) of this section, a pool policy offered in accordance with RCW 48.41.110(3) shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at ~~((the))~~ a rate ~~((of))~~ not to exceed twenty percent of eligible expenses in excess of the mandatory deductible and which supports the efficient delivery of high quality health care services for the medical conditions of pool enrollees.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under a pool policy offered in accordance with RCW 48.41.110(3) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Except for those enrolled in a high deductible health plan qualified under federal law for use with a health savings account, eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

(5) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.

**Sec. 32.** RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ((five hundred)) dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July, 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a shorter limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited

higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**Sec. 33.** RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

~~((Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any~~

~~other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately.)) The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.~~

**Sec. 34.** RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for Medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

- (i) Facilitate diagnosis or treatment;
- (ii) Reduce unnecessary duplication of medical tests;
- (iii) Promote efficient electronic physician order entry;
- (iv) Increase access to health information for consumers and their providers; and
- (v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

**Sec. 35.** RCW 70.47.020 and 2005 c 188 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(6) "Subsidized enrollee" means:

(a) An individual, or an individual plus the individual's spouse or dependent children:

~~((a))~~ (i) Who is not eligible for medicare;

~~((b))~~ (ii) Who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator;

~~((c))~~ (iii) Who is not a full-time student who has received a temporary visa to study in the United States;

~~((d))~~ (iv) Who resides in an area of the state served by a managed health care system participating in the plan;

~~((e))~~ (v) Whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

~~((f))~~ (vi) Who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan~~(:);~~

(b) An individual who meets the requirements in (a)(i) through (iv) and (vi) of this subsection and who is a foster parent licensed under chapter 74.15 RCW and whose gross family income at the time

of enrollment does not exceed three hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

~~(c) To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, ("subsidized enrollee" also means))~~ an individual, or an individual's spouse or dependent children, who meets the requirements in (a)(i) through ~~((d))~~ (iv) and ~~((f))~~ (vi) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who is accepted for enrollment by the administrator as provided in RCW 48.43.018, either because the potential enrollee cannot be required to complete the standard health questionnaire under RCW 48.43.018, or, based upon the results of the standard health questionnaire, the potential enrollee would not qualify for coverage under the Washington state health insurance pool; (d) who resides in an area of the state served by a managed health care system participating in the plan; ~~((d))~~ (e) who chooses to obtain basic health care coverage from a particular managed health care system; and ~~((e))~~ (f) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(9) "Premium" means a periodic payment, ~~((based upon gross family income))~~ which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

(10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

**Sec. 36.** RCW 70.47.060 and 2006 c 343 s 9 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure

basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (1) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from subsidized enrollees under RCW 70.47.020(6)(b). Premiums due for foster parents with gross family income up to two hundred percent of the federal poverty level shall be set at the minimum premium amount charged to enrollees with income below sixty-five percent of the federal poverty level. Premiums due for foster parents with gross family income between two hundred percent and three hundred percent of the federal poverty level shall not exceed one hundred dollars per month.

(c) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

~~((e))~~ (d) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

~~((f))~~ (e) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

~~((g))~~ (f) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing

mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may

establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

**Sec. 37.** RCW 48.43.018 and 2004 c 244 s 3 are each amended to read as follows:

(1) Except as provided in (a) through (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in

Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan ~~((and, but for the number of persons employed by his or her employer, would have qualified for))~~ or enrollment in the basic health plan as a nonsubsidized enrollee following disenrollment from a health plan that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) ~~((Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii))~~) The person had at least twenty-four months of continuous group coverage including church plans immediately prior to ~~((the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if))~~ disenrollment; (ii) application is made no more than ninety days prior to the date of ~~((a qualifying event))~~ disenrollment; and (iii) the effective date of the individual coverage applied for is the date of ~~((the qualifying event))~~ disenrollment, or within ninety days thereafter.

(f) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a

standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

**Sec. 38.** RCW 43.70.670 and 2003 c 274 s 2 are each amended to read as follows:

(1) "Human immunodeficiency virus insurance program," as used in this section, means a program that provides health insurance coverage for individuals with human immunodeficiency virus, as defined in RCW 70.24.017(7), who are not eligible for medical assistance programs from the department of social and health services as defined in RCW 74.09.010(8) and meet eligibility requirements established by the department of health.

(2) The department of health may pay for health insurance coverage on behalf of persons with human immunodeficiency virus, who meet department eligibility requirements, and who are eligible for "continuation coverage" as provided by the federal consolidated omnibus budget reconciliation act of 1985, group health insurance policies, or individual policies. ~~((The number of insurance policies supported by this program in the Washington state health insurance pool as defined in RCW 48.41.030(18) shall not grow beyond the July 1, 2003, level.))~~

## PREVENTION AND HEALTH PROMOTION

**NEW SECTION. Sec. 39.** (1) The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health

shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state purchased health programs that they administer by:

(a) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;

(b) Encouraging enrollees in state health programs to complete a health assessment, and providing appropriate follow up;

(c) Reimbursing for cost-effective prevention activities; and

(d) Developing prevention and health promotion contracting standards for state programs that contract with health carriers.

(2) The plan shall: (a) Identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress towards those goals will be measured and reported; and (c) be submitted to the governor and the legislature upon completion.

**Sec. 40.** RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~((the department of personnel;))~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.))~~

~~((2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program)) shall establish and maintain a state employee health program focused on reducing the health risks and improving the health status of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.~~

~~((2) The state employee health program shall:~~

~~((a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;~~

~~((b) Develop effective communication tools and ongoing training for wellness staff;~~

~~((c) Contract with outside vendors for evaluation of program goals;~~

~~((d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:~~

~~((i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;~~

~~((ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and~~

~~((iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.~~

~~((3) The health care authority shall report to the legislature in December 2008 and December 2010 on outcome goals for the employee health program.~~

**NEW SECTION. Sec. 41.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall implement a state employee health demonstration project. The agencies selected must: (a) Show a high rate of health risk assessment completion; (b) document an infrastructure capable of implementing employee health programs using current and emerging best practices; (c) show evidence of senior management

support; and (d) together employ a total of no more than eight thousand employees who are enrolled in health plans of the public employees' benefits board. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program.

(2) Agency demonstration project employee health programs:

(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(3) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008 and December 2010 on the demonstration project.

(4) This section expires June 30, 2011.

#### PRESCRIPTION MONITORING PROGRAM

**NEW SECTION. Sec. 42.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Authority" means the Washington state health care authority.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a practitioner or pharmacy that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

**NEW SECTION. Sec. 43.** (1) To the extent that funding is available through federal or private grants, or is appropriated by the legislature, the authority shall establish and maintain a prescription monitoring program to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. The program shall be designed to improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and over-prescribing of controlled substances, and improving controlled substance prescribing practices. As much as possible, the authority should establish a common database with other states.

(2) Except as provided in subsection (5) of this section, each dispenser shall submit to the authority by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be immediately reported.

The information submitted for each prescription shall include, but not be limited to:

- (a) Patient identifier;
- (b) Drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

(3) It is the intent of the legislature to establish an electronic database available in real time to dispensers and prescribers of controlled substances. And further, that the authority in as much as possible should establish a common dataset with other states.

(4) Each dispenser shall immediately submit the information in accordance with transmission methods established by the authority.

(5) The data submission requirements of this section do not apply to:

(a) Medications provided to patients receiving inpatient services provided at hospitals licensed under chapter 70.41 RCW; or patients of such hospitals receiving services at the clinics, day surgery areas, or other settings within the hospital's license where the medications are administered in single doses; or

(b) Pharmacies operated by the department of corrections for the purpose of providing medications to offenders in department of corrections institutions who are receiving pharmaceutical services from a department of corrections pharmacy, except that the department must submit data related to each offender's current prescriptions for controlled substances upon the offender's release from a department of corrections institution.

(6) The authority shall seek federal grants to support the activities described in this act. As state and federal funds are available, the authority shall develop and implement the prescription monitoring program. The authority may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

**NEW SECTION. Sec. 44.** To the extent that funding is available through federal or private grants, or is appropriated by the legislature, the authority shall submit an implementation plan to the legislature within six months of receipt of funding under this subsection that builds upon the prescription monitoring program established in this chapter. The plan shall expand the information included in the prescription drug monitoring program to include information related to all legend drugs, as defined in RCW 69.41.010(12), dispensed or paid for through fee-for-service or managed care contracting, on behalf of persons receiving health care services through state-purchased health care programs administered by the authority, the department of social and health services, the department of labor and industries, and the department of corrections. The implementation plan shall be designed to improve the quality of state-purchased health services by reducing legend drug abuse, reducing duplicative prescribing and over-prescribing of legend drugs, and improving legend drug prescribing practices. The implementation plan shall include mechanisms that will eventually allow persons authorized to prescribe or dispense controlled substances to query the web-based interactive prescription monitoring program and obtain real time information regarding legend drug utilization history of persons for whom they are providing medical or pharmaceutical care when such persons are receiving health services through the programs included in this subsection.

**NEW SECTION. Sec. 45.** (1) Prescription information submitted to the authority shall be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to disclosure, except as provided in subsections (3), (4), and (5) of this section.

(2) The authority shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3), (4), and (5) of this section.

(3) The authority shall review the prescription information. The authority shall notify the practitioner and allow explanation or correction of any problem. If there is reasonable cause to believe a

violation of law or breach of professional standards may have occurred, the authority shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide prescription information required for an investigation.

(4) The authority may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

(g) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

(h) Other entities under grand jury subpoena or court order; and

(i) Personnel of the department of health for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(5) The authority may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(6) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

**NEW SECTION. Sec. 46.** The authority may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 45 of this act and is subject to the penalties specified in section 48 of this act for unlawful acts.

**NEW SECTION. Sec. 47.** The authority shall adopt rules to implement this chapter.

**NEW SECTION. Sec. 48.** (1) A dispenser who knowingly fails to submit prescription monitoring information to the authority as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with chapter 70.02 RCW and federal health care information privacy requirements, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved with the patient in order to provide safe and appropriate care coordination.

**Sec. 49.** RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~(and)~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the health care authority under chapter 41.-- RCW (sections 42 through 48 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

## STRATEGIC HEALTH PLANNING

**NEW SECTION. Sec. 50.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health care provider" means an individual who holds a license issued by a disciplining authority identified in RCW 18.130.040 and who practices his or her profession in a health care facility or provides a health service.

(2) "Health facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers, ambulatory diagnostic, treatment, or surgical facilities, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision, including a public hospital district, or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(3) "Health service" or "service" means that service, including primary care service, offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(4) "Health service area" means a geographic region appropriate for effective health planning that includes a broad range of health services.

(5) "Office" means the office of financial management.

(6) "Strategy" means the statewide health resources strategy.

**NEW SECTION. Sec. 51.** (1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

(c) Maintain access to deidentified data collected and stored by any public and private organizations as necessary to support its planning responsibilities, including state-purchased health care program data, hospital discharge data, and private efforts to collect utilization and claims-related data. The office is authorized to enter into any data sharing agreements and contractual arrangements necessary to obtain data or to distribute data. Among the sources of deidentified data that the office may access are any databases established pursuant to the recommendations of the health information infrastructure advisory board established by chapter 261, Laws of 2005. The office may store limited data sets as necessary to support its activities. Unless specifically authorized, the office shall not collect data directly from the records of health care providers and health care facilities, but shall make use of databases that have already collected such information; and

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

(3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners, representatives of government and nongovernment health care purchasers, representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long-term care facilities, representatives of community-based long-term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.

**NEW SECTION. Sec. 52.** (1) The office, in consultation with the technical advisory committee established under section 51 of this act, shall develop a statewide health resources strategy. The strategy shall establish statewide health planning policies and goals related to the availability of health care facilities and services, quality of care, and cost of care. The strategy shall identify needs according to geographic regions suitable for comprehensive health planning as designated by the office.

(2) The development of the strategy shall consider the following general goals and principles:

(a) That excess capacity of health services and facilities place considerable economic burden on the public who pay for the construction and operation of these facilities as patients, health insurance purchasers, carriers, and taxpayers; and

(b) That the development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care, as well as projections of need for health facilities and services, are essential to effective strategic health planning.

(3) The strategy, with public input by health service areas, shall include:

(a) A health system assessment and objectives component that:

(i) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs; and

(ii) Identifies key policy objectives for the state health system related to access to care, health outcomes, quality, and cost-effectiveness;

(b) A health care facilities and services plan that shall assess the demand for health care facilities and services to inform state health planning efforts and direct certificate of need determinations, for those facilities and services subject to certificate of need as provided in chapter 70.38 RCW. The plan shall include:

(i) An inventory of each geographic region's existing health care facilities and services;

(ii) Projections of need for each category of health care facility and service, including those subject to certificate of need;

(iii) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process; and

(iv) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region;

(c) A health care data resource plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall inventory existing data resources, both public and private, that store and disclose information relevant to the health planning process, including information necessary to conduct certificate of need activities pursuant to chapter 70.38 RCW. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health planning activities. The plan may recommend that the office be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health planning data. The plan shall provide recommendations for increasing the availability of data related to health planning to provide greater community involvement in the health planning process and consistency in data used for certificate of need applications and determinations;

(d) An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary;

(e) A rural health resource plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health workforce, and transportation needs for accessing appropriate care.

(4) The office shall submit the initial strategy to the governor by January 1, 2010. Every two years the office shall submit an updated strategy. The health care facilities and services plan as it pertains to a distinct geographic planning region may be updated by individual categories on a rotating, biannual schedule.

(5) The office shall hold at least one public hearing and allow opportunity to submit written comments prior to the issuance of the initial strategy or an updated strategy. A public hearing shall be held prior to issuing a draft of an updated health care facilities and services plan, and another public hearing shall be held before final adoption of an updated health care facilities and services plan. Any hearing related to updating a health care facilities and services plan for a specific planning region shall be held in that region with sufficient notice to the public and an opportunity to comment.

**NEW SECTION. Sec. 53.** The office shall submit the strategy to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. As the health care facilities and services plan is updated for any specific geographic planning region, the office shall submit that plan to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. The office shall not issue determinations of the merits of specific project proposals submitted by applicants for certificates of need.

**NEW SECTION. Sec. 54.** (1) The office may respond to requests for data and other information from its computerized system for special studies and analysis consistent with requirements for confidentiality of patient, provider, and facility-specific records. The office may require requestors to pay any or all of the reasonable costs associated with such requests that might be approved.

(2) Data elements related to the identification of individual patient's, provider's, and facility's care outcomes are confidential, are exempt from RCW 42.56.030 through 42.56.570 and 42.17.350 through 42.17.450, and are not subject to discovery by subpoena or admissible as evidence.

**Sec. 55.** RCW 70.38.015 and 1989 1st ex.s. c 9 s 601 are each amended to read as follows:

It is declared to be the public policy of this state:

(1) That strategic health planning ((~~to~~)) efforts must be supported by appropriately tailored regulatory activities that can effectuate the goals and principles of the statewide health resources strategy developed pursuant to chapter 43.-- RCW (sections 50 through 54 of this act). The implementation of the strategy can promote, maintain, and assure the health of all citizens in the state, ((~~to~~)) provide accessible health services, health manpower, health facilities, and other resources while controlling ((~~excessive~~)) increases in costs, and ((~~to~~)) recognize prevention as a high priority in health programs((~~, is essential to the health, safety, and welfare of the people of the state. Health planning should be responsive to changing health and social needs and conditions~~)). Involvement in health planning from both consumers and providers throughout the state should be encouraged;

(2) ((That the development of health services and resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities and without unnecessary duplication or fragmentation)) That the certificate of need program is a component of a health planning regulatory process that is consistent with the statewide health resources strategy and public policy goals that are clearly articulated and regularly updated;

(3) That the development and maintenance of adequate health care information, statistics and projections of need for health facilities and services is essential to effective health planning and resources development;

(4) That the development of nonregulatory approaches to health care cost containment should be considered, including the strengthening of price competition; and

(5) That health planning should be concerned with public health and health care financing, access, and quality, recognizing their close interrelationship and emphasizing cost control of health services, including cost-effectiveness and cost-benefit analysis.

**NEW SECTION. Sec. 56.** (1) For the purposes of this section and RCW 70.38.015 and 70.38.135, "statewide health resource strategy" or "strategy" means the statewide health resource strategy developed by the office of financial management pursuant to chapter 43.-- RCW (sections 50 through 54 of this act).

(2) Effective January 1, 2010, for those facilities and services covered by the certificate of need programs, certificate of need determinations must be consistent with the statewide health resources strategy developed pursuant to section 52 of this act, including any health planning policies and goals identified in the statewide health resources strategy in effect at the time of application. The department may waive specific terms of the strategy if the applicant demonstrates that consistency with those terms will create an undue

burden on the population that a particular project would serve, or in emergency circumstances which pose a threat to public health.

**Sec. 57.** RCW 70.38.135 and 1989 1st ex.s. c 9 s 607 are each amended to read as follows:

The secretary shall have authority to:

(1) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis;

(2) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary for the administration of the certificate of need program;

(3) Upon review of recommendations, if any, from the board of health or the office of financial management as contained in the Washington health resources strategy:

(a) Promulgate rules under which health care facilities providers doing business within the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter;

(b) Promulgate rules pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI;

(c) Promulgate rules in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need;

(d) Promulgate rules providing circumstances and procedures of expedited certificate of need review if there has not been a significant change in existing health facilities of the same type or in the need for such health facilities and services;

(4) Grant allocated state funds to qualified entities, as defined by the department, to fund not more than seventy-five percent of the costs of regional planning activities, excluding costs related to review of applications for certificates of need, provided for in this chapter or approved by the department; and

(5) Contract with and provide reasonable reimbursement for qualified entities to assist in determinations of certificates of need.

**NEW SECTION. Sec. 58.** RCW 70.38.919 (Effective date-- State health plan--1989 1st ex.s. c 9) and 1989 1st ex.s. c 9 s 610 are each repealed.

**NEW SECTION. Sec. 59.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 60.** Sections 42 through 48 of this act constitute a new chapter in Title 41 RCW.

**NEW SECTION. Sec. 61.** Sections 50 through 54 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 62.** Subheadings used in this act are not any part of the law.

**NEW SECTION. Sec. 63.** Sections 18 through 22 of this act take effect January 1, 2008.

**NEW SECTION. Sec. 64.** If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

- (1) Section 2 of this act;
- (2) Section 9 of this act (Washington state quality forum);
- (3) Section 10 of this act (health records banking pilot project);
- (4) Section 14 of this act;
- (5) Section 41 of this act (state employee health demonstration project);
- (6) Sections 50 through 57 of this act."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

March 31, 2007

2SSB 5955 Prime Sponsor, Senate Committee on Ways & Means: Regarding educator preparation, professional development, and compensation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

April 2, 2007

2SSB 5995 Prime Sponsor, Senate Committee on Ways & Means: Providing for the role of the economic development commission in state government. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.162.005 and 2003 c 235 s 1 are each amended to read as follows:

The legislature finds that Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The current economic development system is fragmented among numerous programs, councils, centers, and organizations with inadequate overall coordination and insufficient guidance built into the system to ensure that the system is responsive to its customers. The current economic development system's data-gathering and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so the system may be held accountable for its outcomes.

The legislature also finds that developing ((an effective)) a comprehensive economic development ((strategy for the state and

operating)) strategic plan to guide the operation of effective economic development programs, including workforce training, infrastructure development, small business assistance, technology transfer, and export assistance, ((are)) is vital to the state's efforts to increase the competitiveness of state businesses, encourage employment growth, increase state revenues, and generate economic well-being. ((In addition, the legislature finds that)) There is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. The legislature finds that there is a need for the development of coordination criteria for business recruitment, expansion, and retention activities carried out by the state and local entities. It is the intent of the legislature to create an economic development commission that will ((develop and update the state's economic development strategy and performance measures and provide advice to and oversight of the department of community, trade, and economic development)) provide planning, coordination, evaluation, monitoring, and policy analysis and development for the state economic development system as a whole, and advice to the governor and legislature concerning the state economic development system.

**Sec. 2.** RCW 43.162.010 and 2003 c 235 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established to oversee the economic development strategies and policies of the department of community, trade, and economic development.

(2)(a) The Washington state economic development commission shall consist of ((at least seven and no more than nine)) eleven voting members appointed by the governor with the consent of the senate as follows: Six representatives of the private sector, one representative of labor, one representative of port districts, one representative of a four-year state public institution of higher education, one representative of a state community or technical college, and one representative of associate development organizations. The director of the department of community, trade, and economic development, the director of the workforce training and education coordinating board, the commissioner of the employment security department, and the chairs and ranking minority members of the standing committees of the house of representatives and the senate overseeing economic development policies shall serve as nonvoting ex officio members.

The chair of the commission shall be a voting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role the state's economic development system has in meeting those needs. Each member of the commission may appoint a designee to function in his or her place and designees appointed by a voting member shall have the right to vote.

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. ((Representation shall derive primarily from the)) Private sector((; including, but not limited to;)) members shall represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses((; but other sectors of the economy that have experience in economic development, including labor organizations and nonprofit organizations, shall be represented as well. A minimum of seventy-five percent of the members shall represent the private sector)). Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in economic development or disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for three-year terms((; except that through

~~June 30, 2004, members currently serving on the economic development commission created by executive order may continue to serve at the pleasure of the governor. Of the initial members appointed to serve after June 30, 2004, two members shall serve one-year terms, three members shall serve two-year terms, and the remainder of the commission members shall serve three-year terms).~~

~~(4) ((The commission chair shall be selected from among the appointed members by the majority vote of the members.~~

~~(5)) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.~~

~~(5) The executive director of the commission shall be appointed by the governor with the consent of the voting members of the commission. The governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor.~~

~~(6) The commission may adopt rules for its own governance.~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.162 RCW to read as follows:

(1) The commission shall employ an executive director. The executive director shall serve as chief executive officer of the commission and shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, utilize staff of existing operating agencies to the fullest extent possible, and employ outside consulting and service agencies when appropriate.

(2) The executive director may not be the chair of the commission.

(3) The executive director shall appoint necessary staff who shall be exempt from the provisions of chapter 41.06 RCW. The executive director's appointees shall serve at the executive director's pleasure on such terms and conditions as the executive director determines but subject to chapter 42.52 RCW.

(4) The executive director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the commission.

(5) The executive director shall exercise such additional powers, other than rule making, as may be delegated by the commission.

**Sec. 4.** RCW 43.162.020 and 2003 c 235 s 3 are each amended to read as follows:

The Washington state economic development commission shall ~~((perform the following duties:~~

~~(1) Review and periodically update the state's economic development strategy, including implementation steps, and performance measures, and perform an annual evaluation of the strategy and the effectiveness of the state's laws, policies, and programs which target economic development;~~

~~(2) Provide policy, strategic, and programmatic direction to the department of community, trade, and economic development regarding strategies to:~~

~~(a) Promote business retention, expansion, and creation within the state;~~

~~(b) Promote the business climate of the state and stimulate increased national and international investment in the state;~~

~~(c) Promote products and services of the state;~~

~~(d) Enhance relationships and cooperation between local governments, economic development councils, federal agencies, state agencies, and the legislature;~~

~~(e) Integrate economic development programs, including work force training, technology transfer, and export assistance; and~~

~~(f) Make the funds available for economic development purposes more flexible to meet emergent needs and maximize opportunities;~~

~~(3) Identify policies and programs to assist Washington's small businesses;~~

~~(4) Assist the department of community, trade, and economic development with procurement and deployment of private funds for business development, retention, expansion, and recruitment as well as other economic development efforts;~~

~~(5) Meet with the chairs and ranking minority members of the legislative committees from both the house of representatives and the senate overseeing economic development policies; and~~

~~(6) Make a biennial report to the appropriate committees of the legislature regarding the commission's review of the state's economic development policy, the commission's recommendations, and steps taken by the department of community, trade, and economic development to implement the recommendations. The first report is due by December 31, 2004);~~

~~(1) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system;~~

~~(2) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. In developing the state comprehensive plan for economic development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;~~

~~(3) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs;~~

~~(4)(a) Periodically review for consistency with the state comprehensive plan for economic development the policies and plans established for:~~

~~(i) Business and technical assistance by the small business development center, the Washington manufacturing service, the Washington technology center, associate development organizations, the department of community, trade, and economic development, and the office of minority and women-owned business enterprises;~~

~~(ii) Export assistance by the small business export finance assistance center, the international marketing program for agricultural commodities and trade, the department of agriculture, the center for international trade in forest products, associate development organizations, and the department of community, trade, and economic development; and~~

~~(iii) Infrastructure development by the department of community, trade, and economic development and the department of transportation; and~~

~~(b) Review and make recommendations to the office of financial management and the legislature on budget requests and legislative proposals relating to the state economic development system for purposes of consistency with the state comprehensive plan for economic development;~~

~~(5) Provide for coordination among the different agencies, organizations, and components of the state economic development system at the state level and at the regional level;~~

~~(6) Advocate for the state economic development system and for meeting the needs of industry associations, industry clusters, businesses, and employees;~~

~~(7) Identify partners and develop a plan to develop a consistent and reliable database on participation rates, costs, program activities, and outcomes from publicly funded economic development programs in this state by January 1, 2011.~~

~~(a) In coordination with the development of the database, the commission shall establish standards for data collection and maintenance for providers in the economic development system in a format that is accessible to use by the commission. The commission shall require a minimum of common core data to be collected by each~~

entity providing economic development services with public funds and shall develop requirements for minimum common core data in consultation with the economic climate council, the office of financial management, and the providers of economic development services;

(b) The commission shall establish minimum common standards and metrics for program evaluation of economic development programs, and monitor such program evaluations; and

(c) The commission shall, beginning no later than January 1, 2012, periodically administer, based on a schedule established by the commission, scientifically based outcome evaluations of the state economic development system including, but not limited to, surveys of industry associations, industry cluster associations, and businesses served by publicly funded economic development programs; matches with employment security department payroll and wage files; and matches with department of revenue tax files;

(8) Evaluate proposals for expenditure from the economic development strategic reserve account and recommend expenditures from the account; and

(9) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination.

The commission may delegate to the director any of the functions of this section.

**NEW SECTION. Sec. 5.** (1) The commission must develop and update a state comprehensive plan for economic development and an initial inventory of economic development programs, as required under section 4 of this act, by June 30, 2008.

(2) Using the information from the inventory, public input, and such other information as it deems appropriate, the commission shall, by September 1, 2008, provide a report with findings, analysis, and recommendations to the governor and the legislature on the appropriate state role in economic development and the appropriate administrative and regional structures for the provision of economic development services. The report shall address how best to organize the state system to ensure that the state's economic development efforts:

(a) Are organized around a clear central mission and aligned with the state's comprehensive plan for economic development;

(b) Are capable of providing focused and flexible responses to changing economic conditions;

(c) Generate greater local capacity to respond to local opportunities and needs;

(d) Face no administrative barriers to efficiency and effectiveness;

(e) Maximize results through partnerships and the use of intermediaries; and

(f) Provide increased accountability to the public, the executive branch, and the legislature.

(3) The report should address the potential value of creating or consolidating specific programs if doing so would be consistent with an agency's core mission, and the potential value of removing specific programs from an agency if the programs are not central to the agency's core mission.

**Sec. 6.** RCW 43.162.030 and 2003 c 235 s 4 are each amended to read as follows:

~~((1) The Washington state economic development commission shall receive the necessary staff support from the staff resources of the governor, the department of community, trade, and economic development, and other state agencies as appropriate, and within existing resources and operations.~~

~~—(2)) Creation of the Washington state economic development commission shall not be construed to modify any authority or budgetary responsibility of the governor or the department of community, trade, and economic development.~~

**Sec. 7.** RCW 82.33A.010 and 1998 c 245 s 168 are each amended to read as follows:

(1) The economic climate council is hereby created.

(2) The council shall, in consultation with the Washington economic development commission, select a series of ~~((no more than ten))~~ benchmarks that characterize the competitive environment of the state. The benchmarks should be indicators of the cost of doing business; the education and skills of the work force; a sound infrastructure; and the quality of life. In selecting the appropriate benchmarks, the council shall use the following criteria:

(a) The availability of comparative information for other states and countries;

(b) The timeliness with which benchmark information can be obtained; and

(c) The accuracy and validity of the benchmarks in measuring the economic climate indicators named in this section.

(3) Each year the council shall prepare an official state economic climate report on the present status of benchmarks, changes in the benchmarks since the previous report, and the reasons for the changes. The reports shall include current benchmark comparisons with other states and countries, and an analysis of factors related to the benchmarks that may affect the ability of the state to compete economically at the national and international level.

(4) All agencies of state government shall provide to the council immediate access to all information relating to economic climate reports.

**Sec. 8.** RCW 82.33A.020 and 1996 c 152 s 4 are each amended to read as follows:

~~((1)) The economic climate council shall ~~((create an advisory committee to assist the council))~~ consult with the Washington economic development commission in selecting benchmarks and developing economic climate reports and benchmarks. The ~~((advisory committee))~~ commission shall provide for a process to ensure public participation in the selection of the benchmarks. ~~((The advisory committee shall consist of no more than seven members. At least two of the members of the advisory committee shall have experience in and represent business, and at least two of the members shall have experience in and represent labor. All of the members of the advisory committee shall have special expertise and interest in the state's economic climate and competitive strategies. Appointments to the advisory committee shall be recommended by the chair of the council and approved by a two-thirds vote of the council. The chair of the advisory committee shall be selected by the members of the committee.~~~~

~~—(2) The advisory committee shall meet as determined by the chair of the committee until September 30, 1996, and shall meet at least twice per year thereafter in advance of the economic climate reports due on March 31st and September 30th of each year.~~

~~—(3) Members of the advisory council shall serve without compensation but shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 while attending meetings of the advisory committee, sessions of the economic climate council, or on official business authorized by the council.)~~

**NEW SECTION. Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Chandler; Haler; Hinkle; Kretz and Walsh.

Passed to Committee on Rules for second reading.

March 31, 2007

ESSB 6001 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Mitigating the impacts of climate change. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Technology, Energy & Communications.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Washington is especially vulnerable to climate change because of the state's dependence on snow pack for summer stream flows and because the expected rise in sea levels threatens our coastal communities. Extreme weather, a warming Pacific Northwest, reduced snow pack, and sea level rise are four major ways that climate change is disrupting Washington's economy, environment, and communities;

(b) Washington's greenhouse gas emissions are continuing to increase, despite international scientific consensus that worldwide emissions must be reduced significantly below current levels to avert catastrophic climate change;

(c) Washington has been a leader in actions to reduce the increase of emissions, including the adoption of the nation's most stringent carbon dioxide mitigation program for new thermal electric generation facilities, a requirement for integrated resource planning by electric utilities to include life-cycle costs of carbon dioxide emissions, clean car standards, stronger appliance energy efficiency standards, increased production and use of renewable liquid fuels, and increased renewable energy sources by electrical utilities;

(d) Washington state's greenhouse gases are substantially caused by the transportation sector of the economy;

(e) Washington has participated with other Western states in designing regional approaches to reduce greenhouse gas emissions, and a regional cap and trade mechanism will be more effective than if implemented separately in each state;

(f) While these actions are significant, there is a need to assess the trend of emissions statewide over the next several decades, and to take sufficient actions so that Washington meets its responsibility to contribute to the global actions needed to reduce the impacts and the pace of global warming;

(g) Actions to reduce greenhouse gas emissions will spur technology development and increase efficiency, thus resulting in benefits to Washington's economy and businesses; and

(h) Numerous states and nations have adopted emission reduction goals to assist emission sources with planning for changes in practices and technologies.

(2) The legislature further finds that companies that generate greenhouse gas emissions or manufacture products that generate such emissions are purchasing carbon credits from landowners and from other companies in order to provide carbon credits. Companies that are purchasing carbon credits would benefit from a program to trade and to bank carbon credits. Washington forests are one of the most effective resources that can absorb carbon dioxide from the atmosphere. Forests, and other planted lands and waters, provide carbon storage and mitigate greenhouse gas emissions. Washington contains the most productive forests in the world and both public and private landowners could benefit from a carbon storage trading and banking program. The legislature further finds that catastrophic forest fires are a major source of greenhouse gas emissions, and that federal and state forest land management should seek to manage forests to reduce the risk of such fires.

(3) The legislature intends by this act to establish goals for the statewide reduction in greenhouse gas emissions and reduction in petroleum use, and to adopt the governor's mechanism in Executive Order No. 07-02 to design and recommend a comprehensive set of

measures to accomplish the goals. The legislature further intends by this act to authorize immediate actions in the electric power generation sector for the reduction of greenhouse gas emissions and to accelerate efficiency in the transportation sector.

**NEW SECTION. Sec. 2.** The following greenhouse gas emissions reduction and clean energy economy goals are established for Washington state:

(1) By 2020, reduce greenhouse gas emissions in the state to 1990 levels;

(2) By 2035, reduce greenhouse gas emissions in the state to twenty-five percent below 1990 levels;

(3) By 2050, the state will do its part to reach global climate stabilization levels by reducing emissions to fifty percent below 1990 levels or seventy percent below the state's expected emissions that year;

(4) By 2020, increase the number of clean energy sector jobs to twenty-five thousand from the eight thousand four hundred jobs the state had in 2004; and

(5) By 2020, reduce expenditures by twenty percent on fuel imported into the state by developing Washington resources and supporting efficient energy use.

**NEW SECTION. Sec. 3.** (1) Executive Order No. 07-02 shall provide the mechanisms for identifying the policies and strategies necessary to achieve the economic and emission reduction goals of section 2 of this act. Consistent with the Executive Order's directive to seek a healthier and more prosperous future for Washington state, agency and stakeholder representatives participating in the Washington climate change challenge shall also seek emission reduction policies and strategies that, to the maximum extent possible, minimize economic disruptions and protect jobs for Washington state workers, citizens, and businesses, while avoiding policies and strategies that would result in the transfer or outsourcing of economic advantages or jobs to other states, regions, or nations.

(2) In addition to the policies and strategies that the climate change stakeholder group shall develop for the governor and the legislature, the group shall:

(a) Identify economic and regulatory incentives to encourage the replacement of the highest emitting thermal electric plants in the state that have exceeded their expected useful life with newer technologies that have lower greenhouse gases emission levels to facilitate meeting the goals established in this section; and

(b) Identify methods to utilize indigenous resources, such as landfill gas, geothermal resources, and other assets that might reduce greenhouse gases emissions consistent with the purposes of this section.

**NEW SECTION. Sec. 4.** By December 31st of each even-numbered year beginning in 2010, the departments of ecology and community, trade, and economic development shall report to the governor and the appropriate committees of the senate and house of representatives the total greenhouse gas emissions for the preceding two years, and totals in each major source sector.

**NEW SECTION. Sec. 5.** (1) The legislature finds that:

(a) The United Nation's intergovernmental panel on climate change report, released February 2, 2007, states that evidence of the climate's warming "is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global mean sea level";

(b) Global warming will have serious adverse consequences on the economy, health, and environment of Washington;

(c) During the last several years, the state has taken significant strides towards implementing an environmentally and economically sound energy policy through reliance on energy efficiency, conservation, and renewable energy resources in order to promote a sustainable energy future that ensures an adequate and reliable energy supply at reasonable and stable prices;

(d) The governor, in Executive Order No. 07-02, has called for the reduction of Washington's emission of greenhouse gases to 1990 levels by 2020;

(e) To the extent energy efficiency and renewable resources are unable to satisfy increasing energy and capacity needs, the state will rely on clean and efficient fossil fuel fired generation and will encourage the development of cost-effective, highly efficient, and environmentally sound supply resources to provide reliability and consistency with the state's energy priorities;

(f) It is vital to ensure all electric utilities internalize the significant and underrecognized cost of emissions and to reduce Washington's exposure to costs associated with future regulation of these emissions;

(g) A greenhouse gases emissions performance standard for new long-term financial commitments to electric generating resources will reduce potential exposure of Washington's consumers to future reliability problems in electricity supplies;

(h) The state of California recently enacted a law establishing a greenhouse gases emissions performance standard for electric utility procurement of baseload electric generation that is based on the emissions of a combined-cycle thermal electric generation facility fueled by natural gas;

(i) The legislature recognizes that state or federal legislation may be enacted and federal regulation may occur that would provide standards or programs that would preempt, make inconsistent, or render unnecessary emission standards or schedules established in this act; and

(j) The state of Washington has an obligation to provide clear guidance for the procurement of baseload electric generation to alleviate regulatory uncertainty while addressing risks that can affect the ability of electric utilities to make necessary and timely investments to ensure an adequate, reliable, and cost-effective supply of electricity.

(2) The legislature declares that:

(a) A greenhouse gases emissions performance standard for new long-term financial commitments for baseload electric generation should reduce financial risk to electric utilities and their customers from future pollution-control costs, without jeopardizing the state's commitment to lowest reasonable cost resources and the need to maintain a reliable regional electric system.

(b) A greenhouse gases emissions performance standard will complement the state's carbon dioxide mitigation policy for fossil-fueled thermal electric generation facilities under chapter 80.70 RCW.

(c) The need for long-term financial commitments for new baseload electric generation can be reduced over time through the deployment by electric utilities of technologies that improve the efficiency of electricity production, transmission, distribution, and consumption.

**NEW SECTION. Sec. 6.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(4) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(5) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(6) "Commercially available" means that at least one hundred plants of substantially the same design, specifications, and performance characteristics have been in commercial operation for at least three years.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(9) "Department" means the department of ecology.

(10) "Distributed generation" has the same meaning as defined in RCW 19.285.030.

(11) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(12) "Electric utility" means an electrical company or a consumer-owned utility.

(13) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(14) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(15) "Injected permanently" means the carbon dioxide injected into a geological formation will remain in the target geological formation with only de minimis leakage, as demonstrated using site-specific data.

(16) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(17) "Output-based methodology" means a greenhouse gases emissions performance standard that is expressed in pounds of greenhouse gases emitted per net megawatt-hour produced. For purposes of this subsection, "net" refers to the difference between the heat energy dedicated to power production and the electrical equivalent of useful thermal energy employed for purposes other than the generation of electricity.

(18) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(19) "Power plant" means a facility for the generation of electricity that includes one or more generating units at the same location.

(20) "Unspecified sources" means baseload electric generation supplied under a power purchase agreement that does not specify or otherwise identify the power plant or power plants that are the source of power delivered to an electric utility.

(21) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in generation air quality permits that are in effect on the effective date of this section but may result in incidental increases in generation capacity.

**NEW SECTION. Sec. 7.** (1) Beginning July 1, 2008, the greenhouse gases emissions performance standard for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after such date is the lower of:

(a) One thousand one hundred pounds of greenhouse gases per megawatt-hour; or

(b) The rate of emissions of greenhouse gases for a commercially available combined-cycle natural gas thermal electric generation facility that provides baseload electric generation.

(2) Even if their actual emissions are higher than the greenhouse gas emissions performance standard, all baseload electric generation

facilities in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section until the facilities are the subject of long-term financial commitments.

(3) All electric generating facilities or power plants powered by renewable resources, as defined in RCW 19.285.030, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section.

(4) All electric generating facilities or power plants, including cogeneration, that use either exclusively or in combination with a renewable resource, as defined in RCW 19.285.030, fuel that is a byproduct of pulping or wood manufacturing processes, including but not limited to bark, sawdust, and lignin in spent pulping liquors, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section.

(5) In determining the rate of emissions of greenhouse gases for baseload electric generation, the total emissions associated with producing electricity shall be included.

(6) The department shall establish an output-based methodology to ensure that the calculation of emissions of greenhouse gases for a cogeneration facility recognizes the total usable energy output of the process, and includes all greenhouse gases emitted by the facility in the production of both electrical and thermal energy. In developing and implementing the greenhouse gases emissions performance standard, the department shall consider and act in a manner consistent with any rules adopted pursuant to the public utilities regulatory policy act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(7) Carbon dioxide emissions produced by baseload electric generation owned or contracted through a long-term financial commitment that are injected permanently in geological formations or that are permanently sequestered by other means approved by the department shall not be counted as emissions of the power plant in determining compliance with the greenhouse gases emissions performance standard.

(8) In adopting and implementing the greenhouse gases emissions performance standard, the department, in consultation with the commission, the Bonneville power administration, the western electricity coordination council, the energy facility site evaluation council, the department of community, trade, and economic development energy policy division, electric utilities, public interest representatives, and consumer representatives shall consider the effects of the greenhouse gases emissions performance standard on system reliability and overall costs to electricity customers.

(9) In developing and implementing the greenhouse gases emissions performance standard, the department shall, with assistance of the commission, the department of community, trade, and economic development energy policy division, and electric utilities, and to the extent practicable, address long-term purchases of electricity from unspecified sources in a manner consistent with this chapter.

(10) The department shall adopt the greenhouse gases emissions performance standard by rule pursuant to chapter 34.05 RCW, the administrative procedure act. The department shall adopt rules to enforce the requirements of this section, and adopt procedures to verify the emissions of greenhouse gases from any baseload electric generation supplied directly or under a contract subject to the greenhouse gases emissions performance standard to ensure compliance with the standard. Enforcement of the greenhouse gases emissions performance standard must begin immediately upon the establishment of the standard.

(11) In adopting the rules for implementing this section, the department shall include criteria to be applied in evaluating the carbon sequestration plan. The rules shall include but not be limited to:

(a) Provisions for financial assurances, as a condition of plant operation, sufficient to ensure successful implementation of the carbon sequestration plan, including construction and operation of necessary equipment, and any other significant costs;

(b) Provisions for geological or other approved sequestration commencing within five years of plant operation, including full and sufficient technical documentation to support the planned sequestration;

(c) Provisions for monitoring the effectiveness of the implementation of the sequestration plan;

(d) Penalties for failure to achieve implementation of the plan on schedule; and

(e) Provisions for public notice and comment on the carbon sequestration plan.

(12)(a) Except as provided in (b) of this subsection, as part of its role enforcing the greenhouse gases emissions performance standard, the department shall determine whether a plan for sequestration will provide safe, reliable, and permanent protection against the greenhouse gases entering the atmosphere from the power plant and all ancillary facilities.

(b) For facilities under its jurisdiction, the energy facility site evaluation council shall contract for review of the carbon sequestration plan with the department, consider the adequacy of the plan in its adjudicative proceedings conducted under RCW 80.50.090(3) and incorporate specific findings regarding adequacy in its recommendation to the governor under RCW 80.50.100.

(13) A project under consideration by the energy facility site evaluation council before the adoption of rules in subsection (11) of this section is required to include all of the requirements of subsection (11) of this section in its carbon sequestration plan submitted as part of the energy facility site evaluation council process.

(14) The department shall adopt the rules necessary to implement this section by June 30, 2008.

**NEW SECTION. Sec. 8.** (1) No electrical company may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act.

(2) In order to enforce the requirements of this chapter, the commission shall review in a general rate case or as provided in subsection (5) of this section any long-term financial commitment entered into by an electrical company after June 30, 2008, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act.

(3) In determining whether a long-term financial commitment is for baseload electric generation, the commission shall consider the design of the power plant and its intended use, based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the commission determines is relevant under the circumstances.

(4) Upon application by an electric utility, the commission may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) Upon application by an electrical company, the commission shall make a determination regarding the company's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity that complies with the greenhouse gases emissions performance standard established under section 7 of this act, as to the need for the resource, and the appropriateness of the specific resource selected. The commission shall take into consideration factors such as the company's forecasted loads, need for energy, power plant technology, expected costs, and other associated investment decisions. In addition, the commission shall provide for recovery of the prudently incurred capital and operating cost of these resources and may impose such conditions as it finds necessary to ensure that rates are fair, just, reasonable, and sufficient, coincident with the in-service date of the project or the effective date of the power purchase agreement.

(6) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with the long-term financial commitment, including operating and maintenance costs, depreciation, taxes, and cost of invested capital. The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase

agreement and ends on the effective date of the final decision by the commission regarding recovery in rates of these deferred costs. Creation of such a deferral account does not by itself determine whether recovery of any or all of these costs is appropriate.

(7) In establishing rates for each electrical company regulated under chapter 80.28 RCW, the commission shall adopt policies allowing an additional return on investments to encourage meeting energy requirements through distributed generation as defined in RCW 19.285.030, and to accelerate efficiencies in electric transmission and distribution systems that increase reliability and reduce energy losses or otherwise increase the efficiency of energy delivery to end-use consumers. These policies shall include but are not limited to adding an increment of two percent to the rate of return on common equity permitted on an electrical company's other investments for prudently incurred investments in distributed generation, and in measures that improve, as measured in kilowatt-hour savings, the overall efficiency of transmission, distribution, and end-use consumption of electricity through energy efficiency technologies, including any device, instrument, machine, appliance, or process related to the transmission, distribution, and consumption of electricity to increase energy efficiency, including but not limited to smart grid technology, smart meters, and demand response technologies. The rate of return increment must be allowed for a period, at the commission's discretion, of at least seven but not more than thirty years after the investment is first placed in the rate base. Measures or projects encouraged under this section are those for which construction or installation is begun after July 1, 2007, and before January 1, 2017, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use that is less than or equal to the incremental system cost per unit of energy delivered to end use from new baseload or peaking electric generation and that the electrical company could acquire to meet energy demand in the same time period.

(8) The commission shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under section 7 of this act.

(9) The commission shall adopt rules for the enforcement of this section with respect to electrical companies and adopt procedural rules for approving costs incurred by an electrical company under subsection (4) of this section.

(10) The commission shall adopt the rules necessary to implement this section by December 31, 2008.

**NEW SECTION. Sec. 9.** (1) No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act.

(2) The governing board of a consumer-owned utility shall review and make a determination on any long-term financial commitment by the utility, pursuant to this chapter, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act. No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act.

(3) In confirming that a long-term financial commitment is for baseload electric generation, the governing board shall consider the design of the power plant and the intended use of the power plant based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the governing board determines is relevant under the circumstances.

(4) The governing board may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) The governing board shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from

baseload electric generation pursuant to section 7 of this act, and may request assistance from the department in doing so.

(6) For consumer-owned utilities, the auditor is responsible for auditing compliance with this chapter and rules adopted under this chapter that apply to those utilities and the attorney general is responsible for enforcing that compliance.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.19 RCW to read as follows:

(1) During the biennium ending June 30, 2009, the department of general administration is authorized to purchase at least one hundred plug-in electric hybrid vehicles for state agency light duty vehicle uses, when commercially available at comparable life costs to other vehicles. The department of general administration shall assign these vehicles to departments and job functions that on average log the most miles driving light duty vehicles. The vehicles must bear a prominent designation as a plug-in electric hybrid vehicle. The department of general administration shall develop a purchasing contract under which state agencies and local governments may purchase plug-in electric hybrid vehicles.

(2) Any agency that owns plug-in hybrid vehicles shall contribute data to an economic analysis of the total life-cycle cost to the state over the vehicle's estimated useful life, including energy inputs into the production of the vehicle, fuel usage, and all related costs of selection, acquisition, operation, maintenance, and disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of the vehicle's estimated useful life.

(3) By December 31, 2009, the department of general administration shall provide a report to the transportation and energy committees of the senate and house of representatives on the acquisition of these vehicles and their operational and maintenance performance.

**NEW SECTION. Sec. 11.** The legislature finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature declares that this act is intended to reverse the result of *Okeson v. City of Seattle*, No. 77888-4 (January 18, 2007), by expressly granting municipal utilities and public utility districts the statutory authority to engage in mitigation activities to offset their utility's impact on the environment.

**NEW SECTION. Sec. 12.** A new section is added to chapter 35.92 RCW to read as follows:

(1) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with electricity for lighting and other purposes may develop and make publicly available a plan to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that the utility owns, leases, uses, contracts for, or otherwise controls.

(2) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with electricity for lighting and other purposes may, as part of its utility operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation and any power purchases. The mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a utility that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

**NEW SECTION. Sec. 13.** A new section is added to chapter 54.16 RCW to read as follows:

(1) A public utility district may develop and make publicly available a plan for the district to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that the district owns, leases, uses, contracts for, or otherwise controls.

(2) A public utility district may, as part of its utility operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation and any power purchases. Mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a public utility district that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

**NEW SECTION. Sec. 14.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Subject to the limitations in this section, a consumer-owned utility may claim a credit against the tax imposed under this chapter.

(2) The amount of credit is equal to two percent annually, for a period of at least seven but not more than thirty years after the investment commences, of the cost of investments in distributed generation, and in measures that improve, as measured in kilowatt-hour savings, the overall efficiency of transmission, distribution, and end-use consumption of electricity through energy efficiency technologies, including any device, instrument, machine, appliance, or process related to the transmission, distribution, and consumption of electricity to increase energy efficiency, including but not limited to smart grid technology, smart meters, and demand response technologies.

(3) Measures or projects encouraged under this section are those for which construction or installation is begun after July 1, 2007, and before January 1, 2017, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use that is less than or equal to the incremental system cost per unit of energy delivered to end use from new baseload or peaking electric generation and that the eligible light and power business could acquire to meet energy demand in the same time period.

(4) The amount of credit taken under this section may not exceed one million dollars in total for all light and power businesses in a calendar year. If the department receives applications for credit that exceed one million dollars prior to the end of the calendar year, the department shall apportion the credit on a method determined by the department.

(5) For purposes of this section, "consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

**NEW SECTION. Sec. 15.** For the purposes of sections 5 through 9 of this act, the department and the commission shall review the greenhouse gases emission performance standard established in this chapter to determine need, applicability, and effectiveness no less than every five years following the effective date of this section, or upon implementation of a federal or state law or rule regulating carbon dioxide emissions of electrical utilities, and report to the legislature.

**NEW SECTION. Sec. 16.** (1) The office of Washington state climatologist is created.

(2) The office of Washington state climatologist consists of the director of the office, who is the state climatologist, and appropriate staff and administrative support as necessary to carry out the powers and duties of the office as enumerated in section 17 of this act.

(3) The director of the office of Washington state climatologist must be appointed jointly by the president of Washington State University and the president of the University of Washington. The office of Washington state climatologist is administered as determined jointly by these two presidents.

**NEW SECTION. Sec. 17.** The office of Washington state climatologist has the following powers and duties:

(1) To serve as a credible and expert source of climate and weather information for state and local decision makers and agencies working on drought, flooding, climate change, and other related issues;

(2) To gather and disseminate, and where practicable archive, in the most cost-effective manner possible, all climate and weather information that is or could be of value to policy and decision makers in the state;

(3) To act as the representative of the state in all climatological and meteorological matters, both within and outside of the state, when requested by the legislative or executive branches of the state government;

(4) To prepare, publish, and disseminate climate summaries for those individuals, agencies, and organizations whose activities are related to the welfare of the state and are affected by climate and weather;

(5) To supply critical information for drought preparedness and emergency response as needed to implement the state's drought contingency response plan maintained by the department of ecology under RCW 43.83B.410, and to serve as a member of the state's drought water supply and emergency response committees as may be formed in response to a drought event;

(6) To conduct and report on studies of climate and weather phenomena of significant socioeconomic importance to the state; and

(7) To evaluate the significance of natural and man-made changes in important features of the climate affecting the state, and to report this information to those agencies and organizations in the state who are likely to be affected by these changes.

**NEW SECTION. Sec. 18.** Sections 1 through 4 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 19.** Sections 5 through 9 and 15 of this act constitute a new chapter in Title 80 RCW.

**NEW SECTION. Sec. 20.** Sections 16 and 17 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Anderson; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Dunn; Haler and Kretz.

Passed to Committee on Rules for second reading.

March 31, 2007

**2SSB 6016** Prime Sponsor, Senate Committee on Ways & Means: Concerning good cause reasons for failure to participate in WorkFirst program components. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.270 and 2002 c 89 s 1 are each amended to read as follows:

March 31, 2007

ESSB 6023 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Concerning the Washington assessment of student learning. Reported by Committee on Appropriations

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of one year (~~except that at the time a child reaches the age of three months, the recipient is required to participate in one of the following for up to twenty hours per week:~~

~~(i) Instruction or training which has the purpose of improving parenting skills or child well-being;~~

~~(ii) Preemployment or job readiness training;~~

~~(iii) Course study leading to a high school diploma or GED; or~~

~~(iv) Volunteering in a child care facility licensed under chapter 74.15 RCW so long as the child care facility agrees to accept the recipient as a volunteer and the child without compensation while the parent is volunteering at the facility. The volunteer recipient and his or her child shall not be counted for the purposes of determining licensed capacity or the staff to child ratio of the facility).~~

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated:

(a) Mental health treatment;

(b) Alcohol or drug treatment;

(c) Domestic violence services; or

(d) Parenting education or skills training.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being; and (b) collaborate with agencies providing home visitation services to prioritize services to parents claiming a good cause exemption under subsection (1)(b) of this section.

(4) Nothing in this section shall prevent a recipient from participating ((fully)) in the WorkFirst program on a voluntary basis. ((A recipient who chooses to participate fully in the WorkFirst program shall be considered to be fulfilling the requirements of this section.

~~(3) For any recipient who claims a good cause reason for failure to participate in the WorkFirst program based on the fact that the recipient has a child under the age of one year, the department shall, within existing resources, conduct an assessment of the recipient within ninety days and before a job search component is initiated in order to determine if the recipient has any specific service needs or employment barriers. The assessment may include identifying the need for substance abuse treatment, mental health treatment, or domestic violence services, and shall be used in developing the recipient's individual responsibility plan.~~

~~(4) A parent may only receive the exemption under subsection (1)(b) of this section one time, for one child.)~~

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of twelve months over the parent's lifetime."

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Morrell; Pettigrew; Schual-Berke; Sequist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Kretz and Priest.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature maintains a strong commitment to high expectations and high academic achievement for all students. The legislature finds that Washington schools and students are making significant progress in improving achievement in reading and writing. Schools are adapting instruction and providing remediation for students who need additional assistance. Reading and writing are being taught across the curriculum. Therefore, the legislature does not intend to make changes to the Washington assessment of student learning or high school graduation requirements in reading and writing.

(2) However, students are having difficulty improving their academic achievement in mathematics and science, particularly as measured by the high school Washington assessment of student learning. The legislature finds that corrections are needed in the state's high school assessment system that will improve alignment between learning standards, instruction, diagnosis, and assessment of students' knowledge and skills in high school mathematics and science. The legislature further finds there is a sense of urgency to make these corrections and intends to revise high school graduation requirements in mathematics and science only for the minimum period for corrections to be fully implemented.

Sec. 2. RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or section 4 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards ~~((for that)) in the reading or writing content areas if the student has ((retaken)) taken the Washington assessment of student learning at least twice. In the remaining content areas, a~~

student may use the objective alternative assessments if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of ~~((2010))~~ 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) ~~((Beginning in 2006;))~~ School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) ~~((Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006;))~~ Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b) A student's score on the mathematics or reading portion of the preliminary scholastic assessment test (PSAT)~~((;))~~ or on the mathematics, reading or English, or writing portion of the scholastic assessment test (SAT)~~((;))~~ or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the ~~((mathematics))~~ state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the ~~((mathematics))~~ relevant portion of the PSAT, SAT, or ACT to meet or exceed the state standard ~~((for mathematics))~~ in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, ~~((2006, and thereafter))~~ 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards ~~((for mathematics)).~~

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment

experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. ~~((This requirement shall be phased in as follows:~~

~~((i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.~~

~~((ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.~~

~~((iii))~~ (i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

~~((iv))~~ (ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) ~~((Beginning with the 2005-06 school year and every year thereafter;))~~ All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of ~~((a))~~ the student ~~((described in this subsection (12)(b)))~~ shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

**Sec. 3.** RCW 28A.155.045 and 2004 c 19 s 104 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in section 4 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the graduating class of 2008 and until the graduating class of 2012, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics standard on the high school Washington assessment of student learning, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(d)(i) For the graduating class of 2008, successfully earn one additional high school mathematics credit after the student's eleventh grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning; and

(ii) For the remaining graduating classes under this section, successfully earn two additional mathematics credits after the student's tenth grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning.

(2) This section expires August 31, 2013.

**Sec. 5.** RCW 28A.655.070 and 2005 c 497 s 106 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system ~~(shall)~~ may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

~~(5)((a\*))~~ The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.))~~

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

**Sec. 6.** RCW 28A.655.063 and 2006 c 115 s 5 are each amended to read as follows:

Subject to the availability of funds appropriated for this purpose, ~~((school districts shall reimburse))~~ the office of the superintendent of public instruction shall provide funds to school districts, arrange for students to receive a testing fee waiver, or make other arrangements to compensate students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the ((mathematics)) results as an objective alternative assessment.

**Sec. 7.** RCW 28A.655.200 and 2006 c 117 s 4 are each amended to read as follows:

(1) ~~((In the absence of mandatory, statewide, norm-referenced assessments,))~~ The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available

to school districts, and provide funding for diagnostic assessments to enhance ~~((guidance and planning for students and to))~~ student learning at all grade levels and provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under ~~((subsection (5) of))~~ this section, school districts may, at their own expense, administer norm-referenced assessments to students.

~~(3) ((By September 1, 2005, subject to available funds,))~~ The office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary and middle school grades available to school districts ~~((diagnostic assessments that))~~. Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school Washington assessment of student learning. To the greatest extent possible, the assessments shall be:

- (a) Aligned to the state's grade level expectations;
- (b) Individualized to each student's performance level;
- (c) Administered efficiently to provide results either immediately or within two weeks;
- (d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;
- (e) Readily available to parents; and
- (f) Cost-effective.

~~(5) ((Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional strategies to assist students before the high school Washington assessment of student learning.~~

~~((6))~~ The office of the superintendent of public instruction ~~((is encouraged to))~~ shall offer training at statewide and regional staff development activities ~~((training opportunities that would assist practitioners))~~ in:

- (a) The interpretation of diagnostic assessments; and
- (b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

**NEW SECTION. Sec. 8.** (1)(a) The state board of education, in consultation with the superintendent of public instruction, shall examine and recommend changes to the high school Washington assessment of student learning in the content areas of mathematics and science.

(b) In its examination and recommendations, the state board shall address the following issues:

- (i) Timeliness of the return of score results;
- (ii) The diagnostic value of score results;
- (iii) Cost of administration of the assessment and the burden on school districts; and
- (iv) Opportunities to improve alignment of curriculum, instruction, and the assessment.

(c) One of the changes the state board shall examine under this subsection (1) is replacing the current high school Washington assessment of student learning with a limited series of end-of-course assessments in mathematics and science. The board's examination of end-of-course assessments shall include:

- (i) An objective analysis of the potential strengths and weaknesses of end-of-course assessments as the primary high school assessment tool for student and school accountability;
- (ii) Analysis of the possible impact of end-of-course assessments on curriculum and instruction in mathematics and science;

(iii) The appropriate mathematics and science content to be covered by end-of-course assessments;

(iv) Recommended implementation timelines and issues to be addressed in replacing the current assessment; and

(v) A detailed analysis of the cost-effectiveness of adopting end-of-course assessments as compared to continuing to refine and improve the state's Washington assessment of student learning assessment system, associated diagnostic tools, and other teaching support measures.

(2) In conducting its examination under subsection (1) of this section, the state board of education shall seek input from independent national assessment experts; examine the experience of other states, particularly states that have implemented end-of-course assessments; and use a deliberative public process to ensure adequate input from teachers, school and district administrators, the business community, parents, and other interested individuals and organizations.

(3) In any request for proposals for a new testing contractor for the Washington assessment of student learning, the superintendent of public instruction shall include the possible changes being examined by the state board of education so that additional information about the cost and feasibility of the changes can be provided by prospective testing contractors.

(4) The state board of education shall also examine and make recommendations regarding:

(a) Options for and possible impacts of compensatory models for setting the standard on the Washington assessment of student learning for graduation purposes; and

(b) The effectiveness of current authorized alternative assessments and opportunities for additional alternative assessments, including the use of one or more standardized norm-referenced student achievement tests.

(5) The state board of education shall submit a progress report along with any preliminary recommendations on the issues required to be examined under this section to the education committees of the legislature by January 10, 2008. The state board of education shall submit a final report to the education committees of the legislature by December 1, 2008. The final report shall include recommendations for changes to the high school Washington assessment of student learning in mathematics and science and a recommended timeline that provides for expedited implementation of the recommended changes. The changes recommended by the state board of education under this section shall be able to be implemented no later than the 2010-11 school year in order to apply to the graduating class of 2013.

(6) This section expires June 30, 2009.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) In allocating state funds for the promoting academic success program, the legislature has recognized that high school students whose scores represent a near miss of the state standard on the Washington assessment of student learning require fewer remedial resources to ensure that they meet the state standard on the next attempt. However, there is significant variation among the remaining students whose scores represent a far miss of the state standard regarding their levels of knowledge and skills, and consequently the levels of remediation they will need.

(2) School districts receiving funding allocations through the promoting academic success program for high school students scoring more than one standard error of measurement from meeting the state standard shall assign more resources per student to support students scoring at level one on the Washington assessment of student learning than are assigned to support students scoring at level two."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Dunn; Haler; Hinkle; Hunter; Kretz; McDonald and Priest.

Passed to Committee on Rules for second reading.

March 31, 2007

E2SSB 6044 Prime Sponsor, Senate Committee on Ways & Means: Regarding the removal of derelict vessels. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.100.010 and 2006 c 153 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned vessel" means ~~((the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period))~~ a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

(5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner; or

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) "Vessel" ~~((has the same meaning as defined in RCW 53.08.310))~~ means every species of watercraft or other mobile

artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft, or any attached floats or debris.

Sec. 2. RCW 79.100.040 and 2006 c 153 s 3 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3)(a) If a vessel is: (i) In immediate danger of sinking, breaking up, or blocking navigational channels; or (ii) poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination; and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel.

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

NEW SECTION. Sec. 3. A new section is added to chapter 79.100 RCW to read as follows:

A marina owner may contract with a local government for the purpose of participating in the derelict vessel removal program. The local government shall serve as the authorized public entity for the removal of the derelict vessel from the marina owner's property. The contract must provide for the marina owner to be financially responsible for the removal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the local government during the removal of the derelict vessel. Prior to the commencement of any removal which will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100(6).

**Sec. 4.** RCW 79.100.100 and 2006 c 153 s 6 are each amended to read as follows:

(1) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under section 7 of this act, as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter. Moneys in the account may only be spent after appropriation. Expenditures from the account shall be used by the department to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement shall not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, regardless of the title of owner of the vessel. Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 shall be used to reimburse one hundred percent of these costs and should be prioritized for the removal of large vessels. Costs associated with removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account. In each biennium, up to twenty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any transfer or appropriation of funds into the account or funds deposited into the account collected under section 7 of this act, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

**Sec. 5.** RCW 88.02.050 and 2005 c 464 s 2 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under section 7 of this act, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.

(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.

(c) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

**Sec. 6.** RCW 88.02.050 and 2002 c 286 s 13 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one

owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. In addition, two additional dollars must be collected annually from every vessel registration application. These moneys must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under section 7 of this act, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the two-dollar derelict vessel fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

**NEW SECTION. Sec. 7.** A new section is added to chapter 88.02 RCW to read as follows:

(1) In order to address the significant backlog of derelict vessels that have accumulated in our state's waters that pose a threat to the health and safety of the people and to our environment, the legislature intends to collect a derelict vessel removal surcharge.

(2) In addition to the fees collected under RCW 88.02.050, the department shall collect an annual derelict vessel removal surcharge of one dollar effective with vessel registrations that are due or will become due on or after January 1, 2008. The revenue generated from the derelict vessel surcharge must be deposited into the derelict vessel removal account established under RCW 79.100.100, and is to be used only for the removal of vessels that are less than seventy-five feet in length.

(3) This section expires January 1, 2014.

**NEW SECTION. Sec. 8.** (1) The department of natural resources, in consultation with the department of revenue, the department of licensing, and other appropriate stakeholder groups, shall examine:

(a) The costs and benefits of extending a derelict vessel removal fee or surcharges to vessels that are not subject to RCW 88.02.050; and

(b) The use of alternative revenue sources, such as the watercraft excise tax, in order to more equitably distribute the financial responsibility of supporting the cost of the derelict vessel program. The departments shall submit a report of the findings to the appropriate policy and fiscal committees of the legislature by November 1, 2007.

(2) The department of natural resources, the department of ecology, representatives from the ship demolition industry, and representatives from the environmental community shall convene a work group to discuss operations and permitting requirements surrounding the demolition and disposal of large abandoned and derelict vessels. The department of natural resources shall consider the findings of the work group when updating the guidelines for the derelict vessel program.

**NEW SECTION. Sec. 9.** Section 5 of this act expires June 30, 2012.

**NEW SECTION. Sec. 10.** Section 6 of this act takes effect June 30, 2012."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representative Dunn.

Passed to Committee on Rules for second reading.

March 30, 2007

**ESSB 6099** Prime Sponsor, Senate Committee on Transportation: Hiring a mediator to help the department of transportation develop a state route number 520 expansion impact plan. (REVISED FOR ENGROSSED: Addressing the state route number 520 bridge replacement and HOV project. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the replacement of the vulnerable state route number 520 corridor is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 520 floating bridge serves as a vital route for vehicles to cross Lake Washington, and the bridge carries approximately one hundred fifteen thousand vehicles per day, over three times its design capacity. Additionally, the state route number 520 corridor experiences more than seven hours of congestion per day, impacting other state highways and local roads.

The legislature further finds that starting in 1997, the forty-seven member trans-Lake Washington committee began to identify ways to improve transportation across or around Lake Washington. The project for the environmental impact statement process became the state route number 520 bridge replacement and HOV project in 2000, and the department has analyzed almost one hundred concepts since that time. The legislature finds that sufficient work has been performed to conclude that alternatives other than the four-lane and

six-lane alternatives have been explored and rejected for sound reasons.

The legislature further finds that the state route number 520 floating bridge is subject to damage, closure, or even catastrophic failure from windstorms and waves. Additionally, the state route number 520 floating bridge does not meet current seismic standards, and over the next fifty years there is a twenty percent chance of serious damage to the structure if an earthquake occurs. Failure of the floating bridge or the bridge approaches would cause injury or loss of life and have a substantial impact on the region's economy.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state must take the necessary steps to move forward with the state route number 520 bridge replacement and HOV project.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.01 RCW to read as follows:

The needs of the central Puget Sound region and the state are best served by a state route number 520 project alternative that replaces the four existing general purpose lanes and adds two lanes of capacity suitable for transit and other high-occupancy vehicle use. New pontoons for the floating structure must be designed to accommodate the installation of a high-capacity transit system, such as light rail or another comparable system. The department must incorporate this policy into any preferred alternative that may be developed for the project's environmental assessment documents.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.01 RCW to read as follows:

(1) As soon as practicable after the effective date of this act, and after consulting with appropriate local jurisdictions, the department shall hire a mediator to develop a project impact plan and consensus-building among the interested parties to support the policy goals identified in section 2 of this act through fact-finding, facilitation, and mediation. In evaluating the project impacts, the mediator shall consider the concerns of neighborhoods and institutions of higher education directly impacted by the proposed designs, and shall work with the appropriate planning staff.

(a) The mediator must have significant professional experience in (i) working with the impacted communities that surround major transportation construction projects and (ii) mitigating the construction impact on those communities.

(b) The mediator position under this section is a nonbinding advisory position, and this section does not create a legally binding mediation or arbitration position.

(c) The department shall hire the mediator within existing appropriations allocated for the state route number 520 bridge replacement and HOV project.

(2) The mediator must provide monthly updates to the governor and the joint transportation committee regarding the status of the consensus-building process. The mediator must provide the governor and the joint transportation committee with a final impact plan and recommendation by October 31, 2007. The recommendation must reflect a balance of solutions for carrying out the project that can be incorporated into the legislative direction described in section 2 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 47.01 RCW to read as follows:

The state route number 520 bridge replacement and HOV project finance plan must include state funding, federal funding, one billion one hundred million dollars from the regional transportation investment district, and revenue from tolling. The department must provide a proposed finance plan to be tied to the estimated cost of the recommended project solutions, as provided under section 3 of this act, to the governor and the joint transportation committee by January 1, 2008.

**NEW SECTION. Sec. 5.** This act may be known and cited as the state route number 520 bridge replacement act."

Correct the title.

Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Armstrong; Curtis; Hailey; Hankins; Lovick; Rodne; Rolfes; Sells; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson; Hudgins and Simpson.

Passed to Committee on Rules for second reading.

April 2, 2007

**E2SSB 6117** Prime Sponsor, Senate Committee on Ways & Means: Regarding reclaimed water. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Since the 1992 enactment of the reclaimed water act, the value of reclaimed water as a new source of supply has received increasing recognition across the state and across the nation. New information on the matters in this section has increased awareness of the need to better manage, protect, and conserve water resources and to use reclaimed water in that process. The legislature now finds the following:

(a) Global warming and climate change. Global warming has reduced the volume of glaciers in the North Cascade mountains to between eighteen to thirty-two percent since 1983, and up to seventy-five percent of the glaciers are at risk of disappearing under projected temperatures for this century. Mountain snow pack has declined at virtually every measurement location in the Pacific Northwest, reducing the proportion of annual river flow to Puget Sound during summer months by eighteen percent since 1948. Global warming has also shifted peak stream flows earlier in the year in watersheds covering much of Washington state, including the Columbia river basin, jeopardizing the state's salmon fisheries. The state's recent report on the economic impacts of climate change indicate that water resources will be one of the areas most affected, and that many utilities may need to invest major resources in new supply and conservation measures. Developing and implementing adaptation strategies, such as water conservation that includes the use of reclaimed water, can extend existing water supply systems to help address the global warming impacts. In particular, because reclaimed water uses existing sources of supply and fairly constant base flows of wastewater, it has year-round dependability, without regard to any given year's climate variability. This is particularly important during summer months, when outdoor demands peak and stream flows are critical for fish.

(b) Puget Sound. The governor has initiated a Puget Sound partnership, with a request for an initial strategy to address high priority problems. In December, the partnership delivered a strategy that includes expanded use of reclaimed water both in order to improve the Puget Sound's water quality by reducing wastewater discharges and by replacing current sources of supply for nonpotable uses that detrimentally affect stream flows and habitat.

(c) Salmon recovery. The federal fisheries services recently approved a salmon recovery plan for the Puget Sound, which was developed across multiple watersheds by numerous local governments, tribal governments, and other parties to achieve sustainable populations of salmon and other species. That plan includes an adaptive management component where continued efforts will be made to address issues, including problems with instream flows, identified as a limiting factor in virtually all the watersheds, through strategies that will be developed by regional and watershed

implementation groups. A potentially significant strategy may be the substitution of reclaimed water for nonpotable uses where it will benefit streams and habitat.

(d) Water quality. Increasingly stringent federal standards for water quality are forcing a number of communities to develop strategies for wastewater treatment that, in addition to providing higher treatment levels, will reduce the quantity of discharges. For many of those communities, facilities to produce reclaimed water will be a necessary approach to achieve both water quality and water supply objectives.

(e) Watershed plans. Under the watershed planning act of 1997, approximately two-thirds of the watersheds in the state have used a bottom-up approach to developing collaborative plans for meeting future water supply needs. Many of those plans include the use of reclaimed water for meeting those needs.

(f) Columbia river water management. Pursuant to legislation and funding provided in 2006, federal, state, and local governments and agencies, along with tribal governments, user groups, environmental organizations, and others are developing a comprehensive strategy for the mainstem Columbia that will ensure supplies for future growth while protecting stream flows and fish habitat. The strategy will include multiple tools that may include the potential development of new storage, conservation measures, and water use efficiency. One pathway toward conservation and efficiency is likely to be identification and implementation of reclaimed water opportunities.

(g) Development schedule. The time frame required to plan, design, construct, and begin use of reclaimed water can be extensive due to the public information and acceptance efforts required in addition to planning, design, and environmental assessment required for infrastructure projects. This extended time frame necessitates the initiation of reclaimed water projects as soon as possible.

(2) It is therefore the intent of the legislature to:

(a) Effectuate and reinvigorate the original intent behind the reclaimed water act to expand the use of reclaimed water for nonpotable uses throughout the state;

(b) Restate and emphasize the use of reclaimed water as a matter of water resource management policy;

(c) Address current barriers to the use of reclaimed water, where changes in state law will resolve such issues;

(d) Develop information from the state agencies responsible for promoting the use of reclaimed water and address regulatory, financial, planning, and other barriers to the expanded use of reclaimed water, relying on state agency expertise and experience with reclaimed water;

(e) Facilitate achieving state, regional, and local objectives through use of reclaimed water for water supply purposes in high priority areas of the state, and in regional and local watershed and water planning;

(f) Provide planning tools to local governments to incorporate reclaimed water and related water conservation into land use plans, consistent with water planning;

(g) Expand the scope of work of the advisory committee established under chapter 279, Laws of 2006 to identify other reclaimed water issues that should be addressed; and

(h) Provide initial funding, and evaluate options for providing additional direct state funding, for reclaimed water projects.

**Sec. 2.** RCW 90.46.005 and 2001 c 69 s 1 are each amended to read as follows:

The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its environment, the state of Washington will continue to use water in the best interests of present and future generations.

To facilitate the immediate use of reclaimed water (~~as soon as is practicable, the legislature encourages the cooperative efforts of the public and private sectors and the use of pilot projects~~) for uses approved by the departments of ecology and health, the state shall expand both direct financial support and financial incentives for capital investments in water reuse and reclaimed water to effectuate the goals of this chapter. The legislature further directs the department of health and the department of ecology to coordinate

efforts towards developing an efficient and streamlined process for creating and implementing processes for the use of reclaimed water.

It is hereby declared that the people of the state of Washington have a primary interest in the development of facilities to provide reclaimed water to replace potable water in nonpotable applications, to supplement existing surface and ground water supplies, and to assist in meeting the future water requirements of the state.

The legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife habitat creation and enhancement purposes, including wetland enhancement, will contribute to the peace, health, safety, and welfare of the people of the state of Washington. To the extent reclaimed water is appropriate for beneficial uses, it should be so used to preserve potable water for drinking purposes, contribute to the restoration and protection of instream flows that are crucial to preservation of the state's salmonid fishery resources, contribute to the restoration of Puget Sound by reducing wastewater discharge, provide a drought resistant source of water supply for nonpotable needs, or be a source of supply integrated into state, regional, and local strategies to respond to population growth and global warming. Use of reclaimed water constitutes the development of new basic water supplies needed for future generations and local and regional water management planning should consider coordination of infrastructure, development, storage, water reclamation and reuse, and source exchange as strategies to meet water demands associated with population growth and impacts of global warming.

The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW.

The legislature finds that other states, including California, Florida, and Arizona, have successfully used reclaimed water to supplement existing water supplies without threatening existing resources or public health.

It is the intent of the legislature that the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state.

The legislature further finds and declares that reclaimed water facilities are water pollution control facilities as defined in chapter 70.146 RCW and are eligible for financial assistance as provided in chapter 70.146 RCW. The legislature finds that funding demonstration projects will ensure the future use of reclaimed water. The demonstration projects in RCW 90.46.110 are varied in nature and will provide the experience necessary to test different facets of the standards and refine a variety of technologies so that water purveyors can begin to use reclaimed water technology in a more cost-effective manner. This is especially critical in smaller cities and communities where the feasibility for such projects is great, but there are scarce resources to develop the necessary facilities.

The legislature further finds that the agricultural processing industry can play a critical and beneficial role in promoting the efficient use of water by having the opportunity to develop and reuse agricultural industrial process water from food processing.

**Sec. 3.** RCW 90.46.120 and 2003 1st sp.s. c 5 s 13 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use ~~((and)),~~ distribution ~~((of the)),~~ and the recovery from aquifer storage of reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW 90.03.250 and 90.44.060, provided that a permit for recovery of reclaimed water from aquifer storage and recovery shall be reviewed under the standards established under RCW 90.03.370(2). Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding.

(2) If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of ~~((the))~~ any regional water supply plan or plans addressing potable water supply service by multiple water purveyors. Such water supply plans include plans developed by multiple jurisdictions under the relevant provisions of chapters 43.20, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW. The method by which such plans are approved shall remain unchanged. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans.

(3) Where opportunities for the use of reclaimed water exist within the period of time addressed by a water system plan, a water supply plan, or a coordinated water system plan developed under chapters 43.20 ~~((or))~~, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW, these plans must be developed and coordinated to ensure that opportunities for reclaimed water are evaluated. The requirements of this subsection (3) do not apply to water system plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.

**Sec. 4.** RCW 90.46.130 and 2002 c 329 s 5 are each amended to read as follows:

(1)(a) Except as provided in subsections (2) and (5) of this section, facilities that reclaim water under this chapter shall not impair any existing water right downstream from any freshwater discharge points of such facilities unless ~~((compensation or mitigation for such impairment is agreed to by the holder of the affected water right))~~ the impairment is mitigated or the holder of the water right receives just compensation for the impairment. For purposes of this subsection, "just compensation" has the same meaning as provided in Title 8 RCW.

(b) Any reclaimed water project that reduces the quantity of sewage treatment plant effluent discharged directly into marine waters is deemed to not impair any existing water rights.

(2) Agricultural water use of agricultural industrial process water and use of industrial reuse water under this chapter shall not impair existing water rights within the water source that is the source of supply for the agricultural processing plant or the industrial processing and, if the water source is surface water, the existing water rights are downstream from the agricultural processing plant's discharge points existing on July 22, 2001, or from the industrial processing's discharge points existing on June 13, 2002.

(3) The department of ecology shall convene and staff a task force to review potential barriers or issues related to development of reclaimed water projects pursuant to the evaluation of water rights impairment under this section and related impairment issues and shall report the findings and any recommendations of this review to the appropriate standing committees of the legislature no later than December 31, 2007. The task force shall be cochaired by a representative from the water quality and the water resources programs at the department, and shall consist of representatives of interested groups, including the attorney general, the department of health, local governments, tribal governments, water utilities, reclaimed water utilities, wastewater utilities, environmental organizations, agricultural organizations, and businesses including golf course owners. The task force and report shall address the following topics at a minimum: (a) internal processing of reclaimed water permits by the department, including the ability to deliver timely decisions on potential impairment of water rights; (b) compliance with state and federal water quality standards on existing and future discharges, including potential requirements on wastewater utilities to reduce discharges to water and increase upland discharges; (c) nature of water that is imported into a watershed or potentially exported from the watershed in the form of effluent or reclaimed water; (d) inequities or different treatment of processing of reclaimed water permits and wastewater permits for similar treatment and facilities; (e) ability of existing provisions of state law, such as chapter 90.48 RCW, to address possible impacts to, and mitigation for, stream flows and fish habitat; (f) technical ability to

determine impacts to water sources from reclaimed water facilities; (g) approaches to these issues in other western states with significant use of reclaimed water; (h) the ability of subsection (1)(a) of this section to adequately, efficiently, and equitably address impairment compensation and mitigation.

(4) For purposes of determining a claim of impairment under subsection (1)(a) of this section, of a downstream water right existing as of August 18, 1997, the applicant for a reclaimed water permit shall publish notice of an application for a permit for a reclaimed water facility in the same manner as provided for in RCW 90.48.170. If the department receives a claim of impairment within thirty days of the last publication of notice, the department shall investigate the claim of impairment and issue a written decision. The decision must include any conditions the department finds necessary to mitigate any impairment. The decision must be issued within one hundred eighty days and is appealable by any party under RCW 43.21B.310, regardless of whether the party submits a claim of impairment within thirty days of the last publication of notice, upon the issuance of the decision or as part of the overall reclaimed water permit upon the issuance of a reclaimed water permit. This section may not be construed as exempting a reclaimed water project from the provisions of chapter 43.21C RCW.

(5) This section may not be construed as establishing any right for a downstream water right holder to the continued discharge from an upstream wastewater treatment plant or reclaimed water facility.

**Sec. 5.** 2006 c 279 s 3 (uncodified) is amended to read as follows:

(1) In order to identify and pursue other measures to facilitate achieving the objectives in RCW 90.46.005 for expanded, appropriate, and safe use of reclaimed water, the department of ecology and the department of health shall provide the legislature with relevant information through periodic progress reports, as provided in this section.

(2) The department of ecology ~~((must present))~~ shall provide interim reports to the appropriate committees of the legislature by January 1, 2008, and January 1, 2009, that summarize the steps taken to that date towards the final rule making required by ~~((section 1 of this act))~~ RCW 90.46.015. The reports ~~((must))~~ shall include, at a minimum, a summary of participation in the rule advisory ~~((group and))~~ committee, the topics considered by the department, and issues identified by the rule advisory committee as barriers to expanded use of reclaimed water that may not be addressed within the rules to be adopted by the department.

(3) In addition to subsection (2) of this section, the department shall form a subtask force consisting of not more than ten members chosen from the existing rule advisory committee, and reclaimed water users, to further identify and recommend actions to increase the promotion of reclaimed water as a water supply and water resource management option. At a minimum, the subtask force shall consider (a) issues assigned by the rule advisory committee; (b) staffing levels, resources, and roles within both state agencies; (c) optimizing organizational structure; (d) unresolved legal issues specific to reclaimed water use; and (e) a more appropriate name to describe reclaimed water. Information regarding these topics shall be appended to the required interim reports as the topics are considered by the advisory group.

**Sec. 6.** RCW 90.82.043 and 2003 1st sp.s. c 4 s 3 are each amended to read as follows:

(1) Within one year of accepting funding under RCW 90.82.040(2)(e), the planning unit must complete a detailed implementation plan. Submittal of a detailed implementation plan to the department is a condition of receiving grants for the second and all subsequent years of the phase four grant.

(2) Each implementation plan must contain strategies to provide sufficient water for: (a) production agriculture; (b) commercial, industrial, and residential use; and (c) instream flows. Each implementation plan must contain timelines to achieve these strategies and interim milestones to measure progress.

(3) The implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; any needed state or local administrative

approvals and permits that must be secured; and specific funding mechanisms.

(4) In developing the implementation plan, the planning unit must consult with other entities planning in the watershed management area and identify and seek to eliminate any activities or policies that are duplicative or inconsistent.

(5)(a) By December 1, 2003, and by December 1st of each subsequent year, the director of the department shall report to the appropriate legislative standing committees regarding statutory changes necessary to enable state agency approval or permit decision making needed to implement a plan approved under this chapter.

(b) Beginning with the December 1, 2007, report, and then every two years thereafter, the director shall include in each report the extent to which reclaimed water has been identified in the watershed plans as potential sources or strategies to meet future water needs, and provisions in any watershed implementation plans that discuss barriers to implementation of the water reuse elements of those plans. The department's report shall include an estimate of the potential cost of reclaimed water facilities and identification of potential sources of funding for them.

**NEW SECTION. Sec. 7.** (1) By January 1, 2008, the department of health shall file a brief report with the appropriate committees of the legislature on the general status of:

(a) Development of permit fees for industrial and commercial uses of reclaimed water as required by RCW 90.46.030;

(b) Development of standards and guidelines for greywater use as required by RCW 90.46.140; and

(c) Permitting of greywater use by local health officers and plumbing officials in accordance with standards and guidelines developed pursuant to RCW 90.46.140.

(2) The report shall also identify:

(a) A general description of the number, type, and location of reclaimed water opportunities included in water supply and coordinated water system plans since 2003, as required by RCW 90.46.140;

(b) The best information currently available regarding potential public health risks associated with reclaimed water, if any, any known occurrences of any public health incidents associated with reclaimed water use, the approaches to reclaimed water-related public health issues taken in other states, and resource needs of the department to evaluate any known public health risks; and

(c) A description of a basic public information and public acceptance program necessary to generate public support for the beneficial use of reclaimed water.

(3) In order to ensure brevity of the report, the department should include references to existing documents, reports, internet sites, and other sources of detailed information on the foregoing issues.

**Sec. 8.** RCW 90.54.020 and 1997 c 442 s 201 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where

it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 107 or 108 of this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

(5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency (~~and~~), conservation, and use of reclaimed water shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. Use of reclaimed water should be employed through state and local planning and programs with incentives for state financial assistance recognizing programs and plans that encourage the use of conservation and reclaimed water use, and state agencies shall continue to review and reduce regulatory barriers and streamline permitting for the use of reclaimed water where appropriate.

(8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

**Sec. 9.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry

out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred.

(2) Increased water use efficiency and reclaimed water should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, waste water recycling, and impoundment of waters. Where reclaimed water is a feasible replacement source of water, it shall be used by state agencies and state facilities for nonpotable water uses in lieu of the use of potable water. For purposes of this requirement, feasible replacement source means (a) the reclaimed water is of adequate quality and quantity for the proposed use; (b) the proposed use is approved by the departments of ecology and health; (c) the reclaimed water can be reliably supplied by a local public agency or public water system; and (d) the cost of the reclaimed water is reasonable relative to the costs of conservation or other potentially available supplies of potable water, after taking into account all costs and benefits, including environmental costs and benefits.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1).

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; regional areas that the governor has identified as high priority for investments in improved water quality and quantity, including the Spokane river, the Columbia river basin, and the Puget Sound; areas most likely to be affected by global warming; and areas where projected water needs, including those for instream flows, exceed available supplies.

(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public ((education)) information programs on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.46 RCW to read as follows:

(1) The department of ecology shall establish a subtask force from the existing rule advisory committee, and reclaimed water users, by July 31, 2007, composed of no more than ten members including a representative from the department of ecology, who shall serve as chair, a representative from the department of health, and representatives from city, county, and water-sewer district utilities, and the environmental and business communities. By January 1, 2008, the subtask force shall submit to the appropriate legislative committees a recommendation for a long-term dedicated funding program to construct reclaimed water facilities. To minimize the administrative burden, the subtask force shall work toward a coordinated effort with the current clean water state revolving fund and centennial clean water fund integrated program under which reclaimed water projects with a water quality benefit are currently eligible and shall review the "2006 Inventory of State Infrastructure Programs" produced by the joint legislative audit and review committee. The subtask force shall also review current existing conservation and water reuse plans or programs for cities, counties,

and districts and provide a report to the appropriate legislative committees regarding the number, general nature, and extent that conservation and reclaimed water use is identified or incorporated into such plans. The subtask force also shall consider, and recommend, provisions on: (a) The inclusion of reclaimed water use criteria or requirements as an element of water use efficiency requirements required under RCW 70.119A.180 and for water system, public water system, and/or regional water plans as required under chapters 43.20 and 70.119 RCW; and (b) the current and potential use of water conservation plans or ordinances, water conservation measures in regional watershed plans, and water conservation programs adopted by cities, towns, or counties addressing the use of reclaimed water where potable water is not required by the department of health.

(2) The recommendation shall provide a comprehensive funding, loan, and grant program that includes the following:

(a) Eligibility requirements: Eligible components should include the additional water reclamation components to treat wastewater effluent to reclaimed water standards, distribution pump stations, storage, trunk lines, and distribution lines, and multiple-purpose projects in proportion to the costs allocated to reclaimed water;

(b) Competitive process for funding: The funding should be competitive and establish a maximum percentage or maximum funding amount available to any applicant;

(c) Priorities for funding that target reclaimed water projects ready to proceed, local support for the project, projects in areas that have adopted mandatory use ordinances or letters of intent to execute user contracts, projects providing broader public benefits to environmental water quality or water resource needs such as Puget Sound restoration, Columbia river water management strategies, water quality improvements, wetlands habitat, and instream flows, projects with benefits that clearly extend to citizens other than the utility ratepayers; and

(d) A proposed grant program for projects in identified high priority areas.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.46 RCW to read as follows:

(1) The legislature finds that the state should take a lead in increasing the visibility of the use of reclaimed water.

(2) The department of general administration shall develop a proposal to provide a comprehensive campus-wide plan for the use of nonpotable water in lieu of the use of potable water for irrigation and related outdoor uses, to serve as a demonstration project for the use of reclaimed water. The department of general administration shall work with the city of Olympia to provide a report to the legislature by December 1, 2007, of the needed infrastructure, cost, and potential funding sources for the project.

**NEW SECTION. Sec. 12.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Chandler; Dunn and Haler.

Passed to Committee on Rules for second reading.

March 31, 2007

SB 6119 Prime Sponsor, Senator Eide: Changing the distribution to and allocation of the fire service training account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.944 and 2005 c 518 s 929 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; ~~((and))~~

(c) Twenty percent of all moneys received by the state on fire insurance premiums; and

(d) General fund--state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated only for fire service training. ~~((During the 2005-2007 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.))~~ The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis.

(3) Any general fund--state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and P. Sullivan.

Passed to Committee on Rules for second reading.

April 2, 2007

ESSB 6120 Prime Sponsor, Senate Committee on Transportation: Addressing rail and freight infrastructure. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 47.06A RCW to read as follows:

The freight mobility strategic investment board and the department of transportation shall collaborate to submit a report to

the office of financial management and the transportation committees of the legislature by September 1, 2008, and each September 1st thereafter, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by this chapter for the board and as required by section 2 of this act for the department of transportation.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.76 RCW to read as follows:

(1) The department shall develop and implement the benefit/impact evaluation methodology recommended in the statewide rail capacity and needs study finalized in December 2006.

(2) The department shall convene a work group to collaborate on the development of the benefit/impact analysis method to be used in the evaluation. The work group must include, at a minimum, the freight mobility strategic investment board, the department of agriculture, and representatives from the various users and modes of the state's rail system.

(3) In addition to existing criteria established by the department for evaluating rail projects, the department shall use the benefit/impact analysis in subsection (1) of this section when submitting requests for state funding for rail projects. The department shall develop a standardized format for submitting requests for state funding for rail projects that includes an explanation of the analysis undertaken and the conclusions derived from the analysis.

(4) The Stampede Pass corridor rail project shall be evaluated using the benefit/impact analysis method developed under this section, as soon as the analysis method is completed, and the results reported to the office of financial management and to the transportation committees of the legislature.

(5) The department and the freight mobility strategic investment board shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, and each September 1st thereafter, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by this section for the department and as required by chapter 47.06A RCW for the board.

**Sec. 3.** RCW 81.104.015 and 1999 c 202 s 9 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "High-capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways. "High-capacity transportation system" also includes magnetic levitation and personal rapid transit systems.

(2) "Rail fixed guideway system" means a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or other fixed rail guideway component of a high-capacity transportation system that is not regulated by the Federal Railroad Administration, or its successor. "Rail fixed guideway system" does not mean elevators, moving sidewalks or stairs, and vehicles suspended from aerial cables, unless they are an integral component of a station served by a rail fixed guideway system.

(3) "Regional transit system" means a high-capacity transportation system under the jurisdiction of one or more transit agencies except where a regional transit authority created under chapter 81.112 RCW exists, in which case "regional transit system" means the high-capacity transportation system under the jurisdiction of a regional transit authority.

(4) "Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

NEW SECTION. Sec. 4. A new section is added to chapter 81.104 RCW to read as follows:

Counties are authorized to impose with voter approval, by a simple majority of those voting, dedicated funding sources for magnetic levitation and personal rapid transit systems as set forth in RCW 81.104.150, 81.104.160, and 81.104.170. The maximum tax rate authorized in RCW 81.104.150, 81.104.160, and 81.104.170 is the maximum allowable rate that may be imposed by all entities in a county for magnetic levitation and personal rapid transit systems.

NEW SECTION. Sec. 5. A new section is added to chapter 81.104 RCW to read as follows:

(1) Counties implementing magnetic levitation and personal rapid transit systems are exempt from the population requirements in RCW 81.104.030.

(2) Counties implementing magnetic levitation and personal rapid transit systems are authorized to utilize public-private partnerships.

(3) The department of transportation shall develop, implement, and administer a grant program for state and federal funding identified for magnetic levitation systems and personal rapid transit systems. The speaker of the house of representatives shall appoint four representatives, two from each legislative caucus, the president of the senate shall appoint four senators, two from each legislative caucus, and the governor shall appoint a business person from private industry and a person with academic credentials in magnetic levitation and personal rapid transit systems technology to work with the department of transportation to develop the criteria for the grant program. To obtain grants through the grant program, entities shall submit magnetic levitation and personal rapid transit systems technology design proposals to the department of transportation and compete for grant funding."

Correct the title.

Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Dickerson; Eddy; Ericksen; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Springer.

Passed to Committee on Rules for second reading.

April 2, 2007

SSCR 8405 Prime Sponsor, Senate Committee On Transportation: Providing for the study of legislative and financial issues regarding the Columbia River Crossing Project. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Dickerson; Eddy; Ericksen; Hankins; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 3, 2007, the 86th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTY SIXTH DAY

House Chamber, Olympia, Tuesday, April 3, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Eddie McNamar and Dan'a Platts. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. Charlotte Petty, Risen Faith Fellowship, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## MESSAGES FROM THE SENATE

April 2, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5009,  
 SUBSTITUTE SENATE BILL NO. 5010,  
 SUBSTITUTE SENATE BILL NO. 5027,  
 SUBSTITUTE SENATE BILL NO. 5184,  
 SENATE BILL NO. 5434,  
 SENATE BILL NO. 5454,  
 ENGROSSED SENATE BILL NO. 5498,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557,  
 SUBSTITUTE SENATE BILL NO. 5568,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5905,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 2, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1002,  
 SUBSTITUTE HOUSE BILL NO. 1398,  
 SUBSTITUTE HOUSE BILL NO. 1507,  
 SUBSTITUTE HOUSE BILL NO. 2103,  
 SUBSTITUTE HOUSE BILL NO. 2335,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 3, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8407, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 3, 2007

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1000,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024,  
 SUBSTITUTE HOUSE BILL NO. 1261,  
 HOUSE BILL NO. 1349,  
 HOUSE BILL NO. 1793,  
 HOUSE BILL NO. 1940,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

## INTRODUCTION &amp; FIRST READING

HB 2400 by Representatives Fromhold, Kenney and Moeller

AN ACT Relating to enhancing state school construction assistance; amending RCW 82.02.090; adding a new section to chapter 28A.515 RCW; creating new sections; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Capital Budget.

SSB 5882 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Honeyford, Regala, Swecker, Rockefeller, Parlette, Kohl-Welles, Rasmussen and Kastama; by request of Secretary of State)

AN ACT Relating to creating the Washington state heritage center account and establishing fees to be used for financing the Washington state heritage center; amending RCW 43.07.370; reenacting and amending RCW 36.18.010 and 43.79A.040; adding new sections to chapter 43.07 RCW; creating a new section; and providing effective dates.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING SUSPENSION

**SENATE BILL NO. 5014, by Senator Pridemore; by request of Office of the State Actuary**

**Amending the process for adopting contribution rates for the state retirement systems.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriation was adopted. (For Committee amendment, see Journal, 80<sup>th</sup> Day, March 28, 2007.)

The bill was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5014, as amended by the House.

#### MOTION

On motion of Representative Schindler, Representative Skinner was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5014, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5014, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5036, by Senators Eide, Weinstein, Brown, Rockefeller, Regala, Fraser, Murray, Berkey, Kauffman, Jacobsen, Keiser, Haugen, Rasmussen, Shin, Tom and Kohl-Welles**

**Repealing the application of the sunset act to the intermediate driver's license program.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Flannigan and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5036.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5036, passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5036, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5079, by Senators Marr, Kline and McCaslin; by request of Court Of Appeals**

**Including supreme court and court of appeals commissioners to solemnize marriages.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5079.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5079, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5079, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5113, by Senators Schoesler, Rasmussen, Holmquist, Clements, Morton, Hatfield and Pridemore**

**Authorizing the application of barley straw to waters of the state.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5113.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5113, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5113, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5236, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Parlette, Fraser and Rockefeller)**

**Concerning the management of public lands.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, 75<sup>th</sup> Day, March 23, 2007.)

The bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5236, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5236, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Orcutt - 1.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5236, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Franklin, Hobbs, Berkey and Hatfield; by request of Insurance Commissioner)**

**Modifying medical malpractice closed claim reporting requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5263.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5263, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa,

Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5263, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5264, by Senators Haugen and Swecker; by request of Transportation Commission**

**Authorizing the transportation commission to name or rename state transportation facilities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5264.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5264, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Dunn - 2.  
Excused: Representative Skinner - 1.

SENATE BILL NO. 5264, having received the necessary constitutional majority, was declared passed.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4654, by Representatives Pettigrew, Lovick, Green, Kagi, Van De Wege, Barlow, Kelley, Dunn, Walsh, Buri, Roach, Newhouse, Warnick, Alexander, Bailey, Priest and Hankins

WHEREAS, Sickle cell anemia is a hereditary disorder that most affects people of African ancestry, but also occurs in other ethnic groups, including people of Mediterranean and Middle Eastern descent; and

WHEREAS, More than 70,000 Americans have sickle cell anemia, and about 2 million Americans and one in 12 African-Americans have sickle cell trait; and

WHEREAS, People with sickle cell anemia have inherited two sickle cell genes, one from each parent; a child who has inherited the sickle cell from only one parent will not develop the disease, but will have sickle cell trait; people who have sickle cell trait do not have sickle cell anemia or symptoms of the disease, but they can pass the sickle cell gene to their own children; and

WHEREAS, Because people with sickle cell trait do not have the disease, they may never discover that they carry the gene; teens who are unsure of their sickle cell status should ask their doctors about testing; the National Institutes of Health recommends that all newborns be screened for sickle cell disease, and testing at birth is now required in most states; this helps infants with sickle cell anemia get the care and treatment they need as soon as possible; and

WHEREAS, Normal red blood cells are smooth and round like doughnuts and they move easily through blood vessels to carry oxygen to all parts of the body; in sickle cell anemia, the red blood cells change shape; they become hard, sticky, and shaped like sickles or crescents and, instead of moving through the bloodstream easily, these sickle cells can clog blood vessels and deprive the body's tissues and organs of the oxygen they need to stay healthy; and

WHEREAS, Symptoms include anemia, pain when sickle-shaped red blood cells block the flow of blood to an organ, fatigue, jaundice, eye problems, infections, acute chest syndrome (similar to pneumonia), leg ulcers, strokes, and gallstones; and

WHEREAS, One in every 12 African-Americans have the sickle cell trait versus one in every 413 Caucasians; one in every 500 African-Americans have the sickle cell disease, the highest incidence of any group; although there is still no cure for sickle cell anemia, improved medical procedures, innovative pharmaceuticals, and increased knowledge have made life longer, less stressful, and less painful for persons afflicted with the disease;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Metropolitan Seattle Sickle Cell Anemia Task Force for its important contribution in educating the citizens of the state of Washington about the serious health problem of sickle cell anemia.

Representative Pettigrew moved the adoption of the resolution.

Representatives Pettigrew and Hinkle spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4654 was adopted.

**SECOND READING SUSPENSION**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, by Senate Committee on Labor, Commerce,**

**Research & Development (originally sponsored by Senators Keiser, Kohl-Welles and Clements; by request of Department of Labor & Industries)**

**Establishing industrial insurance medical and chiropractic advisory committees.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 79<sup>th</sup> Day, March 27, 2007.)

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5290, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5351, by Senators Kline and Spanel; by request of Court Of Appeals**

**Changing travel reimbursement provisions affecting judges of the court of appeals.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5351.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5351, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5351, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5382, by Senators Kauffman, Prentice, McAuliffe, Marr, Hobbs, Rasmussen, Regala, Franklin, Keiser, Shin and Kohl-Welles**

**Authorizing record checks for employees and applicants for employment at bureau of Indian affairs-funded schools.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Appleton and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5382.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5382, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5382, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5385, by Senators Shin, Jacobsen, Schoesler, Rockefeller, Delvin, Tom and Kohl-Welles; by request of Washington State Higher Education Facilities Authority**

**Providing the Washington higher education facilities authority the ability to originate and purchase educational loans and to issue student loan revenue bonds.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives McIntire and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5385.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5385, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SENATE BILL NO. 5385, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5405, by Senate Committee on Judiciary (originally sponsored by Senators Carrell, Kline and McCaslin)**

**Providing procedures for judicial orders concerning distraint of personal property.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5405.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5405, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Hasegawa and Hudgins - 2.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5405, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5408, by Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline and Hatfield; by request of Secretary of State**

**Modifying provisions on primary election ballots.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Appleton and Hailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5408.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5408, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5408, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 5490, by Senator Brandland**

**Adding a law enforcement representative to the adult family home advisory committee.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5490.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5490, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5490, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 5572, by Senators Murray and Weinstein**

**Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, 80<sup>th</sup> Day, March 28, 2007.)

The bill was placed on final passage.

Representatives McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5572, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5572, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5572, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5634, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Kline, McCaslin and Delvin; by request of Criminal Justice Training Commission)**

**Revising corrections personnel training provisions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was adopted. (For Committee amendment, see Journal, 75<sup>th</sup> Day, March 23, 2007.)

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5634, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5634, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5634, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5715, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Benton, Berkey, Hobbs, Prentice, Hatfield, Franklin and Shin; by request of Insurance Commissioner)**

**Concerning persons selling, soliciting, or negotiating insurance.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Kirby spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5715.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5715, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5715, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5720, by Senate Committee on Judiciary (originally sponsored by Senator Marr)**

**Conforming legal notice broadcast requirements to current practice.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative McDermott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5720.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5720, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Hasegawa - 1.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5720, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5879, by Senators Fairley, Roach, Benton, Kohl-Welles, Murray, Swecker, Kline, Keiser, Schoesler, Fraser, Jacobsen and Rockefeller**

**Authorizing payroll deductions for retiree organization dues.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Ormsby spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5879.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5879, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5879, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5883, by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Swecker, Hargrove, Stevens, Morton, Jacobsen, Rockefeller, Rasmussen and Franklin)**

**Concerning conversion of forest land to nonforestry uses.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5883.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5883, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5883, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5918, by Senators Fraser and Delvin; by request of Board For Judicial Administration**

**Revising retirement benefits for judges.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5918.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5918, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley,

Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5918, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5953, by Senators Eide, Stevens, Delvin, Regala, Sheldon, Benton, Marr, Shin, Rasmussen and Holmquist; by request of Attorney General**

**Increasing penalties for acts of domestic violence involving strangulation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5953.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5953, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 5953, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5231, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Berkey, Roach, Fairley, Pridemore and Shin)**

**Revising provisions relating to water-sewer districts.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Takko and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5231.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5231, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5231, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1002,  
 SUBSTITUTE HOUSE BILL NO. 1097,  
 SUBSTITUTE HOUSE BILL NO. 1337,  
 SUBSTITUTE HOUSE BILL NO. 1398,  
 SUBSTITUTE HOUSE BILL NO. 1507,  
 SUBSTITUTE HOUSE BILL NO. 2103,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,  
 SUBSTITUTE HOUSE BILL NO. 2335,  
 SENATE BILL NO. 5011,  
 ENGROSSED SENATE BILL NO. 5166,  
 SUBSTITUTE SENATE BILL NO. 5191,  
 SENATE BILL NO. 5253,  
 SENATE BILL NO. 5620,  
 SUBSTITUTE SENATE BILL NO. 5625,  
 SENATE BILL NO. 5635,  
 SENATE BILL NO. 5759,  
 SUBSTITUTE SENATE BILL NO. 5898,  
 SUBSTITUTE SENATE BILL NO. 5952,  
 SENATE BILL NO. 5957,  
 SENATE JOINT MEMORIAL NO. 8008,

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5718, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Regala, Stevens, Keiser and Rasmussen)**

**Imposing penalties for engaging in the commercial sexual abuse of minors.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was before the House for purpose of amendment. (For Committee amendment, see Journal, 75<sup>th</sup> Day, March 23, 2007.)

Representative O'Brien moved the adoption of amendment (473) to the committee amendment:

On page 3, line 25 of the striking amendment, after "minor" insert "receiving compensation for personally rendered sexual conduct"

Representatives O'Brien and Pearson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The question before the House was adoption of the committee amendment as amended. The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5718, as amended by the House.

#### MOTION

On motion of Representative Sump, Representative Sump was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5718, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

SUBSTITUTE SENATE BILL NO. 5718, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### SECOND READING SUSPENSION

With the consent of the House, SENATE BILL NO. 5429 was moved from the Suspension Calendar and placed on the Second Reading calendar.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5112, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Schoesler, Kohl-Welles, Rasmussen, Pridemore, Clements, Sheldon, Morton, Hatfield and Honeyford)**

**Allowing auctioneers to auction vessels without registering as a vessel dealer.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

The bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5112, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5112, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5112, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5243, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove, McAuliffe, Stevens, Rasmussen, Shin and Roach; by request of Department of Social and Health Services)**

**Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was adopted. (For Committee amendment, see Journal, 81<sup>st</sup> Day, March 29, 2007.)

The bill was placed on final passage.

Representatives Dickerson and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5243, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5243, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

SUBSTITUTE SENATE BILL NO. 5243, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5481, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Oemig, Delvin, Rockefeller, Fraser and Regala)**

**Including conservation measures in performance-based contracting.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Morris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5481.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5481, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

SUBSTITUTE SENATE BILL NO. 5481, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5513, by Senators Kilmer, Holmquist, Hobbs, Marr, Oemig, Hatfield, McAuliffe and Rasmussen**

**Establishing a state government efficiency hotline.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Miloscia spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5513.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5513, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

ENGROSSED SENATE BILL NO. 5513, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5525, by Senators Oemig, Swecker and Regala**

**Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Eddy and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5525.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5525, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

SENATE BILL NO. 5525, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5534, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Clements and Keiser)**

**Creating an exemption from unemployment compensation for certain small performing arts industries.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 81<sup>st</sup> Day, March 29, 2007.)

The bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5534, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5534, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Hudgins - 1.

Excused: Representatives Skinner and Sump - 2.

SUBSTITUTE SENATE BILL NO. 5534, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5669, by Senators Holmquist, Poulsen, Rasmussen, Pflug, Oemig, Swecker, Clements, Schoesler, Roach, Rockefeller and Kilmer**

**Requiring agencies to expedite decisions regarding the implementation of renewable fuel standards.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communication was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

The bill was placed on final passage.

Representative Morris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5669, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5669, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

ENGROSSED SENATE BILL NO. 5669, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5688, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Keiser and Kline)**

**Modifying who may receive industrial insurance claimants' notices, orders, or warrants.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5688.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5688, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

SUBSTITUTE SENATE BILL NO. 5688, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5775, by Senators Kauffman, Rasmussen, Zarelli, Berkey, Oemig, McAuliffe, Shin and Kohl-Welles**

**Changing special education provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5775.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5775, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Skinner and Sump - 2.

SENATE BILL NO. 5775, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5987, by Senate Committee on Judiciary (originally sponsored by Senators**

**Clements, Carrell, Marr, Holmquist, Schoesler and Rasmussen; by request of Attorney General)**

**Increasing penalties for gang-related offenses.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was adopted. (For Committee amendment, see Journal, 80<sup>th</sup> Day, March 28, 2007.)

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5987, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5987, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Skinner and Sump - 2.

SUBSTITUTE SENATE BILL NO. 5987, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Morrell to preside.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 4, 2007, the 87th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTY SEVENTH DAY

House Chamber, Olympia, Wednesday, April 4, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Richard Wight and Larisa Steerwalt. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. Charlotte Petty, Risen Faith Fellowship, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4625, by Representatives Morris, Quall and Hankins

WHEREAS, The Washington State Legislature recognizes the many years of service provided by Kenneth C. Hansen, Chairman of the Samish Tribe, who passed away July 26, 2006, following an extended illness due to diabetes-related complications; and

WHEREAS, Kenneth C. Hansen fought a 26-year battle for federal re-recognition for the Samish Tribe, Hansen carried on the fight for tribal sovereignty and self-determination. Hansen's conflicts were fought in courthouses, statehouses, Congress, and the media; and

WHEREAS, Kenneth C. Hansen used his political savvy and eloquent speech to bring attention to tribal issues, such as environmental pollution and the infant mortality crisis; and

WHEREAS, Kenneth C. Hansen was nationally recognized as a driving force for Native American rights. Having been considered an expert in tribal economic development, he secured grant funding for the benefit of Native American nations throughout the coastal region; and

WHEREAS, Kenneth C. Hansen was instrumental in the Samish Nation's federal recognition in 1996, and led efforts to maintain the tribe's native language and hoped to see a resurgence of tribal orator; and

WHEREAS, Kenneth C. Hansen was a skilled statesman and inspirational leader; and

WHEREAS, Kenneth C. Hansen served as a role model for native youth in how to effectively engage their neighbors; and

WHEREAS, Kenneth C. Hansen's legacy of courage and perseverance encourages us all to always fight for what we know is right; and

WHEREAS, We all mourn the loss of Kenneth C. Hansen and will miss his contributions not only to the Samish Tribe, but to the entire state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the service, devotion, and caring of Kenneth Charles Hansen and extend its deepest condolences to his family, his tribe, and his many friends; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Kenneth Charles Hansen.

Representative Morris moved the adoption of the resolution.

Representatives Morris and McCoy spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4625 was adopted.

**MESSAGE FROM THE SENATE**

April 3, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,  
HOUSE BILL NO. 1185,  
SUBSTITUTE HOUSE BILL NO. 1262,  
HOUSE BILL NO. 1292,  
HOUSE BILL NO. 1305,  
SUBSTITUTE HOUSE BILL NO. 1381,  
SUBSTITUTE HOUSE BILL NO. 1458,  
SUBSTITUTE HOUSE BILL NO. 1508,  
SUBSTITUTE HOUSE BILL NO. 1513,  
HOUSE BILL NO. 1870,  
HOUSE BILL NO. 1972,  
HOUSE BILL NO. 2161,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

HB 2401 by Representatives B. Sullivan, Strow, Dunshee, Roberts and Santos

AN ACT Relating to a fee on professional athletes; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5009 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Hatfield, Poulsen, Sheldon, Holmquist, Rasmussen, Schoesler, Kline and Shin)

AN ACT Relating to exempting biodiesel fuel used for farm use from sales and use taxation; amending RCW 82.08.865 and 82.12.865; and declaring an emergency.

Referred to Committee on Finance.

SSB 5010 by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Hewitt)

AN ACT Relating to creating a state park foster home pass; and amending RCW 79A.05.065.

Referred to Committee on Appropriations.

SSB 5027 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Murray, Jacobsen and Kline)

AN ACT Relating to the excise taxation of zoos; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Finance.

SSB 5184 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Hatfield, Clements and Rasmussen)

AN ACT Relating to public facilities districts; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

SB 5434 by Senators Poulsen, Schoesler, Kastama, Zarelli, Prentice, Regala, Benton and Rasmussen; by request of Department of Revenue

AN ACT Relating to the excise taxation of sales of tangible personal property originating from or destined to foreign countries; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Finance.

SB 5454 by Senators Morton and Rasmussen

AN ACT Relating to rural public utility districts; adding a new section to chapter 82.16 RCW; adding a new section to chapter 54.16 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

ESB 5498 by Senators Regala, Clements, Morton, Brandland, Pridemore, Delvin, Prentice, Hatfield and Rasmussen

AN ACT Relating to revising voter-approved funding sources for local taxing districts; and amending RCW 82.14.450 and 84.55.050.

Referred to Committee on Finance.

E2SSB 5557 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Prentice, Zarelli, Hatfield, Brandland, Brown, Poulsen, Pridemore and McAuliffe)

AN ACT Relating to public facilities for economic development purposes; amending RCW 82.14.370; and providing an effective date.

Referred to Committee on Finance.

SSB 5568 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Clements, Shin, Schoesler, Jacobsen, Morton, Holmquist and Honeyford)

AN ACT Relating to extending the date when counties east of the crest of the Cascade mountains that pledged lodging tax revenue for payment of bonds prior to June 26, 1975, must allow a credit for city lodging taxes; and amending RCW 67.28.180.

Referred to Committee on Finance.

ESSB 5905 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Pflug, Keiser, Tom, Zarelli, Marr and Carrell)

AN ACT Relating to certificate of capital authorization; and amending RCW 74.46.803 and 74.46.807.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2380, by Representatives Ericks, Orcutt, Hunter, Kretz, Linville and Ormsby**

**Providing relief for businesses for streamlined sales and use tax agreement compliance costs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2380 was substituted for House Bill No. 2380 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2380 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2380.

## MOTIONS

On motion of Representative Santos, Representative Eickmeyer and Fromhold were excused. On motion of Representative Schindler, Representative Skinner was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2380 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2380, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5039, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Eide, Murray, Marr, Shin, Rockefeller, Weinstein, Rasmussen, Kauffman, Keiser, Jacobsen, Haugen and Kohl-Welles)**

**Providing for the state investment board to manage scholarship endowment funds.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5039.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5039 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells,

Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5039, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5042, by Senators Berkey and Shin; by request of Insurance Commissioner**

**Regulating the business of insurance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5042.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5042 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SENATE BILL NO. 5042, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5052, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Eide, Roach, Franklin, Hobbs, Fairley, Kastama, Prentice, Jacobsen, Shin, Parlette)**

**Prohibiting interested third parties from processing insurance claims.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5052.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5052 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5052, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5074, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Honeyford, Poulsen, Schoesler and Delvin)**

**Dividing water resource inventory area 29 into WRIA 29a and WRIA 29b.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5074, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5074, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5074, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5202, by Senate Committee on Judiciary (originally sponsored by Senators Delvin, Eide, Hewitt, Brandland, Pridemore, Holmquist, McCaslin, Haugen, Jacobsen, Honeyford, Rasmussen and Roach)**

**Concerning permissible weaponry for on-duty law enforcement officers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5202, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5202, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune,

McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Kretz and Sump - 2.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5202, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5228, by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin and Weinstein; by request of Attorney General)**

**Revising provisions concerning actions under the consumer protection act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5228.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5228 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5228, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5247, by Senators Spanel and Haugen; by request of Board For Judicial Administration**

**Modifying provisions relating to superior court judicial positions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Strow spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5247.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5247 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SENATE BILL NO. 5247, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5292, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Roach, Kohl-Welles, Keiser, Parlette)**

**Requiring the licensing of physical therapist assistants.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5292.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5292 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5292, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 5389, by Senator Hewitt**

##### **Approving the importing of one simulcast race of regional or national interest on horse race days.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5389.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5389 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SENATE BILL NO. 5389, having received the necessary constitutional majority, was declared passed.

#### **SUBSTITUTE SENATE BILL NO. 5391, by Senate Committee on Transportation (originally sponsored by Senators Kilmer, Swecker, Haugen and Rockefeller; by request of Board For Judicial Administration)**

##### **Modifying photo enforcement of traffic infraction provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Jarret and Lantz spoke in favor of passage of the bill.

Representatives Dunn and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5391.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5391 and the bill passed the House by the following vote: Yeas - 65, Nays - 30, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Hurst, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Ross, Schindler, Strow, Sump, Van De Wege, and Warnick - 30.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5391, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 5402, by Senators Kilmer, Delvin, Shin and Rockefeller; by request of Workforce Training and Education Coordinating Board**

##### **Establishing additional requirements for private vocational schools.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5402, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5402, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representatives Dunn, Ericksen, and Schindler - 3.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SENATE BILL NO. 5402, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5461, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Fraser, Hatfield, Hargrove, Benton, Sheldon and Rasmussen; by request of Department of Natural Resources)**

**Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5461.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5461 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5461, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5463, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Rockefeller, Morton, Shin and Rasmussen; by request of Department of Natural Resources)**

**Modifying forest fire protection assessments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5463.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5463 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst,

Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives DeBolt, Ericksen, Orcutt and Schindler - 4.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5463, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5468, by Senators Oemig, Zarelli, Regala and Schoesler; by request of Department of Revenue**

**Regarding the administration of tax programs administered by the department of revenue.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5468.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5468 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SENATE BILL NO. 5468, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5511, by Senate Committee on Government Operations & Elections**

**(originally sponsored by Senators Sheldon, Kastama, Clements, Rasmussen and Shin)**

**Requiring state agencies to allow volunteer firefighters to respond when called to duty.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5511.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5511 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Fromhold and Skinner - 3.

SUBSTITUTE SENATE BILL NO. 5511, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5512, by Senators Kilmer, Regala, Hobbs, Eide, Pridemore and Rasmussen**

**Modifying financing provisions for hospital benefit zones.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hasegawa, Orcutt and Seaquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5512, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5512, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Fromhold - 2.

SENATE BILL NO. 5512, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5607, by Senator Pridemore

**Modifying provisions regarding the leasehold excise taxation of historical property owned by the United States government.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5607.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5607 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne,

Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Fromhold - 2.

SENATE BILL NO. 5607, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5702, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Benton, Keiser, Swecker, Kohl-Welles and Roach)**

**Requiring notice to certain employees of a claim of exemption from paying unemployment insurance taxes.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5702, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5702, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Fromhold - 2.

SUBSTITUTE SENATE BILL NO. 5702, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5711, by Senators Parlette, Delvin and Shin**

**Expanding the offender score to include offenses concerning the influence of intoxicating liquor or any drug.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goodman spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5711.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5711 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Fromhold - 2.

SENATE BILL NO. 5711, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5429, by Senators Franklin and Kohl-Welles**

**Concerning deductions from moneys received by an inmate.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was adopted. (For Committee amendment, see Journal, 81<sup>st</sup> Day, March 29, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5429, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5429, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Fromhold - 2.

SENATE BILL NO. 5429, as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 4, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1002,  
SUBSTITUTE HOUSE BILL NO. 1097,  
SUBSTITUTE HOUSE BILL NO. 1337,  
SUBSTITUTE HOUSE BILL NO. 1398,  
SUBSTITUTE HOUSE BILL NO. 1507,  
SUBSTITUTE HOUSE BILL NO. 2103,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,  
SUBSTITUTE HOUSE BILL NO. 2335,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**SECOND READING**

**ENGROSSED SENATE BILL NO. 5251, by Senators Kohl-Welles, Clements, Hobbs, Parlette, Pridemore and Hatfield**

**Establishing the term of existence of a collective bargaining agreement.**

The bill was read the second time.

Representative Rodne moved the adoption of amendment (503):

On page 2, line 12, after "up to" strike "six" and insert "four"

On page 3, line 4, after "up to" strike "six" and insert "four"

Representatives Rodne, Chandler and Condotta spoke in favor of the adoption of the amendment.

Representative Wood spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5251.

#### MOTION

On motion of Representative Santos, Representative Dunshee was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5251 and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Sump, Walsh and Warnick - 26.

Excused: Representatives Dunshee and Eickmeyer - 2.

ENGROSSED SENATE BILL NO. 5251, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5401, by Senators Rasmussen, Swecker, Shin, Schoesler and Hatfield**

#### Licensing Christmas tree growers.

The bill was read the second time.

Representative Warnick moved the adoption of amendment (500):

On page 6, line 34, after "by" strike all material through "association" on line 35 and insert "Christmas tree growers and by established Christmas tree grower associations having members in the state"

Representatives Warnick and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5401, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5401, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Dunshee and Eickmeyer - 2.

ENGROSSED SENATE BILL NO. 5401, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5443, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles and Keiser; by request of Department of Labor & Industries)**

#### Suppressing workers' compensation claims.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (504):

On page 4, line 10, after "within" strike "two years" and insert "one year"

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5443.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5443 and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kelley, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 33.

Excused: Representatives Dunshee and Eickmeyer - 2.

SUBSTITUTE SENATE BILL NO. 5443, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5732, by Senators Fraser, Swecker, Fairley, Haugen and Clements**

**Revising restrictions on the county treasurer regarding receipting current year taxes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eddy and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5732.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5732 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks,

Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Takko - 1.

Excused: Representatives Dunshee, and Eickmeyer - 2.

SENATE BILL NO. 5732, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5826, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Berkey, Benton, Roach, Zarelli, Kauffman, Marr, Kilmer, Carrell, Hobbs, Schoesler, Franklin, Haugen and Shin)**

**Modifying consumer credit report provisions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Insurance, Financial Services & Consumer Protection was adopted. (For Committee amendment, see Journal, 81<sup>st</sup> Day, March 29, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hurst and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5826, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5826, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Dunshee, and Eickmeyer - 2.

SUBSTITUTE SENATE BILL NO. 5826, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5839, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Benton, Stevens and Hargrove)**

**Revising provisions relating to false reporting of child abuse or neglect.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5839.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5839 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Dunshee, and Eickmeyer - 2.

SUBSTITUTE SENATE BILL NO. 5839, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5895, by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Fraser, Swecker, Tom, Shin, Kline, McCaslin, Kilmer, Jacobsen, Delvin and Honeyford)**

**Regarding sellers' disclosures for residential real property sales.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5895.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5895 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

SUBSTITUTE SENATE BILL NO. 5895, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5910, by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Weinstein, Parlette)**

**Modifying the notice requirement of intent to file a medical malpractice claim.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5910.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5910 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter,

Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

SUBSTITUTE SENATE BILL NO. 5910, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5915, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Honeyford, Clements, Kohl-Welles and Roach)**

**Providing unemployment and industrial insurance notices to employers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5915, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5915, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5915, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5920, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Keiser, Shin and Rasmussen; by request of Governor Gregoire)**

**Establishing a pilot program for vocational rehabilitation services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5920.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5920 and the bill passed the House by the following vote: Yeas - 74, Nays - 21, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Eddy, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Anderson, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Pearson, Roach, Rodne, Schindler, Sump, Walsh and Warnick - 21.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5920, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6018, by Senator Brandland**

**Changing provisions concerning detention of persons with a mental disorder or chemical dependency.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6018.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6018 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

ENGROSSED SENATE BILL NO. 6018, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6059, by Senators Carrell, Kline and Roach

#### Allowing attorneys to recover actual costs for service of process.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6059.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6059 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell,

Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

SENATE BILL NO. 6059, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6075, by Senator Haugen

#### Increasing competitive bid limits for the purchase of materials, equipment, or supplies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6075.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6075 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

SENATE BILL NO. 6075, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 6100, by Senate Committee on Judiciary (originally sponsored by Senators Kline and Brandland)

#### Limiting the use of charitable donations in charging decisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6100, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6100, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

SUBSTITUTE SENATE BILL NO. 6100, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5313, by Senators Haugen, Schoesler, Kilmer, Hatfield, Shin and Rasmussen**

**Establishing the retirement age for members of the Washington state patrol retirement system.**

The bill was read the second time.

Representative Bailey moved the adoption of amendment (508):

On page 2, beginning on line 6, strike all of section 2

Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5313.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5313 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Dunshee, Eickmeyer and Flannigan - 3.

SENATE BILL NO. 5313, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5174, by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore and Schoesler; by request of Select Committee on Pension Policy)**

**Making corrections in the public retirement systems.**

The bill was read the second time.

Representative Conway moved the adoption of amendment (505):

On page 18, after line 3, insert the following:

**"Sec. 13.** RCW 41.32.813 and 2006 c 257 s 1 are each amended to read as follows:

(1) An active member who has completed a minimum of ~~((five))~~two years of creditable service in the teachers' retirement system may, upon written application to the department, make a one-time purchase of up to seven years of service credit for public education experience outside the Washington state retirement system, subject to the following limitations:

(a) The public education experience being claimed must have been performed as a teacher in a public school in another state or with the federal government; ~~((and))~~

(b) The public education experience being claimed must have been covered by a retirement or pension plan provided by a state or political subdivision of a state, or by the federal government; and

(c) The member is not currently receiving a benefit or currently eligible to receive an unreduced retirement benefit from a retirement

or pension plan of a state or political subdivision of a state or the federal government that includes the service credit to be purchased.

(2) The service credit purchased shall be membership service, and may be used to qualify the member for retirement.

(3) The member shall pay the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165.

(4) The member may pay all or part of the cost of the service credit to be purchased with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) The employer also may pay all or a portion of the member's cost of the service credit purchased under this section.

**Sec. 14.** RCW 41.32.868 and 2006 c 257 s 2 are each amended to read as follows:

(1) An active member who has completed a minimum of ~~(five)~~two years of creditable service in the teachers' retirement system may, upon written application to the department, make a one-time purchase of up to seven years of service credit for public education experience outside the Washington state retirement system, subject to the following limitations:

(a) The public education experience being claimed must have been performed as a teacher in a public school in another state or with the federal government;

(b) The public education experience being claimed must have been covered by a retirement or pension plan provided by a state or political subdivision of a state, or by the federal government; and

(c) The member is not currently receiving a benefit or currently eligible to receive an unreduced retirement benefit from a retirement or pension plan of a state or political subdivision of a state or the federal government that includes the service credit to be purchased.

(2) The service credit purchased shall be membership service, and may be used to qualify the member for retirement.

(3) The member shall pay the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165.

(4) The member may pay all or part of the cost of the service credit to be purchased with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) The employer also may pay all or a portion of the member's cost of the service credit purchased under this section."

Renumber the remaining section.

Representatives Conway and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Haigh moved the adoption of amendment (516):

On page 18, after line 3, insert the following:

**"NEW SECTION. Sec. 13.** A new section is added to chapter 41.40 RCW under the subchapter heading "plan 1" to read as follows:

(1) Beginning July 1, 2007, and ending September 30, 2007, an eligible member of plan 1 of the teachers' retirement system may make a one-time irrevocable election, filed in writing with the department, to leave any service credit earned as a member of plan 1 of the teachers' retirement system in that system and join plan 1 of the public employees' retirement system. An eligible member who makes such an election may, upon satisfying the requirements of chapter 41.54 RCW, become a dual member of the two systems in order to combine service in each system for the purpose of determining benefit eligibility.

(2) For the purpose of this section, an "eligible member" means a member of plan 1 of the teachers' retirement system who, at the time of election, has at least ten and not more than twenty years of service credit in that system and who is employed by the public school employees of Washington."

Correct the title.

Representatives Haigh and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fromhold and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5174, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5174, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Flannigan - 2.

SUBSTITUTE SENATE BILL NO. 5174, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5288, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kohl-Welles, Murray, McAuliffe, Weinstein, Shin and Rasmussen)**

**Requiring cyberbullying to be included in school district harassment prevention policies.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Santos moved the adoption of amendment (525) to the committee amendment:

On page 2, beginning on line 29 of the striking amendment, after "student" strike "while on school grounds and during the school day" and insert ". In developing the policy, the Washington state school directors association shall review current and ongoing United States and Washington state case law concerning the first amendment rights of students, including but not limited to *Frederick v. Morse*, 439 F.3d 1114 (9th Cir. 2006), cert. granted, 127 S. Ct. 722 (2006)".

Representatives Santos and Priest spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative McDermott moved adoption of amendment (506) to the committee amendment.

On page 3, beginning on line 10 of the striking amendment, strike all of section 2

Representatives McDermott and Priest spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall, Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5288, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5288, as amended by the House, and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Eddy, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson,

Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Dunshee, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McCune, Morris, Newhouse, Pearson, Schindler, Strow, Sump and Warnick - 26.

Excused: Representatives Eickmeyer and Flannigan - 2.

SUBSTITUTE SENATE BILL NO. 5288, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Kilmer, Kastama, Rockefeller and Rasmussen)**

**Authorizing the acquisition and operation of tourism-related facilities by port districts.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Curtis moved the adoption of amendment (493) to the committee amendment:

On page 2, line 11, after "same." strike "Any" and insert "With the exception of port districts, any".

On page 2, beginning on line 18, strike all of subsection (2) and insert the following:

"(2)Port districts are prohibited from exercising the power of eminent domain as authorized under this section for the purpose of the activities and projects authorized under this chapter."

Representatives Curtis and Rolfes spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5339, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5339, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Ahern, Condotta, Hasegawa, Hunter, Kessler, Ormsby and Schual-Berke - 7.

Excused: Representatives Eickmeyer and Flannigan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5640, by Senators Kauffman, Fairley, Prentice, Swecker, Rockefeller, Fraser, Kohl-Welles, Shin, Rasmussen and Kline; by request of Health Care Authority**

**Authorizing tribal governments to participate in public employees' benefits board programs.**

The bill was read the second time.

Representative Chandler moved the adoption of amendment (510):

On page 1, after line 11, insert the following:

"**Sec. 2.** RCW 41.05.008 and 2005 c 143 s 4 are each amended to read as follows:

(1) Every employing agency shall fully cooperate with the authority and shall carry out all actions necessary for the operation of benefit plans, education of employees, claims administration, and other activities that may be required by the authority for administration of this chapter.

(2) Employing agencies shall report all data relating to employees eligible to participate in benefits or plans administered by the authority in a format designed and communicated by the authority.

(3) Every employing agency that is prohibited from performing commercial activities under RCW 41.05.021(g) shall cooperate fully with compliance and accuracy verification if requested by the authority."

Renumber the sections consecutively and correct internal references accordingly.

On page 7, line 13, after "activities" insert "The authority shall verify compliance with the commercial activity prohibition as well as the general accuracy of information submitted by an employing agency"

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (513):

On page 1, after line 11, insert the following:

"**Sec. 2.** RCW 41.04.205 and 1995 1st sp.s. c 6 s 8 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program for employees administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines, subject to collective bargaining under applicable statutes, a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made. In the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

(a) Establish the conditions for participation; and

(b) Have the sole right to reject the application.

~~((Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.))~~

(3) Any application of this section to members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW is subject to chapter 41.56 RCW.

(4) School districts may voluntarily transfer, except that all eligible employees in a bargaining unit of a school district may transfer only as a unit and all nonrepresented employees in a district may transfer only as a unit."

Renumber the sections consecutively and correct internal references accordingly.

On page 7, line 1, after "41.05.050" strike all material through "authority" on line 3

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (526) was withdrawn.

Representative Chandler moved the adoption of amendment (515):

On page 4, line 16, after "amended," strike "or an agency or instrumentality of the tribal government,"

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (512):

On page 7, line 1, after "41.05.050." insert "Premium contributions and administrative expenses paid by employer groups shall cover all costs associated with the insurance, self-insurance, or health care program."

Representatives Chandler and Curtis spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (511):

On page 7, line 11, after "are" strike "substantially"

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Appleton spoke in favor of passage of the bill.

Representatives Chandler, Anderson, Hinkle, Armstrong, Rodne, Orcutt and Newhouse spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5640.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5640 and the bill passed the House by the following vote: Yeas - 59, Nays - 37, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Takko, Walsh and Warnick - 37.

Excused: Representatives Eickmeyer and Flannigan - 2.

SENATE BILL NO. 5640, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5827, by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Hobbs, Weinstein, Oemig, Fairley, Pridemore, Keiser, Regala, Kohl-Welles, Prentice, Kline and Rasmussen)**

**Regarding consumer privacy.**

The bill was read the second time.

With the consent of the House, amendment (514) was withdrawn.

Representative Strow moved the adoption of amendment (531):

On page 2, line 33, after "(i)" strike "Substantially job" and insert "Reasonably employment"

Representative Strow spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Strow moved the adoption of amendment (532):

On page 2, beginning on line 33, after "related" strike all material through "writing" on line 34

Representative Strow spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hurst moved the adoption of amendment (497):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.182.020 and 1993 c 476 s 4 are each amended to read as follows:

(1) A consumer reporting agency may furnish a consumer report only under the following circumstances:

(a) In response to the order of a court having jurisdiction to issue the order;

(b) In accordance with the written instructions of the consumer to whom it relates; or

(c) To a person that the agency has reason to believe:

(i) Intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer;

(ii) Intends to use the information for employment purposes;

(iii) Intends to use the information in connection with the underwriting of insurance involving the consumer;

(iv) Intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(v) Otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

(2)(a) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer who is not an employee at the time the report is procured or caused to be procured unless:

(i) A clear and conspicuous disclosure has been made in writing to the consumer before the report is procured or caused to be procured that a consumer report may be obtained for purposes of considering the consumer for employment. The disclosure may be contained in a written statement contained in employment application materials; or

(ii) The consumer authorizes the procurement of the report.

(b) For the purposes of (a) of this subsection, a person may not procure a consumer report for employment purposes that bears on a consumer's creditworthiness, credit standing, or credit capacity, unless the information is job-related or required by law and the reasons for the use of the consumer report are disclosed to the consumer in writing.

(c) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any employee unless the employee has received, at any time after the person became an employee, written notice that consumer reports may be used for employment purposes. A written statement that consumer reports may be used for employment purposes that is contained in employee guidelines or manuals available to employees or included in written materials provided to employees constitutes written notice for purposes of this subsection. This subsection does not apply with respect to a consumer report of an employee who the employer has reasonable cause to believe has engaged in specific activity that constitutes a violation of law.

~~((e))~~ (d) In using a consumer report for employment purposes, before taking any adverse action based in whole or part on the report, a person shall provide to the consumer to whom the report relates:

(i) The name, address, and telephone number of the consumer reporting agency providing the report; (ii) a description of the consumer's rights under this chapter pertaining to consumer reports obtained for employment purposes; and (iii) a reasonable opportunity to respond to any information in the report that is disputed by the consumer. This subsection applies to job applicants and current employees."

Representatives Hurst and Roach spoke in favor of the adoption of the amendment.

Representative Chandler spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hurst moved the adoption of amendment (501):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.182.020 and 1993 c 476 s 4 are each amended to read as follows:

(1) A consumer reporting agency may furnish a consumer report only under the following circumstances:

(a) In response to the order of a court having jurisdiction to issue the order;

(b) In accordance with the written instructions of the consumer to whom it relates; or

(c) To a person that the agency has reason to believe:

(i) Intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be

furnished and involving the extension of credit to, or review or collection of an account of, the consumer;

(ii) Intends to use the information for employment purposes;

(iii) Intends to use the information in connection with the underwriting of insurance involving the consumer;

(iv) Intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(v) Otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

(2)(a) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer who is not an employee at the time the report is procured or caused to be procured unless:

(i) A clear and conspicuous disclosure has been made in writing to the consumer before the report is procured or caused to be procured that a consumer report may be obtained for purposes of considering the consumer for employment. The disclosure may be contained in a written statement contained in employment application materials; or

(ii) The consumer authorizes the procurement of the report.

(b) For the purposes of (a) of this subsection, a person may not procure a consumer report for employment purposes that bears on a consumer's creditworthiness, credit standing, or credit capacity, unless the information is reasonably job-related or required by law and the reasons for the use of the consumer report are disclosed to the consumer in writing.

(c) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any employee unless the employee has received, at any time after the person became an employee, written notice that consumer reports may be used for employment purposes. A written statement that consumer reports may be used for employment purposes that is contained in employee guidelines or manuals available to employees or included in written materials provided to employees constitutes written notice for purposes of this subsection. This subsection does not apply with respect to a consumer report of an employee who the employer has reasonable cause to believe has engaged in specific activity that constitutes a violation of law.

~~((e))~~ (d) In using a consumer report for employment purposes, before taking any adverse action based in whole or part on the report, a person shall provide to the consumer to whom the report relates:

(i) The name, address, and telephone number of the consumer reporting agency providing the report; (ii) a description of the consumer's rights under this chapter pertaining to consumer reports obtained for employment purposes; and (iii) a reasonable opportunity to respond to any information in the report that is disputed by the consumer. This subsection applies to job applicants and current employees."

Representatives Hurst and Roach spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Strow moved the adoption of amendment (530):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The attorney general must review the existing laws and current practices regarding the use of consumer reports by employers. The review must include an assessment of consumer privacy needs of applicants and employees and an assessment of the legitimate needs of businesses as they evaluate and screen applicants and existing employees. The attorney general must report the findings to the senate consumer protection and housing

committee and the house of representatives insurance, financial services and consumer protection committee by December 1, 2007."

Correct the title.

Representative Strow spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 39 - YEAS; 57 -NAYS.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby, Darneille and Morrell spoke in favor of passage of the bill.

Representatives Roach, Strow, Ahern and Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5827.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5827 and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 37.

Excused: Representative Flannigan - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5827, having received the necessary constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1042,

SUBSTITUTE HOUSE BILL NO. 1144,  
SUBSTITUTE HOUSE BILL NO. 1278,  
HOUSE BILL NO. 1437,  
HOUSE BILL NO. 1475,  
SUBSTITUTE HOUSE BILL NO. 1848,  
SUBSTITUTE HOUSE BILL NO. 2008,  
SUBSTITUTE HOUSE BILL NO. 2147,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 4, 2007

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5036,  
SENATE BILL NO. 5079,  
SENATE BILL NO. 5113,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5263,  
SENATE BILL NO. 5264,  
SENATE BILL NO. 5351,  
SENATE BILL NO. 5382,  
ENGROSSED SENATE BILL NO. 5385,  
SUBSTITUTE SENATE BILL NO. 5405,  
SENATE BILL NO. 5408,  
SUBSTITUTE SENATE BILL NO. 5481,  
SENATE BILL NO. 5490,  
ENGROSSED SENATE BILL NO. 5513,  
SENATE BILL NO. 5525,  
SUBSTITUTE SENATE BILL NO. 5688,  
SUBSTITUTE SENATE BILL NO. 5715,  
SUBSTITUTE SENATE BILL NO. 5720,  
SENATE BILL NO. 5775,  
SENATE BILL NO. 5879,  
SECOND SUBSTITUTE SENATE BILL NO. 5883,  
SENATE BILL NO. 5918,  
SENATE BILL NO. 5953,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 4, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5080, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5053, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles and Kline)**

**Creating the office of the ombudsman for workers of industrial insurance self-insured employers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Chandler moved the adoption of amendment (518) to the committee amendment:

On page on page 1, at the beginning of line 5 of the striking amendment, insert "(1)"

On page 1, after line 9 of the striking amendment, insert "(2) The ombudsman shall be appointed from a mutually agreed to list of not less than three names submitted to the governor by the following:

(a) An organization, statewide in scope, representing, through its affiliates, a cross section and a majority of the organized labor of the state; and

(b) An organization of self-insured employers, statewide in scope, representing a majority of the self-insured employers in the state."

Representative Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wood spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Chandler moved the adoption of amendment (507) to the committee amendment:

On page 1, line 7 of the amendment, after "governor" strike "and" and insert "with the consent of the senate. The ombudsman shall"

Representative Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Conway spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Condotta moved the adoption of amendment (502) to the committee amendment:

On page 1, line 8 of the amendment, after "may be" strike "contracted by the governor" and insert "openly and competitively contracted by the governor in accordance with chapter 39.29 RCW"

Representatives Condotta and Wood spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Chandler moved the adoption of amendment (520) to the committee amendment:

On page 1, line 12 of the striking amendment, after "term of" strike "six" and insert "four"

Representative Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Conway spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Condotta moved the adoption of amendment (528) to the committee amendment:

On page 1, line 22 of the striking amendment, after "(1)" strike "Industrial" and insert "Washington state industrial"

On page 1, line 23 of the striking amendment, after "The" insert "Washington state"

Representatives Condotta and Conway spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Condotta moved the adoption of amendment (527) to the committee amendment:

On page 2, line 2 of the striking amendment, after "more than" strike "four" and insert "two"

Representative Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Representative Conway spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Condotta moved the adoption of amendment (529) to the committee amendment:

On page 4, line 24 of the striking amendment, after "confidentiality;" insert "and"

On page 4, line 25 of the striking amendment, after "ombudsman" strike all text through "practice" on line 29

Representative Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wood spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Condotta moved the adoption of amendment (519) to the committee amendment:

On page 4, after line 31 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 13.** A new section is added to chapter 51.14 RCW to read as follows:

The office of the state auditor shall conduct regular and periodic audits of the office of the ombudsman. The scope of the audits shall be limited to financial audits, accountability audits, and performance audits."

Representative Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wood spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Representative Hankins, Haler and Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5053, as amended by the House.

#### MOTION

On motion of Representative Santos, Representatives Pettigrew, McIntire and Eickmeyer were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5053, as amended by the House, and the bill passed the House by the following vote: Yeas - 59, Nays - 35, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 35.

Excused: Representatives Eickmeyer, Flannigan, McIntire and Pettigrew - 4.

SUBSTITUTE SENATE BILL NO. 5053, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, by Senate Committee on Judiciary (originally sponsored by Senators Tom, Holmquist, Kline, Roach, Kilmer, Marr, Sheldon, Morton, Pridemore, McCaslin, Berkey, Delvin, Shin, Rasmussen, Parlette and Stevens)**

#### Addressing the issue of stolen metal property.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Armstrong moved the adoption of amendment (537) to the committee amendment:

On page 8, after line 6 of the amendment, insert the following:

**"NEW SECTION. Sec. 10.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for theft in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

**NEW SECTION. Sec. 11.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for possessing stolen property in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

**Sec. 12.** RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this

section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional twelve months and one day shall be added to the standard sentence range for theft in the first or second degree when there has been a special verdict or finding under section 10 of this act that the damage to the victim greatly exceeds the value of the stolen property.

(10) An additional twelve months and one day shall be added to the standard sentence range for possessing stolen property in the first or second degree when there has been a special verdict or finding under section 11 of this act that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property."

Renumber the remaining sections consecutively, and correct any internal references accordingly.

Correct the title.

Representatives Armstrong and O'Brien spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

With the consent of the House, amendments (498) and (526) were withdrawn.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Warnick spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5312, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5312, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Flannigan, McIntire and Pettigrew - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, McCaslin, Kline, Regala and Keiser)**

#### Concerning the medical use of marijuana.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Cody moved the adoption of amendment (496) to the committee amendment:

On page 6, line 34 of the amendment, after "By" strike "January" and insert "July"

On page 7, beginning on line 7 of the amendment, strike all of subsection (3) and insert "(3) The department of health shall gather information from medical and scientific literature, consulting with experts and the public, and reviewing the best practices of other states regarding access to an adequate, safe, consistent, and secure source of medical marijuana for qualifying patients. The department shall report its findings to the legislature by July 1, 2008."

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Curtis moved the adoption of amendment (495) to the committee amendment:

On page 7, line 10 of the amendment, after "patients." insert "The report shall evaluate the feasibility of proposals to establish government-operated distribution systems for supplying qualifying patients with medical marijuana from potential sources such as marijuana confiscated by law enforcement agencies or produced by

certified production facilities, including ways to address any concerns related to production, safety, or legal requirements."

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

Representatives Curtis and Cody spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Curtis and Goodman spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6032, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032, as amended by the House, and the bill passed the House by the following vote: Yeas - 64, Nays - 30, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, McCoy, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, Ormsby, Pedersen, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Bailey, Buri, Condotta, Crouse, Dunn, Ericksen, Hailey, Haler, Hinkle, Hudgins, Hurst, Kelley, Kessler, Kretz, Kristiansen, Lovick, McCune, O'Brien, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 30.

Excused: Representatives Eickmeyer, Flannigan, McIntire and Pettigrew - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032.

JOYCE MCDONALD, 25<sup>th</sup> District

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 5, 2007, the 88th Day of the Regular Session.

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTY EIGHTH DAY

House Chamber, Olympia, Thursday, April 5, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Haylie Ruff and Chris Schweikhardt. The National Anthem was played by Representative Kathy Haigh on the trombone. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Michael Latz, Kol Haneshamah, Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4657, by Representatives Lantz, Seaquist and Hankins

WHEREAS, "We the People: The Citizen and the Constitution" is a national competition that challenges high school students' knowledge of the United States Constitution and the Bill of Rights; and

WHEREAS, The primary goal of "We the People" is to promote civic competence and responsibility among the nation's elementary and secondary students; and

WHEREAS, The "We the People" curriculum fosters attitudes that are necessary for students to participate as effective, responsible citizens; and

WHEREAS, The culminating activity is a simulated congressional hearing in which students demonstrate their knowledge and understanding of constitutional principles by "testifying" before a panel of judges; and

WHEREAS, Since the inception of the "We the People" program in 1987, more than 28 million students and 90 thousand educators have participated in this innovative course of study; and

WHEREAS, More than 1200 high school students and their teachers participate annually in the "We the People" national finals; and

WHEREAS, Teams from each of the nine congressional districts compete in the statewide "We the People" competition to represent Washington state at a national competition in Washington, D.C.; and

WHEREAS, The Gig Harbor High School "We the People" team is comprised of 21 students in an Advanced Placement Government class at Gig Harbor High School; and

WHEREAS, Gig Harbor High School's AP Government students, taught by Ken Brown, competed in the state "We the People" competition in January in Olympia, winning first place; and

WHEREAS, As the state champions, Gig Harbor High School's AP Government students will travel to Washington, D.C., in April 2007, to participate in the national finals against teams from the other 49 states;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge the achievements of the 2007 Gig Harbor High School AP Government students in exhibiting exceptional civic literacy and American citizenship; and

BE IT FURTHER RESOLVED, That the House of Representatives support the goals and programs of the "We the People" competition; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ken Brown, teacher and mentor of the 2007 Gig Harbor High School state champions of the "We the People" competition.

Representative Lantz moved the adoption of the resolution.

Representatives Lantz and Rodne spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4657 was adopted.

**INTRODUCTION & FIRST READING**

HJM 4023 by Representatives Sells, Strow, B. Sullivan, Pearson, Eddy, Kristiansen, Ericks, Bailey, Blake, Ericksen, Chase, Williams, Morris, Kelley, Linville, Hunt, Kenney and Hudgins

Honoring Lloyd Meeds.

Referred to Committee on Agriculture & Natural Resources.

SCR 8407 by Senators Kohl-Welles, Clements, Keiser and Parlette

Addressing liquor laws.

Referred to Committee on Commerce & Labor.

There being no objection, the bill and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5726, by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Weinstein, Kline and Franklin)**

**Creating the insurance fair conduct act.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Insurance, Financial Services & Consumer Protection was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative DeBolt moved the adoption of amendment (543) to the committee amendment:

On page 2, beginning on line 32 of the amendment, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Roach spoke in favor of the adoption of the amendment to the committee amendment.

Representative Kirby spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (542) to the committee amendment:

On page 3, line 1 of the amendment, after "court" strike "shall" and insert "may"

On page 3, line 4 of the amendment, after "fees and" insert "reasonable"

Representatives Rodne, Strow and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Kirby spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (541) to the committee amendment:

Beginning on page 2, line 24 of the amendment, strike all of section 3 and insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 48.30 RCW to read as follows:

(1) Any first party claimant to a policy of insurance who is unreasonably denied a claim for coverage or payment of benefits by an insurer may bring an action in the superior court of this state to recover the actual damages sustained, together with the costs of the action, including reasonable attorneys' fees and litigation costs.

(2) Upon a finding that the insurer has acted unreasonably in denying a claim for coverage, the superior court may increase the total award of actual damages to an amount not to exceed three times the actual damages but only after the first party plaintiff shows by clear and convincing evidence that the acts giving rise to the actual damages occur with such frequency as to indicate a general business practice and these acts are:

(a) Willful, wanton, and malicious; or

(b) In reckless disregard for the rights of the first party claimant.

(3) The superior court may, after a finding of unreasonable denial of a claim for coverage or payment of benefits, award reasonably incurred attorneys' fees and reasonable actual and statutory litigation costs, including expert witness fees, to the first party claimant of an insurance contract who is the prevailing party in such an action.

(4) "First party claimant" means an individual, corporation, association, partnership, or other legal entity asserting a right to payment as a covered person under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such a policy or contract.

(5) This section shall not be construed to authorize a class action suit against an insurer or any of their employees.

(6) The remedies provided for in this section shall be the exclusive remedies available to any party seeking recovery under this section. No other remedy, common law or statutory, shall be awarded against an insurer with respect to a claim which is subject to this section. The damages recoverable under this section shall include those damages which are a reasonably foreseeable result of a specified violation of this section by the insurer. Violations of unfair practice laws in chapter 48.30 RCW or unfair practice rules in chapter 284-30 WAC are not subject to a cause of action under this section. This section does not preempt any cause of action for those violations under the consumer protection act, chapter 19.86 RCW, or at common law. This section shall not be construed to create a common law cause of action."

Representatives Rodne and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Kirby and Simpson spoke against the adoption of the amendment to the committee amendment.

#### **POINT OF ORDER**

Representative Anderson: "Mr. Speaker, I think we should watch impugning the motives and arguments of the members."

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The Speaker believes that the tone of debate has been a little bit over the top on both sides and he would ask members on both sides to stick to the question of debate."

#### **POINT OF INQUIRY**

Representative Sump: "Thank you, Mr. Speaker. My inquiry would be should anyone in this House Chamber refer to anyone being advocates of cheaters? Mr. Speaker, I think that was the statement that was made."

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The Speaker would answer the gentleman from the 7<sup>th</sup> District that the Speaker did not interpret the remarks in that manner."

Representative Simpson (again) spoke against the adoption of the amendment to the committee amendment.

Representatives Orcutt and Buri spoke in favor of the adoption of the amendment to the committee amendment.

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The Speaker has asked members on both sides of the aisle to tone

down their remarks. Would all members please tone down your remarks on this legislation."

Representatives Buri (continued) and Roach spoke in favor of adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Hunter moved the adoption of amendment (538) to the committee amendment:

On page 3, after line 31, insert the following:

"(7) This section does not apply to a health plan offered by a health carrier. "Health plan" has the same meaning as in RCW 48.43.005. Health carrier has the same meaning as in RCW 48.43.005."

Representatives Hunter, Roach and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Williams moved the adoption of amendment (545) to the committee amendment:

On page 3, after line 31 of the amendment, insert the following:

"(7)(a) Twenty days prior to filing an action based on this section, a first party claimant must provide written notice of the basis for the cause of action to the insurer and office of the insurance commissioner. Notice may be provided by regular mail, registered mail, or certified mail with return receipt requested. Proof of notice by mail may be made in the same manner as prescribed by court rule or statute for proof of service by mail. The insurer and insurance commissioner are deemed to have received notice three business days after the notice is mailed.

(b) If the insurer fails to resolve the basis for the action within the twenty day period after the written notice by the first party claimant, the first party claimant may bring the action without any further notice.

(c) The first party claimant may bring an action after the required period of time in subsection (a) of this subsection has elapsed.

(d) If a written notice of claim is served under (a) of this subsection within the time prescribed for the filing of an action under this section, the statute of limitations for the action is tolled during the twenty day period of time in (a) of this subsection."

Representatives Williams and Roach spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Roach moved the adoption of amendment (544) to the committee amendment:

Strike everything after page 1, line 2 of the amendment, and insert the following:

"**NEW SECTION. Sec. 1.** The insurance commissioner must conduct a study of the existing statutes and case law regarding remedies and causes of action related to claims practices of insurers. In the study, the insurance commissioner must consult with stakeholders, including representatives of the insurance industry, the Washington state trial attorneys association, and consumer representatives. The study must include a comparison of causes of

action and remedies available for first party claimants in Washington and other states. The study must also review the correlation, if any, between increased liability for insurers and impacts on premiums. The insurance commissioner may make policy recommendations in the study. The insurance commissioner must report his or her findings to the senate financial institutions and insurance committee, the senate consumer protection and housing committee, and the house of representatives insurance, financial services and consumer protection committee by December 1, 2007."

Correct the title.

Representatives Roach, Ericksen, Walsh, Ahern and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The Speaker would again asked all members to watch the tone of the debate. The Speaker would ask for a little dignity in this debate."

Representatives Haler, Hailey and Buri spoke in favor of the adoption of the amendment to the committee amendment.

Representative Kirby spoke against the adoption of the amendment to the committee amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 38 - YEAS; 59 -NAYS.

The amendment to the committee amendment was not adopted.

The question before the House was the adoption of the committee amendment as amended. The Speaker (Representative Lovick presiding) divided the House. The result was 62 - YEAS; 35 -NAYS. The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kirby spoke in favor of passage of the bill.

Representatives Sump and Roach spoke against the passage of the bill.

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The Speaker would ask the member not to impugn the motives of other members."

Representative Roach (continued) spoke against the passage of the bill.

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The Speaker will remind members that we have rules of debate in this Chamber and if the members cannot comply with those rules, it creates a difficult problem. Will the members please comply with the rules?"

**POINT OF PERSONAL PRIVILEGE**

Representative Kessler: "I would like an apology."

**POINT OF PERSONAL PRIVILEGE**

Representative Roach: "Thank you, Mr. Speaker. Obviously, in this debate, things have gotten very heated. People are very emotional on both sides of the issue, maybe me particularly because I have been through the whole committee process and seen how the issues worked. However, that is no excuse to disrespect the institution. I want to stand and apologize for that because I do respect the institution. I want to make sure that everyone that may have been offended personally that I brought in know that I apologize for that as well. Thank you."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5726, as amended by the House.

**MOTION**

On motion of Representative Santos, Representative Pettigrew was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5726, as amended by the House, and the bill passed the House by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Ormsby, Pedersen, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Fromhold, Hailey, Haler, Hankins, Hinkle, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schual-Berke, Skinner, Strow, Sump, Walsh, and Warnick - 38.

Excused: Representative Pettigrew - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5726, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5315, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Schoesler, Rasmussen, Holmquist, Sheldon, Honeyford, Stevens, Clements, Morton, Delvin, Hatfield, Kilmer, Shin and Roach)**

**Regarding access to property during a forest fire.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For Committee amendment, see Journal, 80<sup>th</sup> Day, March 28, 2007.)

Representative Ericks moved the adoption of amendment (535) to the committee amendment:

On page 1, line 28, after "sheriff" strike "shall" and insert "may"

Representative Ericks spoke in favor of the adoption of the amendment to the committee amendment.

Representative Orcutt spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5315, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5315, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5315, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5002, by Senate Committee on Higher Education (originally sponsored by Senators Hewitt, Pflug, Honeyford, Swecker, Morton, Stevens, Parlette, Delvin, McCaslin, Schoesler and Sheldon)**

**Changing tuition waivers for families of fallen veterans and national guard members.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For Committee amendment, see Journal, 80<sup>th</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sells and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5002, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5002, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5002, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5063, by Senators Kohl-Welles, Fairley, Rockefeller, Kline, Schoesler, Keiser, Parlette, Kauffman, Fraser and Shin**

**Removing gender references.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was before the House for purpose of amendment. (For Committee amendment, see Journal, 75<sup>th</sup> Day, March 23, 2007.)

Representative Hunt moved the adoption of amendment (472) to the committee amendment:

On page 90, line 33 of the amendment, after "**Sec. 97.**" strike all material through "law" on line 36 and insert "The office of the code reviser, in consultation with the statute law committee, shall develop

and implement a plan to correct gender-specific references throughout the revised code of Washington, submitting recommendations to the legislature annually pursuant to RCW 1.08.025. The revision shall be complete by June 30, 2015"

Representative Hunt spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5063, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5063, as amended by the House, and the bill passed the House by the following vote: Yeas - 78, Nays - 20, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Anderson, Armstrong, Bailey, Buri, Condotta, Crouse, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McCune, Pearson, Ross, Schindler, Strow, Sump, and Warnick - 20.

ENGROSSED SENATE BILL NO. 5063, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5078, by Senate Committee on Transportation (originally sponsored by Senators Honeyford and Kline)**

**Implementing rules for drivers when approaching stationary emergency, roadside assistance, and police vehicles on highways having less than four lanes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5078.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5078 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5078, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5084, by Senators Murray, Swecker, Haugen and Delvin**

**Updating rail transit safety plan provisions to comply with federal regulation.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 80<sup>th</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Flannigan and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5084, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5084, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant,

Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5084, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5086, by Senators Haugen, Swecker and Murray**

**Increasing the population threshold for state highway maintenance responsibility in cities and towns.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5086.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5086 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5086, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5087, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Murray)**

**Addressing Washington state compliance with the federal REAL ID Act of 2005.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eddy and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5087.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5087 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Dunn - 2.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5087, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5101, by Senate Committee on Higher Education (originally sponsored by Senators Hobbs, McAuliffe, Fairley, Weinstein, Marr, Shin, Oemig, Fraser, Kline, Regala, Rasmussen, Tom, Kohl-Welles and Haugen)**

**Expanding higher education tuition waivers to include certain certificated instructional staff.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sells and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5101, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5101, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5101, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5118, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Brandland, Keiser, Murray, Prentice, McAuliffe, Marr and Shin)**

**Developing sexual harassment policies, procedures, and mandatory training for all state employees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5118.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5118 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick,

McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5118, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5122, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Swecker; by request of Office of Financial Management)**

**Preserving regulatory assistance provisions.**

The bill was read the second time.

Representative Bailey moved the adoption of amendment (555):

On page 3, beginning on line 7, strike all of section 3

Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5122.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5122 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-

Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5122, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5134, by Senators Haugen, Swecker, Rasmussen and Delvin; by request of Washington State Patrol, Department of Licensing and Washington Traffic Safety Commission**

**Authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5134.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5134 and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Hinkle, Kretz, Kristiansen, Morris, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Skinner, Strow, Sump, Takko, Walsh and Warnick - 31.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5134, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5175, by Senators Pridemore, Schoesler, Fraser, Fairley, McAuliffe, Shin, Jacobsen, Prentice, Franklin and Rasmussen; by request of Select Committee on Pension Policy**

**Providing annual increases in certain retirement allowances.**

The bill was read the second time.

With the consent of the House, amendment (556) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Alexander and Orcutt spoke in favor of passage of the bill.

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker would remind the members to limit their comments to the debate in front of us."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5175.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5175 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5175, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5190, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin and Shin)**

**Modifying provisions relating to the collection of legal financial obligations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5190.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5190, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5199, by Senators Berkey, Prentice, Benton, Hobbs, Hatfield, Schoesler, Parlette, Franklin and Keiser; by request of Department of Financial Institutions**

**Restricting small loan practices.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Strow spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5199.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5199 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt,

Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5199, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5204, by Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton; by request of Department of Agriculture**

**Enforcing animal health laws.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Hailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5204.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5204 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

ENGROSSED SENATE BILL NO. 5204, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on ENGROSSED SENATE BILL NO. 5204.

DAN KRISTIANSSEN, 39<sup>th</sup> District

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on ENGROSSED SENATE BILL NO. 5204.

KIRK PEARSON, 39<sup>th</sup> District

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5242, by Senate Committee on Transportation (originally sponsored by Senators Hobbs, Hewitt, Haugen, Kastama, Fairley, Shin, Kline, Clements, Kohl-Welles, Keiser, Tom, Brandland, Murray, Roach, Spanel, Kauffman, Rockefeller, Regala, Jacobsen, McAuliffe, Berkey, Carrell, Sheldon, Kilmer, Rasmussen, Holmquist and Honeyford)**

**Establishing an internship program for wounded combat veterans.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5242.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5242 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5242, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5250, by Senate Committee on Transportation (originally sponsored by Senators Swecker, Haugen, Kilmer, Kline, Rockefeller and Shin)**

**Regarding the transfer of motor vehicle ownership.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5250.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5250 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5250, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5273, by Senators Swecker, Murray and Keiser; by request of Department of Licensing, Washington Traffic Safety Commission and Washington State Patrol**

**Modifying motorcycle driver's license endorsement and education provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5273.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5273 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5273, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5321, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Regala, Stevens, Schoesler, Clements and Rasmussen)**

**Addressing child welfare.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5321, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5321, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5321, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5332, by Senators Roach, Prentice and Rasmussen**

**Creating a statewide automated victim information and notification system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hurst and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5332, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5332, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5332, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5398, by Senators Marr, Brandland and Keiser**

**Licensing specialty hospitals.**

The bill was read the second time.

Representative Hinkle moved the adoption of amendment (548):

On page 3, beginning on line 23, strike all of subsection (h)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hinkle and Curtis spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schual-Berke spoke in favor of passage of the bill.

Representatives Hinkle and Curtis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5398.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5398 and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Rolfes, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 31.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5398, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5403, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Brandland and Jacobsen)**

**Certifying animal massage practitioners.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5403.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5403 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Moeller and Roberts - 2.

Excused: Representative Eickmeyer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5403, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5421, by Senators Fraser, Morton, Poulsen, Swecker, Marr, Regala, Rockefeller, Pridemore, Oemig, Honeyford, Rasmussen, Shin, Kohl-Welles and Kline**

#### Concerning environmental covenants.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5421.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5421 and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett,

Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Condotta, Crouse, Curtis, Dunn, Hinkle, Kristiansen, Orcutt, Pearson, Roach, Ross, Schindler and Skinner - 13.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5421, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5447, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Hatfield, Jacobsen, Honeyford, Hargrove, Poulsen, Benton and Rasmussen)**

#### Regarding the coastal Dungeness crab fishery.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan, Kretz, Takko and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5447, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5447, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5447, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5467, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Pflug, Parlette, Kastama, Franklin, Fairley, Weinstein, Marr, Tom, Brown, Hargrove, Zarelli, McAuliffe, Regala, Clements, Kilmer, Oemig, Pridemore, Rasmussen, Kohl-Welles, Benton, Kline and Roach)**

**Creating the individual and family services program for people with developmental disabilities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 82<sup>th</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson, Walsh and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5467, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5467, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5467, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5503, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Marr, Keiser, Brown, Brandland, Fairley, Schoesler, Berkey, Shin, Delvin, Kohl-Welles and McAuliffe)**

**Licensing persons who offer athletic training services.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Seaquist, Hinkle and Springer spoke in favor of passage of the bill.

Representative Cody spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5503, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5503, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Campbell, Cody, DeBolt, Dunn, Flannigan, and Orcutt - 6.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5503, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5552, by Senators Rockefeller, Spanel, Regala, Kohl-Welles, Kline and Oemig**

**Changing compensation and penalties for oil spills.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative B. Sullivan spoke in favor of passage of the bill.

Representative Kretz spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5552, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5552, as amended by the House, and the bill passed the House by the following vote: Yeas - 69, Nays - 28, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Alexander, Armstrong, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Skinner, Sump, Walsh and Warnick - 28.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5552, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5554, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators McAuliffe, Clements and Kohl-Welles)**

#### Concerning self-service storage facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5554.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5554 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5554, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5717, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Berkey, Hobbs, Prentice, Hatfield and Franklin; by request of Insurance Commissioner)**

**Establishing a program of market conduct oversight within the office of the insurance commissioner.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kirby spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5717.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5717 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Eickmeyer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5717, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5721, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senator Kohl-Welles)**

**Concerning financial arrangements involving sports/entertainment facility license holders.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5721, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5721, as amended by the House, and the bill passed the House by the following vote: Yeas - 72, Nays - 25, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Newhouse, Ormsby, Pedersen, Pettigrew, Quall, Rodne, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Bailey, Crouse, DeBolt, Eddy, Hailey, Haler, Hasegawa, Kretz, Lantz, Linville, McCune, McDonald, Morrell, O'Brien, Orcutt, Pearson, Priest, Roach, Roberts, Rolfes, Schindler, Strow, Sump and Van De Wege - 25.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5721, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the Committee on Rules was relieved of the following bills and the bills were placed on the Second Reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5032,  
SUBSTITUTE SENATE BILL NO. 5092,  
SUBSTITUTE SENATE BILL NO. 5244,  
SENATE BILL NO. 5259,  
SENATE BILL NO. 5272,  
SUBSTITUTE SENATE BILL NO. 5412,  
SECOND SUBSTITUTE SENATE BILL NO. 5470,  
SUBSTITUTE SENATE BILL NO. 5475,  
SUBSTITUTE SENATE BILL NO. 5483,  
ENGROSSED SENATE BILL NO. 5508,  
SENATE BILL NO. 5613,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627,  
SUBSTITUTE SENATE BILL NO. 5653,  
SUBSTITUTE SENATE BILL NO. 5676,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5774,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,  
SENATE BILL NO. 6119,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 6, 2007, the 88th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## EIGHTY NINTH DAY

House Chamber, Olympia, Friday, April 6, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jack Dunbar and Victoria Sosa. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. Charlotte Petty, Risen Faith Fellowship, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## MESSAGES FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1235,  
HOUSE BILL NO. 1311,  
SUBSTITUTE HOUSE BILL NO. 2010,  
ENGROSSED HOUSE BILL NO. 2105,  
SUBSTITUTE HOUSE BILL NO. 2158,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 5, 2007

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1145,  
HOUSE BILL NO. 1231,  
HOUSE BILL NO. 1236,  
SUBSTITUTE HOUSE BILL NO. 1279,  
SECOND SUBSTITUTE HOUSE BILL NO. 1280,  
HOUSE BILL NO. 1556,

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011, and the same are herewith transmitted.

Thomas Hoemann, Secretary

## INTRODUCTION &amp; FIRST READING

HB 2402 by Representatives Kelley and Morrell

AN ACT Relating to enhancing the penalties for crimes against victims whose immediate family member has died; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 5080 by Senate Committee on Transportation (originally sponsored by Senators Marr, Swecker, Murray, Weinstein, Kauffman, Rasmussen, Hatfield, Hobbs, Berkey, Pridemore, Regala, Tom, McCaslin, Oemig, Jacobsen and Rockefeller)

AN ACT Relating to extending tire replacement fees; amending RCW 70.95.510, 70.95.521, 70.95.530, and 70.95.555; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5788, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Brandland and Kohl-Welles)**

**Requiring the licensing of home inspectors.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Wood moved the adoption of amendment (538) to the committee amendment:

On page 1, line 23, after "December 1," strike "2008" and insert "2007"

Representatives Wood and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5788, as amended by the House.

MOTION

On motion of Representative Santos, Representative Eickmeyer was excused. On motion of Representative Schindler, Representative Roach was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5788, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloschia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Anderson and Dunn - 2.

Excused: Representatives Eickmeyer and Roach - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5788, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5790, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Rockefeller, Rasmussen, Fairley, McAuliffe, Kohl-Welles, Pridemore, Hatfield, Clements, Jacobsen and Shin)**

#### Regarding skill centers.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Quall moved the adoption of amendment (551):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that student access to programs offered at skill centers can help prepare them for careers, apprenticeships, and postsecondary education. The legislature further finds that current limits on how school districts and skill centers report full-time equivalent students and the time students are served provide a disincentive for school districts to send their students to skill centers. The legislature further finds that there are barriers to providing access to students in rural and remote areas but that there are opportunities to do so with satellite and branch campus programs, distance and online learning programs, and collaboration with higher education, business, and labor. The legislature further finds that skill centers provide opportunities for dropout prevention and retrieval programs by offering programs that accommodate students' work schedules and provide credit retrieval opportunities. The legislature further finds that implementing the recommendations

from the study by the workforce training and education coordinating board will enhance skill center programs and student access to those programs.

**NEW SECTION. Sec. 2.** A skill center is a regional career and technical education partnership established to provide access to comprehensive industry-defined career and technical programs of study that prepare students for careers, employment, apprenticeships, and postsecondary education. A skill center is operated by a host school district and governed by an administrative council in accordance with a cooperative agreement.

**NEW SECTION. Sec. 3.** Beginning in the 2007-08 school year and thereafter, students attending skill centers shall be funded for all classes at the skill center and the sending districts, up to two full-time equivalents. The office of the superintendent of public instruction shall develop procedures to ensure that the school district and the skill center report no student for more than two full-time equivalent students combining both their high school enrollment and skill center enrollment.

**NEW SECTION. Sec. 4.** (1) The office of the superintendent of public instruction shall review and revise the guidelines for skill centers to encourage skill center programs. The superintendent, in cooperation with the workforce training and education coordinating board, skill center directors, and the Washington association for career and technical education, shall review and revise the existing skill centers' policy guidelines and create and adopt rules governing skill centers as follows:

(a) The threshold enrollment at a skill center shall be revised so that a skill center program need not have a minimum of seventy percent of its students enrolled on the skill center core campus in order to facilitate serving rural students through expansion of skill center programs by means of satellite programs or branch campuses;

(b) The developmental planning for branch campuses shall be encouraged. Underserved rural areas or high-density areas may partner with an existing skill center to create satellite programs or a branch campus. Once a branch campus reaches sufficient enrollment to become self-sustaining, it may become a separate skill center or remain an extension of the founding skill center; and

(c) Satellite and branch campus programs shall be encouraged to address high-demand fields.

(2) Rules adopted under this section shall allow for innovative models of satellite and branch campus programs, and such programs shall not be limited to those housed in physical buildings.

(3) The superintendent of public instruction shall develop and deliver a ten-year capital plan for legislative review before implementation.

(4) Subject to available funding, the superintendent shall:

(a) Conduct approved feasibility studies for serving noncooperative rural and high-density area students in their geographic areas; and

(b) Develop a statewide master plan that identifies standards and resources needed to create a technology infrastructure for connecting all skill centers to the K-20 network.

**NEW SECTION. Sec. 5.** Subject to available funding, skill centers shall provide access to late afternoon and evening sessions and summer school programs, to rural and high-density area students aligned with regionally identified high-demand occupations. When possible, the programs shall be specifically targeted for credit retrieval, dropout prevention and intervention for at-risk students, and retrieval of dropouts. Skill centers that receive funding for these activities must participate in an evaluation that is designed to quantify results and identify best practices, collaborate with local community partners in providing a comprehensive program, and provide matching funds.

**NEW SECTION. Sec. 6.** (1) The superintendent of public instruction shall establish and support skill centers of excellence in key economic sectors of regional significance. The superintendent shall broker the development of skill centers of excellence and identify their roles in developing curriculum and methodologies for

reporting skill center course equivalencies for purposes of high school graduation.

(2) Once the skill centers of excellence are established, the superintendent of public instruction shall develop and seek funding for a running start for career and technical education grant program to develop and implement career and technical programs of study targeted to regionally determined high-demand occupations. Grant recipients should be partnerships of skill centers of excellence, community college centers of excellence, tech-prep programs, industry advisory committees, area workforce development councils, and skill panels in the related industry. Grant recipients should be expected to develop and assist in the replication of model career and technical education programs of study. The career and technical education programs of study developed should be consistent with the expectations in the applicable federal law.

**NEW SECTION. Sec. 7.** The superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the director of skill centers.

**Sec. 8.** RCW 84.52.068 and 2005 c 514 s 1104 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be deposited into the student achievement fund as provided in this section.

(2)(a) The amount of the deposit shall be based upon the average number of full-time equivalent students in the school districts during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(b) For the 2004-2005 through 2007-2008 school years, an annual amount equal to two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(c) For the 2008-2009 school year, an annual amount equal to two hundred sixty-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(d) For the 2009-2010 school year, an annual amount equal to two hundred seventy-seven dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(e) For the 2010-2011 school year and each year thereafter, an annual amount equal to two hundred seventy-eight dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(f) The school district annual amounts shall be deposited based on the monthly apportionment schedule as defined in RCW 28A.510.250. The office of the superintendent of public instruction shall notify the department of the monthly amounts to be deposited into the student achievement fund to meet the apportionment schedule. The superintendent of public instruction shall ensure that moneys generated by skill center students is returned to skill centers.

**NEW SECTION. Sec. 9.** Sections 2 through 7 of this act constitute a new chapter in Title 28A RCW."

Representatives Quall and Priest spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall, Priest and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5790, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5790, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Roach - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5790, as amended by the House, having received the necessary constitutional majority, was declared passed.

## SENATE BILL NO. 5798, by Senators Swecker and Haugen

### Preserving the use of design-build construction on certain transportation projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5798.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5798 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow,

B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Roach - 2.

SENATE BILL NO. 5798, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5806, by Senate Committee on Ways & Means (originally sponsored by Senators Schoesler, Shin, Berkey, Delvin, Murray and Kohl-Welles)**

**Regarding tuition limits and billing disclosures.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5806.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5806 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Chase - 1.

Excused: Representative Eickmeyer - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5806, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SECOND SUBSTITUTE SENATE BILL NO. 5806.

JIM DUNN, 17<sup>th</sup> District

**SECOND READING**

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828, by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, McAuliffe, Tom, Rasmussen, Eide, Oemig, Clements, Hobbs, Weinstein, Rockefeller, Kline and Kohl-Welles)**

**Regarding early child development and learning.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was adopted. (For Committee amendment, see Journal, 80th Day, March 28, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi, Haler and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5828, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5828, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Eickmeyer - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5675, by Senators Franklin, Kohl-Welles, Keiser, Murray and Kline**

**Increasing minimum industrial insurance benefits.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for

purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Chandler moved the adoption of amendment (552) to the committee amendment:

On page 3, line 12 of the amendment, after "greater than" strike "one hundred" and insert "eighty"

On page 3, line 14 of the amendment, after "greater of" insert "eighty percent of"

On page 8, line 10 of the amendment, after "greater than" strike "one hundred" and insert "eighty"

On page 8, line 12 of the amendment, after "greater of" insert "eighty percent of"

On page 11, line 6 of the amendment, after "greater than" strike "one hundred" and insert "eighty"

On page 11, line 8 of the amendment, after "greater of" insert "eighty percent of"

Representatives Chandler and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Representative Green spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Chandler moved the adoption of amendment (553) to the committee amendment:

On page 3, at the beginning of line 6 of the amendment, after "(ii)" strike all text through "2008." on line 16 and insert the following:

"For dates of injury or disease manifestation after July 1, 2008, be less than three hundred fifty two dollars or one hundred percent of the monthly wages of the deceased worker as determined under RCW 51.08.178, whichever is less."

On page 8, at the beginning of line 4 of the amendment, after "(b)" strike all text through "2008." on line 13 and insert the following:

"For dates of injury or disease manifestation after July 1, 2008, be less than three hundred fifty two dollars or one hundred percent of the monthly wages of the deceased worker as determined under RCW 51.08.178, whichever is less."

On page 10, at the beginning of line 36 of the amendment, after "(b)" strike all text through "2008." on page 11, line 9 of the amendment and insert the following:

"For dates of injury or disease manifestation after July 1, 2008, be less than three hundred fifty two dollars or one hundred percent of the monthly wages of the deceased worker as determined under RCW 51.08.178, whichever is less."

Representative Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Green spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Representative Chandler and Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5675, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5675, as amended by the House, and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfe, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Sump, Walsh and Warnick - 29.

Excused: Representative Eickmeyer - 1.

ENGROSSED SENATE BILL NO. 5675, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5830, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Brown, Rasmussen, Keiser, Kohl-Welles, McAuliffe and Shin)**

### Providing home visitation services for families.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5830, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5830, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Dunn - 2.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5830, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5836, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Roach, Kline and Pridemore)**

**Addressing the timing of accrual of property tax revenues. (REVISED FOR ENGROSSED: Regarding the determination of boundaries for taxing districts.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5836, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5836, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5836, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Prentice, Clements and Murray; by request of Liquor Control Board)**

**Changing the formula for determining how many spirits, beer, and wine restaurant liquor licenses can be issued in the state. (REVISED FOR ENGROSSED: Addressing retail liquor licenses.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5859, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5859, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach,

Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5919, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Hobbs, Benton, Berkey, Schoesler, Hatfield, Roach and Shin)**

**Providing relief from retaliatory taxes on insurance premium taxes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunter spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5919.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5919 and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 77.

Voting nay: Representatives Ahern, Alexander, Bailey, Chandler, Crouse, Curtis, DeBolt, Dunn, Hailey, Haler, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler and Sump - 20.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5919, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5919.

LARRY HALER, 8th District

### SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1000,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024,  
HOUSE BILL NO. 1042,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,  
SUBSTITUTE HOUSE BILL NO. 1144,  
HOUSE BILL NO. 1185,  
SUBSTITUTE HOUSE BILL NO. 1261,  
SUBSTITUTE HOUSE BILL NO. 1262,  
SUBSTITUTE HOUSE BILL NO. 1278,  
HOUSE BILL NO. 1292,  
HOUSE BILL NO. 1305,  
HOUSE BILL NO. 1349,  
SUBSTITUTE HOUSE BILL NO. 1381,  
HOUSE BILL NO. 1437,  
SUBSTITUTE HOUSE BILL NO. 1458,  
HOUSE BILL NO. 1475,  
SUBSTITUTE HOUSE BILL NO. 1508,  
SUBSTITUTE HOUSE BILL NO. 1513,  
HOUSE BILL NO. 1793,  
SUBSTITUTE HOUSE BILL NO. 1848,  
HOUSE BILL NO. 1870,  
HOUSE BILL NO. 1940,  
HOUSE BILL NO. 1972,  
SUBSTITUTE HOUSE BILL NO. 2008,  
SUBSTITUTE HOUSE BILL NO. 2147,  
HOUSE BILL NO. 2161,  
SENATE BILL NO. 5036,  
SENATE BILL NO. 5079,  
SENATE BILL NO. 5113,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5263,  
SENATE BILL NO. 5264,  
SENATE BILL NO. 5351,  
SENATE BILL NO. 5382,  
ENGROSSED SENATE BILL NO. 5385,  
SUBSTITUTE SENATE BILL NO. 5405,  
SENATE BILL NO. 5408,  
SUBSTITUTE SENATE BILL NO. 5481,  
SENATE BILL NO. 5490,  
ENGROSSED SENATE BILL NO. 5513,  
SENATE BILL NO. 5525,  
SUBSTITUTE SENATE BILL NO. 5688,  
SUBSTITUTE SENATE BILL NO. 5715,  
SUBSTITUTE SENATE BILL NO. 5720,  
SENATE BILL NO. 5775,  
SENATE BILL NO. 5879,  
SECOND SUBSTITUTE SENATE BILL NO. 5883,  
SENATE BILL NO. 5918,  
SENATE BILL NO. 5953,

### SECOND READING

**SENATE BILL NO. 5778, by Senators Fraser, Rockefeller, Poulsen and Kline; by request of Department of Health**

**Concerning shellfish protection programs.**

The bill was read the second time.

With the consent of the House, amendment (571) and (567) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton and Sump spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5778.

#### MOTION

On motion of Representative Ross, Representatives Crouse and Schindler were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5778 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Dunn and Orcutt - 2.

Excused: Representatives Crouse, Eickmeyer and Schindler - 3.

SENATE BILL NO. 5778, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Swecker, Poulsen, Marr, Keiser, Shin, Kline, McAuliffe, Fraser, Kilmer and Murray; by request of Governor Gregoire)**

#### **Creating the Puget Sound partnership.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Bailey moved the adoption of amendment (557) to the committee amendment:

On page 65, beginning on line 7 of the amendment, strike all of section 69

Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

There being no objection, the House deferred further action on SUBSTITUTE SENATE BILL NO. 5372.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Delvin, Kauffman, Roach, Franklin, Rasmussen, Kohl-Welles, Sheldon, Marr, Murray, Oemig, Jacobsen, Rockefeller, Shin and Kilmer)**

**Establishing the first peoples' language and culture teacher certification program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was not adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Ormsby moved the adoption of amendment (546):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Teaching first peoples' languages, cultures, and oral tribal traditions is a critical factor in fostering successful educational experiences and promoting cultural sensitivity for all students. Experience shows that such teaching dramatically raises student achievement and that the effect is particularly strong for Native American students;

(2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for the success of Native American students;

(3) The sole expertise of sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington in the transmission of their indigenous languages, heritage, cultural knowledge, histories, customs, and traditions should be honored;

(4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in the state of Washington;

(5) Establishing a first peoples' language, culture, and oral tribal traditions teacher certification program both achieves educational objectives and models effective government-to-government relationships;

(6) Establishing a first peoples' language, culture, and oral tribal traditions certification program implements the following policy objectives of the federal Native American languages act of 1990 (P.L. 101-477) in a tangible way:

(a) To preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(b) To allow exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;

(c) To encourage and support the use of Native American languages as a medium of instruction in order to encourage and

support Native American language survival, educational opportunity, increased student success and performance, increased student awareness and knowledge of their culture and history, and increased student and community pride;

(d) To encourage state and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect; and

(e) To encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages;

(7) Establishing a first peoples' language, culture, and oral tribal traditions certification program is consistent with the intent of presidential executive order number 13336 from 2004, entitled "American Indian and Alaska native education," to assist students in meeting the challenging student academic standards of the no child left behind act of 2001 (P.L. 107-110) in a manner that is consistent with tribal traditions, languages, and cultures.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) The Washington state first peoples' language, culture, and oral tribal traditions teacher certification program is established. The professional educator standards board shall adopt rules to implement the program in collaboration with the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington, including the tribal leader congress on education and the first peoples' language and culture committee. The collaboration required under this section shall be defined by a protocol for cogovernance in first peoples' language, culture, and oral tribal traditions education developed by the professional educator standards board, the office of the superintendent of public instruction, and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington.

(2) Any sovereign tribal government whose traditional lands and territories lie within the borders of the state of Washington may participate individually on a government-to-government basis in the program.

(3) Under the first peoples' language, culture, and oral tribal traditions teacher certification program:

(a) Only a participating sovereign tribal government may certify individuals who meet the tribe's criteria for certification as a teacher in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program. Tribal law enforcement agencies and the Washington state patrol shall enter into government to government negotiations regarding the exchange of background information on applicants for certification. The office of the superintendent of public instruction shall not authorize or accept a certificate or endorsement in Washington state first peoples' language, culture, and oral tribal traditions without certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010;

(b) For each teacher to be certified in the program, the participating sovereign tribal government shall submit information and documentation necessary for the issuance of a state certificate, as defined by rule, to the office of the superintendent of public instruction;

(c) A Washington state first peoples' language, culture, and oral tribal traditions teacher certificate serves as a subject area endorsement in first peoples' language, culture, and oral tribal traditions. The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate who does not also hold an initial, residency, continuing, or professional teaching certificate authorized by the professional educator standards board may be assigned to teach only the languages, cultures, and oral tribal traditions designated on the certificate and no other subject;

(d) In order to teach first peoples' language, culture, and oral tribal traditions, teachers must hold certificates from both the office of the superintendent of public instruction and the sovereign tribal government; and

(e) The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate meets Washington state's definition of a highly qualified teacher under the no child left behind act of 2001 (P.L. 107-110) for the purposes of teaching first peoples' language, culture, and oral tribal traditions, subject to approval by the United States department of education.

(4) First peoples' language/culture teacher certificates issued before the effective date of this section under rules approved by the state board of education or the professional educator standards board under a pilot program remain valid as certificates under this section, subject to the provisions of this chapter.

(5) Schools and school districts on or near tribal reservations are encouraged to contract with sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington and with first peoples' language, culture, and oral tribal traditions teacher certification programs for in-service teacher training and continuing education in the culture and history appropriate for their geographic area, as well as suggested pedagogy and instructional strategies.

**Sec. 3.** RCW 28A.415.020 and 2006 c 263 s 808 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

(6) In-service training or continuing education in first peoples' language, culture, or oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program authorized under section 2 of this act shall be considered approved in-service training or approved continuing education under this section and RCW 28A.415.023.

**NEW SECTION. Sec. 4.** This act may be known and cited as the "First peoples' language, culture, and oral tribal traditions teacher certification act: Honoring our ancestors."

Representative Chandler moved the adoption of amendment (569) to amendment (546):

On page 3, line 16 of the amendment, after "Washington." insert the following: "The certification process developed shall be

compliant with the requirements of the no child left behind act of 2001 (P.L. 107-110)."

Representative Chandler spoke in favor of the adoption of the amendment to amendment (546).

Representative Ormsby spoke against the adoption of the amendment to amendment (546).

The amendment to the amendment (546) was not adopted.

The question before the House was adoption of amendment (546).

Representative Ormsby spoke in favor of the adoption of the amendment.

Representative Chandler spoke against the adoption of the amendment.

The amendment (546) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ormsby and Hunt spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5269, as amended by the House.

#### MOTION

On motion of Representative Ross, Representative Ahern was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5269, as amended by the House, and the bill passed the House by the following vote: Yeas - 70, Nays - 24, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Curtis, DeBolt, Hailey, Haler, Hinkle, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Rodne, Ross, Skinner, Strow, Sump, Walsh and Warnick - 24.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5597, by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Benton, Zarelli, Kauffman, Kline, Carrell, Poulsen, Keiser, Kohl-Welles, Delvin and Roach)**

#### Concerning contracts with chiropractors.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Cody moved the adoption of amendment (574):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier must reimburse a chiropractor who has signed a participating provider agreement for services determined by the carrier to be medically necessary if:

(a) The service is:

(i) Covered chiropractic health care, as defined in RCW 48.43.515, by the health plan under which the enrollee received the services; and

(ii) Provided by the chiropractor, or the chiropractor's employee specified in RCW 18.25.190 (2) or (3) who works in the same location as the chiropractor and to whom the chiropractor, pursuant to rules adopted by the Washington state chiropractic quality assurance commission, has delegated the service. The employee must meet the health carrier's reasonable qualifications for all such providers in the relevant class, including but not limited to standards for education and background checks, as applicable; and

(b) The chiropractor complies with the terms and conditions of the participating provider agreement. Violations of the participating provider agreement by an employee of the chiropractor to whom he or she has delegated a service may be deemed by the carrier to have been committed by the chiropractor.

(2) If a health carrier offers a participating provider agreement to a chiropractor within a single practice organized as a sole proprietorship, partnership, or corporation, the carrier must offer the same participating provider agreement to any other chiropractor within that practice providing services at the same location. The agreement may allow either party to terminate it without cause.

**Sec. 2.** RCW 41.05.017 and 2000 c 5 s 20 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, ~~((and))~~ 70.02.900, and section 1 of this act.

**NEW SECTION. Sec. 3.** This act does not affect any existing right acquired or liability or obligation incurred prior to the effective date of this act.

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 5.** This act takes effect January 1, 2008."

Correct the title.

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Curtis spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5597, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5597, as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 84.

Voting nay: Representatives Alexander, Anderson, Bailey, Chandler, Condotta, Hailey, Hinkle, Kretz, Kristiansen and Strow - 10.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5597, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE SENATE BILL NO. 5597.

DAVE QUALL, 40<sup>th</sup> District

#### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923, by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen and Sheldon)**

#### **Regarding aquatic invasive species enforcement and control.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 28, 2007.)

Representative Linville moved the adoption of amendment (509) to the committee amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier must reimburse a chiropractor who has signed a participating provider agreement for services determined by the carrier to be medically necessary if:

(a) The service is:

(i) Covered chiropractic health care, as defined in RCW 48.43.515, by the health plan under which the enrollee received the services; and

(ii) Provided by the chiropractor, or the chiropractor's employee specified in RCW 18.25.190 (2) or (3) who works in the same location as the chiropractor and to whom the chiropractor, pursuant to rules adopted by the Washington state chiropractic quality assurance commission, has delegated the service. The employee must meet the health carrier's reasonable qualifications for all such providers in the relevant class, including but not limited to standards for education and background checks, as applicable; and

(b) The chiropractor complies with the terms and conditions of the participating provider agreement. Violations of the participating provider agreement by an employee of the chiropractor to whom he or she has delegated a service may be deemed by the carrier to have been committed by the chiropractor.

(2) If a health carrier offers a participating provider agreement to a chiropractor within a single practice organized as a sole proprietorship, partnership, or corporation, the carrier must offer the same participating provider agreement to any other chiropractor within that practice providing services at the same location. The agreement may allow either party to terminate it without cause.

**Sec. 2.** RCW 41.05.017 and 2000 c 5 s 20 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, ~~((and))~~ 70.02.900, and section 1 of this act.

NEW SECTION. **Sec. 3.** This act does not affect any existing right acquired or liability or obligation incurred prior to the effective date of this act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 5.** This act takes effect January 1, 2008."

Correct the title.

Representative Linville spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5923, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5923, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5937, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Murray and Kauffman)**

**Providing for additional patrols along high-accident corridors.**

The bill was read the second time.

Representative Clibborn moved the adoption of amendment (494):

On page 3, line 31, after "service," strike "fifty percent of"

On page 3, beginning on line 32, strike "and fifty percent of which must be deposited according to section 4 of this act"

Representative Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5937, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5937, as amended by the House, and the bill passed the House by the following vote: Yeas - 76, Nays - 18, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 76.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Condotta, Curtis, DeBolt, Dunn, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Sump and Warnick - 18.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SUBSTITUTE SENATE BILL NO. 5937, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Swecker)**

**Regarding the removal of derelict vessels.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriation was adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6044, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6044, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Dunn, Orcutt and Warnick - 3.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6090, by Senators Delvin, Zarelli and McCaslin****Regarding persons who perform crowd management or guest services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6090.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6090 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist,

Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SENATE BILL NO. 6090, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6129, by Senators Murray and Haugen****Providing additional funding for the state patrol highway account.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6129.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6129 and the bill passed the House by the following vote: Yeas - 83, Nays - 11, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Anderson, Campbell, Dunn, Ericksen, Hinkle, Orcutt, Roach, Rolfes, Ross, Sump, and Warnick - 11.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SENATE BILL NO. 6129, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6141, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen and Morton)****Regarding forest health.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was not adopted. (For Committee amendment, see Journal, 75<sup>th</sup> Day, March 23, 2007.)

With the consent of the House, amendment (562) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6141.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6141 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SUBSTITUTE SENATE BILL NO. 6141, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5373, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Prentice, Keiser, Franklin and Kline; by request of Employment Security Department)**

**Regarding reporting, penalty, and corporate officer provisions of the unemployment insurance system.**

The bill was read the second time.

With the consent of the House, amendment (561) was withdrawn.

Representative Condotta moved the adoption of amendment (560):

On page 6, line 19, after "within" strike "five years" and insert "two years"

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Condotta moved the adoption of amendment (592):

On page 13, beginning on line 10, strike all of sections 8 through 11 and insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 50.04 RCW to read as follows:

For the purposes of this title:

(1) "Professional employer organization" means a person or entity that enters into an agreement with one or more operating employers to provide professional employer services. The "professional employer organization" has the primary responsibility for all payment to the department of contributions, penalties, and interest owed to the department under this chapter. "Professional employer organization" includes entities that use the term "staff leasing company," "permanent leasing company," "registered staff leasing company," "employee leasing company," "administrative employer," or any other name, when they provide professional employer services to operating employers. The following are not classified as professional employer organizations: Independent contractors in RCW 50.04.140; temporary staffing services companies and services referral agencies as defined in RCW 50.04.245; third-party payers as defined in section 15 of this act; or labor organizations.

(2) "Coemployer" means either a professional employer organization or an operating employer that has entered into a professional employer agreement.

(3) "Covered employee" means an individual performing services for an operating employer that constitutes employment under this title.

(4) "Operating employer" means any employer who enters into a professional employer agreement with a professional employer organization.

(5) "Professional employer services" means services provided by the professional employer organization to the operating employer, which include, but are not limited to, human resource functions, risk management, or payroll administration services, in a coemployment relationship.

(6) "Coemployment relationship" means a relationship that is intended to be ongoing rather than temporary or project-specific, where the rights, duties, and obligations of an employer in an employment relationship are allocated between coemployers pursuant to a professional employer agreement and state law. A coemployment relationship exists only if a majority of the employees performing services to an operating employer, or to a division or work unit of an operating employer, are covered employees. In determining the allocation of rights and obligations in a coemployment relationship:

(a) The professional employer organization has only those employer rights and is subject only to those obligations specifically allocated to it by the professional employer agreement or state law;

(b) The operating employer has those rights and obligations allocated to it by the professional employer agreement or state law, as well as any other right or obligation of an employer that is not specifically allocated by the professional employer agreement or state law.

(7) "Professional employer agreement" means a written contract between an operating employer and a professional employer organization that provides for: (a) The coemployment of covered employees; and (b) the allocation of employer rights and obligations between the operating employer and the professional employer organization with respect to the covered employees.

**NEW SECTION. Sec. 9.** A new section is added to chapter 50.12 RCW to read as follows:

(1) A professional employer organization must register with the department and ensure that its operating employers are registered with the department as provided in RCW 50.12.070.

(2) By September 1, 2007, the professional employer organization shall provide the department with:

(a) The names, addresses, unified business identifier numbers, and employment security account numbers of all its existing operating employers who do business or have covered employees in Washington state. This requirement applies whether or not the operating employer currently has covered employees performing services in Washington state;

(b) The names and social security numbers of corporate officers, owners, or limited liability company members of operating employers; and

(c) The business location in Washington state where payroll records of its operating employers will be made available for review or inspection upon request of the department.

(3) For operating employers registering for the first time as required in RCW 50.12.070, the professional employer organization must:

(a) Provide the names, addresses, unified business identifier numbers, and employment security account numbers of the operating employers who do business or have covered employees in Washington state. This requirement applies whether or not the operating employer currently has covered employees performing services in Washington state;

(b) Provide the names and social security numbers of corporate officers, owners, or limited liability company members of the operating employers; and

(c) Provide the business location in Washington state where payroll records of its operating employers will be made available for review or inspection at the time of registration or upon request of the department.

(4) The professional employer organization must notify the department within thirty days each time it adds or terminates a relationship with an operating employer. Notification must take place on forms provided by the department. The notification must include the name, employment security account number, unified business identifier number, and address of the operating employer, as well as the effective date the relationship began or terminated.

(5) The professional employer organization must provide a power of attorney, confidential information authorization, or other evidence, completed by each operating employer as required by the department, authorizing it to act on behalf of the operating employer for unemployment insurance purposes.

(6) The professional employer organization must file quarterly wage and contribution reports with the department. The professional employer organization may file either a single electronic report containing separate and distinct information for each operating employer and using the employer account number and tax rate assigned to each operating employer by the department, or separate paper reports for each operating employer.

(7) The professional employer organization must maintain accurate payroll records for each operating employer and make these records available for review or inspection upon request of the department at the location provided by the professional employer organization.

**NEW SECTION. Sec. 10.** A new section is added to chapter 50.29 RCW to read as follows:

For purposes of this title, each operating employer of a professional employer organization is assigned its individual contribution rate based on its own experience.

**NEW SECTION. Sec. 11.** A new section is added to chapter 50.24 RCW to read as follows:

(1) The operating employer of a professional employer organization is liable for the payment of any taxes, interest, or penalties due.

(2) The professional employer organization may collect and pay taxes due to the department for unemployment insurance coverage

from its operating employers in accordance with its professional employer agreement. If such payments have been made to the professional employer organization by the operating employer, the department shall first attempt to collect the contributions due from the professional employer organization.

(3) To collect any contributions, penalties, or interest due to the department from the professional employer organization, the department must follow the procedures contained in chapter 50.24 RCW. If the amount of contributions, interest, or penalties assessed by the commissioner pursuant to chapter 50.24 RCW is not paid by the professional employer organization within ten days and cannot be obtained from any bond that has been secured for this purpose, then the commissioner may follow the collection procedures in chapter 50.24 RCW. After the ten-day period and attempts to collect from a bond obtained by the professional employer organization for this purpose, if the professional employer organization has not paid the total amount owing, the commissioner may also pursue the operating employer to collect what is owed using the procedures contained in chapter 50.24 RCW."

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5373.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5373 and the bill passed the House by the following vote: Yeas - 64, Nays - 30, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Uptegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Skinner, Sump, Walsh and Warnick - 30.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5373, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5032, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Pridemore and Zarelli)**

**Concerning the Vancouver national historic reserve.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5032.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5032 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SUBSTITUTE SENATE BILL NO. 5032, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5259, by Senators Jacobsen and Morton; by request of Parks and Recreation Commission**

**Modifying provisions governing the sale of unneeded park land.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5259.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5259 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SENATE BILL NO. 5259, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5272, by Senators Haugen and Sheldon; by request of Department of Licensing**

**Modifying the administration of fuel taxes.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 4, 2007.)

Representative Ericksen moved the adoption of amendment (588) to the committee amendment:

On page 18, beginning on line 23 of the amendment, after "may" strike "enter into" and insert "negotiate"

On page 19, after line 29 of the amendment, insert the following:

"(7) New agreements may not go into effect without legislative approval."

On page 32, line 3 of the amendment, after "may" strike "enter into" and insert "negotiate"

On page 33, after line 7 of the amendment, insert the following:  
"(7) New agreements may not go into effect without legislative approval."

Representative Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Ericksen moved the adoption of amendment (584) to the committee amendment:

Beginning on page 18, after line 13 of the amendment, strike all of section 18

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 31, after line 30 of the amendment, strike all of section 30

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Ericksen moved the adoption of amendment (583) to the committee amendment:

On page 19, after line 29 of the amendment, insert the following:

"(7) Any loss of motor vehicle fuel tax revenue that occurs due to new tribal compacts authorized in this act, including losses from the current Squaxin and Swinomish agreements, must be deducted from the Alaskan Way Viaduct and state route no. 520 contingency fund."

On page 33, after line 7 of the amendment, insert the following:

"(7) Any loss of special fuel tax revenue that occurs due to new tribal compacts authorized in this act, including losses from the current Squaxin and Swinomish agreements, must be deducted from the Alaskan Way Viaduct and state route no. 520 contingency fund."

Representative Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Armstrong spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5272, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5272, as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 11, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfs, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Anderson, Buri, Condotta, Ericksen, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne and Sump - 11.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SENATE BILL NO. 5272, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5653, by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Kauffman, Kastama, Brown, Berkey, Rockefeller, Keiser, Franklin, Kohl-Welles and Shin)**

**Authorizing the development of self-employment assistance programs.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5653, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5653, as amended by the House, and the bill passed the House by the following vote: Yeas - 68, Nays - 26, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Ross, Skinner, Strow, Sump and Warnick - 26.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SUBSTITUTE SENATE BILL NO. 5653, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6119, by Senators Eide, Keiser, Marr, Jacobsen, Franklin, Benton and Rasmussen**

**Changing the distribution to and allocation of the fire service training account.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sommers, Alexander and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6119, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6119, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia,

Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Ahern, Crouse, Eickmeyer and Schindler - 4.

SENATE BILL NO. 6119, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

- SENATE BILL NO. 5026,
- SUBSTITUTE SENATE BILL NO. 5050,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5070,
- SENATE BILL NO. 5088,
- SECOND SUBSTITUTE SENATE BILL NO. 5114,
- SENATE BILL NO. 5123,
- SECOND SUBSTITUTE SENATE BILL NO. 5188,
- SENATE BILL NO. 5206,
- SUBSTITUTE SENATE BILL NO. 5207,
- SUBSTITUTE SENATE BILL NO. 5219,
- SUBSTITUTE SENATE BILL NO. 5224,
- SUBSTITUTE SENATE BILL NO. 5225,
- SUBSTITUTE SENATE BILL NO. 5227,
- SENATE BILL NO. 5258,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5297,
- SUBSTITUTE SENATE BILL NO. 5336,
- SUBSTITUTE SENATE BILL NO. 5533,
- SENATE BILL NO. 5551,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5558,
- SENATE BILL NO. 5561,
- SUBSTITUTE SENATE BILL NO. 5647,
- ENGROSSED SENATE BILL NO. 5738,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5803,
- SUBSTITUTE SENATE BILL NO. 5881,
- SUBSTITUTE SENATE BILL NO. 5984,
- SECOND SUBSTITUTE SENATE BILL NO. 5995,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6001,
- SECOND SUBSTITUTE SENATE BILL NO. 6016,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6099,
- SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011,
- SENATE JOINT RESOLUTION NO. 8212,

There being no objection, the House reverted to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

April 6, 2007

SSB 5009 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Exempting biodiesel fuel used for nonhighway farm use from sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

April 6, 2007

ESB 5498 Prime Sponsor, Senator Regala: Revising voter-approved funding sources for local taxing districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Conway; Ericks; McIntire and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

April 6, 2007

SSB 5568 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Extending the date when counties east of the crest of the Cascade mountains that pledged lodging tax revenue for payment of bonds prior to June 26, 1975, must allow a credit for city lodging taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks and Roach.

MINORITY recommendation: Without recommendation. Signed by Representatives McIntire and Santos.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 9, 2007, the 92nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## NINETY SECOND DAY

House Chamber, Olympia, Monday, April 9, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bridget Hahn and Isaiah Sneed. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Brian Wiele, River Ride Covenant Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4639, by Representatives Morris and Quall

WHEREAS, Imogene Bowen was born to Oscar Washington and Gertrude Martin Washington on April 9, 1935, in Sauk, Washington; and

WHEREAS, Imogene's great grandfather was a well-known Upper Skagit Tribal religious leader and her grandfather served as a Bishop of the Northwest Indian Shaker Church; and

WHEREAS, Imogene graduated from: Chemawa Indian Boarding School in 1953 as her class valedictorian; Antioch School of Law in 1978 with her paralegal degree; Skagit Valley College with an associate of arts degree; and Western Washington University with honors in 1987 with a bachelor's degree in political science; and

WHEREAS, Public service became the heart of Imogene's work as shown in her positions as: Prosecutor for Skagit Systems Cooperative; member of the Upper Skagit Tribal Council; founding member of the Board of the Cascade Inter-Tribal Housing Authority; elected delegate to the Democratic National Convention; Chair of the Skagit Valley Democratic Party, delegate to the International Peace Education Conference; president of the Washington State Rainbow Coalition; member of the Board of the Washington Wildlife and Recreation Coalition; member of the Governor's "Citizen Cabinet" from 1992 to 1996; and member of the Board of Skagit County Youthnet; and

WHEREAS, Imogene was an avid advocate for peace, racial understanding, workers' rights, and environmental protection; and

WHEREAS, Imogene received the award as a member of the Skagit Valley College Hall of Fame for Distinguished Alumni in recognition of her achievements; and

WHEREAS, On January 5, 2007, Imogene Bowen passed away in her Mount Vernon home at age 71 surrounded by her children, grandchildren, and many friends; and

WHEREAS, Tribute is due to Imogene Bowen for her caring spirit, outstanding public service, and her tireless effort on behalf of those without a political voice;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Imogene Bowen for her contributions to all Washingtonians and the state itself; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to members of the Bowen family and the Upper Skagit Tribal Council.

HOUSE RESOLUTION NO. 4639 was adopted.

**MESSAGES FROM THE SENATE**

April 6, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,  
HOUSE BILL NO. 1549,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649,  
HOUSE BILL NO. 1676,  
SUBSTITUTE HOUSE BILL NO. 2361,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 6, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5039,  
SENATE BILL NO. 5042,  
SUBSTITUTE SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5228,  
SENATE BILL NO. 5247,  
ENGROSSED SENATE BILL NO. 5251,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5292,  
SENATE BILL NO. 5313,  
SENATE BILL NO. 5389,  
SUBSTITUTE SENATE BILL NO. 5391,  
SUBSTITUTE SENATE BILL NO. 5443,  
SUBSTITUTE SENATE BILL NO. 5461,  
SUBSTITUTE SENATE BILL NO. 5463,  
SENATE BILL NO. 5468,  
SUBSTITUTE SENATE BILL NO. 5511,  
SENATE BILL NO. 5607,  
SENATE BILL NO. 5640,  
SENATE BILL NO. 5711,  
SENATE BILL NO. 5732,  
SUBSTITUTE SENATE BILL NO. 5827,  
SUBSTITUTE SENATE BILL NO. 5839,  
SUBSTITUTE SENATE BILL NO. 5895,  
SUBSTITUTE SENATE BILL NO. 5910,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5920,  
ENGROSSED SENATE BILL NO. 6018,  
SENATE BILL NO. 6059,  
SENATE BILL NO. 6075,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5320, by Senate Committee on Judiciary (originally sponsored by Senators Franklin, McCaslin, Kline, Stevens, Prentice, Parlette, Regala, Hargrove, Rasmussen, Murray, Jacobsen, Hewitt, Keiser and Roach)**

**Creating an office of public guardianship as an independent agency of the judiciary.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Alexander moved the adoption of amendment (546) to the committee amendment:

On page 1, line 28 of the amendment, after "guardianship" strike "as an independent agency of the judicial branch." and insert "within the administrative office of the courts."

On page 3, line 34 of the amendment, strike all of subsection (10)

Renumber the remaining sections consecutively.

Representatives Alexander and Lantz spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5320, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5320, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Sequist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5320, as amended by the House, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5320.

JIM DUNN, 17<sup>th</sup> District

### SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5652, by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, Kastama, Kilmer, Brown, Berkey, Rockefeller, Keiser and Shin)**

**Establishing the microenterprise development program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Linville moved the adoption of amendment (586) to the committee amendment:

On page 4, beginning on line 1 of the amendment, after "require" strike all material through "specifies;" on line 3 and insert "under its contract with the statewide microenterprise association an annual accounting of program outcomes, including job creation, access to capital, leveraging of nonstate funds, and other outcome measures specified by the department. By January 1, 2012, the joint legislative audit and review committee shall use these outcome data and other relevant information to evaluate the program's effectiveness;"

Representative Linville spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Bailey moved the adoption of amendment (590) to the committee amendment:

On page 4, beginning on line 1 of the amendment, after "Shall" strike all material through "specifies;" on line 3 and insert "provide an accounting of program expenditures and outcomes, including job creation, access to capital, leveraging of nonstate funds, and other relevant outcome measures, to the joint legislative audit and review committee by September 30, 2008. By November 30, 2008, the committee shall use these outcome data and other relevant information to evaluate the program's effectiveness and to recommend to the legislature the program's continuation in the 2009-11 biennium, its continuation only with specified changes, or its termination on June 30, 2009;"

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Pettigrew spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pettigrew and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5652, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5652, as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Ahern, Anderson, Condotta, Crouse, Dunn, Hailey, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Ross, Schindler and Sump - 15.

SECOND SUBSTITUTE SENATE BILL NO. 5652, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5926, by Senators Kohl-Welles, Clements, Kastama, Weinstein, Fairley, Keiser, Marr, Tom, Murray, Oemig, Sheldon and Kline**

**Creating a joint legislative task force to review the underground economy in the construction industry.**

The bill was read the second time.

Representative Conway moved the adoption of amendment (570):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that some current estimates place the percentage of unreported employment in Washington state's construction industry at between twenty percent and fifty percent, although solid data on this phenomenon is not readily available in Washington. The legislature also finds that unreported construction employment may result in the loss of a worker's employment rights and protections, including workers' compensation and unemployment insurance compensation. The

legislature further finds that unreported construction employment also could deny the state the revenues it is due, including sales taxes, business and occupation taxes, and other business fees paid to the state. The legislature declares that the underground economy in this state may permit unfair conditions to exist against persons working in the construction industry who do follow the employment laws and appropriately pay taxes. It is the legislature's intent to determine the extent and potential costs to the state of the underground economy in the construction industry.

**NEW SECTION. Sec. 2.** (1) The joint legislative task force on the underground economy in the Washington state construction industry is established. For purposes of this section, "underground economy" means contracting and construction activities in which payroll is unreported or underreported with consequent nonpayment of payroll taxes to federal and state agencies including nonpayment of workers' compensation and unemployment compensation taxes.

(2) The purpose of the task force is to formulate a state policy to establish cohesion and transparency between state agencies so as to increase the oversight and regulation of the underground economy practices in the construction industry in this state. To assist the task force in achieving this goal and to determine the extent of and projected costs to the state and workers of the underground economy in the construction industry, the task force shall contract with the institute for public policy, or, if the institute is unavailable, another entity with expertise capable of providing such assistance.

(3)(a) The task force shall consist of the following members:

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house of representatives commerce and labor committee;

(iii) Four members representing the construction business, selected from nominations submitted by statewide construction business organizations and appointed jointly by the president of the senate and the speaker of the house of representatives;

(iv) Four members representing construction laborers, selected from nominations submitted by statewide labor organizations and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the employment security department, the department of labor and industries, and the department of revenue shall cooperate with the task force and shall each maintain a liaison representative, who is a nonvoting member of the task force. The departments shall cooperate with the task force and the institute for public policy, or other entity as appropriate, and shall provide information and data as the task force or the institute, or other entity as appropriate, may reasonably request.

(c) The task force shall choose its chair or cochair from among its legislative membership. The chairs of the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee shall convene the initial meeting of the task force.

(4)(a) The task force shall use legislative facilities and staff support shall be provided by senate committee services and the house of representatives office of program research. Within available funding, the task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force will be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The task force shall report its findings and recommendations to the legislature by January 1, 2008.

(6) This section expires July 1, 2008.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5926, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5926, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SENATE BILL NO. 5926, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Brown, Hewitt, Franklin, Fraser, Oemig, Kline, Kilmer, Swecker, Hobbs, Hatfield, Marr, Spanel, Regala, Kohl-Welles, Berkey, Pridemore, Rasmussen, McAuliffe, Sheldon and Shin)**

**Requesting the Washington Air and Army National Guard not be federalized.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Seaquist and Rodne spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Joint Memorial No. 8012.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8012 and the joint memorial passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Armstrong, Chandler, Condotta, Curtis, Dunn, Hailey, Haler, Hinkle, Kristiansen, Orcutt, Roach, Ross, Strow, Sump and Warnick - 16.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5092, by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Brown, Kilmer, Kauffman, Murray, Shin and Rasmussen; by request of Governor Gregoire)**

**Revising provisions for contracts with associate development organizations for economic development services.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Representative Kenney moved the adoption of amendment (591):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that economic development success requires coordinated state and local efforts. The legislature further finds that economic development happens at the local level. County-designated associate development organizations serve as a networking tool and resource hub for business retention, expansion, and relocation in Washington. Economic development success requires an adequately funded and coordinated state effort and an adequately funded and coordinated local effort. The legislature intends to bolster the partnership between state and local economic development efforts, provide increased funding for local economic development services, and

increase local economic development service effectiveness, efficiency, and outcomes.

**Sec. 2.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to read as follows:

~~((+))~~ The department shall contract with county-designated associate development organizations ~~((or other local organizations))~~ to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, ~~((private industry))~~ workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The ~~((department shall be responsible for determining the))~~ scope of services delivered under these contracts(-

~~(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.~~

~~(3) The department shall consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of service delivery regions throughout the state. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively.~~

~~(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region.~~

~~(5)) shall include two broad areas of work:~~

~~(1) Direct assistance, including business planning, to companies who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance includes:~~

~~(a) Working with the appropriate partners, including but not limited to, local governments, workforce development organizations, port districts, community colleges and higher education institutions, export assistance providers, the Washington manufacturing services, the Washington state quality award, council, small business assistance programs, and other federal, state, and local programs to facilitate the alignment of planning efforts and the seamless delivery of business support services in the county;~~

~~(b) Providing information on state and local permitting processes, tax issues, and other essential information for operating, expanding or locating a business in Washington;~~

~~(c) Marketing Washington and local areas as excellent locations to expand or relocate a business and positioning Washington as a~~

globally competitive place to grow business, which may include developing and executing regional plans to attract companies from out of state;

(d) Working with businesses on site location and selection assistance;

(e) Providing business retention and expansion services, including business outreach and monitoring efforts to identify and address challenges and opportunities faced by businesses; and

(f) Participate in economic development system-wide discussions regarding gaps in business start-up assistance in Washington; and

(2) Support for regional economic research and regional planning efforts to implement target industry strategies and other economic development strategies that support increased living standards and increase foreign direct investment throughout Washington. Activities include:

(a) Participation in regional planning efforts involving combined strategies around workforce development and economic development policies and programs. The contracting organization shall participate with the ((work force training and education coordinating board as created in chapter 28C.18 RCW, and any regional entities designated by that board,)) the state board for community and technical colleges as created in RCW 28B.50.050, and any community and technical colleges in providing for the coordination of job skills training within its region;

(b) Collecting and reporting data as specified by the contract with the department for statewide systemic analysis. The department shall consult with the Washington state economic development commission in the establishment of such uniform data as is needed to conduct a statewide systemic analysis of the state's economic development programs and expenditures. In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans, early detection of potential relocations or layoffs, training needs, and other appropriate economic information;

(c) In conjunction with other governmental jurisdictions and institutions, participate in the development of a countywide economic development plan, consistent with the state comprehensive plan for economic development developed by the Washington state economic development commission.

**NEW SECTION. Sec. 3.** (1) Contracting associate development organizations shall provide the department with measures of their performance. Annual reports shall include information on the impact of the contracting organization on employment, wages, tax revenue, and capital investment. Specific measures shall be developed in the contracting process between the department and the contracting organization every two years. Performance measures should be consistent across regions to allow for statewide evaluation.

(2)(a) The department and contracting organizations shall agree upon specific target levels for the performance measures in subsection (1) of this section. Comparison of agreed thresholds and actual performance shall occur annually.

(b) Contracting organizations that fail to achieve the agreed performance targets in more than one-half of the agreed measures shall develop remediation plans to address performance gaps. The remediation plans shall include revised performance thresholds specifically chosen to provide evidence of progress in making the identified service changes.

(c) Contracts and state funding shall be terminated for one year for organizations that fail to achieve the agreed upon progress toward improved performance defined under (b) of this subsection. During the year in which termination for nonperformance is in effect, organizations shall review alternative delivery strategies to include reorganization of the contracting organization, merging of previous efforts with existing regional partners, and other specific steps toward improved performance. At the end of the period of termination, the department may contract with the associate development organization or its successor as it deems appropriate.

(3) The department shall report to the legislature and the Washington economic development commission by December 31st

of each year on the performance results of the contracts with associate development organizations.

**NEW SECTION. Sec. 4.** Up to five associate development organizations per year contracting with the department under this act that apply for the Washington state quality award or its equivalent shall receive reimbursement for the award application fee, but may not be reimbursed more than once every three years.

**NEW SECTION. Sec. 5.** To the extent that funds are specifically appropriated therefor, contracts with associate development organizations for the provision of services under RCW 43.330.080(1) shall be awarded according to the following annual schedule:

(1) For associate development associations serving urban counties, which are counties other than rural counties as defined in RCW 43.160.020, a locally matched allocation of up to ninety cents per capita, totaling no more than three hundred thousand dollars per organization; and

(2) For associate development associations in rural counties, as defined in RCW 43.160.020, a per county base allocation of up to forty thousand dollars and a locally matched allocation of up to ninety cents per capita.

**NEW SECTION. Sec. 6.** Sections 3 through 5 of this act are each added to chapter 43.330 RCW.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Kenney and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5092, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5092, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer,

Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Roach - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5092, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5244, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Brandland; by request of Department of Social and Health Services)**

#### Implementing the deficit reduction act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5244.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5244 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Chandler, Curtis, Dunn, Haler and Orcutt - 5.

SUBSTITUTE SENATE BILL NO. 5244, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5470, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Stevens, McAuliffe, Brown and Regala)**

#### Revising provisions concerning dissolution proceedings.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Hasegawa moved the adoption of amendment (599) to the committee amendment:

On page 22, after line 26 of the amendment, insert the following:

"**Sec. 608.** RCW 26.09.184 and 1991 c 367 s 7 are each amended to read as follows:

(1) **OBJECTIVES.** The objectives of the permanent parenting plan are to:

- (a) Provide for the child's physical care;
- (b) Maintain the child's emotional stability;
- (c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

(d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;

(e) Minimize the child's exposure to harmful parental conflict;

(f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) **CONTENTS OF THE PERMANENT PARENTING PLAN.**

The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child.

(3) CONSIDERATION IN ESTABLISHING THE PERMANENT PARENTING PLAN. In establishing a permanent parenting plan, the court shall consider the cultural heritage and religious beliefs of a child.

(4) **DISPUTE RESOLUTION.** A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In the dispute resolution process:

(a) Preference shall be given to carrying out the parenting plan;

(b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;

(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;

(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;

(e) The parties have the right of review from the dispute resolution process to the superior court; and

(f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

~~((4))~~ (5) **ALLOCATION OF DECISION-MAKING AUTHORITY.**

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.

(c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

~~((5))~~ (6) **RESIDENTIAL PROVISIONS FOR THE CHILD.** The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

~~((6))~~ (7) **PARENTS' OBLIGATION UNAFFECTED.** If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or a child support order may result in a finding of contempt of court, under RCW 26.09.160.

~~((7))~~ (8) **PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN.** The permanent parenting plan shall set forth the provisions of subsections ~~((3))~~ (4)(a) through (c), ~~((4))~~ (5)(b) and (c), and ~~((6))~~ (7) of this section.

**Sec. 602.** RCW 26.09.015 and 2005 c 172 s 17 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

(A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184~~((3))~~ (4)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184~~((3))~~ (4)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties

by the mediator on the day set for mediation or any time thereafter designated by the court."

On page 23, line 10 of the amendment, after "26.09.184" strike "(4)" and insert "~~((4))~~ (5)"

On page 23, line 28 of the amendment, after "26.09.184" strike "(4)" and insert "~~((4))~~ (5)"

On page 23, line 31 of the amendment, after "26.09.184" strike "(4)" and insert "~~((4))~~ (5)"

Renumber the remaining sections accordingly.

Representatives Hasegawa and Rodne spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5470, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5470, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE SENATE BILL NO. 5470, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5475, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen, Honeyford, Regala and Kohl-Welles; by request of Department of Ecology)**

#### **Modifying provisions affecting underground storage tanks.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5475.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5475 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5475, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5483, by Senate Committee on Transportation (originally sponsored by Senators Kauffman, Holmquist, Haugen, Clements, Rasmussen and Shin; by request of Transportation Improvement Board)**

#### **Retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5483.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5483 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5483, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5613, by Senators Kilmer, Kastama, Kauffman, Shin, Delvin, Brown and McAuliffe**

**Concerning entrepreneurial training opportunities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace, Anderson and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5613.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5613 and the bill passed the House by the following vote: Yeas - 81, Nays - 17, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Anderson, Buri, Chandler, Condotta, Crouse, Curtis, Dunn, Hailey, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Sump and Warnick - 17.

SENATE BILL NO. 5613, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, McAuliffe, Rockefeller, Tom, Oemig, Kauffman, Regala, Kohl-Welles and Rasmussen)**

**Enhancing student learning opportunities and achievement.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was not adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

With the consent of the House, amendments (640), (838), (614), (744), (779) and (686) were withdrawn.

Representative Santos moved the adoption of amendment (610):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to read as follows:

~~((The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:~~

~~— (1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;~~

~~— (2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;~~

~~— (3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and~~

~~— (4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities;))~~

The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand diverse perspectives, to enjoy productive and satisfying lives, and to develop a public school system that focuses on the educational achievement of all students, which includes high expectations for and prepares students to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; world history, cultures, and geography; civics and arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems;

(4) Understand the importance of work and personal financial literacy and how performance, effort, and decisions directly affect future career and educational opportunities; and

(5) Understand and be fully prepared to exercise the responsibilities of civic participation in a pluralistic society.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.150 RCW to read as follows:

**ALL-DAY KINDERGARTEN PROGRAMS--FUNDING.** (1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;  
(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;  
(ii) Developing a variety of communication skills;  
(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;  
(iv) Acquiring large and small motor skills;  
(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;  
(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

(3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.630 RCW to read as follows:

**PRIMARY LEVEL EDUCATION PROJECTS.** Subject to funds appropriated for the purposes of this section:

(1) Four demonstration projects are authorized for schools serving kindergarten through third grade students to develop, implement, and document the effects of a comprehensive K-3 foundations program. At least two demonstration projects shall be in schools that are participating in the public-private early learning partnerships in the Highline and Yakima school districts. A third demonstration project shall be in the Spokane school district.

(2) The superintendent of public instruction shall select project participants based on the criteria in this section, the commitment to a school-wide program, and the degree to which applicants articulate an understanding of development and implementation of a comprehensive K-3 foundations program.

(3) Successful school applicants shall:

(a) Demonstrate that there is engaged and committed school and district leadership and support for the project;

(b) Demonstrate that school staff is engaged and committed and believes in high expectations for all students;

(c) Have a history of successfully using data to guide decision making for students and the program;

(d) Plan for the use of staff learning improvement days to support project implementation;

(e) Demonstrate successful linkages with the early learning providers in their communities;

(f) Outline the steps taken to develop this application and the general plan for implementation of a comprehensive K-3 foundations program; and

(g) Commit to individualized learning opportunities in early grades by using district resources, such as funding under RCW 28A.505.210, to reduce class sizes in grades kindergarten through three.

(4) Program resources provided to demonstration projects are:  
(a) Support to implement an all-day kindergarten program;

(b) Support for class sizes at a ratio of one teacher to eighteen students, and the additional resources for materials generated by that ratio through associated nonemployee-related costs;

(c) Support for a one-half full-time equivalent instructional coach; and

(d) Support for professional development time related to program implementation.

(5) Demonstration projects shall provide:

(a) A program that implements an educational philosophy that supports child-centered learning;

(b) Learning opportunities through personal exploration and discovery, hands-on experiences, and by working independently, in small groups and in large groups;

(c) Rich and varied subject matter that includes: Reading, writing, mathematics, science, social studies, a world language other than English, the arts, and health and physical education;

(d) Opportunities to learn and feel accomplishment, diligence, creativity, and confidence;

(e) Social and emotional development opportunities;

(f) Personalized assessment for each student that addresses academic knowledge and skill development, social and emotional skill development, critical thinking and decision-making skills, large and fine motor skill development, and knowledge of personal interests, strengths, and goals;

(g) For students to progress to the upper elementary grades when a solid foundation is in place and reading and mathematics primary skills have been mastered;

(h) Class sizes that do not exceed one certificated instructional staff to eighteen students; and

(i) Cooperation with project evaluators in an evaluation of the demonstration projects, including providing the data necessary to complete the work.

(6) The office of the superintendent of public instruction shall contract with the Northwest regional educational laboratory to conduct an evaluation of the demonstration projects under this section. Student, staff, program, and parent data shall be collected using various instruments including surveys, program and activity descriptions, student performance measures, observations, and other processes.

(7) Within available funding, findings from the evaluation under this section shall include conclusions regarding the degree to which students thrive in the education environment; student progress in academic, social, and emotional areas; the program components that have been most important to student success; the degree to which educational staff feel accomplished in their work and satisfied with student progress; and recommendations for continued implementation and expansion of the program.

(8) Findings shall be reported to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(9) This section expires September 1, 2010.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.630 RCW to read as follows:

**ENGLISH AS A SECOND LANGUAGE PROJECTS.** (1) The goals of the English as a second language demonstration project are to develop recommendations:

(a) Identifying foundational competencies for developing academic English skills in English language learner students that all teachers should acquire in initial teacher preparation programs;

(b) Identifying components of a professional development program that builds classroom teacher competence for developing academic English skills in English language learner students; and

(c) Identifying job-embedded practices that connect the English language learner teacher and classroom teachers to coordinate instruction to support the work of the student.

(2) The English as a second language demonstration project shall use two field strategies in the development of recommendations.

(a) The first strategy is to conduct a field study of an ongoing project in a number of schools and school districts in which Spanish is the predominate language other than English.

(b) The second strategy is to conduct a project that provides professional development and planning time resources to approximately three large schools in which there are many first languages among the students. The participants of this project shall partner with an institution of higher education or a professional development provider with expertise in supporting student acquisition of academic English. The superintendent of public instruction shall select the participants in the project under this subsection (2)(b).

(3)(a) The office of the superintendent of public instruction shall contract with the Northwest regional educational laboratory to conduct the field study work and collect additional information from the project schools. In conducting its work, the laboratory shall review current literature regarding best practices and consult with state and national experts as appropriate.

(b) The laboratory shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(4) This section expires September 1, 2010.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.215 RCW to read as follows:

**COMMUNITY LEARNING CENTER PROGRAM.** (1) The Washington community learning center program is established. The program shall be administered by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, advocacy, and programmatic support to after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title 1 of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that support and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and professional development of community learning center staff, the activities of intermediary after-school organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009.

**NEW SECTION. Sec. 6. CAREER PATHWAYS**

**PROGRAMS.** (1) Subject to funds appropriated for this purpose, the superintendent of public instruction shall provide grants to support development of career pathways programs in high-demand fields. A portion of the appropriated funds shall be administered by an experienced nonprofit health organization and be used to create health care career pathways with geographically dispersed high school partnerships. The remaining funds shall be used to provide grants to geographically dispersed high school partnerships to create career pathways in the trades, mechanics and engineering, or other field identified by the partnership as high demand and appropriate to meet the workforce education needs in its region.

(2) To be eligible for a grant, high schools must form partnerships of parents, students, special populations, academic and career and technical education teachers and administrators, workforce development faculty and administrators, career guidance and academic counselors, representatives of tech-prep consortia, local workforce development councils, representatives of local skill centers and local skills panels, apprenticeship councils, and business and labor organizations in the community.

(3) Grant recipients must develop and implement a model curriculum for their selected career pathway. Grant funds shall be used for start-up costs, primarily for the development of the

curriculum and assessments described in this section and for professional development for teachers. If sufficient funds remain, grant funds may be used to upgrade equipment within the program to meet industry standards.

(4) A career pathways program shall:

(a) Integrate core academic standards for reading, writing, and mathematics with high-quality career and technical preparation based on accepted industry standards in the field;

(b) Incorporate secondary and postsecondary education elements;

(c) Be coherent, sequenced, and articulated to community and technical college courses to provide high school students with dual credit for both high school graduation and college, and to prepare students to succeed in postsecondary education programs in the field;

(d) Lead to an industry-recognized credential or certificate at the postsecondary level or an associate or baccalaureate degree; and

(e) Emphasize projects and application of knowledge and skills and provide extensive opportunities for work-based learning and internships.

(5) Students who are struggling with core academic skills, including the Washington assessment of student learning, shall receive supplemental assistance and instruction within the program, including assistance to create a career and technical collection of evidence as an alternative to the Washington assessment of learning.

(6) Participants in a high-demand career pathways program should expect to complete a high school diploma and the appropriate courses in a high-quality career and technical program and graduate ready to pursue postsecondary education.

(7) With assistance from the office of the superintendent of public instruction and the workforce training and education coordinating board, grant recipients shall develop end-of-program assessments for their high-demand career pathways program. The assessments shall be integrated to include academic, work readiness, and technical knowledge and skills. The legislature's intent is to use these assessments as prototypes for possible future additional alternative assessments for career and technical education students to demonstrate they meet the state's learning standards.

(8) Grant recipients must develop a communications strategy for parents and students in other area high schools and middle schools to promote the model career pathways programs as a high-quality learning option for students and prepare plans for replication of the programs.

(9) For the purposes of this section, "career pathways program" has the same meaning as a career and technical program of study under P.L. 109-270, the Carl D. Perkins career and technical education improvement act of 2006.

(10) This section expires July 1, 2009.

**NEW SECTION. Sec. 7.** Captions used in this act are not any part of the law."

Correct the title.

Representative Haler moved the adoption of amendment (611) to amendment (610):

On page 2, line 30 of the striking amendment, after "fulfilled." strike "Additionally," and insert the following:

"(2) Within amounts appropriated for the purpose of providing grants for voluntary all-day kindergarten programs under this section, the superintendent of public instruction shall establish a program for community kindergarten grants, to be operated through the department of early learning. Beginning with the 2007-08 school year, agencies licensed under chapter 43.215 RCW may apply to the department of early learning for grant funding to operate all-day kindergarten programs in communities where all-day kindergarten is not available to all children through their resident schools.

(3) An agency that receives funding under subsection (2) of this section and"

Renumber the remaining subsection consecutively.

Representative Haler spoke in favor of the adoption of the amendment to amendment (610).

Representative Santos spoke against the adoption of the amendment to amendment (610).

The amendment to amendment (610) was not adopted.

Representative Schual-Berke moved the adoption of amendment (613) to amendment (610):

On page 11, after line 7 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

**WORLD LANGUAGES.** The superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the world language supervisor. The world language supervisor shall have the following duties and responsibilities:

(1) Develop, conduct, and oversee professional development for teachers on grade level expectations, state and national standards, and best practices in instruction for world languages;

(2) Provide technical assistance to schools in designing elementary and middle school language programs, selecting and designing high quality curriculum, and providing professional development;

(3) Advise in the development of online world language courses;

(4) Create a clearinghouse of information and materials to support high quality world language instruction at the elementary and secondary levels;

(5) Secure and implement grants, including federal grants, to enhance world language programs;

(6) Encourage and foster an articulated curriculum for world languages through elementary, secondary, and postsecondary grades;

(7) Establish and maintain a state database for world language course offerings in schools and school districts;

(8) Implement memoranda of understanding with ministries of education in other countries, including interviewing, selecting, securing visas for, and providing orientation for visiting teachers;

(9) Serve in an advisory capacity on committees or work groups regarding teacher certification, advanced placement programs, and textbook publishing and selection; and

(10) Serve as an education liaison with the business, trade, and economic development communities."

Renumber the remaining section consecutively and correct internal references accordingly.

Representative Schual-Berke spoke in favor of the adoption of the amendment to amendment (610).

Representative Priest spoke against the adoption of the amendment to amendment (610).

The Speaker (Representative Lovick presiding) divided the House. The result was 63 - YEAS; 35 - NAYS.

The amendment to the amendment (610) was adopted.

The question before the House was adoption of amendment (610) as amended. The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Santos spoke in favor of passage of the bill.

Representative Priest spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5841, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5841, as amended by the House, and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Chase, Condotta, Crouse, Curtis, DeBolt, Dunn, Eickmeyer, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 38.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5955, by Senate Committee on Ways & Means (originally sponsored by Senators Tom, McAuliffe, Kauffman, Oemig, Kilmer, Eide, Kohl-Welles and Rasmussen)**

**Regarding educator preparation, professional development, and compensation.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

With the consent of the House, amendment (577) was withdrawn.

Representative Jarrett moved the adoption of amendment (585) to the committee amendment:

On page 10, after line 34 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 14.** A new section is added to chapter 28A.400 RCW to read as follows:

A performance-based compensation pilot project for certificated instructional staff in public schools is established under this section for two school districts.

(1) School districts may apply to participate in the pilot project by submitting a proposal to the superintendent of public instruction, signed by the school district board of directors and the exclusive

bargaining representative for certificated instructional staff, that contains the following:

(a) The goals and objectives of the project and how success will be measured;

(b) A description of the process by which the district and the exclusive bargaining representative will complete a performance-based compensation agreement;

(c) Commitment by all parties of time during the planning year for the joint development of the agreement and development of the performance evaluation, salary schedule, and professional development components of the agreement;

(d) The extent to which learning improvement days will be used to support the project;

(e) The extent to which supplemental contracts and resources for additional time, additional responsibilities, or incentives will be incorporated into and aligned with the project; and

(f) Other information that indicates a willingness, readiness, and capacity by all parties to design and implement a high-quality performance-based compensation pilot project.

(2) Applications shall be submitted to the superintendent of public instruction by November 1, 2007. The superintendent may approve one application from the West side of the state and one application from the East side of the state and shall provide notice of approvals no later than January 31, 2008.

(3) Districts selected to participate in the pilot project, in collaboration with their exclusive bargaining representatives, shall develop the components of performance-based compensation agreements during the remainder of the 2007-08 school year. At a minimum, agreements must:

(a) Describe how certificated instructional staff can achieve career advancement and additional compensation, including how the school district will provide career advancement options that allow staff who provide direct instruction to retain primary roles in student instruction;

(b) Restructure the traditional salary schedule from one based on years of experience, educational degrees, and credits of continuing education to a new salary schedule that bases a significant proportion of any compensation increase on staff performance, measured using schoolwide student achievement gains on the Washington assessment of student learning and other objective student assessments, other indicators of student achievement, and an objective performance evaluation system;

(c) Provide for ongoing school and classroom-based professional development activities that are designed to improve instructional skills, aligned with the school improvement plan, based on identified student learning needs and goals, and provided by trained mentor teachers and coaches;

(d) Ensure that the compensation of any staff shall not decrease as a result of implementing the agreement; and

(e) Estimate the costs to implement the agreement.

(4) The objective performance evaluation system under this section must include individual evaluations that are conducted by the building principal or other district staff and other evaluations using multiple criteria that are conducted by a jointly selected and trained evaluation team using a standards-based evaluation instrument and process.

(5) Performance-based compensation agreements shall be implemented districtwide, but may include components that are unique to individual schools within the district.

(6) Districts selected to participate in the pilot project must submit their performance-based compensation agreements to the superintendent of public instruction for approval by July 15, 2008. The office shall review the agreements to ensure the components required under this section are clearly detailed in the agreements and that the agreements are in compliance with applicable state laws. The office may approve only agreements that are legally binding on the school district and the exclusive bargaining representative beginning with the 2008-09 school year.

(7) Beginning with the 2008-09 school year and ending with the 2012-13 school year, school districts with performance-based compensation agreements approved under this section shall receive one hundred fifteen dollars per full-time equivalent student, which shall be used in combination with the amounts allocated under the

statewide salary allocation schedule for certificated instructional staff to pay for the performance-based compensation agreements.

(8) The superintendent of public instruction may develop guidelines for the operation of the performance-based compensation pilot projects.

**NEW SECTION. Sec. 15.** (1) The Washington state institute for public policy shall conduct an evaluation of the performance-based compensation pilot projects established under section 14 of this act, including an examination of:

(a) Student academic progress as measured by the Washington assessment of student learning and other measures, compared to similar students and schools in school districts not participating in the projects;

(b) Quality of professional development activities conducted under the projects;

(c) Impact on recruitment and retention of staff; and

(d) Teacher, principal, and parent satisfaction with the projects and the results.

(2) School districts participating in the pilot projects shall assist the institute with the evaluation, including but not limited to distributing surveys, conducting interviews, and providing data.

(3) The institute shall report its findings to the legislature by December 1, 2012.

**Sec. 16.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Except as authorized under a performance-based compensation agreement approved under section 14 of this act, salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) Except as authorized under a performance-based compensation agreement approved under section 14 of this act, the actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts under this subsection may be incorporated into a performance-based compensation agreement approved under section 14 of this act. Supplemental contracts shall not cause the state to incur any present or future funding obligation.

Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

**Sec. 17.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2003-04 and 2004-05 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs. For school districts with a performance-based compensation agreement approved under section 14 of this act, the annual cost-of-living increase shall be applied only to the base salary used with the statewide salary allocation schedule.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

**Sec. 18.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to read as follows:

Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with RCW 28A.150.410 and 28A.400.200, and, if applicable, a performance-based compensation agreement approved under section 14 of this act.

**NEW SECTION. Sec. 19.** Sections 14 through 18 of this act expire September 1, 2013."

Renumber the remaining section consecutively and correct internal references accordingly.

Representatives Jarrett and Priest spoke in favor of the adoption of the amendment to the committee amendment.

Representative P. Sullivan spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives P. Sullivan and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5955, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5955, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE SENATE BILL NO. 5955, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843, by Senate Committee on Ways & Means (originally sponsored by Senators Oemig, Tom, Rockefeller, Zarelli and Keiser)**

#### Regarding educational data and data systems.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Hunter moved the adoption of amendment (582):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) Reliable data on student progress, characteristics of students and schools, and teacher qualifications and mobility is critical for accountability to the state and to the public;

(2) Educational data should be made available as widely as possible while appropriately protecting the privacy of individuals as provided by law;

(3) Having a single, comprehensive, and technically compatible student and school-level data system will streamline data collection for school districts, reduce inefficiencies caused by the lack of connectivity, and minimize or eliminate multiple data entry; and

(4) Schools and districts should be supported in their management of educational data and should have access to user-friendly programs and reports that can be readily used by classroom teachers and building principals to improve instruction.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction is authorized to establish a longitudinal student data system for and on behalf of school districts in the state. The primary purpose of the data system is to better aid research into programs and interventions that are most effective in improving student performance, better understand the state's public educator workforce, and provide information on areas within the educational system that need improvement.

(2) The confidentiality of personally identifiable student data shall be safeguarded consistent with the requirements of the federal family educational rights privacy act and applicable state laws. Consistent with the provisions of these federal and state laws, data may be disclosed for educational purposes and studies, including but not limited to:

(a) Educational studies authorized or mandated by the state legislature;

(b) Studies initiated by other state educational authorities and authorized by the office of the superintendent of public instruction, including analysis conducted by the education data center established under section 3 of this act; and

(c) Studies initiated by other public or private agencies and organizations and authorized by the office of the superintendent of public instruction.

(3) Any agency or organization that is authorized by the office of the superintendent of public instruction to access student-level data shall adhere to all federal and state laws protecting student data and safeguarding the confidentiality and privacy of student records.

(4) Nothing in this section precludes the office of the superintendent of public instruction from collecting and distributing aggregate data about students or student-level data without personally identifiable information.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.41 RCW to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative education and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics

that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(b) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(c) Track enrollment and outcomes through the public centralized higher education enrollment system;

(d) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; and

(e) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.320 RCW to read as follows:

No later than the beginning of the 2008-09 school year and thereafter, each school district shall collect and electronically submit to the office of the superintendent of public instruction, in a format and according to a schedule prescribed by the office, the following data for each class or course offered in each school:

(1) The certification number or other unique identifier associated with the teacher's certificate for each teacher assigned to teach the class or course, including reassignments that may occur during the school year; and

(2) The statewide student identifier for each student enrolled in or being provided services through the class or course.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop standards for school data systems that focus on validation and verification of data entered into the systems to ensure accuracy and compatibility of data. The standards shall address but are not limited to the following topics:

(a) Date validation;

(b) Code validation, which includes gender, race or ethnicity, and other code elements;

(c) Decimal and integer validation; and

(d) Required field validation as defined by state and federal requirements.

(2) The superintendent of public instruction shall develop a reporting format and instructions for school districts to collect and submit data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups so that analyses may be conducted on student achievement using the disaggregated data.

**NEW SECTION. Sec. 6.** (1) To the extent funds are appropriated for this purpose, the office of the superintendent of public instruction shall conduct a feasibility study on expanding the longitudinal student data system beyond the elements currently collected and those required under section 4 of this act.

(2) The office of the superintendent of public instruction, in consultation with the work group established under subsection (5) of this section, shall identify a preliminary set of additional data elements whose collection shall be field tested on a pilot basis in at least two school districts, with at least one with over twenty thousand in full-time equivalent enrollment and at least one with less than two thousand in full-time equivalent enrollment. Among the data elements to be field tested shall be course codes for a limited set of core high school mathematics courses, based on the classification of secondary school courses by the national center for education statistics.

(3) Additional topics addressed by the feasibility study shall include, but are not limited to:

(a) Detailed estimates on the cost of the development and implementation of the expanded data system;

(b) A final list of specific data elements that are necessary to allow effective and efficient research on an individual school, district, and statewide basis, and of those data elements, identification of what data is currently reported by schools and school districts and what is not reported;

(c) An implementation plan for consistent coding of secondary courses in subjects other than mathematics that is based on a national classification system;

(d) A phased-in implementation of a comprehensive data system with school-level financial, student, teacher, and community variables consistent with recommendations of the joint legislative audit and review committee; and

(e) The staffing and related impacts on schools and school districts from the collection of the recommended data elements and consideration of ways to reduce duplicate reporting of data.

(4) By November 1, 2008, the office of the superintendent of public instruction shall provide a final report on the results of the feasibility study, including the results from the field tests, to the appropriate policy and fiscal committees of the legislature.

(5) To assist in conducting the feasibility study and field tests and in carrying out the responsibilities assigned under section 5 of this act, the office of the superintendent of public instruction shall convene a work group comprised of representatives of the following agencies and organizations: The education data center established under section 3 of this act, the Washington state institute for public policy, the professional educator standards board, the state board of education, the joint legislative audit and review committee, the center for analysis of longitudinal data in education research, other research organizations as appropriate, school districts of varying sizes and geographic locations, educational service districts, the Washington school information processing cooperative, at least one additional school information system vendor, the association of Washington school principals, the Washington association of school administrators, the Washington education association, the Washington association of school business officials, the Washington association of colleges for teacher education, and the Washington state school directors' association.

**Sec. 7.** RCW 28A.410.070 and 1983 c 56 s 12 are each amended to read as follows:

(1) All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to employment in any school district of the state upon being registered by the school district if designated to do so by the school district, which fact shall be evidenced on the certificate in the words, "Registered for use in . . . . . district," together with the date of registry, and an official signature of the person registering the same: PROVIDED, That a copy of the original certificate duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

(2) The superintendent of public instruction may accept applications for educator certification that are submitted using an electronic signature from the applicant."

Correct the title.

Representatives Hunter and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5843, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5843, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5114, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Parlette, Eide, Weinstein, Fairley, Keiser, Shin, Kohl-Welles, Murray, McAuliffe, Rasmussen, Kauffman, Kilmer, Franklin and Holmquist)**

#### **Changing student transportation funding.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fromhold spoke in favor of passage of the bill.

Representatives Priest and Anderson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5114.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5114 and the bill passed the House by the following vote: Yeas - 68, Nays - 30, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Quall, Roach, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Ericksen, Hailey, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Pearson, Priest, Roberts, Rodne, Ross, Schindler, Strow, Sump, Walsh and Warnick - 30.

SECOND SUBSTITUTE SENATE BILL NO. 5114, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SECOND SUBSTITUTE SENATE BILL NO. 5114.

JIM MCCUNE, 2<sup>nd</sup> District

#### SECOND READING

**SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Clements, Rasmussen, Eide, Oemig, Sheldon, Shin, Kline and Tom; by request of Superintendent of Public Instruction)**

**Petitioning Congress to raise funding levels of the No Child Left Behind Act.**

The joint memorial was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, 81st Day, March 29, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Quall and Priest spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Joint Memorial No. 8011.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8011 and the joint memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5317, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Brandland, Hargrove, Stevens, Regala and McAuliffe)**

**Creating additional safeguards for child care.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5317, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5317, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5317, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, by Senate Committee on Higher Education (originally sponsored by Senators Shin, Schoesler and Kilmer)**

**Changing public works provisions for institutions of higher education.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For Committee amendment, see Journal, 79<sup>th</sup> Day, March 27, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5770, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5770, as amended by the House, and the bill passed the House by the following vote: Yeas - 80, Nays - 18, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 80.

Voting nay: Representatives Ahern, Alexander, Bailey, Chandler, Crouse, DeBolt, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Ross, Schindler, Skinner, Sump and Warnick - 18.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5050, by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Weinstein, Franklin, Kauffman, Rockefeller, Oemig, Murray, Rasmussen, Keiser and Kohl-Welles)**

**Modifying the mileage tolling calculation in the motor vehicle lemon law.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5050, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5050, as amended by the House, and the bill passed the House by the following vote: Yeas - 66, Nays - 32, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roach, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Clibborn, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Skinner, Strow, Walsh and Warnick - 32.

SUBSTITUTE SENATE BILL NO. 5050, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5206, by Senators Haugen and Swecker**

**Addressing the use of tires with retractable studs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5206.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5206 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Hankins - 1.

SENATE BILL NO. 5206, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5207, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Murray and Spanel)**

**Concerning a study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors; creating the freight congestion relief account.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5207, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5207, as amended by the House, and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Hurst, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 33.

SUBSTITUTE SENATE BILL NO. 5207, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5219, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senator Jacobsen)**

**Regarding the Northwest weather and avalanche center.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan, Kretz and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5219.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5219 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler,

Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5219, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5224, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Rockefeller and Kilmer; by request of Office of Financial Management)**

**Concerning the governor's salmon recovery office.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriation was before the House for purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Bailey moved the adoption of amendment (616) to the committee amendment:

On page 12, beginning on line 1 of the amendment, strike all of section 9

Correct the title.

Representative Bailey and B. Sullivan spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5224, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5224, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen,

Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Crouse, Hailey, Haler, Hinkle, Kristiansen, Ross, Schindler, Skinner and Warnick - 9.

SUBSTITUTE SENATE BILL NO. 5224, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5225, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Oemig, Poulsen, Honeyford and Spanel; by request of Utilities & Transportation Commission)**

**Modifying gas and hazardous liquid pipeline provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5225.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5225 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5225, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5227, by Senate Committee on Judiciary (originally sponsored by Senators Tom, Kline, Carrell, Rasmussen, Stevens, Shin, Roach, McAuliffe, Weinstein, Jacobsen, Kohl-Welles and Kilmer)**

**Increasing the penalty for animal abandonment.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5227, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5227, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5227, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5258, by Senators Regala, Stevens and Shin**

**Concerning members of the Washington council for the prevention of child abuse and neglect.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5258.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5258 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SENATE BILL NO. 5258, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5533, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Pflug, Hargrove, Kline, Swecker, Delvin, Stevens, Holmquist, Parlette and Hewitt)**

**Revising procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Dickerson moved the adoption of amendment (589):

On page 2, line 8, after "unit" insert "as defined in RCW 71.05.020(6). Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours: PROVIDED, that they are examined by a mental health professional within three hours of their arrival"

On page 4, line 4, after "by" strike "sections 4 and" and insert "section 4 or"

On page 4, line 7, after "in" strike "sections 4 and" and insert "section 4 or"

On page 4, beginning on line 10, after "evaluated" strike all material through "subsection" on line 11, and insert "for civil commitment proceedings"

On page 5, line 3, after "act," insert "but in any event for a period of no longer than ninety days,"

On page 26, line 10, after "chapter" strike "10.97" and insert "10.77"

Representative Dickerson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson, Hinkle, Ahern and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5533, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5533, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5533, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the Committee on Rules was relieved of the following bills, and the bills were placed on the Second Reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098,  
ENGROSSED SENATE BILL NO. 5261,  
SUBSTITUTE SENATE BILL NO. 5358,  
SUBSTITUTE SENATE BILL NO. 5445,  
ENGROSSED SENATE BILL NO. 5498,  
SUBSTITUTE SENATE BILL NO. 5566,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862,  
SUBSTITUTE SENATE BILL NO. 5972,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 10, 2007, the 93rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

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**NINETY THIRD DAY**


---

House Chamber, Olympia, Tuesday, April 10, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Benjamin Reinhart and Christopher Shively. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Brian Wiele, River Ridge Covenant Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

April 9, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5078,  
 SENATE BILL NO. 5086,  
 SUBSTITUTE SENATE BILL NO. 5087,  
 SUBSTITUTE SENATE BILL NO. 5118,  
 SECOND SUBSTITUTE SENATE BILL NO. 5122,  
 SENATE BILL NO. 5134,  
 SENATE BILL NO. 5175,  
 SUBSTITUTE SENATE BILL NO. 5190,  
 SENATE BILL NO. 5199,  
 ENGROSSED SENATE BILL NO. 5204,  
 SUBSTITUTE SENATE BILL NO. 5242,  
 SUBSTITUTE SENATE BILL NO. 5250,  
 SENATE BILL NO. 5273,  
 SENATE BILL NO. 5398,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,  
 SENATE BILL NO. 5421,  
 SUBSTITUTE SENATE BILL NO. 5554,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,  
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**SENATE BILL NO. 6014, by Senators Swecker, Haugen, Keiser, Hatfield, Zarelli, Benton, Hewitt, Stevens, Shin, Marr, Rasmussen, Oemig and Sheldon**

**Authorizing industrial development on reclaimed surface coal mine sites.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Curtis spoke in favor of passage of the bill.

**POINT OF PARLIAMENTARY INQUIRY**

Representative DeBolt: "Mr. Speaker, House Rule 19 (D) and Article II Section 30 provide that no member shall vote on any question which affects that member privately and particularly.

Senate Bill No. 6014 deals with land that has been reclaimed from a surface coal mine.

Mr. Speaker, while I do not believe that I have a personal interest in Senate Bill No. 6014 of a type which requires that I refrain from voting on the bill, I do have a number of contacts with the parties most involved in the legislation so am going to ask you for a ruling on this matter.

Mr. Speaker, I am employed by the company that proposes to donate the reclaimed land to the Lewis County Economic Development Council. My compensation arrangement with my company is such that I will have no monetary gain or loss based on the passage or failure of this act. Further, no one in my family owns any shares in the company.

I will also disclose that I am a volunteer Board member of the Lewis County Economic Development Council, the group that would receive the donated property. I have no compensation arrangement with the EDC and no ownership interest in any of its assets.

Mr. Speaker is my interest in Senate Bill No. 6014 of such a nature that I am precluded from voting on this bill by either the Constitution or the Rules of this House?

Thank You Mr. Speaker."

**SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "Representative DeBolt has asked if he must refrain from voting on Senate Bill No. 6014 because of his relationship with parties involved in the legislation.

The Washington State Constitution, article 2, section 30, provides that, "A member who has a private interest in any bill or measure proposed or pending before the legislature, shall disclose the fact to the house of which he or she is a member, and shall not vote thereon.

House Rules 19(d) provides that, "No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he or she is a member, and shall not vote thereon."

Therefore, a legislator shall not vote on legislation where he or she has a private or personal interest which is in conflict with the proper discharge of his or her duties.

Prior rulings from the presiding officer of the House have established that the "private or personal interest" which would preclude a member from voting exists if the member has reason to believe or suspect that he or she will derive a direct

monetary gain or suffer a direct monetary loss by reason of his or her official activity, and that this gain or loss does not accrue to the member to a greater extent than to any other member of an affected business, profession, occupation, or group.

Representative DeBolt has stated that he will not derive any monetary gain nor suffer any monetary loss based on the passage or failure of the bill before the body.

Based on these statements, the Speaker finds that Representative DeBolt does not have a private or personal interest" under the Constitution or Rules of this House which would preclude him from voting on the measure."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6014.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6014 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SENATE BILL NO. 6014, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5108, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Rasmussen, Jacobsen, Shin, Spanel, Swecker, Brandland, Hatfield and Parlette)**

#### Creating the office of farmland preservation.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Representative Curtis moved the adoption of amendment (622) to the committee amendment:

On page 5, after line 36 of the amendment, insert the following: "Sec. 6. A new section is added to RCW 90.84 and 1998 c 248 to read as follows: Agricultural land shall not be acquired by a governmental entity for wetland mitigation purposes through eminent domain.

**NEW SECTION. Sec. 7.** Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Curtis and Simpson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

With the consent of the House, amendment (596) was withdrawn.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan, Kretz, Hinkle and Newhouse spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5108, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5108, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Dunn, Orcutt and Schindler - 3.

SUBSTITUTE SENATE BILL NO. 5108, as amended by the House, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 5372 on the Second Reading calendar. (See Journal, 89th Day, April 6, 2007.)

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Swecker, Poulsen, Marr, Keiser, Shin, Kline, McAuliffe, Fraser, Kilmer and Murray; by request of Governor Gregoire)**

**Creating the Puget Sound partnership.**

Representative Bailey withdrew amendment (557).

There being no objection, the committee amendment by the Committee on Appropriations was not adopted.

Representative Upthegrove moved the adoption of amendment (621):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND INTENT.** (1) The legislature finds that:

(a) Puget Sound, including Hood Canal, and the waters that flow to it are a national treasure and a unique resource. Residents enjoy a way of life centered around these waters that depends upon clean and healthy marine and freshwater resources.

(b) Puget Sound is in serious decline, and Hood Canal is in a serious crisis. This decline is indicated by loss of and damage to critical habit, rapid decline in species populations, increases in aquatic nuisance species, numerous toxics contaminated sites, urbanization and attendant storm water drainage, closure of beaches to shellfish harvest due to disease risks, low-dissolved oxygen levels causing death of marine life, and other phenomena. If left unchecked, these conditions will worsen.

(c) Puget Sound must be restored and protected in a more coherent and effective manner. The current system is highly fragmented. Immediate and concerted action is necessary by all levels of government working with the public, nongovernmental organizations, and the private sector to ensure a thriving natural system that exists in harmony with a vibrant economy.

(d) Leadership, accountability, government transparency, thoughtful and responsible spending of public funds, and public involvement will be integral to the success of efforts to restore and protect Puget Sound.

(2) The legislature therefore creates a new Puget Sound partnership to coordinate and lead the effort to restore and protect Puget Sound, and intends that all governmental entities, including federal and state agencies, tribes, cities, counties, ports, and special purpose districts, support and help implement the partnership's restoration efforts. The legislature further intends that the partnership will:

(a) Define a strategic action agenda prioritizing necessary actions, both basin-wide and within specific areas, and creating an approach that addresses all of the complex connections among the land, water, web of species, and human needs. The action agenda will be based on science and include clear, measurable goals for the recovery of Puget Sound by 2020;

(b) Determine accountability for performance, oversee the efficiency and effectiveness of money spent, educate and engage the public, and track and report results to the legislature, the governor, and the public;

(c) Not have regulatory authority, nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(3) It is the goal of the state that the health of Puget Sound be restored by 2020.

**Sec. 2.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ("Action team" means the Puget Sound water quality action team:

(2) "Chair" means the chair of the action team:

(3) "Council" means the Puget Sound council created in RCW 90.71.030.

(4) "Puget Sound management plan" means the 1994 Puget Sound water quality management plan as it exists June 30, 1996, and as subsequently amended by the action team:

(5) "Support staff" means the staff to the action team:

(6) "Work plan" means the work plan and budget developed by the action team.) "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in sections 12 and 13 of this act.

(2) "Action area" means the geographic areas delineated as provided in section 8 of this act.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under section 13 of this act.

(8) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photic zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

(9) "Panel" means the Puget Sound science panel.

(10) "Partnership" means the Puget Sound partnership.

(11) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas I through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(12) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in section 16 of this act, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

(13) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine resource committees including those working with the northwest straits commission, nearshore groups, and watershed lead entities.

(14) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

**NEW SECTION. Sec. 3. PUGET SOUND PARTNERSHIP-- AGENCY CREATED.** An agency of state government, to be known as the Puget Sound partnership, is created to oversee the restoration of the environmental health of Puget Sound by 2020. The agency shall consist of a leadership council, an executive director, an ecosystem coordination board, and a Puget Sound science panel.

**NEW SECTION. Sec. 4. LEADERSHIP COUNCIL-- STRUCTURE---PROCEDURES.** (1) The partnership shall be led by a leadership council composed of seven members appointed by the governor, with the advice and consent of the senate. The governor shall appoint members who are publicly respected and influential, are interested in the environmental and economic prosperity of Puget

Sound, and have demonstrated leadership qualities. The governor shall designate one of the seven members to serve as chair and a vice-chair shall be selected annually by the membership of the council.

(2) The initial members shall be appointed as follows:

(a) Three of the initial members shall be appointed for a term of two years;

(b) Two of the initial members shall be appointed for a term of three years; and

(c) Two of the initial members shall be appointed for a term of four years.

(3) The initial members' successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds.

(4) Members of the council are eligible for reappointment.

(5) Any member of the council may be removed by the governor for cause.

(6) Members whose terms expire shall continue to serve until reappointed or replaced by a new member.

(7) A majority of the council constitutes a quorum for the transaction of business.

(8) Council decisions and actions require majority vote approval of all council members.

**NEW SECTION. Sec. 5. LEADERSHIP COUNCIL-- POWERS AND DUTIES.** (1) The leadership council shall have the power and duty to:

(a) Provide leadership and have responsibility for the functions of the partnership, including adopting, revising, and guiding the implementation of the action agenda, allocating funds for Puget Sound recovery, providing progress and other reports, setting strategic priorities and benchmarks, adopting and applying accountability measures, and making appointments to the board and panel;

(b) Adopt rules, in accordance with chapter 34.05 RCW;

(c) Create subcommittees and advisory committees as appropriate to assist the council;

(d) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions to effectuate the purposes of this chapter;

(e) Make grants to governmental and nongovernmental entities to effectuate the purposes of this chapter;

(f) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the partnership to effectuate the purposes of this chapter;

(g) Promote extensive public awareness, education, and participation in Puget Sound protection and recovery;

(h) Work collaboratively with the Hood Canal coordinating council established in chapter 90.88 RCW on Hood Canal-specific issues;

(i) Maintain complete and consolidated financial information to ensure that all funds received and expended to implement the action agenda have been accounted for; and

(j) Such other powers and duties as are necessary and appropriate to carry out the provisions of this chapter.

(2) The council may delegate functions to the chair and to the executive director, however the council may not delegate its decisional authority regarding developing or amending the action agenda.

(3) The council shall work closely with existing organizations and all levels of government to ensure that the action agenda and its implementation are scientifically sound, efficient, and achieve necessary results to accomplish recovery of Puget Sound to health by 2020.

(4) The council shall support, engage, and foster collaboration among watershed groups to assist in the recovery of Puget Sound.

(5) When working with federally recognized Indian tribes to develop and implement the action agenda, the council shall conform to the procedures and standards required in a government-to-governmental relationship with tribes under the 1989 Centennial Accord between the state of Washington and the sovereign tribal governments in the state of Washington.

(6) Members of the council shall be compensated in accordance with RCW 43.03.220 and be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 6. EXECUTIVE DIRECTOR-- POWERS AND DUTIES.** (1) The partnership shall be administered by an executive director who serves as a communication link between all levels of government, the private sector, tribes, nongovernmental organizations, the council, the board, and the panel. The executive director shall be accountable to the council and the governor for effective communication, actions, and results.

(2) The executive director shall be appointed by and serve at the pleasure of the governor, in consultation with the council. The governor shall consider the recommendations of the council when appointing the executive director.

(3) The executive director shall have complete charge of and supervisory powers over the partnership, subject to the guidance from the council.

(4) The executive director shall employ a staff, who shall be state employees under Title 41 RCW.

(5) Upon approval of the council, the executive director may take action to create a private nonprofit entity, which may take the form of a nonprofit corporation, to assist the partnership in restoring Puget Sound by:

(a) Raising money and other resources through charitable giving, donations, and other appropriate mechanisms;

(b) Engaging and educating the public regarding Puget Sound's health, including efforts and opportunities to restore Puget Sound ecosystems; and

(c) Performing other similar activities as directed by the partnership.

**NEW SECTION. Sec. 7. ECOSYSTEM COORDINATION BOARD.** (1) The council shall convene the ecosystem coordination board not later than October 1, 2007.

(2) The board shall consist of the following:

(a) One representative from the geographic area of each of the action areas specified in section 8 of this act, appointed by the council. The council shall solicit nominations from, at a minimum, counties, cities, and watershed groups;

(b) Two members representing general business interests, one of whom shall represent in-state general small business interests, both appointed by the council;

(c) Two members representing environmental interests, appointed by the council;

(d) Three representatives of tribal governments located in Puget Sound, invited by the governor to participate as members of the board;

(e) One representative each from counties, cities, and port districts, appointed by the council from nominations submitted by statewide associations representing such local governments;

(f) Three representatives of state agencies with environmental management responsibilities in Puget Sound, representing the interests of all state agencies, one of whom shall be the commissioner of public lands or his or her designee; and

(g) Three representatives of federal agencies with environmental management responsibilities in Puget Sound, representing the interests of all federal agencies and invited by the governor to participate as members of the board.

(3) The president of the senate shall appoint two senators, one from each major caucus, as legislative liaisons to the board. The speaker of the house of representatives shall appoint two representatives, one from each major caucus, as legislative liaisons to the board.

(4) The board shall elect one of its members as chair, and one of its members as vice-chair.

(5) The board shall advise and assist the council in carrying out its responsibilities in implementing this chapter, including development and implementation of the action agenda. The board's duties include:

(a) Assisting cities, counties, ports, tribes, watershed groups, and other governmental and private organizations in the compilation of

local programs for consideration for inclusion in the action agenda as provided in section 8 of this act;

(b) Upon request of the council, reviewing and making recommendations regarding activities, projects, and programs proposed for inclusion in the action agenda, including assessing existing ecosystem scale management, restoration and protection plan elements, activities, projects, and programs for inclusion in the action agenda;

(c) Seeking public and private funding and the commitment of other resources for plan implementation;

(d) Assisting the council in conducting public education activities regarding threats to Puget Sound and about local implementation strategies to support the action agenda; and

(e) Recruiting the active involvement of and encouraging the collaboration and communication among governmental and nongovernmental entities, the private sector, and citizens working to achieve the recovery of Puget Sound.

(6) Members of the board, except for federal and state employees, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 8. INTEGRATING WATERSHED PROGRAMS AND ECOSYSTEM SCALE PLANS INTO THE ACTION AGENDA.** (1) The partnership shall develop the action agenda in part upon the foundation of existing watershed programs that address or contribute to the health of Puget Sound. To ensure full consideration of these watershed programs in a timely manner to meet the required date for adoption of the action agenda, the partnership shall rely largely upon local watershed groups, tribes, cities, counties, special purpose districts, and the private sector, who are engaged in developing and implementing these programs.

(2) The partnership shall organize this work by working with these groups in the following geographic action areas of Puget Sound, which collectively encompass all of the Puget Sound basin and include the areas draining to the marine waters in these action areas:

- (a) Strait of Juan de Fuca;
- (b) The San Juan Islands;
- (c) Whidbey Island;
- (d) North central Puget Sound;
- (e) South central Puget Sound;
- (f) South Puget Sound; and
- (g) Hood Canal.

(3) The council shall define the geographic delineations of these action areas based upon the common issues and interests of the entities in these action areas, and upon the characteristics of the Sound's physical structure, and the water flows into and within the Sound.

(4) The executive director, working with the board representatives from each action area, shall invite appropriate tribes, local governments, and watershed groups to convene for the purpose of compiling the existing watershed programs relating or contributing to the health of Puget Sound. The participating groups should work to identify the applicable local plan elements, projects, and programs, together with estimated budget, timelines, and proposed funding sources, that are suitable for adoption into the action agenda. This may include a prioritization among plan elements, projects, and programs.

(5) The partnership may provide assistance to watershed groups in those action areas that are developing and implementing programs included within the action agenda, and to improve coordination among the groups to improve and accelerate the implementation of the action agenda.

(6) The executive director, working with the board, shall also compile and assess ecosystem scale management, restoration, and protection plans for the Puget Sound basin.

(a) At a minimum, the compilation shall include the Puget Sound nearshore estuary project, clean-up plans for contaminated aquatic lands and shorelands, aquatic land management plans, state resource management plans, habitat conservation plans, and recovery plans for salmon, orca, and other species in Puget Sound that are listed under the federal endangered species act.

(b) The board should work to identify and assess applicable ecosystem scale plan elements, projects, and programs, together with estimated budget, timelines, and proposed funding sources, that are suitable for adoption into the action agenda.

(c) When the board identifies conflicts or disputes among ecosystem scale projects or programs, the board may convene the agency managers in an attempt to reconcile the conflicts with the objective of advancing the protection and recovery of Puget Sound.

(d) If it determines that doing so will increase the likelihood of restoring Puget Sound by 2020, the partnership may explore the utility of federal assurances under the endangered species act, 16 U.S.C. Sec. 1531 et seq., and shall confer with the federal services administering that act.

(7) The executive director shall integrate and present the proposed elements from watershed programs and ecosystem-level plans to the council for consideration for inclusion in the action agenda not later than July 1, 2008.

**NEW SECTION. Sec. 9. SCIENCE PANEL--CREATED.** (1) The council shall appoint a nine-member Puget Sound science panel to provide independent, nonrepresentational scientific advice to the council and expertise in identifying environmental indicators and benchmarks for incorporation into the action agenda.

(2) In establishing the panel, the council shall request the Washington academy of sciences, created in chapter 70.220 RCW, to nominate fifteen scientists with recognized expertise in fields of science essential to the recovery of Puget Sound. Nominees should reflect the full range of scientific and engineering disciplines involved in Puget Sound recovery. At a minimum, the Washington academy of sciences shall consider making nominations from scientists associated with federal, state, and local agencies, tribes, the business and environmental communities, members of the K-12, college, and university communities, and members of the board. The solicitation should be to all sectors, and candidates may be from all public and private sectors. Persons nominated by the Washington academy of sciences must disclose any potential conflicts of interest, and any financial relationship with any leadership council member, and disclose sources of current financial support and contracts relating to Puget Sound recovery.

(3) The panel shall select a chair and a vice-chair. Panel members shall serve four-year terms, except that the council shall determine initial terms of two, three, and four years to provide for staggered terms. The council shall determine reappointments and select replacements or additional members of the panel. No panel member may serve longer than twelve years.

(4) The executive director shall designate a lead staff scientist to coordinate panel actions, and administrative staff to support panel activities. The legislature intends to provide ongoing funding for staffing of the panel to ensure that it has sufficient capacity to provide independent scientific advice.

(5) The executive director of the partnership and the science panel shall explore a shared state and federal responsibility for the staffing and administration of the panel. In the event that a federally sponsored Puget Sound recovery office is created, the council may propose that such office provide for staffing and administration of the panel.

(6) The panel shall assist the council in developing and revising the action agenda, making recommendations to the action agenda, and making recommendations to the council for updates or revisions.

(7) Members of the panel shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, and based upon the availability of funds, the council may contract with members of the panel for compensation for their services under chapter 39.29 RCW. If appointees to the panel are employed by the federal, state, tribal, or local governments, the council may enter into interagency personnel agreements.

**NEW SECTION. Sec. 10. SCIENCE PANEL--FUNCTIONS AND DUTIES.** (1) The panel shall:

(a) Assist the council, board, and executive director in carrying out the obligations of the partnership, including preparing and updating the action agenda;

(b) As provided in section 11 of this act, assist the partnership in developing an ecosystem level strategic science program that:

(i) Addresses monitoring, modeling, data management, and research; and

(ii) Identifies science gaps and recommends research priorities;

(c) Develop and provide oversight of a competitive peer-reviewed process for soliciting, strategically prioritizing, and funding research and modeling projects;

(d) Provide input to the executive director in developing biennial implementation strategies; and

(e) Offer an ecosystem-wide perspective on the science work being conducted in Puget Sound and by the partnership.

(2) The panel should collaborate with other scientific groups and consult other scientists in conducting its work. To the maximum extent possible, the panel should seek to integrate the state-sponsored Puget Sound science program with the Puget Sound science activities of federal agencies, including working toward an integrated research agenda and Puget Sound science work plan.

(3) By July 31, 2008, the panel shall identify environmental indicators measuring the health of Puget Sound, and recommend environmental benchmarks that need to be achieved to meet the goals of the action agenda. The council shall confer with the panel on incorporating the indicators and benchmarks into the action agenda.

**NEW SECTION. Sec. 11. SCIENCE PANEL--PROGRAMS, UPDATES, AND WORK PLANS.** (1) The strategic science program shall be developed by the panel with assistance and staff support provided by the executive director. The science program may include:

(a) Continuation of the Puget Sound assessment and monitoring program, as provided in RCW 90.71.060, as well as other monitoring or modeling programs deemed appropriate by the executive director;

(b) Development of a monitoring program, in addition to the provisions of RCW 90.71.060, including baselines, protocols, guidelines, and quantifiable performance measures, to be recommended as an element of the action agenda;

(c) Recommendations regarding data collection and management to facilitate easy access and use of data by all participating agencies and the public; and

(d) A list of critical research needs.

(2) The strategic science program may not become an official document until a majority of the members of the council votes for its adoption.

(3) A Puget Sound science update shall be developed by the panel with assistance and staff support provided by the executive director. The panel shall submit the initial update to the executive director by April 2010, and subsequent updates as necessary to reflect new scientific understandings. The update shall:

(a) Describe the current scientific understanding of various physical attributes of Puget Sound;

(b) Serve as the scientific basis for the selection of environmental indicators measuring the health of Puget Sound; and

(c) Serve as the scientific basis for the status and trends of those environmental indicators.

(4) The executive director shall provide the Puget Sound science update to the Washington academy of sciences, the governor, and appropriate legislative committees, and include:

(a) A summary of information in existing updates; and

(b) Changes adopted in subsequent updates and in the state of the Sound reports produced pursuant to section 19 of this act.

(5) A biennial science work plan shall be developed by the panel, with assistance and staff support provided by the executive director, and approved by the council. The biennial science work plan shall include, at a minimum:

(a) Identification of recommendations from scientific and technical reports relating to Puget Sound;

(b) A description of the Puget Sound science-related activities being conducted by various entities in the region, including studies, models, monitoring, research, and other appropriate activities;

(c) A description of whether the ongoing work addresses the recommendations and, if not, identification of necessary actions to fill gaps;

(d) Identification of specific biennial science work actions to be done over the course of the work plan, and how these actions address science needs in Puget Sound; and

(e) Recommendations for improvements to the ongoing science work in Puget Sound.

**NEW SECTION. Sec. 12. ACTION AGENDA--GOALS AND OBJECTIVES.** (1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, and identification of responsible entities. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, near shore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

**NEW SECTION. Sec. 13. ACTION AGENDA--DEVELOPMENT AND ELEMENTS.** (1) The council shall develop a science-based action agenda that leads to the recovery of Puget Sound by 2020 and achievement of the goals and objectives established in section 12 of this act. The action agenda shall:

(a) Address all geographic areas of Puget Sound including upland areas and tributary rivers and streams that affect Puget Sound;

(b) Describe the problems affecting Puget Sound's health using supporting scientific data, and provide a summary of the historical environmental health conditions of Puget Sound so as to determine past levels of pollution and restorative actions that have established the current health conditions of Puget Sound;

(c) Meet the goals and objectives described in section 12 of this act, including measurable outcomes for each goal and objective specifically describing what will be achieved, how it will be quantified, and how progress towards outcomes will be measured. The action agenda shall include near-term and long-term benchmarks designed to ensure continuous progress needed to reach the goals, objectives, and designated outcomes by 2020. The council shall consult with the panel in developing these elements of the plan;

(d) Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound and to achieve the goals and objectives described in section 12 of this act;

(e) Identify the agency, entity, or person responsible for completing the necessary strategies and actions, and potential sources of funding;

(f) Include prioritized actions identified through the assembled proposals from each of the seven action areas and the identification

and assessment of ecosystem scale programs as provided in section 8 of this act;

(g) Include specific actions to address aquatic rehabilitation zone one, as defined in RCW 90.88.010;

(h) Incorporate any additional goals adopted by the council; and

(i) Incorporate appropriate actions to carry out the biennial science work plan created in section 11 of this act.

(2) In developing the action agenda and any subsequent revisions, the council shall, when appropriate, incorporate the following:

(a) Water quality, water quantity, sediment quality, watershed, marine resource, and habitat restoration plans created by governmental agencies, watershed groups, and marine and shoreline groups. The council shall consult with the board in incorporating these plans;

(b) Recovery plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act;

(c) Existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies;

(d) Appropriate portions of the Puget Sound water quality management plan existing on the effective date of this section.

(3) Until the action agenda is adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program described in section 320 of the federal clean water act, until replaced by the action agenda and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.

(4) The council shall adopt the action agenda by September 1, 2008. The council shall revise the action agenda as needed, and revise the implementation strategies every two years using an adaptive management process informed by tracking actions and monitoring results in Puget Sound. In revising the action agenda and the implementation strategies, the council shall consult the panel and the board and provide opportunity for public review and comment. Biennial updates shall:

(a) Contain a detailed description of prioritized actions necessary in the biennium to achieve the goals, objectives, outcomes, and benchmarks of progress identified in the action agenda;

(b) Identify the agency, entity, or person responsible for completing the necessary action; and

(c) Establish biennial benchmarks for near-term actions.

(5) The action agenda shall be organized and maintained in a single document to facilitate public accessibility to the plan.

**NEW SECTION. Sec. 14. DEVELOPMENT OF BIENNIAL BUDGET REQUESTS.** (1) State agencies responsible for implementing elements of the action agenda shall:

(a) Provide to the partnership by June 1st of each even-numbered year their estimates of the actions and the budget resources needed for the forthcoming biennium to implement their portion of the action agenda; and

(b) Work with the partnership in the development of biennial budget requests to achieve consistency with the action agenda to be submitted to the governor for consideration in the governor's biennial budget request. The agencies shall seek the concurrence of the partnership in the proposed funding levels and sources included in this proposed budget.

(2) If a state agency submits an amount different from that developed in subsection (1)(a) of this section as part of its biennial budget request, the partnership and state agency shall jointly identify the differences and the reasons for these differences and present this information to the office of financial management by October 1st of each even-numbered year.

**NEW SECTION. Sec. 15. FUNDING FROM PARTNERSHIP--ACCOUNTABILITY.** (1) Any funding made available directly to the partnership from the Puget Sound recovery account created in section 23 of this act and used by the partnership for loans, grants, or funding transfers to other entities shall be

prioritized according to the action agenda developed pursuant to section 13 of this act.

(2) The partnership shall condition, with interagency agreements, any grants or funding transfers to other entities from the Puget Sound recovery account to ensure accountability in the expenditure of the funds and to ensure that the funds are used by the recipient entity in the manner determined by the partnership to be the most consistent with the priorities of the action agenda. Any conditions placed on federal funding under this section shall incorporate and be consistent with requirements under signed agreements between the entity and the federal government.

(3) If the partnership finds that the provided funding was not used as instructed in the interagency agreement, the partnership may suspend or further condition future funding to the recipient entity.

(4) The partnership shall require any entity that receives funds for implementing the action agenda to publicly disclose and account for expenditure of those funds.

**NEW SECTION. Sec. 16. IMPLEMENTATION--FISCAL ACCOUNTABILITY.** (1) The legislature intends that fiscal incentives and disincentives be used as accountability measures designed to achieve consistency with the action agenda by:

(a) Ensuring that projects and activities in conflict with the action agenda are not funded;

(b) Aligning environmental investments with strategic priorities of the action agenda; and

(c) Using state grant and loan programs to encourage consistency with the action agenda.

(2) The council shall adopt measures to ensure that funds appropriated for implementation of the action agenda and identified by proviso or specifically referenced in the omnibus appropriations act pursuant to RCW 43.88.030(1)(g) are expended in a manner that will achieve the intended results. In developing such performance measures, the council shall establish criteria for the expenditure of the funds consistent with the responsibilities and timelines under the action agenda, and require reporting and tracking of funds expended. The council may adopt other measures, such as requiring interagency agreements regarding the expenditure of provided or specifically referenced Puget Sound funds.

(3) The partnership shall work with other state agencies providing grant and loan funds or other financial assistance for projects and activities that impact the health of the Puget Sound ecosystem under chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and 90.50A RCW to, within the authorities of the programs, develop consistent funding criteria that prohibits funding projects and activities that are in conflict with the action agenda.

(4) The partnership shall develop a process and criteria by which entities that consistently achieve outstanding progress in implementing the action agenda are designated as Puget Sound partners. State agencies shall work with the partnership to revise their grant, loan, or other financial assistance allocation criteria to create a preference for entities designated as Puget Sound partners for funds allocated to the Puget Sound basin, pursuant to RCW 43.155.070, 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520, and 90.50A.040. This process shall be developed on a timeline that takes into consideration state grant and loan funding cycles.

(5) Any entity that receives state funds to implement actions required in the action agenda shall report biennially to the council on progress in completing the action and whether expected results have been achieved within the time frames specified in the action agenda.

**NEW SECTION. Sec. 17. ACCOUNTABILITY FOR IMPLEMENTATION.** (1) The council is accountable for achieving the action agenda. The legislature intends that all governmental entities within Puget Sound will exercise their existing authorities to implement the applicable provisions of the action agenda.

(2) The partnership shall involve the public and implementing entities to develop standards and processes by which the partnership will determine whether implementing entities are taking actions consistent with the action agenda and achieving the outcomes identified in the action agenda. Among these measures, the council may hold management conferences with implementing entities to

review and assess performance in undertaking implementation strategies with a particular focus on compliance with and enforcement of existing laws. Where the council identifies an inconsistency with the action agenda, the council shall offer support and assistance to the entity with the objective of remedying the inconsistency. The results of the conferences shall be included in the state of the Sound report required under section 19 of this act.

(3) In the event the council determines that an entity is in substantial noncompliance with the action agenda, it shall provide notice of this finding and supporting information to the entity. The council or executive director shall thereafter meet and confer with the entity to discuss the finding and, if appropriate, develop a corrective action plan. If no agreement is reached, the council shall hold a public meeting to present its findings and the proposed corrective action plan. If the entity is a state agency, the meeting shall include representatives of the governor's office and office of financial management. If the entity is a local government, the meeting shall be held in the jurisdiction and electoral representatives from the jurisdictions shall be invited to attend. If, after this process, the council finds that substantial noncompliance continues, the council shall issue written findings and document its conclusions. The council may recommend to the governor that the entity be ineligible for state financial assistance until the substantial noncompliance is remedied. Instances of noncompliance shall be included in the state of the Sound report required under section 19 of this act.

(4) The council shall provide a forum for addressing and resolving problems, conflicts, or a substantial lack of progress in a specific area that it has identified in the implementation of the action agenda, or that citizens or implementing entities bring to the council. The council may use conflict resolution mechanisms such as but not limited to, technical and financial assistance, facilitated discussions, and mediation to resolve the conflict. Where the parties and the council are unable to resolve the conflict, and the conflict significantly impairs the implementation of the action agenda, the council shall provide its analysis of the conflict and recommendations resolution to the governor, the legislature, and to those entities with jurisdictional authority to resolve the conflict.

(5) When the council or an implementing entity identifies a statute, rule, ordinance or policy that conflicts with or is an impediment to the implementation of the action agenda, or identifies a deficiency in existing statutory authority to accomplish an element of the action agenda, the council shall review the matter with the implementing entities involved. The council shall evaluate the merits of the conflict, impediment, or deficiency, and make recommendations to the legislature, governor, agency, local government or other appropriate entity for addressing and resolving the conflict.

(6) The council may make recommendations to the governor and appropriate committees of the senate and house of representatives for local or state administrative or legislative actions to address barriers it has identified to successfully implementing the action agenda.

**NEW SECTION. Sec. 18. LIMITATIONS ON AUTHORITY.**

(1) The partnership shall not have regulatory authority nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(2) The action agenda may not create a legally enforceable duty to review or approve permits, or to adopt plans or regulations. The action agenda may not authorize the adoption of rules under chapter 34.05 RCW creating a legally enforceable duty applicable to the review or approval of permits or to the adoption of plans or regulations. No action of the partnership may alter the forest practices rules adopted pursuant to chapter 76.09 RCW, or any associated habitat conservation plan. Any changes in forest practices identified by the processes established in this chapter as necessary to fully recover the health of Puget Sound by 2020 may only be realized through the processes established in RCW 76.09.370 and other designated processes established in Title 76 RCW. Nothing in this subsection or subsection (1) of this section limits the accountability provisions of this chapter.

(3) Nothing in this chapter limits or alters the existing legal authority of local governments, nor does it create a legally

enforceable duty upon local governments. When a local government proposes to take an action inconsistent with the action agenda, it shall inform the council and identify the reasons for taking the action. If a local government chooses to take an action inconsistent with the action agenda or chooses not to take action required by the action agenda, it will be subject to the accountability measures in this chapter which can be used at the discretion of the council.

**NEW SECTION. Sec. 19. REPORTS.** (1) By September 1st of each even-numbered year beginning in 2008, the council shall provide to the governor and the appropriate fiscal committees of the senate and house of representatives its recommendations for the funding necessary to implement the action agenda in the succeeding biennium. The recommendations shall:

(a) Identify the funding needed by action agenda element;  
 (b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding; and  
 (c) Address funding needed to support the work of the partnership, the panel, the ecosystem work group, and entities assisting in coordinating local efforts to implement the plan.

(2) In the 2008 report required under subsection (1) of this section, the council shall include recommendations for projected funding needed through 2020 to implement the action agenda; funding needs for science panel staff; identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery. In preparing the science panel staffing proposal, the council shall consult with the panel.

(3) By November 1st of each odd-numbered year beginning in 2009, the council shall produce a state of the Sound report that includes, at a minimum:

(a) An assessment of progress by state and nonstate entities in implementing the action agenda, including accomplishments in the use of state funds for action agenda implementation;

(b) A description of actions by implementing entities that are inconsistent with the action agenda and steps taken to remedy the inconsistency;

(c) The comments by the panel on progress in implementing the plan, as well as findings arising from the assessment and monitoring program;

(d) A review of citizen concerns provided to the partnership and the disposition of those concerns;

(e) A review of the expenditures of funds to state agencies for the implementation of programs affecting the protection and recovery of Puget Sound, and an assessment of whether the use of the funds is consistent with the action agenda; and

(f) An identification of all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

(4)(a) The council shall review state programs that fund facilities and activities that may contribute to action agenda implementation. By November 1, 2009, the council shall provide initial recommendations regarding program changes to the governor and appropriate fiscal and policy committees of the senate and house of representatives. By November 1, 2010, the council shall provide final recommendations regarding program changes, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the senate and house of representatives.

(b) The review in this subsection shall be conducted with the active assistance and collaboration of the agencies administering these programs, and in consultation with local governments and other entities receiving funding from these programs:

(i) The water quality account, chapter 70.146 RCW;  
 (ii) The water pollution control revolving fund, chapter 90.50A RCW;

(iii) The public works assistance account, chapter 43.155 RCW;

(iv) The aquatic lands enhancement account, RCW 79.105.150;

(v) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;

(vi) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;

(vii) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;

(viii) The community economic revitalization board, chapter 43.160 RCW;

(ix) Other state financial assistance to water quality-related projects and activities; and

(x) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.

(c) The council's review shall include but not be limited to:

(i) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the action agenda;

(ii) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the action agenda;

(iii) Assessing methods for ensuring that the goals and priorities of the action agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;

(iv) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;

(v) Assessing ways to incorporate a strategic funding approach for the action agenda within the outcome-focused performance measures required by RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs.

**NEW SECTION. Sec. 20. BASIN-WIDE RESTORATION PROGRESS.** By December 1, 2010, and subject to available funding, the Washington academy of sciences shall conduct an assessment of basin-wide restoration progress. The assessment shall include, but not be limited to, a determination of the extent to which implementation of the action agenda is making progress toward the action agenda goals, and a determination of whether the environmental indicators and benchmarks included in the action agenda accurately measure and reflect progress toward the action agenda goals.

**NEW SECTION. Sec. 21. PERFORMANCE AUDIT.** (1) The joint legislative audit and review committee shall conduct two performance audits of the partnership, with the first audit to be completed by December 1, 2011, and the second to be completed by December 1, 2016.

(2) The audit shall include but not be limited to:

(a) A determination of the extent to which funds expended by the partnership or provided in biennial budget acts expressly for implementing the action agenda have contributed toward meeting the scientific benchmarks and the recovery goals of the action agenda;

(b) A determination of the efficiency and effectiveness of the partnership's oversight of action agenda implementation, based upon the achievement of the objectives as measured by the established environmental indicators and benchmarks; and

(c) Any recommendations for improvements in the partnership's performance and structure, and to provide accountability for action agenda results by action entities.

(3) The partnership may use the audits as the basis for developing changes to the action agenda, and may submit any recommendations requiring legislative policy or budgetary action to the governor and to the appropriate committees of the senate and house of representatives.

**Sec. 22.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read as follows:

In addition to other powers and duties specified in this chapter, the ~~((action team shall ensure))~~ panel, with the approval of the council, shall guide the implementation and coordination of ((the)) a Puget Sound ((ambient)) assessment and monitoring program ((established in the Puget Sound management plan. The program shall include, at a minimum:

~~— (1) A research program, including but not limited to methods to provide current research information to managers and scientists, and to establish priorities based on the needs of the action team;~~

~~— (2) A monitoring program, including baselines, protocols, guidelines, and quantifiable performance measures. In consultation with state agencies, local and tribal governments, and other public and private interests, the action team shall develop and track quantifiable performance measures that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources. The performance measures shall be developed by June 30, 1997. The performance measures shall include, but not be limited to a methodology to track the progress of: Fish and wildlife habitat, sites with sediment contamination; wetlands; shellfish beds; and other key indicators of Puget Sound health. State agencies shall assist the action team in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area)).~~

**NEW SECTION. Sec. 23. PUGET SOUND RECOVERY ACCOUNT.** The Puget Sound recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. Federal grants, gifts, or other financial assistance received by the Puget Sound partnership and other state agencies from nonstate sources for the specific purpose of recovering Puget Sound may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the protection and recovery of Puget Sound.

**Sec. 24.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board

shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by section 25 of this act, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

~~((e))~~ (e) The cost of the project compared to the size of the local government and amount of loan money available;

~~((f))~~ (f) The number of communities served by or funding the project;

~~((g))~~ (g) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((h))~~ (h) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((i))~~ (i) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((j))~~ (j) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1st of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.155 RCW to read as follows:

In developing a priority process for public works projects under RCW 43.155.070, the board shall give preferences only to Puget Sound partners, as defined in RCW 90.71.010, over other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 26.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by section 27 of this act, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act;

(g) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

~~((h))~~ (h) The recommendations of the Puget Sound ~~(action team)~~ partnership created in section 3 of this act and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 27.** A new section is added to chapter 70.146 RCW to read as follows:

When making grants or loans for water pollution control facilities under RCW 70.146.070, the department shall give

preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 28.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications~~(, and the commission shall utilize);~~

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental ~~((benefit[s] in its grant prioritization and selection process-))~~ benefits;

(ii) Whether, except as conditioned by section 29 of this act, the applicant is a Puget Sound partner, as defined in RCW 90.71.010; and

(iii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act; and

(c) Not provide funding, after January 1, 2010, for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program.

(b) The commission shall work with the districts to develop uniform performance measures across participating districts~~(-)~~ and to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 29.** A new section is added to chapter 89.08 RCW to read as follows:

When administering water quality and habitat protection grants under this chapter, the commission shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 30.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment. ((For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel.))

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act, shall, except as conditioned by section 31 of this act, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. ((During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

~~(b))~~ (c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

**NEW SECTION. Sec. 31.** A new section is added to chapter 70.105D RCW to read as follows:

When administering funds under this chapter, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 32.** RCW 79.105.150 and 2005 c 518 s 946 and 2005 c 155 s 121 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects.

(2) In providing grants for aquatic lands enhancement projects, the ~~(department)~~ interagency committee for outdoor recreation shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications~~(- and the department shall));~~

(b) Utilize the statement of environmental benefits, consideration, except as provided in section 33 of this act, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, and whether a project is referenced in the action agenda developed

by the Puget Sound partnership under section 13 of this act, in its prioritization and selection process~~(- The department shall also)); and~~

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

~~((3) During the fiscal biennium ending June 30, 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.)) (5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.~~

**NEW SECTION. Sec. 33.** A new section is added to chapter 79.105 RCW to read as follows:

When administering funds under this chapter, the interagency committee for outdoor recreation shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 34.** RCW 79A.15.040 and 2005 c 303 s 3 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for natural areas projects under subsection (1) (b) of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to

payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

(6)(a) Except as otherwise conditioned by section 35 of this act, the committee shall consider the following in determining distribution priority:

(i) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010; and

(ii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(7) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 35.** A new section is added to chapter 79A.15 RCW to read as follows:

When administering funds under this chapter, the committee shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 36.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and 2005 c 257 s 3 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat; ~~((and))~~

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding;

(vi) Are, except as provided in section 37 of this act, sponsored by an entity that is a Puget Sound partner, as defined in RCW 90.71.010; and

(vii) Are projects referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation; ~~((and))~~

(iv) Involve members of the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 37.** A new section is added to chapter 77.85 RCW to read as follows:

When administering funds under this chapter, the board shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 38.** RCW 90.50A.030 and 1996 c 37 s 4 are each amended to read as follows:

The department ~~((of ecology))~~ shall use the moneys in the water pollution control revolving fund to provide financial assistance as provided in the water quality act of 1987 and as provided in RCW 90.50A.040:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will

be fully amortized not later than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; and

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act.

(3) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

(4) ~~((Beginning with the biennium ending June 30, 1997;))~~ The department shall present a biennial progress report on the use of moneys from the account to the ~~((chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year))~~ appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

(5) The department may not use the moneys in the water pollution control revolving fund for grants.

**Sec. 39.** RCW 90.50A.040 and 1988 c 284 s 5 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department ~~((of ecology))~~. In administering the fund, the department shall:

(1) Consistent with RCW 90.50A.030 and section 40 of this act, allocate funds for loans in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act amendments of 1987 and estuary programs developed under section 320 of that act; ~~((and))~~

(7) Comply with provisions of the water quality act of 1987; and

(8) After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 40.** A new section is added to chapter 90.50A RCW to read as follows:

(1) In administering the fund, the department shall give priority consideration to:

(a) A public body that is a Puget Sound partner, as defined in RCW 90.71.010; and

(b) A project that is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(2) When implementing this section, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**NEW SECTION. Sec. 41. TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM.** (1) The Puget Sound action team is hereby abolished and its powers, duties, and functions are hereby transferred to the Puget Sound partnership as consistent with this chapter. All references to the chair or the Puget Sound action team in the Revised Code of Washington shall be construed to mean the executive director or the Puget Sound partnership.

(2)(a) All employees of the Puget Sound action team are transferred to the jurisdiction of the Puget Sound partnership.

(b) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Puget Sound action team shall be delivered to the custody of the Puget Sound partnership. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the Puget Sound action team shall be made available to the Puget Sound partnership. All funds, credits, or other assets held by the Puget Sound action team shall be assigned to the Puget Sound partnership.

(c) Any appropriations made to the Puget Sound action team shall, on the effective date of this section, be transferred and credited to the Puget Sound partnership.

(d) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the Puget Sound action team shall be continued and acted upon by the Puget Sound partnership. All existing contracts and obligations shall remain in full force and shall be performed by the Puget Sound partnership.

(4) The transfer of the powers, duties, functions, and personnel of the Puget Sound action team shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

**NEW SECTION. Sec. 42. CAPTIONS NOT LAW.** Captions used in this chapter are not any part of the law.

**Sec. 43.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read as follows:

(1)(a) The ~~((action team))~~ department of health shall ~~((establish a))~~ manage the established shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The ~~((action team))~~ department of health shall provide funds to local health jurisdictions to be used as grants or loans to individuals for improving their on-site sewage systems. The grants ~~or~~ loans may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas.

(b) A recipient of a grant ~~or loan~~ shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction.

(c) The ~~((action team))~~ department of health shall work closely with local health jurisdictions and ~~((shall endeavor))~~ it shall be the goal of the department of health to attain geographic equity between Grays Harbor, Willapa Bay, and ((the)) Puget Sound when making funds available under this program.

(d) For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants ~~or loans~~ at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In ~~((the))~~ Puget Sound, the ~~((action team))~~ department of health shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; ~~((or))~~

(b) Included within a shellfish protection district under chapter 90.72 RCW; or

(c) Identified as a marine recovery area under chapter 70.118A RCW.

(3) In Grays Harbor and Pacific counties, the ~~((action team))~~ department of health shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The ~~((action team))~~ department of health and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The ~~((action team))~~ department of health may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

(6) ~~((For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present))~~ For the 2007-2009 biennium, from the funds received under this section, Pacific county may transfer up to two hundred thousand dollars to the department of fish and wildlife for research identified by the department of fish and wildlife and the appropriate oyster reserve advisory committee under RCW 77.60.160.

**Sec. 44.** RCW 77.60.160 and 2001 c 273 s 2 are each amended to read as follows:

(1) The oyster reserve land account is created in the state treasury. All receipts from revenues from the lease of land or sale of shellfish from oyster reserve lands must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as provided in this section.

(2) Funds in the account shall be used for the purposes provided for in this subsection:

(a) Up to forty percent for the management expenses incurred by the department that are directly attributable to the management of the oyster reserve lands and for the expenses associated with new research and development activities at the Pt. Whitney and Nahcotta shellfish laboratories managed by the department. As used in this subsection, "new research and development activities" includes an emphasis on the control of aquatic nuisance species and burrowing shrimp;

(b) Up to ten percent may be deposited into the state general fund; and

(c) Except as provided in subsection (3) of this section, all remaining funds in the account shall be used for the shellfish - on-site sewage grant program established in RCW 90.71.100.

(3)(a) No later than January 1st of each year, from revenues received from the Willapa bay oyster reserve, the department shall transfer one hundred thousand dollars to the on-site sewage grant program established in RCW 90.71.100 (as recodified by this act).

(b) All remaining revenues received from the Willapa bay oyster reserve shall be used to fund research activities as specified in subsection 2(a) of this section.

**NEW SECTION. Sec. 45.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff.

**Sec. 46.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, ~~((and))~~ (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**Sec. 47.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, ~~((and))~~ (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 48.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and

wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, ~~(personnel appeals board,)~~ board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**Sec. 49.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon

recovery organization for Puget Sound salmon species, except for the program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

**Sec. 50.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read as follows:

(1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance in this state.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds that this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state agency known as the Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature also finds numerous public, private, and community organizations are working to provide public education and identify potential solutions. The legislature recognizes that, while some information and research is now available and some potential solutions have been identified, more research and analysis is needed to fully develop a program to address Hood Canal's low-dissolved oxygen concentrations.

(4) The legislature finds a need exists for the state to take action to address Hood Canal's low-dissolved oxygen concentrations. The legislature also finds establishing an aquatic rehabilitation zone for Hood Canal will serve as a statutory framework for future regulations and programs directed at recovery of this important aquatic resource.

(5) The legislature therefore intends to establish an aquatic rehabilitation zone for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. The legislature also intends to incorporate provisions in the new statutory chapter creating the designation as solutions are identified regarding this problem.

**Sec. 51.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read as follows:

(1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

(4) The Puget Sound ~~((action team))~~ partnership and the Hood Canal coordinating council must each approve and must comanage projects under the rehabilitation program authorized in this section.

**Sec. 52.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read as follows:

(1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to RCW 90.88.020. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in RCW 90.88.020 and when establishing funding criteria according to subsection (7) of this section, the Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, and the local management

board shall solicit participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The local management board also may appoint technical advisory committees as needed.

(3) The local management board and the Puget Sound (~~(action team)~~) partnership shall participate in the development of the program authorized under RCW 90.88.020.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound (~~(action team)~~) partnership each may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound (~~(action team)~~) partnership and the local management board shall jointly coordinate a process to prioritize projects, studies, and activities for which the Puget Sound (~~(action team)~~) partnership receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound (~~(action team)~~) partnership shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. Final approval for projects under this section requires the consent of both the Puget Sound (~~(action team)~~) partnership and the local management board. Projects under this section must be comanaged by the Puget Sound (~~(action team)~~) partnership and the local management board. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to RCW 90.88.020 to the appropriate committees of the legislature.

**Sec. 53.** RCW 90.88.901 and 2005 c 479 s 5 are each amended to read as follows:

Nothing in chapter 479, Laws of 2005 provides any regulatory authority to the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, or the Hood Canal coordinating council.

**Sec. 54.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read as follows:

The activities of the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and the Hood Canal coordinating council required by chapter 479, Laws of 2005 are subject to the availability of amounts appropriated for this specific purpose.

**Sec. 55.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound (~~(water quality authority)~~) partnership, created in section 3 of this act. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

**Sec. 56.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to read as follows:

The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound (~~(action team)~~) partnership shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate

appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

**Sec. 57.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to read as follows:

The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound (~~(action team)~~) partnership.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound (~~(action team)~~) partnership's water quality work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

**Sec. 58.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to read as follows:

The legislature finds that the department provides, manages, and monitors aquatic land dredged material disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors, and shipping lanes. These disposal sites are approved through a cooperative planning process by the departments of natural resources and ecology, the United States army corps of engineers, and the United States environmental protection agency in cooperation with the Puget Sound (~~(action team)~~) partnership. These disposal sites are essential to the commerce and well-being of the citizens of the state of Washington. Management and environmental monitoring of these sites are necessary to protect environmental quality and to assure appropriate use of state-owned aquatic lands. The creation of an aquatic land dredged material disposal site account is a reasonable means to enable and facilitate proper management and environmental monitoring of these disposal sites.

**Sec. 59.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read as follows:

(1) The aquatic nuisance species committee is created for the purpose of fostering state, federal, tribal, and private cooperation on aquatic nuisance species issues. The mission of the committee is to minimize the unauthorized or accidental introduction of nonnative aquatic species and give special emphasis to preventing the introduction and spread of aquatic nuisance species. The term "aquatic nuisance species" means a nonnative aquatic plant or animal species that threatens the diversity or abundance of native species,

the ecological stability of infested waters, or commercial, agricultural, or recreational activities dependent on such waters.

(2) The committee consists of representatives from each of the following state agencies: Department of fish and wildlife, department of ecology, department of agriculture, department of health, department of natural resources, Puget Sound (~~(water quality action team)~~) partnership, state patrol, state noxious weed control board, and Washington sea grant program. The committee shall encourage and solicit participation by: Federally recognized tribes of Washington, federal agencies, Washington conservation organizations, environmental groups, and representatives from industries that may either be affected by the introduction of an aquatic nuisance species or that may serve as a pathway for their introduction.

(3) The committee has the following duties:

(a) Periodically revise the state of Washington aquatic nuisance species management plan, originally published in June 1998;

(b) Make recommendations to the legislature on statutory provisions for classifying and regulating aquatic nuisance species;

(c) Recommend to the state noxious weed control board that a plant be classified under the process designated by RCW 17.10.080 as an aquatic noxious weed;

(d) Coordinate education, research, regulatory authorities, monitoring and control programs, and participate in regional and national efforts regarding aquatic nuisance species;

(e) Consult with representatives from industries and other activities that may serve as a pathway for the introduction of aquatic nuisance species to develop practical strategies that will minimize the risk of new introductions; and

(f) Prepare a biennial report to the legislature with the first report due by December 1, 2001, making recommendations for better accomplishing the purposes of this chapter, and listing the accomplishments of this chapter to date.

(4) The committee shall accomplish its duties through the authority and cooperation of its member agencies. Implementation of all plans and programs developed by the committee shall be through the member agencies and other cooperating organizations.

**Sec. 60.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(f) The recommendations of the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from

receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

**Sec. 61.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to read as follows:

The department may not use funds appropriated to implement an element of the action agenda developed by the Puget Sound ((water quality authority plan)) partnership under section 13 of this act to conduct any activity required under chapter 281, Laws of 1994.

**Sec. 62.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to read as follows:

(1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter 516, Laws of 1993. The task force shall consist of the commissioner of public lands, the director of the department of fish and wildlife, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget Sound ((water quality authority)) partnership, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community, trade, and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in RCW 43.21J.040, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with RCW 43.21J.040; and

(c) To determine funding allocations for projects to be funded from the account created in RCW 43.21J.020 and for projects or programs as designated in the omnibus operating and capital appropriations acts.

**Sec. 63.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to read as follows:

(1) Subject to the limitations of RCW 43.21J.020, the task force shall award funds from the environmental and forest restoration

account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after July 1, 1993:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to rules adopted by the agency then known as the Puget Sound water quality authority ((rules adopted)) for local planning and management of nonpoint source pollution;

(b) Conservation district projects that provide water quality and habitat improvements;

(c) Indian tribe projects that provide water quality and habitat improvements; or

(d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(3) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

**Sec. 64.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to read as follows:

(1) The sea grant and cooperative extension shall jointly administer a program to provide field agents to work with local governments, property owners, and the general public to increase the propagation of shellfish, and to address Puget Sound water quality problems within Kitsap, Mason, and Jefferson counties that may limit shellfish propagation potential. The sea grant and cooperative extension shall each make available the services of no less than two agents within these counties for the purposes of this section.

(2) The responsibilities of the field agents shall include but not be limited to the following:

(a) Provide technical assistance to property owners, marine industry owners and operators, and others, regarding methods and practices to address nonpoint and point sources of pollution of Puget Sound;

(b) Provide technical assistance to address water quality problems limiting opportunities for enhancing the recreational harvest of shellfish;

(c) Provide technical assistance in the management and increased production of shellfish to facility operators or to those interested in establishing an operation;

(d) Assist local governments to develop and implement education and public involvement activities related to Puget Sound water quality;

(e) Assist in coordinating local water quality programs with region-wide and statewide programs;

(f) Provide information and assistance to local watershed committees.

(3) The sea grant and cooperative extension shall mutually coordinate their field agent activities to avoid duplicative efforts and to ensure that the full range of responsibilities under RCW 28B.30.632 through 28B.30.636 are carried out. They shall consult with the Puget Sound (~~((water quality authority)) partnership, created in section 3 of this act, and ensure consistency with ((the authority's)) any of the Puget Sound partnership's~~ water quality management plans.

(4) Recognizing the special expertise of both agencies, the sea grant and cooperative extension shall cooperate to divide their activities as follows:

(a) Sea grant shall have primary responsibility to address water quality issues related to activities within Puget Sound, and to provide assistance regarding the management and improvement of shellfish production; and

(b) Cooperative extension shall have primary responsibility to address upland and freshwater activities affecting Puget Sound water quality and associated watersheds.

NEW SECTION. Sec. 65. RCW 90.71.902 and 90.71.903 are each decodified.

NEW SECTION. Sec. 66. RCW 90.71.100 is recodified as a new section in chapter 70.118 RCW.

NEW SECTION. Sec. 67. The following acts or parts of acts are each repealed:

(1) RCW 90.71.005 (Findings) and 1998 c 246 s 13 & 1996 c 138 s 1;

(2) RCW 90.71.015 (Environmental excellence program agreements--Effect on chapter) and 1997 c 381 s 30;

(3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 & 1996 c 138 s 3;

(4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996 c 138 s 4;

(5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;

(6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s 6;

(7) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;

(8) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;

(9) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15; and

(10) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

NEW SECTION. Sec. 68. Sections 1, 3 through 21, 23, 41, and 42 of this act are each added to chapter 90.71 RCW.

NEW SECTION. Sec. 69. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 70. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

Correct the title.

Representative Upthegrove spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Bailey moved the adoption of amendment (639):

On page 66, beginning on line 1 of the amendment, strike all material through "2007." on line 4 of the amendment

Renumber the sections consecutively and correct any internal references accordingly.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Upthegrove spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Upthegrove, Sump, Eickmeyer, Rolfes, Jarrett, Condotta, Walsh and Springer spoke in favor of passage of the bill.

Representatives Pearson, Schindler and Kretz spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5372, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5372, as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Ahern, Armstrong, Crouse, Dunn, Hailey, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Schindler and Warnick - 12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe and Rasmussen)**

**Concerning the Washington assessment of student learning.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Amendment (553) was rule out of order.

Representative P. Sullivan moved the adoption of amendment (615):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature maintains a strong commitment to high expectations and high academic achievement for all students. The legislature finds that Washington schools and students are making significant progress in improving achievement in reading and writing. Schools are adapting instruction and providing remediation for students who need additional assistance. Reading and writing are being taught across the curriculum. Therefore, the legislature does not intend to make changes to the Washington assessment of student learning or high school graduation requirements in reading and writing.

(2) However, students are having difficulty improving their academic achievement in mathematics and science, particularly as measured by the high school Washington assessment of student learning. The legislature finds that corrections are needed in the state's high school assessment system that will improve alignment between learning standards, instruction, diagnosis, and assessment of students' knowledge and skills in high school mathematics and science. The legislature further finds there is a sense of urgency to make these corrections and intends to revise high school graduation requirements in mathematics and science only for the minimum period for corrections to be fully implemented.

**Sec. 2.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or section 4 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has

~~((retaken))~~ taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of ~~((2010))~~ 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) ~~((Beginning in 2006,))~~ School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) ~~((Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006,))~~ Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics or reading portion of the preliminary scholastic assessment test (PSAT)(~~(?)~~) or on the mathematics, reading or English, or writing portion of the scholastic assessment test (SAT)(~~(?)~~) or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the ~~((mathematics))~~ state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the ~~((mathematics))~~ relevant portion of the PSAT, SAT, or ACT to meet or exceed the state standard ~~((for mathematics))~~ in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, ~~((2006, and thereafter))~~ 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards ~~((for mathematics))~~.

(ii) The superintendent of public instruction shall implement an alternative assessment for mathematics that presents the mathematics essential academic learning requirements in segments; is comparable in content and rigor to the tenth grade mathematics assessment when

all segments are considered together; is reliable and valid; and can be used to determine a student's academic performance level. The segmented mathematics assessment authorized under this subsection (10)(b)(ii) may be used as an objective alternative assessment under this section for demonstrating that a student has met the mathematics standards for the certificate of academic achievement.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation.

~~((This requirement shall be phased in as follows:~~

~~(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.~~

~~(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.~~

~~(iii)) (i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.~~

~~((iv)) (ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

~~(b) ((Beginning with the 2005-06 school year and every year thereafter,)) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.~~

~~(i) The parent or guardian of ((a) the student ((described in this subsection (12)(b))) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.~~

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

**Sec. 3.** RCW 28A.155.045 and 2004 c 19 s 104 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in section 4 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the graduating class of 2008 and through the graduating class of 2011, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics standard on the high school Washington assessment of student learning, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(d)(i) For the graduating class of 2008, successfully earn one additional high school mathematics credit after the student's eleventh grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning; and

(ii) For the remaining graduating classes under this section, successfully earn two additional mathematics credits after the student's tenth grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning.

(2) This section expires August 31, 2012.

**Sec. 5.** RCW 28A.655.070 and 2005 c 497 s 106 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the

content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system ~~((shall))~~ may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)~~((a))~~ The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.))~~

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

**Sec. 6.** RCW 28A.655.063 and 2006 c 115 s 5 are each amended to read as follows:

Subject to the availability of funds appropriated for this purpose, ~~((school districts shall reimburse))~~ the office of the superintendent of public instruction shall provide funds to school districts, arrange for students to receive a testing fee waiver, or make other arrangements to compensate students for the cost of taking the tests in RCW

28A.655.061(10)(b) when the students take the tests for the purpose of using the ~~((mathematics))~~ results as an objective alternative assessment.

**Sec. 7.** RCW 28A.655.200 and 2006 c 117 s 4 are each amended to read as follows:

(1) ~~((In the absence of mandatory, statewide, norm-referenced assessments.))~~ The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance ((guidance and planning for students and to)) student learning at all grade levels and provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under ~~((subsection (5) of))~~ this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3)~~((By September 1, 2005, subject to available funds.))~~ The office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary and middle school grades available to school districts ((diagnostic assessments that)). Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school Washington assessment of student learning. To the greatest extent possible, the assessments shall be:

(a) Aligned to the state's grade level expectations;

(b) Individualized to each student's performance level;

(c) Administered efficiently to provide results either immediately or within two weeks;

(d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;

(e) Readily available to parents; and

(f) Cost-effective.

(5) ~~((Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional strategies to assist students before the high school Washington assessment of student learning.))~~

~~((6))~~ The office of the superintendent of public instruction ((is encouraged to)) shall offer training at statewide and regional staff development activities ((training opportunities that would assist practitioners)) in:

(a) The interpretation of diagnostic assessments; and

(b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

**NEW SECTION. Sec. 8.** (1) The legislature's intent is to make significant improvements in the high school Washington assessment of student learning in the content areas of mathematics and science before requiring students to meet the state standard on the assessment for graduation purposes. The legislature believes that a high school assessment system where students receive instruction through credited high school mathematics and science courses and have their knowledge and skills assessed after they complete the courses represents a superior assessment system than the current form of the Washington assessment of student learning. The legislature also believes that end-of-course assessments offer better diagnostic information and would improve the alignment of curriculum, instruction, and assessment. However, the legislature acknowledges that replacing the current form of the Washington assessment of student learning in mathematics and science with end-of-course

assessments represents a significant change that should be thoroughly evaluated, along with other possible changes, by an independent third party and that members of the education community and the public should have ample opportunity to provide input.

(2)(a) The state board of education, in consultation with the superintendent of public instruction, shall contract with an independent regional educational research organization that has experience with Washington's education and assessment system to examine and recommend changes to the high school Washington assessment of student learning in the content areas of mathematics and science.

(b) The primary change to be examined under this subsection (2) shall be replacing the current high school Washington assessment of student learning with a limited series of end-of-course assessments in mathematics and science. The examination of end-of-course assessments shall include:

(i) An objective analysis of the potential strengths and weaknesses of end-of-course assessments as the primary high school assessment tool for student and school accountability;

(ii) Analysis of the possible impact of end-of-course assessments on curriculum and instruction in mathematics and science;

(iii) The appropriate mathematics and science content to be covered by end-of-course assessments;

(iv) Recommended implementation timelines and issues to be addressed in replacing the current assessment; and

(v) A detailed analysis of the cost-effectiveness of adopting end-of-course assessments compared to continuing to refine and improve the Washington assessment of student learning, associated diagnostic tools, and other teaching support measures.

(b) In addition, the examination shall identify other possible changes to the Washington assessment of student learning that address, at a minimum, the following issues:

(i) Timeliness of the return of score results;

(ii) The diagnostic value of score results;

(iii) Cost of administration of the assessment and the burden on school districts; and

(iv) Opportunities to improve alignment of curriculum, instruction, and the assessment.

(3) In conducting the examination under subsection (2) of this section, the state board of education shall ensure that the regional educational research organization seeks input from other independent national assessment experts and examines the experience of other states, particularly states that have implemented end-of-course assessments.

(4) In any request for proposals for a new testing contractor for the Washington assessment of student learning, the superintendent of public instruction shall include the possible changes being examined by the regional educational research organization so that additional information about the cost and feasibility of the changes can be provided by prospective testing contractors.

(5) A report with findings and recommendations from the regional educational research organization on the issues required to be examined under subsection (2) of this section shall be presented to the state board of education, the superintendent of public instruction, the governor, and the education committees of the legislature by January 10, 2008.

(6) The state board of education shall consider the findings and recommendations from the regional educational research organization using a deliberative public process to ensure ample input from teachers, school and district administrators, the business community, parents, and other interested individuals and organizations. The state board of education shall submit a final report to the superintendent of public instruction, the governor, and the education committees of the legislature by September 15, 2008, that includes recommendations for changes to the high school Washington assessment of student learning in mathematics and science and a recommended timeline that provides for expedited implementation of the recommended changes.

(7) The legislature intends that the changes recommended by the state board of education under this section shall be able to be implemented no later than the 2009-10 school year in order to apply to the graduating class of 2012. If the state board of education finds that the changes cannot feasibly be implemented by the 2009-10

school year, the state board shall state the specific reasons for such a finding, along with supporting evidence, and recommend a revised expedited timeline.

(8) For its final report, the state board of education shall also examine and make recommendations regarding:

(a) The effectiveness of current authorized alternative assessments; and

(b) Opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement.

(9) This section expires June 30, 2009.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) In allocating state funds for the promoting academic success program, the legislature has recognized that high school students whose scores represent a near miss of the state standard on the Washington assessment of student learning require fewer remedial resources to ensure that they meet the state standard on the next attempt. However, there is significant variation among the remaining students whose scores represent a far miss of the state standard regarding their levels of knowledge and skills, and consequently the levels of remediation they will need.

(2) School districts receiving funding allocations through the promoting academic success program for high school students scoring more than one standard error of measurement from meeting the state standard shall assign more resources per student to support students scoring at level one on the Washington assessment of student learning than are assigned to support students scoring at level two."

Correct the title.

Representative Jarrett moved the adoption of amendment (650) to amendment (615):

On page 7, line 2 of the striking amendment, after "graduating class of" strike "2011" and insert "2012"

On page 7, line 26 of the striking amendment, after "August 31," strike "2012" and insert "2013"

On page 12, beginning on line 4 of the striking amendment, strike all of section 8 and insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) The legislature's intent for the high school assessment system in mathematics and science is that students receive instruction through credited high school courses in the content areas to be assessed and have their knowledge and skills assessed after they complete the courses. End-of-course assessments in mathematics and science should, at a minimum, cover the content of algebra I, geometry, and biology, and be based on state learning standards. However, school districts should be responsible for designing and implementing courses that align with state learning standards, state-recommended curricula, and end-of-course assessments. School districts should also have the opportunity to provide instruction in the assessed content areas through integrated courses. To the extent feasible, the assessments should be able to be administered online. Results should be returned in a timely manner and should provide diagnostic information to improve curriculum, instruction, and remediation for struggling students. Furthermore, changes to the high school Washington assessment of student learning to achieve the legislative intent expressed under this subsection should be implemented on an expedited timeline in order to apply to the graduating class of 2013.

(2)(a) The state board of education, in consultation with the superintendent of public instruction, shall examine and recommend

changes to the high school Washington assessment of student learning in the content areas of mathematics and science. The examination shall address the issues identified in subsection (1) of this section.

(b) In conducting its examination, the state board of education shall seek input from independent national assessment experts; examine the experience of other states that have implemented end-of-course assessments; and use a deliberative public process to ensure adequate input from teachers, school and district administrators, the business community, parents, and other interested individuals and organizations.

(c) In any request for proposals for a new testing contractor for the Washington assessment of student learning, the superintendent of public instruction shall include the changes being examined by the state board of education so that additional information about the cost and feasibility of end-of-course assessments and implementation timelines can be provided by prospective testing contractors.

(d) The state board of education shall submit a report to the superintendent of public instruction and the education committees of the legislature by January 10, 2008, with findings from the examination under this subsection (2) and recommendations for changes to the high school Washington assessment in mathematics and science that implement the legislative intent expressed under subsection (1) of this section and a timeline for expedited implementation of the recommended changes no later than the 2010-11 school year.

(e) If the state board of education finds that the legislative intent expressed under section (1) of this section cannot feasibly be implemented by the 2010-11 school year, the state board shall state the specific reasons for such a finding, along with supporting evidence, and recommend a revised timeline.

(3) This section expires June 30, 2008."

Representatives Jarrett and P. Sullivan spoke in favor of the adoption of the amendment to amendment (615).

The amendment to amendment (615) was adopted.

With the consent of the House, amendment (628) was withdrawn.

Representatives P. Sullivan and Priest spoke in favor of the adoption of the amendment (615) as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives P. Sullivan, Priest, Jarrett, Quall and Haler spoke in favor of passage of the bill.

Representatives Hunter and Ahern spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6023, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6023, as amended by the House, and the bill passed the House by the following vote: Yeas - 81, Nays - 17, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson,

Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Alexander, Bailey, Chandler, Crouse, Curtis, Dunn, Flannigan, Hunter, Kristiansen, Miloscia, Moeller, Morris, Orcutt, Schindler, Springer and Strow - 17.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5412, by Senate Committee on Transportation (originally sponsored by Senators Murray, Swecker, Marr, Clements and Haugen)**

**Clarifying goals, objectives, and responsibilities of certain transportation agencies.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Representative Anderson moved the adoption of amendment (612):

On page 17, after line 13 of the amendment, insert:  
**"NEW SECTION. Sec. 13.** The legislature finds that the replacement of the Alaskan Way Viaduct and the state route number 520 floating bridge are the highest priority transportation projects that represent an immediate threat to public safety and are vital to the economic strength of the Puget Sound region and the state as a whole. The legislature also finds that imposing tolls of seven dollars or more on the Lake Washington bridges would be a barrier to low and moderate- income households in the Puget Sound region and would serve to discourage free movement of people throughout the region.

**NEW SECTION. Sec. 14.** A new section is added to chapter 81.112 RCW to read as follows:

(1) As part of the proposition to support additional implementation phases of the regional transit authority's system and financing plan submitted to voters at the 2007 general election under RCW 36.120.070 and 81.112.030(10), the authority shall not fund any planning, development, or construction that is not described in the sound transit 2 draft package, dated January 11, 2007. In addition, the authority may not apply any revenues received from the 2007 general election under RCW 36.120.070 and 81.112.040(10) toward planning, development, construction, acquisition of right-of-way, or financing of light rail over Lake Washington. This section is not intended to limit a regional transit authority's ability to expand light rail beyond the limitation of this section after November 2007.

(2) Revenues equal to the amount necessary to fund the expansion of light rail as proposed in the sound transit 2 draft package, dated January 11, 2007, shall be distributed to a regional transportation investment district established under chapter 36.120 RCW in accordance with section 5 of this act.

**Sec. 15.** RCW 81.104.160 and 2003 c 1 s 6 are each amended to read as follows:

An agency may impose a sales and use tax solely for the purpose of providing high capacity transportation service, except as otherwise provided in section 2 of this act, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall not exceed 2.172 percent. The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated and expire on December 5, 2002.

**Sec. 16.** RCW 81.104.170 and 1997 c 450 s 5 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service except as otherwise provided in section 2 of this act.

(2) The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340. The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

**NEW SECTION. Sec. 17.** A new section is added to chapter 36.120 RCW to read as follows:

(1) As part of the proposition to support additional implementation phases of the regional transit authority's system and financing plan submitted to voters at the 2007 general election under RCW 36.120.070 and 81.112.040(10), funds received under section 2 of this act shall be allocated to the projects listed below in the amounts described and in the following order of priority:

(a) One billion one hundred million dollars for a tunnel replacement option for the Alaskan Way Viaduct that maintains or exceeds the current capacity.

(i) If a tunnel replacement option is not selected, these funds shall be used to ensure the completion of the projects listed in (b) through (e) of this subsection and to fund projects described in subsection (2) of this section. Any funds that are not necessary to carry out the purposes of this section shall be returned to the regional transit authority.

(ii) The district must reallocate these funds in accordance with subsection (2) of this section if, within one year of passage of the 2007 general election ballot measure approved in RCW 36.120.070 and RCW 81.112.040(10), local jurisdictions have not agreed to contribute seven hundred fifty million dollars in funds from local sources that may include, but are not limited to, a local improvement district and a local utility tax.

(b) Two billion seven hundred million dollars for the improvement and replacement of the state route number 520 bridge replacement and HOV project between Interstate 5 and Interstate 405. The district must include in its ballot measure one billion one hundred million dollars for the state route number 520 floating bridge. These funds must be combined with any additional funds appropriated by federal, state, and local sources to fully fund the state route number 520 bridge replacement and improvements as designated by the district. The funding package for the state route

number 520 bridge replacement and HOV project may not include tolling.

(c) Six hundred forty million dollars for the construction of state route number 167 to the port of Tacoma in addition to any other funds provided by the plan developed by the regional transportation investment district.

(d) One hundred thirteen million dollars for the construction of state route number 704 between Interstate 5 and state route number 7, in addition to any other funds provided by the plan developed by the regional transportation investment district.

(e) Ninety-four million dollars for the connection of state route number 509 and Interstate 5 at Sea-Tac in addition to funds already provided by the regional transportation investment district.

(2) Funds not necessary for the implementation of the projects in subsection (1) of this section shall be transferred to sound transit for the purpose of completing light rail to the Tacoma Dome transit center.

**Sec. 18.** RCW 36.120.040 and 2006 c 311 s 6 are each amended to read as follows:

(1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations of which a participating county is a member. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing within the participating counties' boundaries, that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the:

(i) Creation of a regional transportation investment district, including district boundaries; and

(ii) Construction of transportation projects to improve mobility within each county and within the region. Operations, maintenance, and preservation of facilities or systems may not be part of the plan, except for the limited purposes provided under RCW 36.120.020(8); and

(c) Recommend sources of revenue authorized by RCW 36.120.050 and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in each county and the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) The plan must use tax revenues and related debt for projects that generally benefit a participating county in proportion to the general level of tax revenues generated within that participating county. This equity principle applies to all modifications to the plan, appropriation of contingency funds not identified within the project estimate, and future phases of the plan. Per agreement with a regional transit authority serving the counties participating in a district, the equity principle identified under this subsection may include using the combined district and regional transit authority revenues generated within a participating county to determine the distribution that proportionally benefits the county. Modifications made under section 5 of this act are in compliance with this equity

principle. For purposes of the transportation subarea equity principle established under this subsection, a district may use the five subareas within a regional transit authority's boundaries as identified in an authority's system plan adopted in May 1996. During implementation of the plan, the board shall retain the flexibility to manage distribution of revenues, debt, and project schedules so that the district may effectively implement the plan. Nothing in this section should be interpreted to prevent the district from pledging district-wide tax revenues for payment of any contract or debt entered into under RCW 36.120.130.

(5) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(6) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(7) Once adopted by the planning committee, the plan must be forwarded to the participating county legislative authorities to initiate the election process under RCW 36.120.070. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(8) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

**Sec. 19.** RCW 36.120.045 and 2006 c 311 s 7 are each amended to read as follows:

The planning committee must develop and include in the regional transportation investment plan a funding proposal for the state route number 520 bridge replacement and HOV project that assures full project funding for seismic safety and corridor connectivity on state route number 520 between Interstate 5 and Interstate 405 without assessing tolls on either state route number 520 or Interstate 90 across Lake Washington."

Correct the title.

Renumber the sections consecutively and correct any internal references.

#### POINT OF ORDER

Representative Springer requested a scope and object ruling on the amendment (612) to Substitute Senate Bill No. 5412.

#### SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "Substitute Senate Bill No. 5412 is titled AN ACT Relating to "realigning goals, objection, and responsibilities of certain transportation agencies."

The bill as passed by the Senate specifies five policy goals for the planning, operation, performance of, and investment in the state's transportation system, and directs the Office of Financial Management to establish objectives and performance measures for state transportation agencies to assure that transportation system performance attains the specified policy goals. Various duties of certain transportation agencies are revised to ensure they are performed consistently with the revised policy goals, objectives and performance measures. The bill also clarifies the state's responsibility for highways of statewide significance.

Amendment (612) is not related to realigning goals, objectives and responsibilities of certain transportation agencies, nor to objective performance measurement of the achievement of such goals. Rather, the amendment deals with funding for specified transportation projects and directs which revenue sources may be used and in what amounts.

The bill's purpose is defining planning goals and objectives, clarifying responsibilities of transportation agencies and establishing performance measurements for those goals, objectives and responsibilities. The amendment's purpose is funding for specified transportation projects. The Speaker therefore finds that the amendment is beyond the scope and object of the bill.

Representative Springer, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5412, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5412, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Ericksen - 1.

SUBSTITUTE SENATE BILL NO. 5412, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5676, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles, Murray, Prentice, Hatfield and Kline)**

**Revising provision for receipt of temporary total disability.**

The bill was read the second time.

With the consent of the House, amendment (627) was withdrawn.

Representative Condotta moved the adoption of amendment (637):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.32.090 and 1993 c 521 s 3, 1993 c 299 s 1, and 1993 c 271 s 1 are each reenacted and amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3)(a) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall:

(i) For claims for injuries that occurred before May 7, 1993, continue in the proportion which the new earning power shall bear to the old; or

(ii) For claims for injuries occurring on or after May 7, 1993, equal eighty percent of the actual difference between the worker's present wages and earning power at the time of injury, but: (A) The total of these payments and the worker's present wages may not exceed one hundred fifty percent of the average monthly wage in the state as computed under RCW 51.08.018; (B) the payments may not exceed one hundred percent of the entitlement as computed under subsection (1) of this section; and (C) the payments may not be less than the worker would have received if (a)(i) of this subsection had been applicable to the worker's claim.

(b) No compensation shall be payable under this subsection (3) unless the loss of earning power shall exceed five percent.

(c) The prior closure of the claim or the receipt of permanent partial disability benefits shall not affect the rate at which loss of earning power benefits are calculated upon reopening the claim.

(4)(a) Whenever the employer of injury requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the work available with the employer of injury in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. The worker's temporary total disability payments shall continue until the worker is released by his or her physician for the work, and begins the work with the employer of injury. If the work thereafter comes to an end before the worker's

recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work offered by the employer of injury, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

(b) Once the worker returns to work under the terms of this subsection (4), he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

(c) If the worker returns to work under this subsection (4), any employee health and welfare benefits that the worker was receiving at the time of injury shall continue or be resumed at the level provided at the time of injury. Such benefits shall not be continued or resumed if to do so is inconsistent with the terms of the benefit program, or with the terms of the collective bargaining agreement currently in force.

(d) In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

**NEW SECTION. Sec. 2.** (1) The workers' compensation advisory committee created under RCW 51.04.110 shall conduct a study of policies created by the department of labor and industries for industrial insurance claims in which an employer continues to pay a worker wages which he or she was earning at the time of injury in accordance with RCW 51.32.090(6), including identifying the number of claims in which holiday pay, vacation pay, sick leave, or other similar benefits were deemed payments by the employer for the purposes of RCW 51.32.090(6).

(2) The workers' compensation advisory committee created under RCW 51.04.110 shall report the results of the study to the house of representatives commerce and labor committee and the senate labor, commerce, research, and development committee by December 1, 2007. The report must include recommendations on whether further legislative action is necessary."

Correct the title.

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5676.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5676 and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Rodne, Ross, Schindler, Skinner, and Warnick - 29.

SUBSTITUTE SENATE BILL NO. 5676, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5676.

JIM MCCUNE, 2<sup>nd</sup> District

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5676.

TROY KELLEY, 28<sup>th</sup> District

### SECOND READING

**ENGROSSED SENATE BILL NO. 5508, by Senators Kilmer, Zarelli, Hatfield, Schoesler, Holmquist, Kastama, Tom, Sheldon, Shin and Rasmussen**

### Providing for economic development project permitting.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Representative Hunt moved the adoption of amendment (572):

On page 4, line 3, after "has" strike "a good record of providing information to" and insert "developed guidelines and information regarding its permitting process for"

On page 7, line 9, after "has" strike "a good record of providing information to" and insert "developed guidelines and information regarding its permitting process for"

On page 7, starting on line 21, strike all of Section 4

On page 10, line 11, after "has" strike "a good record of providing information to" and insert "developed guidelines and information regarding its permitting process for"

On page 13, line 7, strike all of Section 10

Renumber the remaining sections accordingly, correct internal references, and correct the title.

Representative Alexander moved the adoption of amendment (629) to amendment (572):

On page 1, line 2 of the amendment, after "developed" insert "and adhered to"

On page 1, line 2 of the amendment, after "guidelines" strike "and information"

On page 1, line 5 of the amendment, after "developed" insert "and adhered to"

On page 1, line 5 of the amendment, after "guidelines" strike "and information"

On page 1, line 9 of the amendment, after "developed" insert "and adhered to"

On page 1, line 9 of the amendment, after "guidelines" strike "and information"

Representatives Alexander and Hunt spoke in favor of the adoption of the amendment to amendment (572).

The amendment to amendment (572) was adopted.

The question before the House was adoption of amendment (572) as amended.

Representative Hunt spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

Representative Hunt moved the adoption of amendment (601):

On page 13, starting on line 1, strike all of Section 9

Renumber remaining sections accordingly and correct the title.

Representatives Hunt and Alexander spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5508, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5508, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Dunn, Ericksen, McIntire, and Schindler - 4.

ENGROSSED SENATE BILL NO. 5508, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5088, by Senators Haugen, Swecker and Shin

#### Regulating ferry queues.

The bill was read the second time.

Representative Schindler moved the adoption of amendment (653):

On page 1, at the beginning of line 6, insert "(1)"

On page 2, after line 15, insert:

"(2) Subsection (1) of this section does not apply to a driver of a motor vehicle intending to board the Keller Ferry on State Route 21."

Representatives Schindler and Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Strow moved the adoption of amendment (645):

On page 1, line 6, after "is" strike "a traffic infraction" and insert "unlawful"

On page 1, line 12, after "section." insert "A violation of this section is a class C felony punishable according to chapter 9A.20 RCW."

Correct the title.

Representative Strow spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rolfes moved the adoption of amendment (605):

On page 1, line 15, after "ferry." insert "Violations of this section are not part of the vehicle driver's driving record under RCW 46.52.101 and 46.52.120."

Representative Rolfes spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5088, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5088, as amended by the House, and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 87.

Voting nay: Representatives Ahern, Anderson, Chandler, Dunn, Ericksen, Hurst, Kristiansen, Newhouse, Pearson, Ross and Schindler - 11.

SENATE BILL NO. 5088, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5551, by Senators Prentice, Kohl-Welles, Clements and Rasmussen; by request of Liquor Control Board**

**Enhancing enforcement of liquor and tobacco laws.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood, Condotta, Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5551, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5551, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SENATE BILL NO. 5551, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5881, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen, Delvin, Regala and Fraser; by request of Department of Ecology)**

**Modifying water power license fees.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for

purpose of amendment. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Representative Kretz moved the adoption of amendment (646) to the committee amendment:

On page 1, line 7, after "Washington for" strike "power development" and insert "~~((power development))~~ development of green power"

On page 3, line 12, after "pumping." insert:  
"(3) For the purposes of this section, "green power" means all electric power developed by hydroelectric facilities within or bordering upon the state of Washington."

Representative Kretz spoke in favor of the adoption of the amendment to the committee amendment.

Representative B. Sullivan spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative B. Sullivan spoke in favor of passage of the bill.

Representative Kretz spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5881, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5881, as amended by the House, and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Hurst, Kretz, Kristiansen, McCune, McDonald, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 33.

SUBSTITUTE SENATE BILL NO. 5881, as amended by the House, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5881.

TROY KELLEY, 28<sup>th</sup> District

**SECOND READING**

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862, by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Rockefeller, Poulsen, Kohl-Welles and Kline)**

**Regarding passenger-only ferry service.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Representative Appleton moved the adoption of amendment (471) to the committee amendment:

Beginning on page 4, line 27 of the amendment, strike all of section 8

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 7, beginning on line 19 of the amendment, after "immediately" strike ", except for section 8 of this act which takes effect July 1, 2008"

Representative Appleton spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Bailey moved the adoption of amendment (620) to the committee amendment:

On page 7, beginning on line 16 of the amendment, strike all of section 12 and insert the following:

"NEW SECTION. Sec. 12. Section 8 of this act takes effect July 1, 2008."

Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5862, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5862, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Ericksen and Kristiansen - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5972, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Swecker, Rockefeller, Poulsen, Rasmussen, Hargrove and Shin)**

**Providing the department of natural resources with more consistent enforcement authority for protection against mining without a permit.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Kretz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5972.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5972 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5972, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5336, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Murray, Kohl-Welles, Fairley, Prentice, Regala, Oemig, Tom, Kline, Hobbs, Pridemore, Keiser, Berkey, Franklin, Brown, Weinstein, Rockefeller, Poulsen, Fraser, Jacobsen, Spanel and McAuliffe)**

**Protecting individuals in domestic partnerships by granting certain rights and benefits.**

The bill was read the second time.

With the consent of the House, amendment (659) was withdrawn.

Representative Rodne moved the adoption of amendment (656):

On page 33, after line 18, insert the following:

**"NEW SECTION. Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the act shall be considered invalid in its entirety, and the act and the application of any provision of the act to any person or circumstance shall be considered null and void and of no effect."

Correct the title.

Representatives Rodne and Ericksen spoke in favor of the adoption of the amendment.

Representatives Lantz and Pedersen spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (661):

On page 33, after line 18, insert the following:

**"NEW SECTION. Sec. 34.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker stated the question before the House to be adoption of amendment (661) to Substitute Senate Bill No. 5336.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (661) to Substitute Senate Bill No. 5336, and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Kelley, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Wallace and Warnick - 35.

Voting nay: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Williams, Wood and Mr. Speaker - 63.

Representative Miloscia moved the adoption of amendment (652):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The purpose of this chapter is to extend certain rights and obligations to two adults who provide mutual care and support for each other, but are legally prohibited from marrying each other under RCW 26.04.020.

(2) The legislature finds that the people of Washington have chosen to limit marriage to the union of one man and one woman. As such, marriage is subject to restrictions, such as the prohibitions under RCW 26.04.020 between parties who are first cousins or nearer of kin to each other or who are of the same sex.

(3) The legislature recognizes that many choose to live in relationships that include financial interdependence and other mutual care and support. The state has an interest in promoting these relationships to encourage private dependencies rather than reliance on state benefits. The legislature recognizes that these mutually beneficial relationships would be assisted if certain rights, benefits, and obligations were made available to them. Examples include two individuals who are related to each other such as a widowed mother and her unmarried daughter, a grandmother caring for her grandson, or unrelated adults of the same gender.

(4) The legislature finds that certain rights, benefits, and obligations should be extended to two adults who seek to mutually care for each other.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Domestic partners" means two adults who meet the requirements of section 3 of this act.

(2) "Secretary" means the secretary of state's office.

**NEW SECTION. Sec. 3.** Two adults are considered domestic partners when the following requirements are met:

(1) Both are at least eighteen years of age;

(2) Neither is married to another person or in a domestic partnership with another person;

(3) Both are capable of consenting to the partnership without fraud or duress;

(4) They share a common residence;

(5) They are legally prohibited from marrying each other under RCW 26.04.020;

(6) They execute a mutual beneficiary contract provided by the secretary; and

(7) They file the mutual beneficiary contract with the secretary.

**NEW SECTION. Sec. 4.** (1) Two adults who meet the criteria in section 3(1) through (5) of this act may enter into a mutual beneficiary contract and file a "declaration of domestic partners in a mutual beneficiary contract" with the secretary. Upon receipt of a signed, notarized declaration and the filing fee, the secretary shall provide a copy of the declaration to both parties. The secretary shall maintain a record of each declaration filed with the secretary.

(2) An adult who is a domestic partner in a mutual beneficiary contract filed with the secretary, may terminate the domestic partnership by filing a signed, notarized "termination of domestic partnership" with the secretary and pay a filing fee. The party seeking to terminate the partnership must include in his or her filing an affidavit stating that the other party has received notice of the termination.

(3) Upon receipt of a signed, notarized termination of domestic partnership, filing fee, and affidavit, the secretary shall provide a copy of the termination of domestic partnership to each of the parties to the domestic partnership. The secretary shall maintain a record of each termination of domestic partnership filed with the secretary.

(4) The secretary shall create forms entitled "declaration of domestic partners in a mutual beneficiary contract" and "termination of domestic partnership" and shall make those forms available to the public. The secretary shall set and collect a fee, not to exceed fifty dollars, for filing a declaration of domestic partnership and a fee, not to exceed fifty dollars, for filing a termination of domestic partnership. The secretary is authorized to adopt rules to administer this chapter.

**NEW SECTION. Sec. 5.** Domestic partners shall have the rights and benefits provided under this act. Nothing in this act may be construed to create any rights, benefits, protections, or responsibilities not specifically enumerated in this act.

**NEW SECTION. Sec. 6.** (1) A domestic partnership created by a subdivision of the state is not a domestic partnership for the purposes of this chapter. Those persons desiring to become state registered domestic partners under this chapter must register pursuant to section 5 of this act. Nothing in this act shall affect domestic partnerships created by any public entity.

(2) A domestic partnership, civil union, or other relationship recognized by another state or jurisdiction that confers some or all of the benefits, rights, or obligations of marriage to persons who would not be eligible to marry in the state of Washington shall be deemed to have executed a declaration of domestic partners in a mutual beneficiary contract under this chapter, provided they would qualify for a mutual beneficiary contract under section 3 of this act.

**NEW SECTION. Sec. 7.** A patient's domestic partner shall have the same rights as a spouse with respect to visitation of the patient in a health care facility as defined in RCW 48.43.005.

**NEW SECTION. Sec. 8.** A new section is added to chapter 41.05 RCW to read as follows:

A declaration of domestic partnership issued to a couple of the same sex under the provisions of section 4 of this act shall be recognized as evidence of a qualified same sex domestic partnership fulfilling all necessary eligibility criteria for the partner of the employee to receive benefits. Nothing in this section affects the requirements of same sex domestic partners to complete documentation related to federal tax status that may currently be required by the board for employees choosing to make premium payments on a pretax basis.

**Sec. 9.** RCW 41.05.065 and 2006 c 299 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(3) The board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria subject to the requirements of section 8 of this act. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under

the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) The board shall develop a health savings account option for employees that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish

marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section.

**Sec. 10.** RCW 7.70.065 and 2006 c 93 s 1 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The patient's spouse or domestic partner as defined under section 2 of this act;

(iv) Children of the patient who are at least eighteen years of age;

(v) Parents of the patient; and

(vi) Adult brothers and sisters of the patient.

(b) If the health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(2) Informed consent for health care, including mental health care, for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she

is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient.

(c) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient. However, there is no obligation to require such documentation.

(d) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

**Sec. 11.** RCW 70.02.050 and 2006 c 235 s 3 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(d) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose;

(e) To immediate family members of the patient, including a patient's domestic partner, as defined under section 2 of this act, or any other individual with whom the patient is known to have a close

personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(f) To a health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(k) To fire, police, sheriff, or another public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(l) To federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor;

(m) To another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010(8) (a) and (b); or

(n) For payment.

(2) A health care provider without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request made to a nursing supervisor, administrator, or designated privacy official, in a case in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice

pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

- (i) The name of the patient;
  - (ii) The patient's residence;
  - (iii) The patient's sex;
  - (iv) The patient's age;
  - (v) The patient's condition;
  - (vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;
  - (vii) Whether the patient was conscious when admitted;
  - (viii) The name of the health care provider making the determination in (c)(v), (vi), and (vii) of this subsection;
  - (ix) Whether the patient has been transferred to another facility;
- and
- (x) The patient's discharge time and date;
- (d) To county coroners and medical examiners for the investigations of deaths;
- (e) Pursuant to compulsory process in accordance with RCW 70.02.060.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

**Sec. 12.** RCW 11.07.010 and 2002 c 18 s 1 are each amended to read as follows:

(1) This section applies to all nonprobate assets, wherever situated, held at the time of entry by a superior court of this state of a decree of dissolution of marriage or a declaration of invalidity or termination of a domestic partnership.

(2)(a) If a marriage is dissolved or invalidated, or a domestic partnership terminated, a provision made prior to that event that relates to the payment or transfer at death of the decedent's interest in a nonprobate asset in favor of or granting an interest or power to the decedent's former spouse or domestic partner, is revoked. A provision affected by this section must be interpreted, and the nonprobate asset affected passes, as if the former spouse or former domestic partner, failed to survive the decedent, having died at the time of entry of the decree of dissolution or declaration of invalidity or termination of domestic partnership.

(b) This subsection does not apply if and to the extent that:

(i) The instrument governing disposition of the nonprobate asset expressly provides otherwise;

(ii) The decree of dissolution ((~~or~~))<sub>2</sub> declaration of invalidity, or other court order requires that the decedent maintain a nonprobate asset for the benefit of a former spouse or former domestic partner or children of the marriage or children of the domestic partnership, payable on the decedent's death either outright or in trust, and other nonprobate assets of the decedent fulfilling such a requirement for the benefit of the former spouse or former domestic partner or children of the marriage or domestic partnership do not exist at the decedent's death; or

(iii) If not for this subsection, the decedent could not have effected the revocation by unilateral action because of the terms of the decree ((~~or~~))<sub>2</sub> declaration, termination of domestic partnership, or for any other reason, immediately after the entry of the decree of dissolution ((~~or~~))<sub>2</sub> declaration of invalidity, or termination of domestic partnership.

(3)(a) A payor or other third party in possession or control of a nonprobate asset at the time of the decedent's death is not liable for making a payment or transferring an interest in a nonprobate asset to a decedent's former spouse or domestic partner, whose interest in the nonprobate asset is revoked under this section, or for taking another action in reliance on the validity of the instrument governing disposition of the nonprobate asset, before the payor or other third party has actual knowledge of the dissolution or other invalidation of marriage or termination of the domestic partnership. A payor or other third party is liable for a payment or transfer made or other action taken after the payor or other third party has actual knowledge of a revocation under this section.

(b) This section does not require a payor or other third party to pay or transfer a nonprobate asset to a beneficiary designated in a governing instrument affected by the dissolution or other invalidation of marriage or termination of domestic partnership, or to another person claiming an interest in the nonprobate asset, if the payor or third party has actual knowledge of the existence of a dispute between the former spouse or former domestic partner, and the beneficiaries or other persons concerning rights of ownership of the nonprobate asset as a result of the application of this section among the former spouse or former domestic partner, and the beneficiaries or among other persons, or if the payor or third party is otherwise uncertain as to who is entitled to the nonprobate asset under this section. In such a case, the payor or third party may, without liability, notify in writing all beneficiaries or other persons claiming an interest in the nonprobate asset of either the existence of the dispute or its uncertainty as to who is entitled to payment or transfer of the nonprobate asset. The payor or third party may also, without liability, refuse to pay or transfer a nonprobate asset in such a circumstance to a beneficiary or other person claiming an interest until the time that either:

(i) All beneficiaries and other interested persons claiming an interest have consented in writing to the payment or transfer; or

(ii) The payment or transfer is authorized or directed by a court of proper jurisdiction.

(c) Notwithstanding subsections (1) and (2) of this section and (a) and (b) of this subsection, a payor or other third party having actual knowledge of the existence of a dispute between beneficiaries or other persons concerning rights to a nonprobate asset as a result of the application of this section may condition the payment or transfer of the nonprobate asset on execution, in a form and with security acceptable to the payor or other third party, of a bond in an amount that is double the fair market value of the nonprobate asset at the time of the decedent's death or the amount of an adverse claim, whichever is the lesser, or of a similar instrument to provide security to the payor or other third party, indemnifying the payor or other third party for any liability, loss, damage, costs, and expenses for and on account of payment or transfer of the nonprobate asset.

(d) As used in this subsection, "actual knowledge" means, for a payor or other third party in possession or control of the nonprobate asset at or following the decedent's death, written notice to the payor or other third party, or to an officer of a payor or third party in the course of his or her employment, received after the decedent's death and within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge. The notice must identify the nonprobate asset with reasonable specificity. The notice also must be sufficient to inform the payor or other third party of the revocation of the provisions in favor of the decedent's spouse or domestic partner, by reason of the dissolution or invalidation of marriage or termination of domestic partnership, or to inform the payor or third party of a dispute concerning rights to a nonprobate asset as a result of the application of this section. Receipt of the notice for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(4)(a) A person who purchases a nonprobate asset from a former spouse, former domestic partner, or other person, for value and without actual knowledge, or who receives from a former spouse, former domestic partner, or other person payment or transfer of a nonprobate asset without actual knowledge and in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, property, or benefit nor is liable under this section for the amount of the payment or the value of the nonprobate asset. However, a former spouse, former domestic partner, or other person who, with actual knowledge, not for value, or not in satisfaction of a legally enforceable obligation, receives payment or transfer of a nonprobate asset to which that person is not entitled under this section is obligated to return the payment or nonprobate asset, or is personally liable for the amount of the

payment or value of the nonprobate asset, to the person who is entitled to it under this section.

(b) As used in this subsection, "actual knowledge" means, for a person described in (a) of this subsection who purchases or receives a nonprobate asset from a former spouse, former domestic partner, or other person, personal knowledge or possession of documents relating to the revocation upon dissolution or invalidation of marriage of provisions relating to the payment or transfer at the decedent's death of the nonprobate asset, received within a time after the decedent's death and before the purchase or receipt that is sufficient to afford the person purchasing or receiving the nonprobate asset reasonable opportunity to act upon the knowledge. Receipt of the personal knowledge or possession of the documents for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(5) As used in this section, "nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under only the following written instruments or arrangements other than the decedent's will:

(a) A payable-on-death provision of a life insurance policy, employee benefit plan, annuity or similar contract, or individual retirement account, unless provided otherwise by controlling federal law;

(b) A payable-on-death, trust, or joint with right of survivorship bank account;

(c) A trust of which the person is a grantor and that becomes effective or irrevocable only upon the person's death; or

(d) Transfer on death beneficiary designations of a transfer on death or pay on death security, if such designations are authorized under Washington law.

For the general definition in this title of "nonprobate asset," see RCW 11.02.005(15) and for the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(6) This section is remedial in nature and applies as of July 25, 1993, to decrees of dissolution and declarations of invalidity entered after July 24, 1993, and this section applies as of January 1, 1995, to decrees of dissolution and declarations of invalidity entered before July 25, 1993.

(7) For the purposes of this section, "domestic partner" means "domestic partner" as defined under section 2 of this act.

**Sec. 13.** RCW 11.94.080 and 2001 c 203 s 1 are each amended to read as follows:

(1) An appointment of a principal's spouse or domestic partner as defined under section 2 of this act, as attorney in fact, including appointment as successor or coattorney in fact, under a power of attorney shall be revoked upon entry of a decree of dissolution or legal separation or declaration of invalidity of the marriage or termination of the domestic partnership of the principal and the attorney in fact, unless the power of attorney or the decree provides otherwise. The effect of this revocation shall be as if the spouse or domestic partner, resigned as attorney in fact, or if named as successor attorney in fact, renounced the appointment, as of the date of entry of the decree or declaration or filing of the termination of the domestic partnership, and the power of attorney shall otherwise remain in effect with respect to appointments of other persons as attorney in fact for the principal or procedures prescribed in the power of attorney to appoint other persons, and any terms relating to service by persons as attorney in fact.

(2) This section applies to all decrees of dissolution and declarations of invalidity of marriage entered after July 22, 2001.

**Sec. 14.** RCW 68.32.020 and 2005 c 365 s 92 are each amended to read as follows:

The spouse or domestic partner as defined under section 2 of this act, of an owner of any plot or right of interment containing more than one placement space has a vested right of placement in the plot and any person thereafter becoming the spouse or domestic partner,

of the owner has a vested right of placement in the plot if more than one space is unoccupied at the time the person becomes the spouse or domestic partner, of the owner.

**Sec. 15.** RCW 68.32.030 and 2005 c 365 s 93 are each amended to read as follows:

No conveyance or other action of the owner without the written consent of the spouse or domestic partner as defined under section 2 of this act, of the owner divests the spouse or domestic partner, of a vested right of placement. A final decree of divorce between them or termination of the domestic partnership terminates the vested right of placement unless otherwise provided in the decree.

**Sec. 16.** RCW 68.32.040 and 2005 c 365 s 94 are each amended to read as follows:

If no placement is made in a plot or right of interment, which has been transferred by deed or certificate of ownership to an individual owner, the title descends to the surviving spouse or domestic partner as defined under section 2 of this act. If there is no surviving spouse or domestic partner, the title descends to the heirs at law of the owner. Following death of the owner, if all remains previously placed are lawfully removed and the owner did not dispose of the plot or right of interment by specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the title descends to the surviving spouse or domestic partner. If there is no surviving spouse or domestic partner, the title descends to the heirs at law of the owner.

**Sec. 17.** RCW 68.32.060 and 2005 c 365 s 96 are each amended to read as follows:

Whenever an interment of the human remains of a member or of a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and both the owner and the surviving spouse or domestic partner as defined under section 2 of this act, if any, die with children then living without making disposition of the plot either by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, the plot shall thereafter be held as a family plot and shall be subject to sale only upon agreement of the children of the owner living at the time of sale.

**Sec. 18.** RCW 68.32.110 and 2005 c 365 s 101 are each amended to read as follows:

In a family plot one right of interment may be used for the owner's interment and one for the owner's surviving spouse or domestic partner as defined under section 2 of this act, if any. Any unoccupied spaces may then be used by the remaining parents and children of the deceased owner, if any, then to the spouse or domestic partner of any child of the owner, then to the heirs at law of the owner, in the order of death.

**Sec. 19.** RCW 68.32.130 and 2005 c 365 s 102 are each amended to read as follows:

Any surviving spouse, domestic partner as defined under section 2 of this act, parent, child, or heir having a right of placement in a family plot may waive such right in favor of any other relative ((~~or~~)), spouse, or domestic partner of a relative of the deceased owner. Upon such a waiver, the remains of the person in whose favor the waiver is made may be placed in the plot.

**Sec. 20.** RCW 68.50.100 and 2003 c 53 s 307 are each amended to read as follows:

(1) The right to dissect a dead body shall be limited to cases specially provided by statute or by the direction or will of the deceased; cases where a coroner is authorized to hold an inquest upon the body, and then only as he or she may authorize dissection; and cases where the spouse, domestic partner as defined under section 2 of this act, or next of kin charged by law with the duty of burial shall authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized: PROVIDED, That the coroner, in his or her discretion, may make or cause to be made by a competent pathologist, toxicologist, or physician, an autopsy or

postmortem in any case in which the coroner has jurisdiction of a body: PROVIDED, FURTHER, That the coroner may with the approval of the University of Washington and with the consent of a parent or guardian deliver any body of a deceased person under the age of three years over which he or she has jurisdiction to the University of Washington medical school for the purpose of having an autopsy made to determine the cause of death.

(2) Every person who shall make, cause, or procure to be made any dissection of a body, except as provided in this section, is guilty of a gross misdemeanor.

**Sec. 21.** RCW 68.50.101 and 1987 c 331 s 57 are each amended to read as follows:

Autopsy or post mortem may be performed in any case where authorization has been given by a member of one of the following classes of persons in the following order of priority:

(1) The surviving spouse or domestic partner as defined under section 2 of this act;

(2) Any child of the decedent who is eighteen years of age or older;

(3) One of the parents of the decedent;

(4) Any adult brother or sister of the decedent;

(5) A person who was guardian of the decedent at the time of death;

(6) Any other person or agency authorized or under an obligation to dispose of the remains of the decedent. The chief official of any such agency shall designate one or more persons to execute authorizations pursuant to the provisions of this section.

If the person seeking authority to perform an autopsy or post mortem makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class, in the order of descending priority. However, no person under this section shall have the power to authorize an autopsy or post mortem if a person of higher priority under this section has refused such authorization: PROVIDED, That this section shall not affect autopsies performed pursuant to RCW 68.50.010 or 68.50.103.

**Sec. 22.** RCW 68.50.105 and 1987 c 331 s 58 are each amended to read as follows:

Reports and records of autopsies or post mortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, or to the department of labor and industries in cases in which it has an interest under RCW 68.50.103.

The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or post mortem. For the purposes of this section, the term "family" means the surviving spouse, domestic partner as defined under section 2 of this act, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

**Sec. 23.** RCW 68.50.160 and 2005 c 365 s 141 are each amended to read as follows:

(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.

(3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:

(a) The surviving spouse or domestic partner as defined under section 2 of this act.

(b) The surviving adult children of the decedent.

(c) The surviving parents of the decedent.

(d) The surviving siblings of the decedent.

(e) A person acting as a representative of the decedent under the signed authorization of the decedent.

(4) If a cemetery authority as defined in RCW 68.04.190 or a funeral establishment licensed under chapter 18.39 RCW has made a good faith effort to locate the person cited in subsection (3)(a) through (e) of this section or the legal representative of the decedent's estate, the cemetery authority or funeral establishment shall have the right to rely on an authority to bury or cremate the human remains, executed by the most responsible party available, and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or cremating the human remains. In the event any government agency provides the funds for the disposition of any human remains and the government agency elects to provide funds for cremation only, the cemetery authority or funeral establishment may not be held criminally or civilly liable for cremating the human remains.

(5) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the decedent in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent.

**Sec. 24.** RCW 68.50.200 and 2005 c 365 s 144 are each amended to read as follows:

Human remains may be removed from a plot in a cemetery with the consent of the cemetery authority and the written consent of one of the following in the order named:

(1) The surviving spouse or domestic partner as defined under section 2 of this act.

(2) The surviving children of the decedent.

(3) The surviving parents of the decedent.

(4) The surviving brothers or sisters of the decedent.

If the required consent cannot be obtained, permission by the superior court of the county where the cemetery is situated is sufficient: PROVIDED, That the permission shall not violate the terms of a written contract or the rules and regulations of the cemetery authority.

**Sec. 25.** RCW 68.50.550 and 1993 c 228 s 4 are each amended to read as follows:

(1) A member of the following classes of persons, in the order of priority listed, absent contrary instructions by the decedent, may make an anatomical gift of all or a part of the decedent's body for an authorized purpose, unless the decedent, at the time of death, had made an unrevoked refusal to make that anatomical gift:

(a) The appointed guardian of the person of the decedent at the time of death;

(b) The individual, if any, to whom the decedent had given a durable power of attorney that encompassed the authority to make health care decisions;

(c) The spouse or domestic partner as defined under section 2 of this act, of the decedent;

(d) A son or daughter of the decedent who is at least eighteen years of age;

(e) Either parent of the decedent;

(f) A brother or sister of the decedent who is at least eighteen years of age;

(g) A grandparent of the decedent.

(2) An anatomical gift may not be made by a person listed in subsection (1) of this section if:

(a) A person in a prior class is available at the time of death to make an anatomical gift;

(b) The person proposing to make an anatomical gift knows of a refusal or contrary indications by the decedent; or

(c) The person proposing to make an anatomical gift knows of an objection to making an anatomical gift by a member of the person's class or a prior class.

(3) An anatomical gift by a person authorized under subsection (1) of this section must be made by (a) a document of gift signed by the person or (b) the person's telegraphic, recorded telephonic, or other recorded message, or other form of communication from the person that is contemporaneously reduced to writing and signed by the recipient of the communication.

(4) An anatomical gift by a person authorized under subsection (1) of this section may be revoked by a member of the same or a prior class if, before procedures have begun for the removal of a part from the body of the decedent, the physician, surgeon, technician, or enucleator removing the part knows of the revocation.

(5) A failure to make an anatomical gift under subsection (1) of this section is not an objection to the making of an anatomical gift.

**Sec. 26.** RCW 11.04.015 and 1974 ex.s. c 117 s 6 are each amended to read as follows:

The net estate of a person dying intestate, or that portion thereof with respect to which the person shall have died intestate, shall descend subject to the provisions of RCW 11.04.250 and 11.02.070, and shall be distributed as follows:

(1) Share of surviving spouse or domestic partner as defined under section 2 of this act. The surviving spouse or domestic partner shall receive the following share:

(a) All of the decedent's share of the net community estate; and

(b) One-half of the net separate estate if the intestate is survived by issue; or

(c) Three-quarters of the net separate estate if there is no surviving issue, but the intestate is survived by one or more of his parents, or by one or more of the issue of one or more of his parents; or

(d) All of the net separate estate, if there is no surviving issue nor parent nor issue of parent.

(2) Shares of others than surviving spouse or domestic partner. The share of the net estate not distributable to the surviving spouse or domestic partner, or the entire net estate if there is no surviving spouse or domestic partner, shall descend and be distributed as follows:

(a) To the issue of the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degree shall take by representation.

(b) If the intestate not be survived by issue, then to the parent or parents who survive the intestate.

(c) If the intestate not be survived by issue or by either parent, then to those issue of the parent or parents who survive the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation.

(d) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents who survive the intestate, then to the grandparent or grandparents who survive the intestate; if both maternal and paternal grandparents survive the intestate, the maternal grandparent or grandparents shall take one-half and the paternal grandparent or grandparents shall take one-half.

(e) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents or by any grandparent or grandparents, then to those issue of any grandparent or grandparents who survive the intestate; taken as a group, the issue of the maternal grandparent or grandparents shall share equally with the issue of the paternal grandparent or grandparents, also taken as a group; within each such group, all members share equally if they are all in the same degree of kinship to the intestate, or, if some be of unequal degree, then those of more remote degree shall take by representation.

**Sec. 27.** RCW 11.28.120 and 1995 1st sp.s. c 18 s 61 are each amended to read as follows:

Administration of an estate if the decedent died intestate or if the personal representative or representatives named in the will declined or were unable to serve shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

(1) The surviving spouse or domestic partner as defined under section 2 of this act, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) Child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) The trustee named by the decedent in an inter vivos trust instrument, testamentary trustee named in the will, guardian of the person or estate of the decedent, or attorney in fact appointed by the decedent, if any such a fiduciary controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets.

(4) One or more of the beneficiaries or transferees of the decedent's probate or nonprobate assets.

(5)(a) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

(b) The secretary of the department of social and health services for those estates owing debts for long-term care services as defined in RCW 74.39A.008; however the secretary may waive this right.

(6) One or more of the principal creditors.

(7) If the persons so entitled shall fail for more than forty days after the death of the decedent to present a petition for letters of administration, or if it appears to the satisfaction of the court that there is no next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint any suitable person to administer such estate.

**Sec. 28.** RCW 4.20.020 and 1985 c 139 s 1 are each amended to read as follows:

Every such action shall be for the benefit of the wife, husband, domestic partner as defined under section 2 of this act, child or children, including stepchildren, of the person whose death shall have been so caused. If there be no wife ((~~or~~), husband, domestic partner, or such child or children, such action may be maintained for the benefit of the parents, sisters, or brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his death.

In every such action the jury may give such damages as, under all circumstances of the case, may to them seem just.

**Sec. 29.** RCW 4.20.060 and 1985 c 139 s 2 are each amended to read as follows:

No action for a personal injury to any person occasioning death shall abate, nor shall such right of action determine, by reason of such death, if such person has a surviving spouse, domestic partner as defined under section 2 of this act, or child living, including stepchildren, or leaving no surviving spouse, domestic partner, or such children, if there is dependent upon the deceased for support and resident within the United States at the time of decedent's death, parents, sisters, or brothers; but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator of the deceased, in favor of such surviving spouse or domestic partner, or in favor of the surviving spouse or domestic partner and such children, or if no surviving spouse or domestic partner, in favor of such child or children, or if no surviving spouse, domestic partner, or such child or children, then in favor of the decedent's parents, sisters, or brothers who may be dependent upon such person for support, and resident in the United States at the time of decedent's death.

**Sec. 30.** RCW 11.94.010 and 2005 c 97 s 12 are each amended to read as follows:

(1) Whenever a principal designates another as his or her attorney in fact or agent, by a power of attorney in writing, and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred

shall be exercisable notwithstanding the principal's disability, the authority of the attorney in fact or agent is exercisable on behalf of the principal as provided notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or the principal's guardian or heirs, devisees, and personal representative as if the principal were alive, competent, and not disabled. A principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification. If a guardian thereafter is appointed for the principal, the attorney in fact or agent, during the continuance of the appointment, shall account to the guardian rather than the principal. The guardian has the same power the principal would have had if the principal were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency.

(2) Persons shall place reasonable reliance on any determination of disability or incompetence as provided in the instrument that specifies the time and the circumstances under which the power of attorney document becomes effective.

(3)(a) A principal may authorize his or her attorney-in-fact to provide informed consent for health care decisions on the principal's behalf. If a principal has appointed more than one agent with authority to make mental health treatment decisions in accordance with a directive under chapter 71.32 RCW, to the extent of any conflict, the most recently appointed agent shall be treated as the principal's agent for mental health treatment decisions unless provided otherwise in either appointment.

(b) Unless he or she is the spouse, domestic partner as defined under section 2 of this act, or adult child or brother or sister of the principal, none of the following persons may act as the attorney-in-fact for the principal: Any of the principal's physicians, the physicians' employees, or the owners, administrators, or employees of the health care facility or long-term care facility as defined in RCW 43.190.020 where the principal resides or receives care. Except when the principal has consented in a mental health advance directive executed under chapter 71.32 RCW to inpatient admission or electroconvulsive therapy, this authorization is subject to the same limitations as those that apply to a guardian under RCW 11.92.043(5) (a) through (c).

(4) A parent or guardian, by a properly executed power of attorney, may authorize an attorney in fact to make health care decisions on behalf of one or more of his or her children, or children for whom he or she is the legal guardian, who are under the age of majority as defined in RCW 26.28.015, to be effective if the child has no other parent or legal representative readily available and authorized to give such consent.

(5) A principal may further nominate a guardian or guardians of the person, or of the estate or both, of a minor child, whether born at the time of making the durable power of attorney or afterwards, to continue during the disability of the principal, during the minority of the child or for any less time by including such a provision in his or her power of attorney.

(6) The authority of any guardian of the person of any minor child shall supersede the authority of a designated attorney in fact to make health care decisions for the minor only after such designated guardian has been appointed by the court.

(7) In the event a conflict between the provisions of a will nominating a testamentary guardian under the authority of RCW 11.88.080 and the nomination of a guardian under the authority of this statute, the most recent designation shall control.

**NEW SECTION. Sec. 31.** A new section is added to chapter 70.58 RCW to read as follows:

Information recorded on death certificates shall include domestic partnership status and the surviving partner's information

to the same extent such information is recorded for marital status and the surviving spouse's information.

**NEW SECTION. Sec. 32.** Sections 2 through 7 of this act constitute a new chapter in Title 26 RCW."

Correct the title.

Representative Miloscia spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rodne moved the adoption of amendment (684):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The purpose of this act is to extend certain rights and obligations to two adults who provide mutual care and support for each other.

(2) The legislature finds that the people of Washington have chosen to limit marriage to the union of one man and one woman. As such, marriage is subject to restrictions, such as the prohibitions under RCW 26.04.020 between parties who are first cousins or nearer of kin to each other or of the same sex.

(3) The legislature recognizes that many choose to live in relationships that include financial interdependence and other mutual care and support. The state has an interest in promoting these relationships to encourage private dependencies rather than reliance on state benefits. The legislature recognizes that these mutually beneficial relationships would be assisted if certain rights, benefits, and obligations were made available to them. Examples include two individuals who are related to each other such as a widowed mother and her unmarried daughter, a grandmother caring for her grandson, or unrelated adults of the same gender.

(4) The legislature finds that certain rights, benefits, and obligations should be extended to two adults who seek to mutually care for each other.

(5) The legislature has declared that this state has a compelling state interest in reaffirming its historical commitment to the institution of marriage as a union between a man and a woman as husband and wife and in protecting that institution. The legislature has further declared its intent to establish public policy against same-sex marriage in statutory law that clearly and definitively declares same-sex marriages will not be recognized in Washington, even if they are made legal in other states. The legislature has enacted statutory law that prohibits marriages when the parties are persons other than a male and a female and provides that marriages between two persons other than a male and a female that are recognized as valid in another jurisdiction are not valid in this state. Nothing in this act is intended to or shall be construed to promote or endorse same-sex marriage or to modify or supersede state law related to marriage.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Mutual beneficiaries" means two adults who meet the requirements of section 3 of this act.

(2) "Secretary" means the secretary of state's office.

**NEW SECTION. Sec. 3.** Two adults are considered mutual beneficiaries when the following requirements are met:

(1) Both are at least eighteen years of age;

(2) Neither is married to another person or in a mutual beneficiary contract with another person;

(3) Both are capable of consenting to the mutual beneficiary contract without fraud or duress;

(4) They execute a mutual beneficiary contract provided by the secretary; and

(5) They file a declaration of mutual beneficiaries with the secretary.

**NEW SECTION. Sec. 4.** Two adults who meet the criteria in section 3 (1) through (3) of this act may enter into a mutual beneficiary contract and file a "declaration of mutual beneficiaries" with the secretary. Upon receipt of a signed and notarized declaration and the filing fee, the secretary shall provide a copy of the declaration to both parties. The secretary shall maintain a record of each declaration filed with the secretary.

(1) An adult who is in a mutual beneficiary contract filed with the secretary may terminate the mutual beneficiary contract by filing a signed and notarized "termination of mutual beneficiary contract" with the secretary and paying a filing fee. The party seeking to terminate the mutual beneficiary contract must include in his or her filing an affidavit stating that the other party to the contract has received notice of the termination.

(2) Upon receipt of a signed and notarized termination of mutual beneficiary contract, the filing fee, and affidavit, the secretary shall provide a copy of the termination of mutual beneficiary contract to each of the parties to the contract. The secretary shall maintain a record of each termination of mutual beneficiary contract filed with the secretary.

(3) The secretary shall create forms entitled "declaration of mutual beneficiaries" and "termination of mutual beneficiary contract," and shall make those forms available to the public. The secretary shall set and collect fees for filing a declaration of mutual beneficiaries and filing a termination of mutual beneficiary contract. The secretary is authorized to adopt rules to administer this chapter.

**NEW SECTION. Sec. 5.** Mutual beneficiaries shall have the rights and benefits provided under this act. Nothing in this act may be construed to create any rights, benefits, protections, or responsibilities not specifically enumerated in this act.

**NEW SECTION. Sec. 6.** Persons in a domestic partnership, civil union, or other relationship recognized by another state or jurisdiction that confers some or all of the benefits, rights, or obligations of marriage to persons who are not eligible to marry in the state of Washington must otherwise qualify for a mutual beneficiary contract under section 3 of this act in order to be considered mutual beneficiaries.

**NEW SECTION. Sec. 7.** (1) A patient's mutual beneficiary shall have the same rights as a family member with respect to visitation of the patient in a health care facility as defined in RCW 48.43.005.

(2) Informed consent for health care for a patient may be obtained from the mutual beneficiary of the patient to the same extent such consent may be obtained from a patient's spouse under RCW 7.70.065.

(3) Disclosure of health care information may be made to a patient's mutual beneficiary to the same extent such disclosure is authorized to a patient's family member under RCW 70.02.050.

(4) To the extent a mutual beneficiary is named a beneficiary to nonprobate assets, RCW 11.07.010 shall apply upon the termination of the mutual beneficiary contract.

(5) To the extent a mutual beneficiary is appointed as attorney in fact in a power of attorney, RCW 11.94.080 shall apply upon the termination of the mutual beneficiary contract.

(6) Mutual beneficiaries shall have the same rights and interests regarding vested rights of placement and titles and certificates of ownership to family plots as provided to spouses under RCW 68.32.020, 68.32.040, 68.32.060, 68.32.110, and 68.32.130.

(7) A mutual beneficiary shall have the right to control the disposition of the remains of his or her mutual beneficiary to the same extent provided to spouses under RCW 68.50.160.

(8) A mutual beneficiary shall have the right to make an anatomical gift of his or her mutual beneficiary to the same extent provided to a spouse under RCW 68.50.550.

(9) If a mutual beneficiary dies intestate, the decedent's estate shall be distributed to the surviving mutual beneficiary to same extent as a spouse under RCW 11.04.015.

(10) If a mutual beneficiary dies intestate or if the personal representative or representatives named in the will declines or is unable to serve, the surviving mutual beneficiary shall be entitled to serve as the personal representative to the same extent as a spouse under RCW 11.28.120.

**NEW SECTION. Sec. 8.** Sections 2 through 7 of this act constitute a new chapter in Title 26 RCW.

**NEW SECTION. Sec. 9.** This act may be known and cited as the mutual beneficiary contract act of 2007.

**NEW SECTION. Sec. 10.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Rodne and Ericksen spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott, Moeller, Flannigan, Kessler and Pedersen spoke in favor of passage of the bill.

Representatives Ahern, Rodne, McCune, Schindler, Anderson and Hinkle spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5336.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5336 and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Hailey, Haler, Hinkle, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 35.

SUBSTITUTE SENATE BILL NO. 5336, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5774, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Kohl-Welles, Brandland and Shin; by request of Department of Social and Health Services)**

**Revising background check requirements for the department of social and health services and the department of early learning. (REVISED FOR ENGROSSED: Revising background check processes.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

With the consent of the House, amendments (539), (624) and (540) were withdrawn.

Representative Kagi moved the adoption of amendment (623):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.43 RCW to read as follows:

(1) In order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through the Washington state patrol and the federal bureau of investigation at anytime, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

(3) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(4) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and  
(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(5) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) Foster care as required under RCW 74.15.030.

(6) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(7) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(8) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(9) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service

provider" does not include those certified under chapter 70.96A RCW.

**Sec. 2.** RCW 26.33.190 and 1991 c 136 s 3 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report and shall include a statement of training or experience that qualifies the person preparing the report to discuss relevant adoption issues. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

(a) The concept of adoption as a lifelong developmental process and commitment;

(b) The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents;

(c) Disclosure of the fact of adoption to the child;

(d) The child's possible questions about birth parents and relatives; and

(e) The relevance of the child's racial, ethnic, and cultural heritage.

(3) All preplacement reports shall include ~~((an investigation))~~ a background check of ((the)) any conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The ((investigation)) background check shall include an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system ((as described in chapter 43.43 RCW)) including, but not limited to, a fingerprint-based background check of national crime information databases for any person being investigated. It shall also include a review of any child abuse and neglect history of any adult living in the prospective adoptive parents' home. The background check of the child abuse and neglect history shall include a review of the child abuse and neglect registries of all states in which the prospective adoptive parents or any other adult living in the home have lived during the five years preceding the date of the preplacement report.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

**Sec. 3.** RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or

law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+3))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((+4))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((+5))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**Sec. 4.** RCW 43.43.842 and 1998 c 10 s 4 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active protective order under RCW 74.34.130, nor have been: (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830(~~or (iv) the subject in a protective proceeding under chapter 74.34 RCW~~).

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 5.** RCW 74.15.030 and 2006 c 265 s 402 and 2006 c 54 s 8 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) ~~The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons.~~

~~In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure.~~

~~No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The~~

~~fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense.~~

~~The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;~~

~~(e)) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;~~

~~(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;~~

~~(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;~~

~~(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:~~

~~(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;~~

~~(ii) Foster care and adoption placements; and~~

~~(iii) Any adult living in a home where a child may be placed; (f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;~~

~~(g) The cost of fingerprint background check fees will be paid as required in section 1 of this act;~~

~~(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;~~

~~(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;~~

~~((f)) (j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;~~

~~((e)) (k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;~~

~~((f)) (l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and~~

~~((g)) (m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;~~

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies;

(9) To engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with RCW 74.15.035 and with other affected interests before adopting requirements that affect family child care licensees; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

**NEW SECTION. Sec. 6.** Federal and state law require the balancing of the privacy interests of individuals with the government's interest in the protection of children and vulnerable adults. The legislature finds that the balancing of these interests may be skewed in favor of the privacy rights of individuals. Therefore, a work group is created to research the current laws regarding background checks for prospective employees of public and private entities which work with vulnerable adults or children. The legislature finds that a comprehensive background check which includes both civil and criminal information is a valuable tool in safeguarding vulnerable adults and children from preventable risk.

**NEW SECTION. Sec. 7.** (1) The department of social and health services shall convene a work group to: (a) Review the current federal and state laws and administrative rules and practices with respect to sharing confidential information; (b) analyze how state agencies use background check information to make employment decisions, including how such information may disqualify an individual for employment; and (c) examine the need for and feasibility of verifying citizenship or immigration status of persons for whom background checks are required.

(2)(a) The work group shall include but not be limited to the following members, chosen by the chief executive officer of each entity:

(i) A representative of the department of social and health services;

(ii) A representative of the department of early learning;

(iii) A representative of the department of health;

(iv) A representative of the office of the superintendent of public instruction;

(v) A representative of the department of licensing;

(vi) A representative of the Washington state patrol;

(vii) A representative from the Washington state bar association;

(viii) A representative of the Washington association of sheriffs and police chiefs;

(ix) A representative of the Washington association of criminal defense attorneys;

(x) A representative from the administrative office of the courts; and

(xi) A representative from the department of information services.

(b) The work group shall also include as nonvoting ex officio members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(c) Additional voting members may be invited to participate as determined by the work group.

(3) Appointments to the work group shall be completed within thirty days of the effective date of this section.

(4) The work group may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the work group.

(5) Legislative members of the work group shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The secretary of the department of social and health services or the secretary's designee shall serve as chair of the work group.

(7) The department of social and health services shall provide staff support to the work group.

(8) The work group shall:

(a) Provide an interim report to the legislature and the governor by December 1, 2007; and

(b) Make recommendations to the legislature and the governor by July 1, 2008, regarding improving current processes for sharing and use of background information, including but not limited to the feasibility of creating a clearinghouse of information.

(i) The clearinghouse shall simplify administrative handling of background check requests and reduce the total costs and number of full-time employees involved in doing the work, develop expertise in searching multiple databases, and include a process for reducing the total amount of time it takes to process background checks, including using workflow management software to improve transparency of process impediments.

(ii) The workgroup should consider where to locate the administrative work, possibly considering the use of the department of licensing's facilities for collecting fingerprints and other identifying information about applicants.

(9) This section expires November 30, 2008.

**Sec. 8.** RCW 41.06.475 and 2002 c 354 s 222 are each amended to read as follows:

The director shall adopt rules, in cooperation with the ~~((secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons))~~ director of the department of early learning, for the background investigation of current employees and of persons being actively considered for positions with the department who will or may have unsupervised access to children. The director shall also adopt rules, in cooperation with the director of the department of early learning, for background investigation of positions otherwise required by federal law to meet employment standards. "Considered for positions" includes decisions about (1) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (2) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

**Sec. 9.** RCW 43.43.830 and 2005 c 421 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the

course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(2) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative (~~orders~~) findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right (~~(afforded to him or her)~~) to administratively challenge such findings (~~(made by the department of social and health services or the department of health under chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW)~~).

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(10) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

**Sec. 10.** RCW 43.43.832 and 2006 c 263 s 826 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's conviction record (~~(for convictions)~~) as defined in chapter 10.97 RCW.

(2) The legislature also finds that the Washington professional educator standards board may request of the Washington state patrol criminal identification system information regarding a certificate applicant's conviction record (~~(for convictions)~~) under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) The director of the department of early learning shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, relocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(6) The director of the department of early learning shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(7) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

~~((6))~~ (8)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

~~((7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.))~~

**NEW SECTION. Sec. 11.** If specific funding for the purposes of sections 6 and 7 of this act, referencing sections 6 and 7 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 6 and 7 of this act are null and void."

Correct the title.

Representative Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Haler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5774, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5774, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5774, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1145,  
HOUSE BILL NO. 1231,  
HOUSE BILL NO. 1235,  
HOUSE BILL NO. 1236,  
SUBSTITUTE HOUSE BILL NO. 1279,  
SECOND SUBSTITUTE HOUSE BILL NO. 1280,  
HOUSE BILL NO. 1311,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,  
HOUSE BILL NO. 1549,  
HOUSE BILL NO. 1556,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649,  
HOUSE BILL NO. 1676,  
SUBSTITUTE HOUSE BILL NO. 2010,  
ENGROSSED HOUSE BILL NO. 2105,  
SUBSTITUTE HOUSE BILL NO. 2158,  
SUBSTITUTE HOUSE BILL NO. 2361,  
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011,  
SUBSTITUTE SENATE BILL NO. 5039,  
SENATE BILL NO. 5042,  
SUBSTITUTE SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5078,  
SENATE BILL NO. 5086,  
SUBSTITUTE SENATE BILL NO. 5087,  
SUBSTITUTE SENATE BILL NO. 5118,  
SECOND SUBSTITUTE SENATE BILL NO. 5122,  
SENATE BILL NO. 5134,  
SENATE BILL NO. 5175,  
SUBSTITUTE SENATE BILL NO. 5190,  
SENATE BILL NO. 5199,  
ENGROSSED SENATE BILL NO. 5204,  
SUBSTITUTE SENATE BILL NO. 5228,  
SUBSTITUTE SENATE BILL NO. 5242,  
SENATE BILL NO. 5247,  
SUBSTITUTE SENATE BILL NO. 5250,  
ENGROSSED SENATE BILL NO. 5251,  
SENATE BILL NO. 5273,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5292,  
SENATE BILL NO. 5313,  
SENATE BILL NO. 5389,  
SUBSTITUTE SENATE BILL NO. 5391,  
SENATE BILL NO. 5398,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,  
SENATE BILL NO. 5421,  
SUBSTITUTE SENATE BILL NO. 5443,  
SUBSTITUTE SENATE BILL NO. 5461,  
SUBSTITUTE SENATE BILL NO. 5463,  
SENATE BILL NO. 5468,  
SUBSTITUTE SENATE BILL NO. 5511,  
SUBSTITUTE SENATE BILL NO. 5554,  
SENATE BILL NO. 5607,  
SENATE BILL NO. 5640,  
SENATE BILL NO. 5711,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,  
SENATE BILL NO. 5732,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5827,  
SUBSTITUTE SENATE BILL NO. 5839,  
SUBSTITUTE SENATE BILL NO. 5895,  
SUBSTITUTE SENATE BILL NO. 5910,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5920,  
ENGROSSED SENATE BILL NO. 6018,  
SENATE BILL NO. 6059,  
SENATE BILL NO. 6075,

The Speaker called upon Representative Lovick to preside.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5340, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Swecker, Fairley, Kohl-Welles, Shin, Pridemore, McAuliffe, Regala, Murray, Spanel, Franklin, Rockefeller, Kauffman and Keiser)**

**Defining disability in the Washington law against discrimination.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 79th Day, March 27, 2007.)

With the consent of the House, amendment (593) was withdrawn.

Representative Rodne moved the adoption of amendment (587):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.60.040 and 2006 c 4 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog

guide or service animal by a ~~((disabled))~~ person with a disability, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

(17) "Complainant" means the person who files a complaint in a real estate transaction;

(18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

(19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

(20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

(22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

(23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

(24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a ~~((disabled person's))~~ sensory, mental, or physical disability of a person with a disability;

(25)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

(i) Is medically cognizable or diagnosable; or

(ii) Exists as a record or history; or

(iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) An impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, or the individual's ability to apply or be considered for a job."

Correct the title.

Representative Rodne spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Lantz moved the adoption of amendment (649):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.60.040 and 2006 c 4 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or

instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a ~~((disabled))~~ person with a disability, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

(17) "Complainant" means the person who files a complaint in a real estate transaction;

(18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

(19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

(20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

(22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

(23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

(24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a ~~((disabled person's))~~ sensory, mental, or physical disability of a person with a disability;

(25)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

(i) Is medically cognizable or diagnosable; or

(ii) Exists as a record or history; or

(iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

**NEW SECTION. Sec. 2.** This act is remedial and retroactive, and applies to all causes of action occurring before July 6, 2006, and to all causes of action occurring on or after the effective date of this act."

Correct the title.

Representative Rodne moved the adoption of amendment (682) to amendment (649):

On page 5, beginning on line 13 of the amendment, after "(d)" strike all material through "an" on line 14 and insert "An"

Representative Rodne spoke in favor of the adoption of the amendment to amendment (649).

Representative Lantz spoke against the adoption of the amendment to amendment (649).

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 34 - YEAS; 64 -NAYS. Amendment (682) to amendment (649) was not adopted.

Amendment (649) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Goodman spoke in favor of passage of the bill.

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5340, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5340, as amended by the House, and the bill passed the House by the following vote: Yeas - 66, Nays - 32, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy,

McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Uptegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Strow, Sump, Walsh and Warnick - 32.

SUBSTITUTE SENATE BILL NO. 5340, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627, by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Clements, Tom, Weinstein, Rockefeller, Oemig, Kastama, Hobbs, Pridemore, Eide, Franklin, Shin, Regala, Marr, Murray, Spanel, Hargrove, Kline, Kilmer, Haugen, Kohl-Welles and Rasmussen)**

**Requiring a review and development of basic education funding.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Representative Haigh moved the adoption of amendment (603):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The state's definition of basic education and the corresponding funding formulas must be regularly updated in order to keep pace with evolving educational practices and increasing state and federal requirements and to ensure that all schools have the resources they need to help give all students the opportunity to be fully prepared to compete in a global economy. The work of Washington learns steering committee and the K-12 advisory committee provides a valuable starting point from which to evaluate the current educational system and develop a unique, transparent, and stable educational funding system for Washington that supports the goals and the vision of a world-class learner-focused K-12 educational system that were established in the final Washington learns report.

This act is intended to make provision for some significant steps towards a new basic education funding system and establishes a joint task force to address the details and next steps beyond the 2007-2009 biennium that will be necessary to implement a new comprehensive K-12 finance formula or formulas that will provide Washington schools with stable and adequate funding as the expectations for the K-12 system continue to evolve.

**NEW SECTION. Sec. 2.** (1) The joint task force on basic education finance established under this section, with research support from the Washington state institute for public policy, shall review the definition of basic education and all current basic education funding formulas, develop options for a new funding structure and all necessary formulas, and propose a new definition of basic education that is realigned with the new expectations of the state's education system as established in the November 2006 final

report of the Washington learns steering committee and the basic education provisions established in chapter 28A.150 RCW.

(2) The joint task force on basic education finance shall consist of fourteen members:

(a) A chair of the task force with experience with Washington finance issues including knowledge of the K-12 funding formulas, appointed by the governor;

(b) Eight legislators, with two members from each of the two largest caucuses of the senate appointed by the president of the senate and two members from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives;

(c) A representative of the governor's office or the office of financial management, designated by the governor;

(d) The superintendent of public instruction or the superintendent's designee; and

(e) Three individuals with significant experience with Washington K-12 finance issues, including the use and application of the current basic education funding formulas, appointed by the governor. Each of the two largest caucuses of the house of representatives and the senate may submit names to the governor for consideration.

(3) In conducting research directed by the task force and developing options for consideration by the task force, the Washington state institute for public policy shall consult with stakeholders and experts in the field. The institute may also request assistance from the legislative evaluation and accountability program committee, the office of the superintendent of public instruction, the office of financial management, the house office of program research, and senate committee services.

(4) In developing recommendations, the joint task force shall review and build upon the following:

(a) Reports related to K-12 finance produced at the request of or as a result of the Washington learns study, including reports completed for or by the K-12 advisory committee;

(b) High-quality studies that are available; and

(c) Research and evaluation of the cost-benefits of various K-12 programs and services developed by the institute as directed by the legislature in section 607(15), chapter 372, Laws of 2006.

(5) The Washington state institute for public policy shall provide the following reports to the joint task force:

(a) An initial report by September 15, 2007, proposing an initial plan of action, reporting dates, timelines for fulfilling the requirements of section 3 of this act, and an initial timeline for a phased-in implementation of a new funding system that does not exceed six years;

(b) A second report by December 1, 2007, including implementing legislation as necessary, for at least two but no more than four options for allocating school employee compensation. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The report must also include a projection of the expected effect of the investment made under the new funding structure. The second report shall also include a finalized timeline and plan for addressing the remaining components of a new funding system; and

(c) A final report with at least two but no more than four options for revising the remaining K-12 funding structure, including implementing legislation as necessary, and a timeline for phasing in full adoption of the new funding structure. The final report shall be submitted to the joint task force by September 15, 2008. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The final report must also include a projection of the expected effect of the investment made under the new funding structure.

**NEW SECTION. Sec. 3.** (1) The funding structure alternatives developed by the joint task force under section 2 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) The funding structure should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing the possible strategies and models to

include in the funding structure the task force shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

(b) Whether the compensation system for instructional staff shall include pay for performance, knowledge, and skills elements; regional cost-of-living elements; elements to recognize assignments that are difficult; recognition for the professional teaching level certificate in the salary allocation model; and a plan to implement the pay structure;

(c) Voluntary all-day kindergarten;

(d) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(e) Focused instructional support for students and schools;

(f) Extended school day and school year options; and

(g) Health and safety requirements.

(3) The recommendations should provide maximum transparency of the state's educational funding system in order to better help parents, citizens, and school personnel in Washington understand how their school system is funded.

(4) The funding structure should be linked to accountability for student outcomes and performance.

**NEW SECTION. Sec. 4.** As the joint task force considers a new definition of basic education as required under section 2 of this act, the task force shall consider the following proposed basic education goals and shall make recommendations regarding whether the proposed goals provide adequate guidance and vision for the state's education system in the twenty-first century:

"The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand diverse perspectives, to enjoy productive and satisfying lives, and to develop a public school system that focuses on the educational achievement of all students, which includes high expectations for and prepares students to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; world history, cultures, and geography; civics and arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems;

(4) Understand the importance of work and personal financial literacy and how performance, effort, and decisions directly affect future career and educational opportunities; and

(5) Understand and be fully prepared to exercise the responsibilities of civic participation in a pluralistic society."

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Anderson moved the adoption of amendment (607) to amendment (603):

On page 1, line 27 of the striking amendment, after "formulas" strike all material through "RCW" on page 2, line 2 and insert "and shall develop options for a new funding structure, all necessary formulas, and a new definition of basic education that are realigned with the expectations of a performance-based education system as set forth in chapter 336, laws of 1993, and successor legislation"

Representative Anderson spoke in favor of the adoption of the amendment to amendment (603).

Representative Haigh spoke against the adoption of the amendment to amendment (603).

The amendment to amendment (603) was not adopted.

Representative Priest moved the adoption of amendment (608) to amendment (603):

On page 2, line 5 of the striking amendment, after "(a)" strike all material through "governor" on line 7 and insert "The governor, who shall serve as chair of the task force"

On page 3, line 3 of the striking amendment, after "report" strike "by September 15, 2007,"

On page 3, line 8 of the striking amendment, after "report" strike "by December 1, 2007,"

On page 3, beginning on line 21 of the striking amendment, after "force by" strike "September 15, 2008" and insert "December 15, 2007"

Representatives Priest and Anderson spoke in favor of the adoption of the amendment to amendment (603).

Representative Haigh spoke against the adoption of the amendment to amendment (603).

The amendment to amendment (603) was not adopted.

Representative Anderson moved the adoption of amendment (609) to amendment (603):

On page 4, line 1 of the striking amendment, after "(b)" strike all material through "(c)" on line 7

Renumber the remaining subsections consecutively.

On page 4, after line 18 the striking amendment, insert the following:

"(5) The task force shall recommend a compensation system for instructional staff that includes pay for performance, knowledge, and skills elements; elements to recognize assignments that are difficult; and recognition for the professional teaching level certificate in the salary allocation model. The task force shall also recommend a plan to implement the revised compensation system."

son and Haigh spoke in favor of the adoption of the amendment to amendment (603).

The amendment to amendment (603) was adopted.

Representative Anderson moved the adoption of amendment (626) to amendment (603):

On page 5, after line 14 of the striking amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 44.04 RCW to read as follows:

Under Article IX, section 1 of the state Constitution, it is the paramount duty of the state to make ample provision for the education of all of Washington's children. According to the state supreme court, this constitutional provision requires that the legislature define and fully fund a program of K-12 basic education before the legislature funds any other statutory programs. For these reasons, it is the intent of the legislature to require that all appropriations for K-12 basic education, together with appropriations

for other K-12 education programs, be enacted into law before the legislature takes executive action on other omnibus appropriations legislation.

**Sec. 6.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

(1) The state legislature shall, at each regular session in an odd-numbered year, appropriate from the state general fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010.

(2) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

(3) Beginning with the 2009-11 fiscal biennium and thereafter, appropriations for the purposes of this section and other K-12 education purposes must be made in legislation that is separate from the omnibus operating appropriations act. Such appropriations must be enacted into law before it is in order for either house of the legislature to take executive action on omnibus operating appropriations legislation.

**NEW SECTION. Sec. 7.** A new section is added to chapter 44.04 RCW to read as follows:

Beginning with the 2009-11 fiscal biennium and thereafter, appropriations for the purposes of RCW 28A.150.380 and other K-12 education purposes must be enacted into law before it is in order for either house of the legislature to take executive action on omnibus operating or transportation appropriations legislation.

The house of representatives and senate, jointly or separately, may adopt rules or resolutions to implement their respective responsibilities under this section."

Renumber the remaining section consecutively.

Representative Anderson spoke in favor of the adoption of the amendment to amendment (603).

Representative Quall spoke against the adoption of the amendment to amendment (603).

The amendment to amendment (603) was not adopted.

The amendment (603) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

Representatives Bailey and Priest spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5627, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5627, as amended by the House, and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson,

Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 36.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5894, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Poulsen, Fraser, Oemig, Shin and Carrell; by request of Department of Health)**

**Clarifying the regulatory authority for on-site sewage systems.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

With the consent of the House, amendment (578) was withdrawn.

Representative Hunt moved the adoption of amendment (648) to the committee amendment:

On page 5, line 27, after "regulating" insert "large"

On page 5, line 34, after "compliance with" insert "large"

On page 7, line 4, after "in which the" insert "large"

On page 7, line 17, after "assistance to" insert "large"

Representatives Hunt and Newhouse spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

#### POINT OF PARLIAMENTARY INQUIRY

Representative Newhouse: "Mr. Speaker, this bill has language in Sections 9 and 10 that imposes new penalties on individual homeowner septic systems. If a bill has language in it that is not described in the title of the act, is it not true that under Article 2, Section 19 of our State constitution the entire bill can be set aside by our courts due to that title defect?"

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker will not speculate and has no authority to rule on what the Judiciary might do on this or any other measure."

Representative Newhouse moved the adoption of amendment (597) to the committee amendment:

On page 7, at the beginning of line 32, strike all material through "department." on page 9, line 12

Renumber the remaining sections and part headings consecutively and correct any internal references accordingly.

Representative Newhouse spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Hunt moved the adoption of amendment (600) to the committee amendment:

On page 8, at the beginning of line 8, insert "the amount of a penalty shall not exceed one thousand dollars per day for every violation, and"

Representatives Hunt and Newhouse spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5894, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5894, as amended by the House, and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Schindler, Strow, Sump and Warnick - 27.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5894, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5188, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen, Prentice, Fairley, Kline, Marr, Kohl-Welles, Tom, Murray, Keiser and Rasmussen)**

**Establishing a wildlife rehabilitation program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

Representative Orcutt moved the adoption of amendment (663) to the committee amendment:

On page 1, beginning on line 11 of the amendment, strike all of section 2 and insert the following:

"**Sec. 2.** RCW 46.16.313 and 2005 c 426 s 3, 2005 c 225 s 3, 2005 c 224 s 3, 2005 c 220 s 3, 2005 c 216 s 3, 2005 c 177 s 3, 2005 c 85 s 3, 2005 c 71 s 3, 2005 c 53 s 3, 2005 c 48 s 3, 2005 c 44 s 3, and 2005 c 42 s 3 are each reenacted and amended to read as follows:

(1) The department may establish a fee of no more than forty dollars for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the

purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a professional fire fighters and paramedics license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics license plates. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(7) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a professional fire fighters and paramedics license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(8) Effective with vehicle registrations due or to become due on November 1, 2004, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Helping Kids Speak" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(9) Effective with annual renewals due or to become due on November 1, 2005, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Helping Kids Speak" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper

identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(10) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "law enforcement memorial" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(11) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "law enforcement memorial" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(12)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a Washington's Wildlife collection license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Washington's Wildlife license plate collection. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Washington's Wildlife license plate collection may be used only for the department of fish and wildlife's game species management activities.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a Washington's Wildlife collection license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Washington's Wildlife license plate collection. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Washington's

Wildlife license plate collection may be used only for the department of fish and wildlife's game species management activities.

(c) In addition to the fees imposed under (a) and (b) of this subsection, a two-dollar fee shall be imposed on each initial application and renewal under this subsection and shall be deposited into the wildlife rehabilitation account created in section 3 of this act.

(13)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a Washington state parks and recreation commission special license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Washington state parks and recreation commission special license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state parks education and enhancement account established in RCW 79A.05.059.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a Washington state parks and recreation commission special license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Washington state parks and recreation commission special license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state parks education and enhancement account established in RCW 79A.05.059.

(14)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Washington Lighthouses" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Washington Lighthouses" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the lighthouse environmental programs account established under RCW 46.16.30912.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Washington Lighthouses" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Washington Lighthouses" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the lighthouse environmental programs account established under RCW 46.16.30912.



remitted to the custody of the state treasurer with a proper identifying report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the armed forces special license plate collection. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the veterans stewardship account established in RCW 43.60A.140.

(21)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Ski & Ride Washington" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Ski & Ride Washington" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Ski & Ride Washington" account established under RCW 46.16.30923.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Ski & Ride Washington" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Ski & Ride Washington" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Ski & Ride Washington" account established under RCW 46.16.30923.

(22)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a Wild On Washington license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Wild On Washington license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Wild On Washington license plates must be dedicated to the department of fish and wildlife's watchable wildlife activities defined in RCW 77.32.560(2).

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a Wild On Washington license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Wild On Washington license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Wild On Washington license plates must be dedicated to the

department of fish and wildlife's watchable wildlife activities defined in RCW 77.32.560(2).

(c) In addition to the fees imposed under (a) and (b) of this subsection, a two-dollar fee shall be imposed on each initial application and renewal under this subsection and shall be deposited into the wildlife rehabilitation account created in section 3 of this act.

(23)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of an Endangered Wildlife license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Endangered Wildlife license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Endangered Wildlife license plates must be used only for the department of fish and wildlife's endangered wildlife program activities.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of an Endangered Wildlife license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Endangered Wildlife license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Endangered Wildlife license plates must be used only for the department of fish and wildlife's endangered wildlife program activities.

(c) In addition to the fees imposed under (a) and (b) of this subsection, a two-dollar fee shall be imposed on each initial application and renewal under this subsection and shall be deposited into the wildlife rehabilitation account created in section 3 of this act.

(24)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Share the Road" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Share the Road" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Share the Road" account established under RCW 46.16.30929.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Share the Road" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Share the Road" license plate. Upon

determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Share the Road" account established under RCW 46.16.30929."

On page 1, line 25 of the amendment, strike "46.16.606" and insert "46.16.313 (12), (22), and (23)"

On page 3, line 16 of the amendment, after "registrations" insert "and renewals"

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative B. Sullivan spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan, Orcutt and Hunter spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5188, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5188, as amended by the House, and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Clibborn, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Goodman, Hailey, Haler, Hankins, Hinkle, Hunter, Hurst, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, McIntire, Morrell, Morris, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Skinner, Sump, Takko, Wallace, Walsh and Warnick - 46.

SECOND SUBSTITUTE SENATE BILL NO. 5188, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 5984, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Murray and Clements)

#### Allowing only structural engineers to provide engineering services for significant structures.

The bill was read the second time.

Representative Hinkle moved the adoption of amendment (655):

Beginning on page 6, line 29, strike all of subsection (11) and insert:

- "(11)(a) "Significant structures" include:
- (i) Hazardous facilities, defined as: Structures housing, supporting, or containing sufficient quantities of explosive substances to be of danger to the safety of the public if released;
  - (ii) Essential facilities that have a ground area of more than five thousand square feet and are more than twenty feet in mean roof height above average ground level. Essential facilities are defined as:
    - (A) Hospitals and other medical facilities having surgery and emergency treatment areas;
    - (B) Fire and police stations;
    - (C) Tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
    - (D) Emergency vehicle shelters and garages;
    - (E) Structures and equipment in emergency preparedness centers;
    - (F) Standby power-generating equipment for essential facilities;
    - (G) Structures and equipment in government communication centers and other facilities requiring emergency response;
    - (H) Aviation control towers, air traffic control centers, and emergency aircraft hangars; and
    - (I) Buildings and other structures having critical national defense functions;
    - (iii) Structures exceeding one hundred feet in height above average ground level;
    - (iv) Buildings that are customarily occupied by human beings and are five stories or more above average ground level;
    - (v) Bridges having a total span of more than two hundred feet and piers having a surface area greater than ten thousand square feet; and
    - (vi) Buildings and other structures where more than three hundred people congregate in one area.
  - (b) "Significant structures" do not include aircraft or vessels."

Representative Strow spoke in favor of the adoption of the amendment.

Representative Wood spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5984.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5984 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5984, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT RESOLUTION NO. 8212, by Senators Hargrove, Carrell, Regala and Stevens**

**Revising limitations on use of inmate labor.**

The joint resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint resolution was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Resolution No. 8212.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8212 and the joint resolution passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Buri, Crouse, DeBolt, Dunn, Ericksen, Goodman, Hailey, Haler, Hasegawa, Kretz, Kristiansen, Morris, Newhouse, Priest, and Schindler - 15.

SENATE JOINT RESOLUTION NO. 8212, having received the necessary two-thirds constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Keiser, Weinstein, Fairley, Marr, Murray, Kastama, Kohl-Welles, Rasmussen, McAuliffe, Kauffman, Kilmer, Tom and Shin)**

**Creating the Washington guaranteed scholarship program. (REVISED FOR ENGROSSED: Creating the Washington college bound scholarship program.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For Committee amendment, see Journal, 82nd Day, March 30, 2007.)

Representative Anderson moved the adoption of amendment (680):

On page 2, line 13, after "least a" strike "C" and insert "B"

On page 2, line 22, after "least a" strike ""C"" and insert "B"

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Wallace spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of passage of the bill.

Representative Schindler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5098, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5098, as amended by the House, and the bill passed the House by the following vote: Yeas - 78, Nays - 20, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest,

Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Armstrong, Chandler, Condotta, Crouse, Curtis, Ericksen, Hailey, Haler, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Roach, Schindler, Skinner, Sump, Walsh and Warnick - 20.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5445, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Jacobsen, Morton and Rasmussen)**

**Regarding cost-reimbursement agreements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5445.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5445 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5445, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2403 by Representatives Roach, Orcutt, Ericksen, Schindler, Rodne, Ahern, Warnick, McDonald,

Hailey, Priest, Alexander, Bailey, Haler, Newhouse, Jarrett, Condotta, Hinkle, Kristiansen, McCune, Strow, Chandler, Kelley, Van De Wege and Campbell

AN ACT Relating to limiting property tax increases to one percent by reenacting the provisions of Initiative Measure No. 747; reenacting RCW 84.55.005 and 84.55.0101; and declaring an emergency.

**MOTION**

Representative Orcutt moved that the rules be suspended, that HOUSE BILL NO. 2403 be advanced to Second Reading, and be read the second time in full.

**POINT OF ORDER**

Representative Springer requested a ruling on whether the motion was in order under the cutoff resolution.

**SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "House Concurrent Resolution No. 4401 establishes cutoff dates by which measures must be considered by committees and the house of origin.

The resolution states that Wednesday, March 14, 2007, the sixty-sixth day at 5:00 p.m. is the final time to consider bills in the house of origin, and goes on to list limited exceptions to that cutoff, including initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets.

HOUSE BILL NO. 2403 does not fall within the enumerated exceptions to the Wednesday, March 14th deadline for consideration of bills in the house of origin, and may not be considered by this body under the terms of the cutoff resolution.

The motion is out of order. Representative Springer, your point of order is well taken."

With the consent of the House, House Bill No. 2403 is referred to the Committee on Finance.

**REPORTS OF STANDING COMMITTEES**

April 9, 2007  
ESSB 5080 Prime Sponsor, Senate Committee On Transportation: Extending tire replacement fees.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chairman; Flannigan, Vice Chairman; Jarrett, Ranking Minority Member; Appleton; Campbell; Eddy; Hudgins; Lovick; Rodne; Rolfes; Sells; Simpson; Springer; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member; Armstrong and Hailey.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports sheet under the fifth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eleventh order of business.

With the consent of the House, the Committee on Appropriations was relieved of further consideration of SENATE BILL NO. 6081, and the bill was referred to the Committee on Rules.

There being no objection, The Committee on Rules was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 2101,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5080,  
SUBSTITUTE SENATE BILL NO. 5568,  
SUBSTITUTE SENATE BILL NO. 5731,  
SENATE BILL NO. 5773,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117,

There being no objection, the House adjourned until 10:00 a.m., April 11, 2007, the 94th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## NINETY FOURTH DAY

House Chamber, Olympia, Wednesday, April 11, 2007

April 9, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Randi Wichert and Samantha Herriot. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Brian Wiele, River Ridge Covenant Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## MESSAGES FROM THE SENATE

April 10, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5032,  
 SECOND SUBSTITUTE SENATE BILL NO. 5114,  
 SENATE BILL NO. 5206,  
 SUBSTITUTE SENATE BILL NO. 5219,  
 SUBSTITUTE SENATE BILL NO. 5225,  
 SUBSTITUTE SENATE BILL NO. 5244,  
 SENATE BILL NO. 5258,  
 SENATE BILL NO. 5259,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,  
 SUBSTITUTE SENATE BILL NO. 5475,  
 SUBSTITUTE SENATE BILL NO. 5483,  
 SENATE BILL NO. 5613,  
 SENATE BILL NO. 5778,  
 SENATE BILL NO. 5798,  
 SECOND SUBSTITUTE SENATE BILL NO. 5806,  
 SUBSTITUTE SENATE BILL NO. 5919,  
 SENATE BILL NO. 6090,  
 SENATE BILL NO. 6129,  
 SUBSTITUTE SENATE BILL NO. 6141,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 9, 2007

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1344,  
 SUBSTITUTE HOUSE BILL NO. 1500,  
 HOUSE BILL NO. 1528,  
 SUBSTITUTE HOUSE BILL NO. 1669,  
 ENGROSSED HOUSE BILL NO. 1688,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 9, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5805, and the same is herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1000,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024,  
 HOUSE BILL NO. 1042,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,  
 SUBSTITUTE HOUSE BILL NO. 1144,  
 HOUSE BILL NO. 1185,  
 SUBSTITUTE HOUSE BILL NO. 1261,  
 SUBSTITUTE HOUSE BILL NO. 1262,  
 SUBSTITUTE HOUSE BILL NO. 1278,  
 HOUSE BILL NO. 1292,  
 HOUSE BILL NO. 1305,  
 HOUSE BILL NO. 1349,  
 SUBSTITUTE HOUSE BILL NO. 1381,  
 HOUSE BILL NO. 1437,  
 SUBSTITUTE HOUSE BILL NO. 1458,  
 HOUSE BILL NO. 1475,  
 SUBSTITUTE HOUSE BILL NO. 1508,  
 SUBSTITUTE HOUSE BILL NO. 1513,  
 HOUSE BILL NO. 1793,  
 SUBSTITUTE HOUSE BILL NO. 1848,  
 HOUSE BILL NO. 1870,  
 HOUSE BILL NO. 1940,  
 HOUSE BILL NO. 1972,  
 SUBSTITUTE HOUSE BILL NO. 2008,  
 SUBSTITUTE HOUSE BILL NO. 2147,  
 HOUSE BILL NO. 2161,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 10, 2007

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1054,  
 HOUSE BILL NO. 1069,  
 SUBSTITUTE HOUSE BILL NO. 1135,  
 HOUSE BILL NO. 1247,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,  
 SUBSTITUTE HOUSE BILL NO. 1258,  
 HOUSE BILL NO. 1341,  
 HOUSE BILL NO. 1370,  
 HOUSE BILL NO. 1412,  
 HOUSE BILL NO. 1431,  
 HOUSE BILL NO. 1447,  
 SUBSTITUTE HOUSE BILL NO. 1642,  
 HOUSE BILL NO. 1670,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1677,  
 SUBSTITUTE HOUSE BILL NO. 1693,  
 HOUSE BILL NO. 1747,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756,  
 SUBSTITUTE HOUSE BILL NO. 1826,  
 HOUSE BILL NO. 1831,  
 HOUSE BILL NO. 1888,  
 HOUSE BILL NO. 1994,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,  
 SUBSTITUTE HOUSE BILL NO. 2286,  
 SUBSTITUTE HOUSE BILL NO. 2300,  
 HOUSE JOINT MEMORIAL NO. 4016,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 10, 2007

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1145,  
 HOUSE BILL NO. 1231,  
 HOUSE BILL NO. 1235,  
 HOUSE BILL NO. 1236,  
 SUBSTITUTE HOUSE BILL NO. 1279,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1280,  
 HOUSE BILL NO. 1311,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,  
 HOUSE BILL NO. 1549,  
 HOUSE BILL NO. 1556,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649,  
 HOUSE BILL NO. 1676,  
 SUBSTITUTE HOUSE BILL NO. 2010,  
 ENGROSSED HOUSE BILL NO. 2105,  
 SUBSTITUTE HOUSE BILL NO. 2158,  
 SUBSTITUTE HOUSE BILL NO. 2361,  
 ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011,  
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

### INTRODUCTION & FIRST READING

E2SSB 5805 by Senate Committee on Ways & Means (originally sponsored by Senators Hatfield, Zarelli, Rasmussen, Swecker, Shin and Hargrove)

AN ACT Relating to the sales and use taxation of grain elevators; amending RCW 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.12.820, and 82.12.820; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**HOUSE BILL NO. 2378, by Representatives Flannigan, Jarrett, Clibborn, Eddy, Seaquist and Roberts**

**Expediting new vessel construction for Washington state ferries.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2378 was substituted for House Bill No. 2378 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2378 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flannigan, Jarrett and Seaquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2378.

### MOTION

On motion of Representative Santos, Representative Eickmeyer was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2378 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Ahern, Dunn, Ericksen, Kristiansen, Pearson and Schindler - 6.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE HOUSE BILL NO. 2378, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6016, by Senate Committee on Ways & Means (originally sponsored by Senators Regala and Kohli-Welles)**

**Concerning good cause reasons for failure to participate in WorkFirst program components.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

With the consent of the House, amendment (598) was withdrawn.

Representative Kagi moved the adoption of amendment (664):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.270 and 2002 c 89 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of one year (~~except that at the time a child reaches the age of three months, the recipient is required to participate in one of the following for up to twenty hours per week:~~

~~— (i) Instruction or training which has the purpose of improving parenting skills or child well-being;~~

~~— (ii) Preemployment or job readiness training;~~

~~— (iii) Course study leading to a high school diploma or GED; or~~

~~— (iv) Volunteering in a child care facility licensed under chapter 74.15 RCW so long as the child care facility agrees to accept the recipient as a volunteer and the child without compensation while the parent is volunteering at the facility. The volunteer recipient and his or her child shall not be counted for the purposes of determining licensed capacity or the staff to child ratio of the facility).~~

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

(a) Mental health treatment;

(b) Alcohol or drug treatment;

(c) Domestic violence services; or

(d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating ((fully)) in the WorkFirst program on a voluntary basis. ((A recipient who chooses to participate fully in the WorkFirst program shall be considered to be fulfilling the requirements of this section:

~~— (3) For any recipient who claims a good cause reason for failure to participate in the WorkFirst program based on the fact that the recipient has a child under the age of one year, the department shall, within existing resources, conduct an assessment of the recipient within ninety days and before a job search component is initiated in order to determine if the recipient has any specific service needs or employment barriers. The assessment may include identifying the need for substance abuse treatment, mental health treatment, or domestic violence services, and shall be used in developing the recipient's individual responsibility plan.~~

~~— (4) A parent may only receive the exemption under subsection (1)(b) of this section one time, for one child.)~~

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of twelve months over the parent's lifetime."

Representative Kagi spoke in favor of the adoption of the amendment.

The Speaker (Representative Lovick presiding) divided the House. The result was 69 - YEAS; 28 - NAYS.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Walsh spoke in favor of passage of the bill.

Representatives Haler, Alexander and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6016, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6016, as amended by the House, and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, VanDe Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 31.

Excused: Representative Eickmeyer - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6016, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5773, by Senators Hargrove, Parlette and Keiser; by request of Department of Social and Health Services**

### Modifying treatment records provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5773.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5773 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-

Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5773, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5731, by Senate Committee on Higher Education (originally sponsored by Senators Shin, Delvin, Berkey, Sheldon, Tom, Oemig, Rasmussen, Pridemore, Roach, Jacobsen and Kohl-Welles)**

**Creating a committee on the education of students in high demand fields.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was before the House for purpose of amendment. (For Committee amendment, see Journal, 82nd Day, March 30, 2007.)

Representative Dunshee moved the adoption of amendment (594) to the committee amendment:

On page 2, line 12, after "be" strike "convened by the prosperity partnership and"

On page 2, line 17, after "senate," strike "appointed by the president" and insert "with one appointed by each major caucus"

On page 2, line 37, after "(3)" strike "The prosperity partnership shall report the committee's" and insert "The committee shall receive staff and logistical support from senate committee services and the office of program research.

(4) The committee shall report its"

Re-number the remaining subsection consecutively.

Representatives Wallace and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace, Anderson and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5731, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5731, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5731, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5123, by Senators Hobbs, Kilmer, Roach, Jacobsen, Shin, Fairley, Marr, Prentice, Carrell, Murray, Rasmussen, Keiser, Berkey, Haugen, Franklin, Hatfield, Eide, Kauffman, Fraser and McAuliffe**

**Protecting persons with veteran or military status from discrimination.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was not adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

With the consent of the House, amendments (665) and (657) were out of order.

Representative Anderson moved the adoption of amendment (660):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 73.04 RCW to read as follows: The director of the department of veterans affairs shall study state, federal, and local programs serving veterans. The director shall provide the appropriate legislative committees with a comprehensive report on programs, resources, and benefits available to veterans and their families under federal, state, and local programs. The report must include terms of assistance under federal and state law. The director shall also make recommendations to the appropriate legislative committees about improving outreach regarding current services available to veterans and their families. The director must provide the report and recommendations to the appropriate legislative committees no later than December 1, 2008."

Correct the title.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt, Seaquist, Armstrong and Strow spoke in favor of passage of the bill.

son and Schindler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5123.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5123 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Chandler, Crouse, Ericksen, Kretz, Rodne and Schindler - 7.

Excused: Representative Eickmeyer - 1.

SENATE BILL NO. 5123, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5037, by Senate Committee on Transportation (originally sponsored by Senators Eide, Weinstein, Murray, Berkey, Regala, Rockefeller, Kauffman, Keiser, Spanel, Jacobsen and Kohl-Welles)**

**Restricting the use of a wireless communications device while operating a moving motor vehicle.**

The bill was read the second time.

With the consent of the House, amendment (638) was withdrawn.

Representative Morris moved the adoption of amendment (549):

On page 1, beginning on line 15, strike all of sections 2 and 3 and insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington State Patrol shall conduct emphasis patrols to reduce distracted driving on sections of highway where data regarding distractions contributing to accidents compiled pursuant to RCW 46.52.060 indicates that the sections of highway have a higher

than average number of collisions related to driver distractions for at least one year."

Correct the title.

Representatives Morris, Curtis, Ericksen, Hinkle, Bailey, Buri, Orcutt, Kristiansen, Armstrong and DeBolt spoke in favor of the adoption of the amendment.

Representatives Clibborn, McDonald and Ericks spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 44 - YEAS; 53 -NAYS.

The amendment was not adopted.

Representative Curtis moved the adoption of amendment (632):

On page 2, line 1, after "vehicle" insert "in a county located west of the Cascade mountains with a population density of more than one hundred persons per square mile and a land area of more than one thousand square miles"

Representatives Curtis, Hailey and Ericksen spoke in favor of the adoption of the amendment.

Representatives Sells, Clibborn and McDonald spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (718):

On page 2, line 2, after "ear" insert "and eating or drinking"

son, Morris and Roach spoke in favor of the adoption of the amendment.

Representative Flannigan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (631):

On page 2, line 14, after "property" insert ";  
(d) A commercial vehicle who also holds a commercial driver's license while driving within the scope of his or her employment"

Representatives Ericksen, Curtis and Morris spoke in favor of the adoption of the amendment.

Representative Wood spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Curtis moved the adoption of amendment (635):

On page 2, line 14, after "property" insert ";  
(d) A for hire vehicle that is regulated under chapter 46.72 RCW or regulated in accordance with chapter 81.72 RCW"

Representatives Curtis and Orcutt spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Morris moved the adoption of amendment (641):

On page 2, line 14, after "property" insert "  
(d) A moving motor vehicle while using a hearing aid"

Representatives Morris and Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ericksen moved the adoption of amendment (630):

On page 2, after line 17, insert "(4) Subsection (1) of this section does not restrict the operation of wireless communications devices using a half-duplex communication line, including two-way radio, where a button is used to switch from voice reception mode to transmit mode."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (634):

On page 2, after line 35, insert the following:  
"NEW SECTION. Sec. 3. For the first twelve months after the effective date of this act, law enforcement officers may only issue verbal warnings for violations of section 2 of this act."

Renumber the remaining sections consecutively and correct the title.

Representatives Curtis and Orcutt spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Curtis moved the adoption of amendment (633):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

The Washington state traffic safety commission must create and implement a statewide educational program regarding the safety risks of using a wireless communications device while operating a motor vehicle. The educational program must include information regarding the utility of hands-free devices such as speaker phones, headsets, and earpieces.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus transportation appropriations act, this act is null and void."

Correct the title.

Representatives Curtis, Ericksen and Newhouse spoke in favor of the adoption of the amendment.

Representatives Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (658) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn, Jarrett, Kagi, Dunn, Dickerson, Walsh and Simpson spoke in favor of passage of the bill.

Representatives Ericksen, Dunn, Armstrong, DeBolt and Morris spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5037, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5037, as amended by the House, and the bill passed the House by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Grant, Green, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Skinner, Sommers, Strow, B. Sullivan, P. Sullivan, Wallace, Walsh, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Ericksen, Fromhold, Goodman, Haigh, Hailey, Haler, Hinkle, Kelley, Kretz, Kristiansen, Linville, Moeller, Morris, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schual-Berke, Springer, Sump, Takko, Upthegrove, Van De Wege and Warnick - 38.

Excused: Representative Eickmeyer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5037, as amended by the House, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 5037.  
BILL FROMHOLD, 49<sup>th</sup> District

The Speaker assumed the Chair.

**SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE BILL NO. 1344,  
SUBSTITUTE HOUSE BILL NO. 1500,  
HOUSE BILL NO. 1528,  
SUBSTITUTE HOUSE BILL NO. 1669,  
ENGROSSED HOUSE BILL NO. 1688,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981,  
SUBSTITUTE SENATE BILL NO. 5032,  
SECOND SUBSTITUTE SENATE BILL NO. 5114,  
SENATE BILL NO. 5206,  
SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5225,  
SUBSTITUTE SENATE BILL NO. 5244,  
SENATE BILL NO. 5258,  
SENATE BILL NO. 5259,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,  
SUBSTITUTE SENATE BILL NO. 5475,  
SUBSTITUTE SENATE BILL NO. 5483,  
SENATE BILL NO. 5613,  
SENATE BILL NO. 5778,  
SENATE BILL NO. 5798,  
SECOND SUBSTITUTE SENATE BILL NO. 5806,  
SUBSTITUTE SENATE BILL NO. 5919,  
SENATE BILL NO. 6090,  
SENATE BILL NO. 6129,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5297, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Haugen, Tom, Prentice, Keiser, Pridemore, Murray, Regala, Fraser, Kilmer, Rockefeller, McAuliffe, Shin, Weinstein, Kline, Marr, Kohl-Welles and Oemig)**

**Regarding providing medically and scientifically accurate sexual health education in schools.**

The bill was read the second time.

Representative Anderson moved the adoption of amendment (721):

On page 1, line 18, after "prevention" insert ", including any updates,"

On page 2, line 22, after "prevention" insert ", including any updates,"

On page 2, line 34, after "(3)" insert "(a)"

On page 2, line 36, after "prevention" insert ", including any updates,"

On page 3, after line 3, insert the following:

"(b) The superintendent of public instruction and the department of health must review and, as needed, update the guidelines in 2010 and every five years thereafter. Before finalizing the updated guidelines for publication on the agencies' web sites, the agencies must provide an opportunity for public comment on the updated guidelines."

On page 3, line 7, after "prevention" insert ", including any updates"

son and Hinkle spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Buri moved the adoption of amendment (732):

On page 2, line 8, after "(1)" insert "(a)"

On page 2, after line 24, insert the following:

"(b) A public school may not require a teacher to provide instruction in sexual health education as a condition of employment unless the teacher was initially hired after the effective date of this section to provide such instruction."

Representatives Buri, Ericksen, Curtis and Buri (again) spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Haler moved the adoption of amendment (730):

On page 2, line 11, after "race," insert "color, creed, religion,"

Representatives Haler, Sump and Ericksen spoke in favor of the adoption of the amendment.

Representative Pedersen spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (701):

On page 2, line 17, after "prevention." insert "Information on contraceptives and disease prevention must include the failure rate and rate of incorrect usage of all contraceptive methods discussed, both with respect to sexually transmitted diseases and pregnancy."

Representatives Hinkle, Buri, Ericksen and Orcutt spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker stated the question before the House to be adoption of amendment (701) to Engrossed Substitute Senate Bill No. 5297.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (701) to Engrossed Substitute Senate Bill No. 5297, and the

amendment was not adopted by the following vote: Yeas - 40, Nays - 57, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Hurst, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCoy, McCune, McDonald, Miloscia, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Skinner, Strow, Sump and Warnick - 40.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McDermott, McIntire, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 57.

Excused: Representative Eickmeyer - 1.

The Speaker called upon Representative Lovick to preside.

Representative Ahern moved the adoption of amendment (713):

On page 2, line 17, after "prevention" insert ", but the amount of instruction time spent on abstinence must be at least equal to the amount of instruction time spent on contraceptives and disease prevention"

Representatives Ahern, Hinkle, Orcutt, Sump and Armstrong spoke in favor of the adoption of the amendment.

### **SPEAKER'S PRIVILEGE**

Mr. Speaker (Representative Lovick presiding): "The Speaker is going to take a moment of Speaker's Privilege to remind all members that the Speaker will maintain decorum. The Speaker has used the gavel when the Speaker feels the decorum has been breeched. The Speaker does not need to be lectured by members on decorum."

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative McDermott, Flannigan and Walsh spoke against the adoption of the amendment.

The amendment was not adopted.

The Speaker assumed the chair.

Representative Ahern moved the adoption of amendment (714):

On page 2, line 17, after "prevention." insert "Any practice discussed in the sexual health education instruction that does not result in one hundred percent protection from unintended pregnancy and sexually transmitted diseases may not be described as safe sex."

Representative Ahern spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McCune moved the adoption of amendment (720):

On page 2, line 17, after "prevention" insert "; however, it must be emphasized throughout the program that abstinence is the only medically and scientifically proven way to avoid pregnancy and sexually transmitted diseases"

Representative McCune spoke in favor of the adoption of the amendment.

Representative Appleton spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Haler moved the adoption of amendment (729):

On page 2, beginning on line 20, strike "speakers, curriculum, and materials used are in compliance with this section" and insert "students are provided with medically and scientifically accurate comprehensive sexual health education upon completion of the program"

Representatives Haler, Ericksen, Haler (again) and Hinkle spoke in favor of the adoption of the amendment.

Representatives Morrell and Wallace spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Warnick moved the adoption of amendment (710):

On page 2, line 21, after "education" strike "must" and insert "may"

Representative Warnick spoke in favor of the adoption of the amendment.

Representative Moeller spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Bailey moved the adoption of amendment (740):

On page 2, line 21, after "section." insert "A school that offers sexual health education in grades below the seventh grade must provide for such instruction, in those grades, of girls separate from boys."

Representatives Bailey, Skinner, Buri, Schindler, Ahern and Roach spoke in favor of the adoption of the amendment.

Representative Williams spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (700):

On page 2, line 24, after "instruction." and insert "Sexual health education may not require students to provide oral or written responses to questions involving the student's values or beliefs."

Representatives Hinkle and Ericksen spoke in favor of the adoption of the amendment.

Representative Quall spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (716):

On page 2, line 24, after "instruction." insert "Sexual health education instruction must include homework assignments which accurately reflect the information provided in the classroom and that are to be completed with, and signed by, a parent or legal guardian and returned to the instructor."

Representatives Schindler, Pearson, Kristiansen, Hinkle, Skinner, Orcutt, Ahern and Anderson spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Newhouse moved the adoption of amendment (734):

On page 2, line 24, after "instruction" insert "; unless the school district board of directors determines that providing such sexual health education would conflict with how the values and character traits listed in RCW 28A.150.211 are learned as determined by consensus at the local level pursuant to RCW 28A.150.211"

Representatives Newhouse, Armstrong, Buri, Hinkle and Ericksen spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker stated the question before the House to be adoption of amendment (734) to Engrossed Substitute Senate Bill No. 5297.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (734) to Engrossed Substitute Senate Bill No. 5297, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 60, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Hunt, Hurst, Jarrett, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 37.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunter,

Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 60.  
Excused: Representative Eickmeyer - 1.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (734) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5297.  
TROY KELLEY, 28<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (734) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5297.  
SAM HUNT, 22<sup>nd</sup> District

The Speaker called upon Representative Lovick to preside.

Representative Warnick moved the adoption of amendment (709):

On page 2, line 25, after "act" strike ", "medically" and insert the following:

":  
(a) "Medically"

On page 2, line 33, after "prevention" insert the following:  
"; and

(b) "Abstinence" means abstaining from sexual activity until marriage. Any public school that offers sexual health education must ensure that this definition of abstinence is used consistently throughout the sexual health education program"

Representative Warnick spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (704):

On page 2, beginning on line 26, after "by" strike all material through "health" on line 32 and insert "statistically significant research in compliance with scientific methods, and is recognized as accurate and objective by medical textbooks, the American college of obstetricians and gynecologists"

Representatives Hinkle, Schindler, McCune and Orcutt spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

The Speaker assumed the chair.

Representative Anderson moved the adoption of amendment (738):

On page 3, line 12, after "health." insert "Before a list is made available on either web site, the initial list and any updated list must be approved by the state board of education."

son, Hinkle, Ericksen and Dunn spoke in favor of the adoption of the amendment.

Representative Darneille spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (715):

On page 3, beginning on line 4, strike all of subsection (4) and insert the following:

"(4) The superintendent of public instruction and the department of health shall jointly develop a list of sexual health education curricula that are consistent with the 2005 guidelines for sexual health information and disease prevention. The list must be developed in public meetings, with an opportunity for public comment. This list is intended to serve as a resource for schools, teachers, or any other organization or community group. This list must be reviewed and updated no less frequently than annually in public meetings with an opportunity for public comment. The list must be made available on the web sites of the office of the superintendent of public instruction and the department of health."

Representatives Schindler and Ericksen spoke in favor of the adoption of the amendment.

Representative Morrell spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (737):

On page 3, line 13, after (5), insert "(a)"

On page 3, after line 18, insert the following:

"(b) Subject to funds appropriated for this purpose and to requirements established under this subsection, school districts with public schools offering sexual health education on the effective date of this section that incur additional cost to purchase curricula or pay for additional preparation and/or instruction time to comply with this section shall be reimbursed by the office of the superintendent of public instruction for the cost of purchasing the curricula or paying for additional preparation and/or instruction time. The superintendent of public instruction shall establish reasonable application requirements for school districts applying for these reimbursement funds."

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ross moved the adoption of amendment (707):

On page 3, line 18, after "section." insert "Public schools that offer sexual health education must have at least two sexual health education parent nights annually, at which time parents may view

any and all curricula and any written, video, or audio materials that will be used in the sexual health education."

Representatives Ross, Buri, Ericksen, Ross (again) and Hailey spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 39 - YEAS; 58 -NAYS.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (723):

On page 3, line 18, after "section." insert "A public school offering sexual health education that has a web site must make the curriculum offered at its school available on its web site."

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Strow moved the adoption of amendment (703):

On page 3, line 19, after "(6)" insert the following:

"If any public school within a school district offers sexual health education, the school board must, during a school board meeting at least once annually, include an update and opportunity for public input regarding the sexual health education. At a minimum, the school board must be presented with information that includes the number of schools that are providing sexual health education, the grade levels in which the instruction is offered, and the curricula being used by the schools. Any curricula used must also be available at the school board meeting for public review.

(7)"

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Hinkle and Ericksen spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Roach moved the adoption of amendment (705):

On page 3, line 19, after "(6)" insert "(a)"

On page 3, after line 27, insert the following:

"(b) To facilitate the right of a parent or legal guardian to excuse his or her child from sexual health education instruction, a public school planning sexual health education instruction shall provide, at the beginning of the school year, a form that the parent or legal guardian may use to choose whether to excuse his or her child from the instruction or to approve his or her child's attendance at the instruction."

Representatives Roach, Skinner, McCune and Ross spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Warnick moved the adoption of amendment (731):

On page 3, line 20, after "from" strike "any" and insert "part of or the entire"

Representatives Warnick spoke in favor of the adoption of the amendment.

Representative Darneille spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (702):

On page 3, line 23, after "designee." insert "The school must provide an alternative educational program or activity for students whose parent or legal guardian has chosen not to have his or her child participate in the sexual health education."

Representatives Hinkle and Ericksen spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dunn moved the adoption of amendment (711):

On page 3, line 23, after "designee." insert "If a parent or legal guardian has a religious objection to his or her child attending sexual health education instruction, the parent or legal guardian may have the child excused from such instruction by filing a written waiver with the child's school."

Representatives Dunn spoke in favor of the adoption of the amendment.

Representative Appleton spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ross moved the adoption of amendment (706):

On page 3, line 25, strike "offered in his or her child's school" and insert ", including any written, video, or audio materials that will be used in teaching the curriculum,"

Representatives Ross and McCune spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Sump moved the adoption of amendment (708):

On page 3, beginning on line 19, strike all of subsection (6) and insert the following:

"(6)(a) Public schools that offer sexual health education must provide a separate written notice as described in (c) of this subsection to the parent or legal guardian of a student receiving the instruction no less than thirty days in advance of the instruction. The separate written notice is an advisory that sexual health education will be provided to the child of the parent or legal guardian if the parent or legal guardian signs and returns the notice to the child's school.

(b) Any parent or legal guardian who chooses to have his or her child attend any planned instruction in sexual health education must sign and return the notice required in (a) of this subsection to the child's school.

(c) The notice required by this subsection must be titled "Sexual Health Education Notification." The title must be printed at the top of the page, in boldface and in no less than sixteen-point type. The notice shall include all the following information printed in no less than twelve-point type:

(i) The date, time, and location of the instruction;

(ii) The name of the teacher or administrator in charge of the instruction, and the name and affiliation of any presenters;

(iii) The telephone number at which the teacher or administrator in charge may be reached during regular school hours;

(iv) A reminder that parents and legal guardians may attend the class or assembly;

(v) A reminder of the right of the parent or legal guardian to choose whether his or her child will attend instruction in sexual health education, and the alternative educational program or activity that will be available if the parent or legal guardian chooses to have his or her child not attend the instruction in sexual health education;

(vi) Times and location in which the curriculum and any written, video, or audio materials used are available for review by the parent or legal guardian; and

(vii) Instructions for signing and returning the notice required in (a) of this subsection to the school if a parent or legal guardian chooses to have his or her child attend sexual health education instruction."

Representatives Sump, Schindler, Hinkle, Buri and Skinner spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker stated the question before the House to be adoption of amendment (708) to Engrossed Substitute Senate Bill No. 5297.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (708) to Engrossed Substitute Senate Bill No. 5297, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 57, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Orcutt, Pearson,

Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Wallace, Walsh and Warnick - 40.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 57.

Excused: Representative Eickmeyer - 1.

Representative Strow moved the adoption of amendment (717):

On page 3, beginning on line 19, strike all of section (6) and insert the following:

"(6) Public schools that offer sexual health education shall, at least one month before beginning sexual health education instruction in any classroom, conduct at least one presentation during evening or weekend hours for the parents and legal guardians of the school's students concerning the curriculum and materials that will be used for such instruction. The school must give parents and legal guardians reasonable notification of the presentation, including notice that the curriculum and materials are available for inspection. Students may not be required to participate in any part of the sexual health education instruction if a student's parent or legal guardian objects to the student's participation, in writing, to the child's school principal or principal's designee."

Representatives Strow spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McDonald moved the adoption of amendment (712):

On page 3, beginning on line 19, strike all of subsection (6) and insert the following:

"(6)(a) Public schools that offer sexual health education must provide a separate written notice as described in (c) of this subsection to the parent or legal guardian of a student receiving the instruction no less than thirty days in advance of the instruction. The separate written notice is an advisory that sexual health education will be provided to the child of the parent or legal guardian.

(b) Any parent or legal guardian who chooses to have his or her child excused from any planned instruction in sexual health education may do so by notifying the child's school. In addition, any parent or legal guardian may review the sexual health education curriculum offered in his or her child's school by notifying the child's school.

(c) The notice required by this subsection must be titled "Sexual Health Education Notification." The title must be printed at the top of the page, in boldface and in no less than sixteen-point type. The notice shall include all the following information printed in no less than twelve-point type:

- (i) The date, time, and location of the instruction;
- (ii) The name of the teacher or administrator in charge of the instruction, and the name and affiliation of any presenters;
- (iii) The telephone number at which the teacher or administrator in charge may be reached during regular school hours;
- (iv) A reminder that parents and legal guardians may attend the class or assembly;

(v) A reminder of the right of the parent or legal guardian to have their child not participate in sexual health education, and the alternative educational program or activity that will be available if the parent or legal guardian chooses to have their child not participate in the sexual health education;

(vi) Times and location in which the curriculum and any written, video, or audio materials used are available for review by the parent or legal guardian; and

(vii) Instructions for notifying the school if a parent or legal guardian chooses to have their child not participate in sexual health education, or chooses to review the curriculum."

Representatives McDonald, Ericksen and Dunn spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Bailey moved the adoption of amendment (739):

On page 4, line 2, strike "healthy youth act" and insert "comprehensive sexual health education mandate"

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (699):

On page 4, beginning on line 1, strike all of section 3

Correct the title.

Representatives Hinkle, Ericksen and McCune spoke in favor of the adoption of the amendment.

Representative Rolfes spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (722):

On page 4, after line 2, insert the following:

"**NEW SECTION. Sec. 4.** This act takes effect beginning on the September 1 immediately following the enactment of a state statute that requires the mathematics curricula taught in public schools to be in compliance with guidelines established in state statute by the legislature."

Correct the title.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Buri moved the adoption of amendment (735):

On page 2, line 8, after "(1)" insert "(a)"

On page 2, after line 24, insert the following:

"(b) A public school may not require a teacher to provide instruction in sexual health education as a condition of employment unless the teacher was initially hired after the effective date of this section to provide such instruction."

Representatives Buri, Ericksen, Schindler and Ahern spoke in favor of the adoption of the amendment.

Representatives Schual-Berke and Eddy spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schual-Berke spoke in favor of passage of the bill.

#### POINT OF ORDER

Representative Sump: "Who has the fear tactics and ignorance emitted from? I don't know of any scare tactics and ignorance that has been promulgated on this side of the aisle. I need a clarification please."

#### SPEAKER'S RULING

Mr. Speaker: "Would the lady from the 33<sup>rd</sup> District please avoid using terms like 'scare tactics'? Please conclude your remarks."

Representative Schual-Berke (continued), Goodman, Rolfes, Flannigan and Darneille spoke in favor of passage of the bill.

Representatives Orcutt, McDonald, Miloscia, Ahern, Curtis, Armstrong, Sump, Chandler, Kretz, McCune, Dunn, Warnick, Kristiansen, Roach, Buri and Hinkle spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5297.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5297 and the bill passed the House by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Orcutt, Pearson, Priest, Roach, Ross, Schindler, Skinner, Strow, Sump and Warnick - 34.

Excused: Representative Eickmeyer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5297, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

**SUBSTITUTE SENATE BILL NO. 5568, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Clements, Shin, Schoesler, Jacobsen, Morton, Holmquist and Honeyford)**

**Extending the date when counties east of the crest of the Cascade mountains that pledged lodging tax revenue for payment of bonds prior to June 26, 1975, must allow a credit for city lodging taxes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Skinner and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5568.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5568 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE SENATE BILL NO. 5568, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117, by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Poulsen, Rockefeller, Marr, Kohl-Welles and Kline)**

**Regarding reclaimed water.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative McCoy moved the adoption of amendment (547) to the committee amendment:

On page 6, after line 29 of the amendment, insert the following: "(4) The provisions of any plan for reclaimed water, developed under the authorities in subsections (2) and (3) of this section, should be included by a city, town, or county in reviewing provisions for water supplies in a proposed short plat, short subdivision, or subdivision under chapter 58.17 RCW, where reclaimed water supplies may be proposed for nonpotable purposes in the short plat, short subdivision, or subdivision."

On page 7, at the beginning of line 1 of the amendment, strike "receives" and insert "is provided"

On page 13, line 1 of the amendment, after "water" strike "should be employed" and insert "shall be encouraged"

On page 16, beginning on line 32 of the amendment, strike all of section 12

Representative McCoy spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Kretz and Strow spoke against the adoption of the amendment to the committee amendment

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 59 - YEAS; 38 -NAYS.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McCoy and Linville spoke in favor of passage of the bill.

Representatives Kretz and Newhouse spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6117, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6117, as amended by the House, and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sullivan, B., Sump and Warnick - 32.

Excused: Representative Eickmeyer - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 2395,  
HOUSE BILL NO. 2396,  
SUBSTITUTE SENATE BILL NO. 5193,  
SUBSTITUTE SENATE BILL NO. 5435,  
ENGROSSED SENATE BILL NO. 6128,  
SENATE CONCURRENT RESOLUTION NO. 8404,

There being no objection, the House adjourned until 10:00 a.m., April 12, 2007, the 95th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## NINETY FIFTH DAY

House Chamber, Olympia, Thursday, April 12, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ahren Stroming and Wright Noel. The National Anthem was sung by Samantha Harriot-Grant. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Nate Hettinga, Cascade Community Church, Monroe.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4658, by Representatives Hunt, Buri, Williams, Newhouse, Jarrett, Hailey, Wood and Wallace

WHEREAS, V. Lane Rawlins became Washington State University's ninth president in June 2000; and

WHEREAS, V. Lane Rawlins assumed office as Washington State University's president on June 8, 2000, and was inaugurated March 28, 2001; and

WHEREAS, President Rawlins is the first Washington State University president to have been a member of the university's faculty earlier in his career; and

WHEREAS, As a result of President Rawlins guidance and strategic planning, student enrollment and admission standards are at an all-time high, with a substantial increase in the enrollment of high-ability students; and

WHEREAS, Under President Rawlins' leadership, the university's campuses in Pullman, Vancouver, Spokane, and the Tri-Cities have developed into a system through which regional campuses have greater flexibility to meet the needs of their communities and Washington state; and

WHEREAS, President Rawlins' commitment to superior education in a research environment has been critical in encouraging partnerships with the University of Washington and increasing Washington State University's research funding; and

WHEREAS, University enrollment increased from 20,623 in the fall of 2000 to 22,615 in fall 2005 with expansion reflected on all four of the university's campuses in Pullman, Spokane, Tri-Cities, and Vancouver; and

WHEREAS, President Rawlins has received recognition for his research, leadership, and communication efforts as a member of the Governor's Global Competitiveness Council and the Technology Alliance Board of Directors; and

WHEREAS, President Rawlins is currently chair of the Presidents' Council of the Pac-10 Conference and Pac-10 representative on the NCAA Board of Directors; and

WHEREAS, After leading Washington State University's drive for educational and research excellence for more than six years, President Rawlins plans to retire from the post in June 2007; and

WHEREAS, President Rawlins has led Washington State University in achieving enrollment growth, expanded research funding and facilities, and a national and international reputation for excellence;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge the leadership of V. Lane Rawlins in promoting a "World Class Education, Face to Face" at Washington State University; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the outstanding statewide advances in higher education and student potential as a result of V. Lane Rawlins' term as president of Washington State University; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to V. Lane Rawlins, president of Washington State University and to the members of the Washington State University Board of Regents.

HOUSE RESOLUTION NO. 4658 was adopted.

HOUSE RESOLUTION NO. 2007-4659, by Representatives B. Sullivan, Blake, Rolfes, Chase, Quall, Hasegawa, Dickerson, Van De Wege, Simpson, Wallace, Haigh, Takko, Grant, Hailey, Ross, McCoy, Lantz, Springer, Ormsby, Green, Kagi, Pedersen, P. Sullivan, Wood, McDermott, Kessler, Strow, Hinkle, Dunn, Walsh, Seaquist, Barlow, Appleton, Morris, Hunt, Sump, Condotta, Warnick, Priest, Bailey, Chandler, Armstrong, Kristiansen, Schindler, Alexander, Haler, Pearson, Kretz, McCune, Orcutt, Upthegrove, Moeller, Eddy, Lovick, Kelley, Ahern, Roberts, Campbell, Sells, Clibborn, Anderson, Fromhold, Linville, Newhouse, Roach, Morrell, McDonald, McIntire, Conway, Goodman, Hunter, Schual-Berke and Darneille

WHEREAS, Men and women of the United States Armed Forces have been protecting our country since its inception; and

WHEREAS, Operation Enduring Freedom, which began in October 2001 in Afghanistan against the Taliban, has claimed the lives of 370 United States service members; and

WHEREAS, Nine servicemen from Washington state have been killed while deployed in Afghanistan, Pakistan, and the Philippines: Sgt. Nathan Paul Hays from Wilbur; Staff Sgt. Juan Miguel Ridout from Oak Harbor; Spc. Harley D.R. Miller from Spokane; Chief Warrant Officer 2nd Class Clint Jeffrey Prather from Cheney; Staff Sgt. Travis Wayne Nixon from Parsons; 1st Lt. Forrest Pinkerton Ewens from Gig Harbor; Spec. Thomas F. Allison from Tacoma; Sgt. Jay A. Blessing from Tacoma; and Sgt. 1st Class Nathan Ross Chapman from Puyallup; and

WHEREAS, The war in Iraq has taken the lives of 3,216 United States service members in Iraq and Kuwait since March 2003; and

WHEREAS, 65 of those fallen servicemen and women called Washington their home: 1st Lt. Michael Robert Adams from Seattle; Sgt. Corey James Aultz from Port Orchard; Spec.

Ryan M. Bell from Colville; Spc. Robert Theodore Benson from Spokane; Staff Sgt. Marvin Leslie Best from Prosser; Cpl. Joseph Phillip Bier from Centralia; Spec. Joshua M. Boyd from Seattle; Lance Cpl. Cedric Eugene Bruns from Vancouver; Staff Sgt. Christopher Bunda from Bremerton; Staff Sgt. Michael Lee Burbank from Bremerton; Pfc. Cody Shea Calavan from Lake Stevens; 1st Lt. Jamie Lynn Campbell from Ephrata; Lance Cpl. Daniel Chavez from Seattle; Petty Officer 1st Class Regina R. Clark from Centralia; 1st Lt. Benjamin Joseph Colgan from Kent; Sgt. Jason Chesley Cook from Malott; Staff Sgt. Casey J. Crate from Spanaway; Sgt. Jacob Henry Demand from Palouse; Spc. Christopher Wayne Dickinson from Seattle; Spc. Blain Matthew Ebert from Washtucna; Lance Cpl. Adam Quitugua Emul from Vancouver; Sgt. Damien T. Ficek from Pullman; Lance Cpl. Kane Michael Funke from Vancouver; Sgt. Mickel Davied Garrigus from Elma; Pfc. Devon James Gibbons from Port Orchard; Pfc. Jason Hanson from Forks; Spc. Justin William Hebert from Arlington; Sgt. Jacob Robert Herring from Kirkland; Spc. Jordan William Hess from Marysville; Maj. Alan Ricardo Johnson from Yakima; Cpl. Jeremiah Jewel Johnson from Vancouver; Sgt. Curt Edward Jordan Jr. from Greenacres; Spc. Eric Dean King from Vancouver; Sgt. 1st Class Steven Michael Langmack from Seattle; Sgt. Velton Locklear III from Lacey; Pfc. Duane E. Longstreth from Tacoma; Sgt. Charles E. Matheny IV from Stanwood; Maj. Megan Malia McClung from Coupeville; Staff Sgt. Tracey Lee Melvin from Seattle; Cpl. Darrel James Morris from Spokane Valley; Sgt. 1st Class Lawrence Emerson Morrison from Yakima; Master Sgt. Robb Gordon Needham from Vancouver; Sgt. Juston Dean Norton from Rainier; Staff Sgt. Ronald Lee Paulsen from Vancouver; Sgt. Travis Dwight Pfister from Richland; Lance Cpl. Caleb John Powers from Mansfield; Spc. David Joseph Ramsey from Tacoma; Capt. Gregory Alm Ratzlaff from Olympia; Sgt. Yadir Gumerindo Reynoso from Wapato; Sgt. James Daniel Riekema from Redmond; Staff Sgt. David George Ries from Vancouver; Cpl. Steven Arnold Rintamaki from Lynnwood; Cpl. Jonathan Jose Santos from Bellingham; Spc. Jeremiah Wesley Schmunk from Richland; Pfc. Kerry David Scott from Concrete; Sgt. Jeffrey Ross Shaver from Maple Valley; Lance Cpl. Dustin Lee Sides from Yakima; Cpl. Jeffrey Brian Starr from Snohomish; Lance Cpl. Shane Clanin Swanberg from Kirkland; Staff Sgt. Abraham George Twitchell from Yelm; Staff Sgt. Christopher Jon Vanderhorn from Pierce County; Pfc. Andrew Martin Ward from Kirkland; Sgt. Lucas Timothy White from Moses Lake; Lance Cpl. Nathan Raymond Wood from Kirkland; and Spc. Curtis Lorenza Wooten III from Spanaway; and

WHEREAS, These men and women who died serving our nation leave family and friends in Washington mourning their loss;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives honor the fallen servicemen and women who gave their lives for this country with courage, self-sacrifice, and patriotic devotion; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives extend appreciation and solace to the families of the servicemen and women who died fighting for this great nation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the families of the aforementioned servicemen and women, and to the United States Air Force, Army, Coast Guard, National Guard, Navy, and the Marine Corps.

HOUSE RESOLUTION NO. 4659 was adopted.

HOUSE RESOLUTION NO. 2007-4660, by Representatives Curtis and Van De Wege

WHEREAS, It is the policy of the Washington State House of Representatives to recognize achievements of Washington's physicians; and

WHEREAS, Dr. Lynn K. Wittwer, M.D. FACEP, was born on November 15, 1942; and

WHEREAS, Dr. Lynn K. Wittwer was educated at Lewis and Clark College from 1960 to 1963 and University of Oregon School of Medicine from 1963 to 1968; and

WHEREAS, Dr. Lynn K. Wittwer interned at Hennepin County Hospital in Minneapolis, Minnesota, from June 1968 to June 1969; and

WHEREAS, Dr. Lynn K. Wittwer received his medical licenses in Washington and Oregon; and

WHEREAS, Dr. Lynn K. Wittwer is certified as an Advanced Cardiac Life Support Provider and Instructor, Advanced Trauma and Life Support Instructor, and a Pediatric Advanced Life Support Provider and Instructor; and

WHEREAS, Dr. Lynn K. Wittwer is board certified by the American Board of Emergency Medicine, American Board of Family Practice, National Board of Medical Examiners, and Oregon Pediatric Critical Care Conference; and

WHEREAS, Dr. Lynn K. Wittwer is affiliated with professional organizations such as Emergency Medicine Associates in Vancouver, Southwest Washington Medical Association in Vancouver, Portland Adventist Hospital in Oregon, Cascade Health Care in Oregon, Providence Hospital in Oregon, and Yokota Air Force Base in Japan; and

WHEREAS, Dr. Lynn K. Wittwer has been appointed to teaching positions at University of Oregon Medical School, Clark College, Emergency Medical Technician and Paramedic Program at the Northwest Regional Training Center, University of Washington School of Medicine, Linfield College, American College of Surgeons, and the American Heart Association; and

WHEREAS, Dr. Lynn K. Wittwer belongs to the American College of Emergency Physicians, American Academy of Family Practice, Clark County Medical Society, Washington State Medical Association, American Heart Association, and National Association of EMS Physicians; and

WHEREAS, Dr. Lynn K. Wittwer has been appointed to be Medical Program Director at Clark County Emergency Medical Services, a member of the Clark County Emergency Medical Services Administrative Board, Medical Program Director to the Southwest Region Emergency Medical Services and Trauma Care Council, and Vice-chair to the Emergency Medical Services Licensing and Certification Committee for the Department of Health; and

WHEREAS, Dr. Lynn K. Wittwer serves on the Technical Advisory Committee for the Governor's Trauma Steering Committee in Washington, the Area Trauma Advisory Board in Portland, the Trauma Review Committee at Southwest Washington Medical Center, the Trauma Advisory Group in Oregon, the Pediatric Emergency Medical Services Advisory Board in Oregon, Washington State Ad Hoc Trauma Committee, and the Washington State Medical Association Committee on Emergency Medical Services; and

WHEREAS, Dr. Lynn K. Wittwer also serves on the Board of Directors for Washington American College of Emergency Physicians, is a faculty member teaching advanced cardiac life support, the ECC Committee for the American Heart Association, Executive Committee, the Credentials

Committee, and as President of the Medical Staff at Southwest Washington Medical Center; and

WHEREAS, Dr. Lynn K. Wittwer received the Washington State Emergency Medical Services Physician/Medical Advisor of the Year Award in 1991; and

WHEREAS, Dr. Lynn K. Wittwer has been published in *Disaster Medicine* in 1997 and *Prehospital Emergency Care* in 1999;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Dr. Lynn K. Wittwer, M.D. FACEP, for his outstanding work and commitment to emergency room staff and field personnel, for his sacrificial dedication to lead and expand Clark County Emergency Medical Services to the forefront of emergency medicine and care delivery, for his progressive protocols that have resulted in the unprecedented saving of lives and future lives, for his leadership and respect for the medical profession and his colleagues, for his humility, humor, and attention to detail, for his life that serves to benefit others, and the untold lives that have benefited from his effective representation of his community and state of Washington; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this resolution to Dr. Lynn K. Wittwer and his family and to Southwest Washington Medical Center and its emergency personnel and staff.

HOUSE RESOLUTION NO. 4660 was adopted.

#### MESSAGES FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1009,  
 SUBSTITUTE HOUSE BILL NO. 1039,  
 HOUSE BILL NO. 1064,  
 HOUSE BILL NO. 1084,  
 HOUSE BILL NO. 1137,  
 HOUSE BILL NO. 1218,  
 SUBSTITUTE HOUSE BILL NO. 1338,  
 ENGROSSED HOUSE BILL NO. 1379,  
 HOUSE BILL NO. 1416,  
 HOUSE BILL NO. 1430,  
 SUBSTITUTE HOUSE BILL NO. 1456,  
 HOUSE BILL NO. 1501,  
 SUBSTITUTE HOUSE BILL NO. 1565,  
 SUBSTITUTE HOUSE BILL NO. 1574,  
 HOUSE BILL NO. 1645,  
 HOUSE BILL NO. 1666,  
 SUBSTITUTE HOUSE BILL NO. 1784,  
 SUBSTITUTE HOUSE BILL NO. 1843,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,  
 HOUSE BILL NO. 1939,  
 SUBSTITUTE HOUSE BILL NO. 1953,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,  
 SUBSTITUTE HOUSE BILL NO. 2130,  
 HOUSE BILL NO. 2152,  
 HOUSE BILL NO. 2154,  
 HOUSE BILL NO. 2319,  
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 11, 2007

Mr. Speaker:

The Senate has passed SENATE BILL NO. 6167, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 12, 2007

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1344,  
 SUBSTITUTE HOUSE BILL NO. 1500,  
 HOUSE BILL NO. 1528,  
 SUBSTITUTE HOUSE BILL NO. 1669,  
 ENGROSSED HOUSE BILL NO. 1688,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5193, by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Hewitt, Parlette, Morton, Schoesler, Swecker, Clements, Stevens, McCaslin, Carrell, Keiser, Berkey and Kohl-Welles)**

**Authorizing donation of unclaimed personal property to nonprofit charitable organizations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5193.

#### MOTIONS

On motion of Representative Santos, Representatives Eickmeyer, Hunter, Morris and Upthegrove were excused. On motion of Representative Schindler, Representative Hankins was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5193 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seauquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representative Dunn - 1.

Excused: Representatives Eickmeyer, Hankins, Hunter, Morris and Upthegrove - 5.

SUBSTITUTE SENATE BILL NO. 5193, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5435, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kauffman, Pflug, Swecker and Keiser; by request of Attorney General)**

**Creating the public records exemptions accountability committee.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was not adopted. (For Committee amendment, see Journal, 83<sup>rd</sup> Day, March 30, 2007.)

Representative Kessler moved the adoption of amendment (755):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that public disclosure exemptions are enacted to meet objectives that are determined to be in the public interest. Given the changing nature of information technology and management, recordkeeping, and the increasing number of public disclosure exemptions, the legislature finds that periodic reviews of public disclosure exemptions are needed to determine if each exemption serves the public interest.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.56 RCW to read as follows:

(1)(a) The public records exemptions accountability committee is created to review exemptions from public disclosure, with thirteen members as provided in this subsection.

(i) The governor shall appoint two members, one of whom represents the governor and one of whom represents local government.

(ii) The attorney general shall appoint two members, one of whom represents the attorney general and one of whom represents a statewide media association.

(iii) The state auditor shall appoint one member.

(iv) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(v) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(vi) The governor shall appoint four members of the public, with consideration given to diversity of viewpoint and geography.

(b) The governor shall select the chair of the committee from among its membership.

(c) Terms of the members shall be four years and shall be staggered, beginning August 1, 2007.

(2) The purpose of the public records exemptions accountability committee is to review public disclosure exemptions and provide recommendations pursuant to subsection (7)(d) of this section. The committee shall develop and publish criteria for review of public exemptions.

(3) All meetings of the committee shall be open to the public.

(4) The committee must consider input from interested parties.

(5) The office of the attorney general and the office of financial management shall provide staff support to the committee.

(6) Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7)(a) Beginning August 1, 2007, the code reviser shall provide the committee by August 1st of each year with a list of all public disclosure exemptions in the Revised Code of Washington.

(b) The committee shall develop a schedule to accomplish a review of each public disclosure exemption. The committee shall publish the schedule and publish any revisions made to the schedule.

(c) The chair shall convene an initial meeting of the committee by September 1, 2007. The committee shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the committee.

(d) For each public disclosure exemption, the committee shall provide a recommendation as to whether the exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated. By November 15th of each year, the committee shall transmit its recommendations to the governor, the attorney general, and the appropriate committees of the house of representatives and the senate."

Correct the title.

Representative Kessler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kessler and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5435, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5435, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representative Dunn - 1.

Excused: Representatives Eickmeyer, Hankins, Hunter, Morris and Upthegrove - 5.

SUBSTITUTE SENATE BILL NO. 5435, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Shin, Delvin and Kilmer; by request of Workforce Training and Education Coordinating Board**

**Approving the 2006 update to the state comprehensive plan for workforce training.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Representatives Wallace and Anderson spoke in favor of passage of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8404.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8404 and the concurrent resolution passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Eickmeyer, Hankins, Hunter, Morris and Uptegrove - 5.

SENATE CONCURRENT RESOLUTION NO. 8404, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Kohl-Welles, Shin and Rasmussen; by request of Governor Gregoire)**

**Providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Cody moved the adoption of amendment (759) :

Strike everything after the enacting clause and insert the following:

**"USE STATE PURCHASING TO IMPROVE HEALTH CARE QUALITY**

NEW SECTION. Sec. 1. (1) The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within their health care programs to:

(a) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;

(b) Pay for care that reflects patient preference and is of proven value;

(c) Require the use of evidence-based standards of care where available;

(d) Tie provider rate increases to measurable improvements in access to quality care;

(e) Direct enrollees to quality care systems;

(f) Better support primary care and provide a medical home to all enrollees through reimbursement policies that create incentives for providers to enter and remain in primary care practice and that address disparities in payment between specialty procedures and primary care services; and

(g) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

(2) In developing any component of the plan that links payment to health care provider performance, the authority and the department shall work in collaboration with the department of health, health carriers, local public health jurisdictions, physicians and other health care providers, the Puget Sound health alliance, and other purchasers.

(3) The plan shall (a) identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress toward those goals will be measured; and (c) be submitted to the governor and the legislature upon completion. The agencies shall report to the legislature by September 1, 2007. Any component of the plan that links payment to health care provider performance must be submitted to the legislature for consideration prior to implementation by the department or the authority.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) The legislature finds that there is growing evidence that, for preference-sensitive care involving elective surgery, patient-practitioner communication is improved through the use of high-quality decision aids that detail the benefits, harms, and uncertainty of available treatment options. Improved communication leads to more fully informed patient decisions. The legislature intends to increase the extent to which patients make genuinely informed, preference-based treatment decisions, by promoting public/private collaborative efforts to broaden the development, certification, use, and evaluation of effective decision aids and by recognition of shared decision making and patient decision aids in the state's laws on informed consent.

(2) The health care authority shall implement a shared decision-making demonstration project. The demonstration project shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing state purchased health care. The demonstration project shall include the following elements:

(a) Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology;

(b) An evaluation of the impact of the use of shared decision making with decision aids, including the use of preference-sensitive health care services selected for the demonstration project and expenditures for those services, the impact on patients, including

patient understanding of the treatment options presented and concordance between patient values and the care received, and patient and practitioner satisfaction with the shared decision-making process; and

(c) As a condition of participating in the demonstration project, a participating practice site must bear the cost of selecting, purchasing, and incorporating the chosen decision aids into clinical practice.

(3) The health care authority may solicit and accept funding and in-kind contributions to support the demonstration and evaluation, and may scale the evaluation to fall within resulting resource parameters.

**Sec. 3.** RCW 7.70.060 and 1975-'76 2nd ex.s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

~~((+))~~ (a) A description, in language the patient could reasonably be expected to understand, of:

~~((+))~~ (i) The nature and character of the proposed treatment;

~~((+))~~ (ii) The anticipated results of the proposed treatment;

~~((+))~~ (iii) The recognized possible alternative forms of treatment; and

~~((+))~~ (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

~~((+))~~ (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ~~((+)) of this section~~.

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4) As used in this section, "patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific knowledge about outcomes, and that is certified by one or more national certifying organizations.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

## PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, must acknowledge the role of primary care providers and include financial and other supports to enable these providers to effectively carry out their role in chronic care management, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients best served under a chronic care management model using predictive modeling through claims or other health risk information; and

(b) Evaluate the effectiveness of current chronic care management efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

(a) Clinical information systems and sharing and organization of patient data;

(b) Decision support to promote evidence-based care;

(c) Clinical delivery system design;

(d) Support for patients managing their own conditions; and

(e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the

provider's participation in the medicaid program, the basic health plan, and health plans offered through the public employees' benefits board.

**NEW SECTION. Sec. 6.** (1) The health care authority, in collaboration with the department of health, shall design and implement a chronic care management program for state employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**Sec. 7.** RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin disorders, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

**NEW SECTION. Sec. 8.** A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect a fee of three dollars and fifty cents from the parents or other responsible party of each infant screened for congenital disorders as defined by the state board of health under RCW 70.83.020 to fund specialty clinics that provide treatment services for those with the defined disorders. The fee may be collected through the facility where a screening specimen is obtained.

#### **COST AND QUALITY INFORMATION FOR CONSUMERS AND PROVIDERS**

**NEW SECTION. Sec. 9.** A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. In collaboration with the Puget Sound health alliance and other local organizations, the forum shall:

(1) Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;

(2) Coordinate the collection of health care quality data among state health care purchasing agencies;

(3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;

(4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and

(5) Produce an annual quality report detailing clinical practice patterns for purchasers, providers, insurers, and policy makers. The agencies shall report to the legislature by September 1, 2007.

**NEW SECTION. Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and cochairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

**Sec. 11.** RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary,

the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in ~~(RCW 18.79.202, until June 30, 2013, and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360)~~ subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licenses as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of section 12 of this act.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.70 RCW to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009.

**Sec. 13.** RCW 70.56.030 and 2006 c 8 s 107 are each amended to read as follows:

(1) The department shall:

(a) Receive and investigate, where necessary, notifications and reports of adverse events, including root cause analyses and corrective action plans submitted as part of reports, and communicate to individual facilities the department's conclusions, if any, regarding an adverse event reported by a facility; ~~(and)~~

(b) Provide to the Washington state quality forum established in section 9 of this act such information from the adverse health events and incidents reports made under this chapter as the department and the Washington state quality forum determine will assist in the Washington state quality forum's research regarding health care quality, evidence-based medicine, and patient safety. Any shared information must be aggregated and not identify an individual medical facility. As determined by the department and the Washington state quality forum, selected shared information may be disseminated on the Washington state quality forum's web site and through other appropriate means; and

(c) Adopt rules as necessary to implement this chapter.

(2) The department may enforce the reporting requirements of RCW 70.56.020 using ~~(their)~~ its existing enforcement authority provided in chapter 18.46 RCW for childbirth centers, chapter 70.41 RCW for hospitals, and chapter 71.12 RCW for psychiatric hospitals.

#### **REDUCING UNNECESSARY EMERGENCY ROOM USE**

**NEW SECTION. Sec. 14.** The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs that they administer and the uninsured, and then partner with community organizations and local health care providers to design a demonstration pilot to reduce such unnecessary visits.

**NEW SECTION. Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:

In collaboration with the department of social and health services, the administrator shall provide all persons enrolled in health plans under this chapter and chapter 70.47 RCW with access to a twenty-four hour, seven day a week nurse hotline.

**NEW SECTION. Sec. 16.** A new section is added to chapter 74.09 RCW to read as follows:

In collaboration with the health care authority, the department shall provide all persons receiving services under this chapter with access to a twenty-four hour, seven day a week nurse hotline. The health care authority and the department of social and health services shall determine the most appropriate way to provide the nurse hotline under section 15 of this act and this section, which may include use of the 211 system established in chapter 43.211 RCW.

#### **REDUCE HEALTH CARE ADMINISTRATIVE COSTS**

**NEW SECTION. Sec. 17.** By September 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

#### **COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE**

**NEW SECTION. Sec. 18.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue covering that dependent under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

**NEW SECTION. Sec. 19.** A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 20.** A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 21.** A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 22.** A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

## SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS

**NEW SECTION. Sec. 23.** (1) The department of social and health services shall develop a series of options that require federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic health program, for the medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program for individuals eligible for transitional medical benefits. When a participant in the health opportunity account demonstration program satisfies his or her deductible, the benefits provided shall be those included in the medicaid benefit package in effect during the period of the demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) Prior to submitting requests for federal waivers or state plan amendments, the department shall consult with and seek input from stakeholders and other interested parties.

(3) The department of social and health services, in collaboration with the Washington state health care authority, shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the maximum number of people within available funds.

**NEW SECTION. Sec. 24.** A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

## REINSURANCE

**NEW SECTION. Sec. 25.** (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate options and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance markets, and submit an interim report to the governor and the legislature by December 1, 2007, and a final report, including implementing legislation and supporting information, including financing options, by September

1, 2008. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program such as the approach used by the department of labor and industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Determine whether the Washington state health insurance pool should be retained, and if so, develop options for additional sources of funding;

(f) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

(g) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

## THE WASHINGTON STATE HEALTH INSURANCE POOL AND THE BASIC HEALTH PLAN

**Sec. 26.** RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the

reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least two policies, one of which will be a comprehensive policy that must comply with RCW 48.41.120 and must at a minimum include the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, ~~((but limited to))~~ including no less than a total of one hundred eighty inpatient days in a calendar year, and ~~((limited to))~~ no less than thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) ~~((The first))~~ No less than twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not ~~((more))~~ less than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery ~~((limited to))~~ including at least the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (6) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ~~((The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner, however;))~~ No limitation, exception, or

reduction may be used that would exclude coverage for any disease, illness, or injury.

~~((6))~~ (7) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7))~~ (8) of this section.

~~((7))~~ (8)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (9) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(10) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate.

**Sec. 27.** RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

(1) ~~((A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150))~~ On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage consistent with this section. As a means to minimize the number of policy changes for enrollees, replacement policies provided under this subsection also may include the plan modifications authorized in RCW 48.41.100, 48.41.110, and 48.41.120.

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

(a) Nonpayment of premium;

(b) Violation of published policies of the pool;

(c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replacement plan through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace a plan under this subsection until it has completed an evaluation of the impact of replacing the plan upon:

(i) The cost and quality of care to pool enrollees;

(ii) Pool financing and enrollment;

(iii) The board's ability to offer comprehensive and other plans to its enrollees;

(iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

((~~7~~)) (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

**Sec. 28.** RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as

defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

**Sec. 29.** RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

**Sec. 30.** RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a

medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~((one))~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

**Sec. 31.** RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection (3) of this section, ~~((a))~~ the comprehensive pool policy offered ((in accordance with)) under RCW 48.41.110((3)) (4) shall impose a deductible as provided in this subsection. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at ~~((the))~~ a rate ((of)) not to exceed twenty percent of eligible expenses in excess of the mandatory deductible and which supports the efficient delivery of high quality health care services for the medical conditions of pool enrollees.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under ~~((a))~~ the comprehensive pool policy offered ((in accordance with)) under RCW 48.41.110((3)) (4) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Except for those enrolled in a high deductible health plan qualified under federal law for use with a health savings account, eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

(5) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.

**Sec. 32.** RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ((five hundred)) dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July, 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care

service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F,

for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**Sec. 33.** RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

~~((Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately.))~~ The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.

**Sec. 34.** RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(i) Facilitate diagnosis or treatment;

(ii) Reduce unnecessary duplication of medical tests;

(iii) Promote efficient electronic physician order entry;

(iv) Increase access to health information for consumers and their providers; and

(v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

**Sec. 35.** RCW 70.47.020 and 2005 c 188 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(6) "Subsidized enrollee" means:

(a) An individual, or an individual plus the individual's spouse or dependent children:

~~((a))~~ (i) Who is not eligible for medicare;

~~((b))~~ (ii) Who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator;

~~((c))~~ (iii) Who is not a full-time student who has received a temporary visa to study in the United States;

~~((d))~~ (iv) Who resides in an area of the state served by a managed health care system participating in the plan;

~~((e))~~ (v) Whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

~~((f))~~ (vi) Who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan(-);

(b) An individual who meets the requirements in (a)(i) through (iv) and (vi) of this subsection and who is a foster parent licensed under chapter 74.15 RCW and whose gross family income at the time of enrollment does not exceed three hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

(c) To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, (~~"subsidized enrollee" also means~~) an individual, or an individual's spouse or dependent children, who meets the requirements in (a)(i) through ~~((d))~~ (iv) and ~~((f))~~ (vi) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who is accepted for enrollment by the administrator as provided in RCW 48.43.018, either because the potential enrollee cannot be required to complete the standard health questionnaire under RCW 48.43.018, or, based upon the results of the standard health questionnaire, the potential enrollee would not qualify for coverage under the Washington state health insurance pool; (d) who resides in an area of the state served by a managed health care system participating in the plan; ~~((d))~~ (e) who chooses to obtain basic health care coverage from a particular managed health care system; and ~~((e))~~ (f) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(9) "Premium" means a periodic payment, (~~based upon gross family income~~) which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

(10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is

based upon the enrollment of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

**Sec. 36.** RCW 70.47.060 and 2006 c 343 s 9 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from subsidized enrollees under RCW 70.47.020(6)(b). Premiums due for foster parents with gross family income up to two hundred percent of the federal poverty level shall be set at the minimum premium amount charged to enrollees with income below sixty-five percent of the federal poverty level. Premiums due for foster parents with gross family income between two hundred percent and three hundred percent of the federal poverty level shall not exceed one hundred dollars per month.

(c) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

~~((e))~~ (d) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal

revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

((+)) (e) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

((+)) (f) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account,

keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees,

the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

(20) To give priority in enrollment to persons who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

**Sec. 37.** RCW 48.43.018 and 2004 c 244 s 3 are each amended to read as follows:

(1) Except as provided in (a) through (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if

application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan ~~((and, but for the number of persons employed by his or her employer, would have qualified for))~~ or enrollment in the basic health plan as a nonsubsidized enrollee following disenrollment from a health plan that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) ~~((Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii)))~~ The person had at least twenty-four months of continuous group coverage including church plans immediately prior to ~~((the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if))~~ disenrollment; (ii) application is made no more than ninety days prior to the date of ~~((a qualifying event))~~ disenrollment; and (iii) the effective date of the individual coverage applied for is the date of ~~((the qualifying event))~~ disenrollment, or within ninety days thereafter.

(f) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the

basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

**Sec. 38.** RCW 43.70.670 and 2003 c 274 s 2 are each amended to read as follows:

(1) "Human immunodeficiency virus insurance program," as used in this section, means a program that provides health insurance coverage for individuals with human immunodeficiency virus, as defined in RCW 70.24.017(7), who are not eligible for medical assistance programs from the department of social and health services as defined in RCW 74.09.010(8) and meet eligibility requirements established by the department of health.

(2) The department of health may pay for health insurance coverage on behalf of persons with human immunodeficiency virus, who meet department eligibility requirements, and who are eligible for "continuation coverage" as provided by the federal consolidated omnibus budget reconciliation act of 1985, group health insurance policies, or individual policies. ~~((The number of insurance policies supported by this program in the Washington state health insurance pool as defined in RCW 48.41.030(18) shall not grow beyond the July 1, 2003, level.))~~

#### PREVENTION AND HEALTH PROMOTION

**NEW SECTION. Sec. 39.** (1) The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state purchased health programs that they administer by:

- (a) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;
- (b) Encouraging enrollees in state health programs to complete a health assessment, and providing appropriate follow up;
- (c) Reimbursing for cost-effective prevention activities; and
- (d) Developing prevention and health promotion contracting standards for state programs that contract with health carriers.

(2) The plan shall: (a) Identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress towards those goals will be measured and reported; and (c) be submitted to the governor and the legislature upon completion.

**Sec. 40.** RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~((the department of personnel;))~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.))~~

(2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program) shall establish and maintain a state employee health program focused on reducing the health risks and improving the health status of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention

activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.

(2) The state employee health program shall:

(a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;

(b) Develop effective communication tools and ongoing training for wellness staff;

(c) Contract with outside vendors for evaluation of program goals;

(d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:

(i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;

(ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and

(iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.

(3) The health care authority shall report to the legislature in December 2008 and December 2010 on outcome goals for the employee health program.

**NEW SECTION. Sec. 41.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall implement a state employee health demonstration project. The agencies selected must: (a) Show a high rate of health risk assessment completion; (b) document an infrastructure capable of implementing employee health programs using current and emerging best practices; (c) show evidence of senior management support; and (d) together employ a total of no more than eight thousand employees who are enrolled in health plans of the public employees' benefits board. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program.

(2) Agency demonstration project employee health programs:

(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(3) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008 and December 2010 on the demonstration project.

(4) This section expires June 30, 2011.

#### PRESCRIPTION MONITORING PROGRAM

**NEW SECTION. Sec. 42.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Department" means the department of health.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a practitioner or pharmacy that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

**NEW SECTION. Sec. 43.** (1) When sufficient funding is provided for such purpose through federal or private grants, or is appropriated by the legislature, the department shall establish and maintain a prescription monitoring program to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. The program shall be designed to improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and over-prescribing of controlled substances, and improving controlled substance prescribing practices with the intent of eventually establishing an electronic database available in real time to dispensers and prescribers of controlled substances. As much as possible, the department should establish a common database with other states.

(2) Except as provided in subsection (4) of this section, each dispenser shall submit to the department by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be reported. The information submitted for each prescription shall include, but not be limited to:

- (a) Patient identifier;
- (b) Drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

(3) Each dispenser shall submit the information in accordance with transmission methods established by the department.

(4) The data submission requirements of this section do not apply to:

(a) Medications provided to patients receiving inpatient services provided at hospitals licensed under chapter 70.41 RCW; or patients of such hospitals receiving services at the clinics, day surgery areas, or other settings within the hospital's license where the medications are administered in single doses; or

(b) Pharmacies operated by the department of corrections for the purpose of providing medications to offenders in department of corrections institutions who are receiving pharmaceutical services from a department of corrections pharmacy, except that the department of corrections must submit data related to each offender's current prescriptions for controlled substances upon the offender's release from a department of corrections institution.

(5) The department shall seek federal grants to support the activities described in this act. The department may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

**NEW SECTION. Sec. 44.** To the extent that funding is provided for such purpose through federal or private grants, or is appropriated by the legislature, the department shall study the feasibility of enhancing the prescription monitoring program established in section 43 of this act in order to improve the quality of state purchased health services by reducing legend drug abuse, reducing duplicative and overprescribing of legend drugs, and

improving legend drug prescribing practices. The study shall address the steps necessary to expand the program to allow those who prescribe or dispense prescription drugs to perform a web-based inquiry and obtain real time information regarding the legend drug utilization history of persons for whom they are providing medical or pharmaceutical care when such persons are receiving health services through state purchased health care programs.

**NEW SECTION. Sec. 45.** (1) Prescription information submitted to the department shall be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to disclosure, except as provided in subsections (3) and (4) of this section.

(2) The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3) and (4) of this section.

(3) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

(g) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

(h) Other entities under grand jury subpoena or court order; and

(i) Personnel of the department for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(4) The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(5) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

**NEW SECTION. Sec. 46.** The department may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 45 of this act and is subject to the penalties specified in section 48 of this act for unlawful acts.

**NEW SECTION. Sec. 47.** The department shall adopt rules to implement this chapter.

**NEW SECTION. Sec. 48.** (1) A dispenser who knowingly fails to submit prescription monitoring information to the department as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with chapter 70.02 RCW and federal health care information privacy requirements, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved with the patient in order to provide safe and appropriate care coordination.

**Sec. 49.** RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~((and))~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the department of health under chapter 70.-- RCW (sections 42 through 48 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

### STRATEGIC HEALTH PLANNING

**NEW SECTION. Sec. 50.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health care provider" means an individual who holds a license issued by a disciplining authority identified in RCW 18.130.040 and who practices his or her profession in a health care facility or provides a health service.

(2) "Health facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers, ambulatory diagnostic, treatment, or surgical facilities, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political

subdivision, including a public hospital district, or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(3) "Health service" or "service" means that service, including primary care service, offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(4) "Health service area" means a geographic region appropriate for effective health planning that includes a broad range of health services.

(5) "Office" means the office of financial management.

(6) "Strategy" means the statewide health resources strategy.

**NEW SECTION. Sec. 51.** (1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

(c) Maintain access to deidentified data collected and stored by any public and private organizations as necessary to support its planning responsibilities, including state-purchased health care program data, hospital discharge data, and private efforts to collect utilization and claims-related data. The office is authorized to enter into any data sharing agreements and contractual arrangements necessary to obtain data or to distribute data. Among the sources of deidentified data that the office may access are any databases established pursuant to the recommendations of the health information infrastructure advisory board established by chapter 261, Laws of 2005. The office may store limited data sets as necessary to support its activities. Unless specifically authorized, the office shall not collect data directly from the records of health care providers and health care facilities, but shall make use of databases that have already collected such information; and

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

(3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners, representatives of government and nongovernment health care purchasers, representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long-term care facilities, representatives of community-based long-term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.

**NEW SECTION. Sec. 52.** (1) The office, in consultation with the technical advisory committee established under section 51 of this act, shall develop a statewide health resources strategy. The strategy shall establish statewide health planning policies and goals related to the availability of health care facilities and services, quality of care, and cost of care. The strategy shall identify needs according to geographic regions suitable for comprehensive health planning as designated by the office.

(2) The development of the strategy shall consider the following general goals and principles:

(a) That excess capacity of health services and facilities place considerable economic burden on the public who pay for the construction and operation of these facilities as patients, health insurance purchasers, carriers, and taxpayers; and

(b) That the development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care, as well as projections of need for health facilities and services, are essential to effective strategic health planning.

(3) The strategy, with public input by health service areas, shall include:

(a) A health system assessment and objectives component that:

(i) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs; and

(ii) Identifies key policy objectives for the state health system related to access to care, health outcomes, quality, and cost-effectiveness;

(b) A health care facilities and services plan that shall assess the demand for health care facilities and services to inform state health planning efforts and direct certificate of need determinations, for those facilities and services subject to certificate of need as provided in chapter 70.38 RCW. The plan shall include:

(i) An inventory of each geographic region's existing health care facilities and services;

(ii) Projections of need for each category of health care facility and service, including those subject to certificate of need;

(iii) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process; and

(iv) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region;

(c) A health care data resource plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall inventory existing data resources, both public and private, that store and disclose information relevant to the health planning process, including information necessary to conduct certificate of need activities pursuant to chapter 70.38 RCW. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health planning activities. The plan may recommend that the office be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health planning data. The plan shall provide recommendations for increasing the availability of data related to health planning to provide greater community involvement in the health planning process and consistency in data used for certificate of need applications and determinations;

(d) An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary;

(e) A rural health resource plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health workforce, and transportation needs for accessing appropriate care.

(4) The office shall submit the initial strategy to the governor by January 1, 2010. Every two years the office shall submit an updated strategy. The health care facilities and services plan as it pertains to

a distinct geographic planning region may be updated by individual categories on a rotating, biannual schedule.

(5) The office shall hold at least one public hearing and allow opportunity to submit written comments prior to the issuance of the initial strategy or an updated strategy. A public hearing shall be held prior to issuing a draft of an updated health care facilities and services plan, and another public hearing shall be held before final adoption of an updated health care facilities and services plan. Any hearing related to updating a health care facilities and services plan for a specific planning region shall be held in that region with sufficient notice to the public and an opportunity to comment.

**NEW SECTION. Sec. 53.** The office shall submit the strategy to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. As the health care facilities and services plan is updated for any specific geographic planning region, the office shall submit that plan to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. The office shall not issue determinations of the merits of specific project proposals submitted by applicants for certificates of need.

**NEW SECTION. Sec. 54.** (1) The office may respond to requests for data and other information from its computerized system for special studies and analysis consistent with requirements for confidentiality of patient, provider, and facility-specific records. The office may require requestors to pay any or all of the reasonable costs associated with such requests that might be approved.

(2) Data elements related to the identification of individual patient's, provider's, and facility's care outcomes are confidential, are exempt from RCW 42.56.030 through 42.56.570 and 42.17.350 through 42.17.450, and are not subject to discovery by subpoena or admissible as evidence.

**Sec. 55.** RCW 70.38.015 and 1989 1st ex.s. c 9 s 601 are each amended to read as follows:

It is declared to be the public policy of this state:

(1) That strategic health planning ((to)) efforts must be supported by appropriately tailored regulatory activities that can effectuate the goals and principles of the statewide health resources strategy developed pursuant to chapter 43.-- RCW (sections 50 through 54 of this act). The implementation of the strategy can promote, maintain, and assure the health of all citizens in the state, ((to)) provide accessible health services, health manpower, health facilities, and other resources while controlling ((excessive)) increases in costs, and ((to)) recognize prevention as a high priority in health programs((; is essential to the health, safety, and welfare of the people of the state. Health planning should be responsive to changing health and social needs and conditions)). Involvement in health planning from both consumers and providers throughout the state should be encouraged;

(2) ((That the development of health services and resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities and without unnecessary duplication or fragmentation)) That the certificate of need program is a component of a health planning regulatory process that is consistent with the statewide health resources strategy and public policy goals that are clearly articulated and regularly updated;

(3) That the development and maintenance of adequate health care information, statistics and projections of need for health facilities and services is essential to effective health planning and resources development;

(4) That the development of nonregulatory approaches to health care cost containment should be considered, including the strengthening of price competition; and

(5) That health planning should be concerned with public health and health care financing, access, and quality, recognizing their close interrelationship and emphasizing cost control of health services, including cost-effectiveness and cost-benefit analysis.

**NEW SECTION. Sec. 56.** (1) For the purposes of this section and RCW 70.38.015 and 70.38.135, "statewide health resource

strategy" or "strategy" means the statewide health resource strategy developed by the office of financial management pursuant to chapter 43.-- RCW (sections 50 through 54 of this act).

(2) Effective January 1, 2010, for those facilities and services covered by the certificate of need programs, certificate of need determinations must be consistent with the statewide health resources strategy developed pursuant to section 52 of this act, including any health planning policies and goals identified in the statewide health resources strategy in effect at the time of application. The department may waive specific terms of the strategy if the applicant demonstrates that consistency with those terms will create an undue burden on the population that a particular project would serve, or in emergency circumstances which pose a threat to public health.

**Sec. 57.** RCW 70.38.135 and 1989 1st ex.s. c 9 s 607 are each amended to read as follows:

The secretary shall have authority to:

(1) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis;

(2) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary for the administration of the certificate of need program;

(3) Upon review of recommendations, if any, from the board of health or the office of financial management as contained in the Washington health resources strategy;

(a) Promulgate rules under which health care facilities providers doing business within the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter;

(b) Promulgate rules pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI;

(c) Promulgate rules in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need;

(d) Promulgate rules providing circumstances and procedures of expedited certificate of need review if there has not been a significant change in existing health facilities of the same type or in the need for such health facilities and services;

(4) Grant allocated state funds to qualified entities, as defined by the department, to fund not more than seventy-five percent of the costs of regional planning activities, excluding costs related to review of applications for certificates of need, provided for in this chapter or approved by the department; and

(5) Contract with and provide reasonable reimbursement for qualified entities to assist in determinations of certificates of need.

#### HEALTH INSURANCE PARTNERSHIP

**Sec. 58.** RCW 70.47A.010 and 2006 c 255 s 1 are each amended to read as follows:

(1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a ~~((small employer))~~ health insurance partnership program, to remove economic barriers to health insurance coverage for low-wage employees of small employers by building on the private sector health benefit plan system and encouraging employer and employee participation in employer-sponsored health benefit plan coverage.

**Sec. 59.** RCW 70.47A.020 and 2006 c 255 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Board" means the health insurance partnership board established in section 61 of this act.

~~(3) "Eligible ((employee)) partnership participant" means an individual who:~~

~~(a) Is a resident of the state of Washington;~~

~~(b) Has family income (~~less than~~) that does not exceed two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and~~

~~(c) Is employed by a participating small employer or is a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.~~

~~((3)) (4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 ((or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended)).~~

~~((4) "Program") (5) "Participating small employer" means a small employer that employs at least one eligible partnership participant and has entered into an agreement with the partnership for the partnership to offer and administer the small employer's group health benefit plan, as defined in federal law, Sec. 706 of ERISA (29 U.S.C. Sec. 1167), for enrollees in the plan.~~

~~(6) "Partnership" means the ((small employer)) health insurance partnership ((program)) established in RCW 70.47A.030.~~

~~((5)) (7) "Partnership participant" means an employee of a participating small employer, or a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.~~

~~(8) "Small employer" has the same meaning as defined in RCW 48.43.005.~~

~~((6)) (9) "Subsidy" or "premium subsidy" means payment or reimbursement to an eligible ((employee)) partnership participant toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.~~

**Sec. 60.** RCW 70.47A.030 and 2006 c 255 s 3 are each amended to read as follows:

~~(1) To the extent funding is appropriated in the operating budget for this purpose, the ((small employer)) health insurance partnership ((program)) is established. The administrator shall be responsible for the implementation and operation of the ((small employer)) health insurance partnership ((program)), directly or by contract. The administrator shall offer premium subsidies to eligible ((employees)) partnership participants under RCW 70.47A.040.~~

~~(2) Consistent with policies adopted by the board under section 61 of this act, the administrator shall, directly or by contract:~~

~~(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;~~

~~(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;~~

~~(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small~~

employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;

(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;

(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under this act;

(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;

(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.

(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.

**NEW SECTION. Sec. 61.** A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board is hereby established. The governor shall appoint a nine-member board composed as follows:

- (a) Two representatives of small employers;
- (b) Two representatives of employees of small employers, one of whom shall represent low-wage employees;
- (c) Four employee health plan benefits specialists; and
- (d) The administrator.

(2) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Initial appointments shall be made on or before June 1, 2007. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall be chair of the board. Meetings of the board shall be at the call of the chair.

(3) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in this section.

(4) The board and employees of the board shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

**NEW SECTION. Sec. 62.** A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board shall:

(a) Develop policies for enrollment of small employers in the partnership, including minimum participation rules for small employer groups. The small employer shall determine the criteria for eligibility and enrollment in his or her plan and the terms and

amounts of the employer's contributions to that plan, consistent with any minimum employer premium contribution level established by the board under (d) of this subsection;

(b) Designate health benefit plans that are currently offered in the small group market that will qualify for premium subsidy payments. At least four health benefit plans shall be chosen, with multiple deductible and point-of-service cost-sharing options. The health benefit plans shall range from catastrophic to comprehensive coverage, and one health benefit plan shall be a high deductible health plan. Every effort shall be made to include health benefit plans that include components to maximize the quality of care provided and result in improved health outcomes, such as preventive care, wellness incentives, chronic care management services, and provider network development and payment policies related to quality of care;

(c) Approve a mid-range benefit plan from those selected to be used as a benchmark plan for calculating premium subsidies;

(d) Determine whether there should be a minimum employer premium contribution on behalf of employees, and if so, how much;

(e) Determine appropriate health benefit plan rating methodologies. The methodologies shall be based on the small group adjusted community rate as defined in Title 48 RCW. The board shall evaluate the impact of applying the small group community rating with the partnership principle of allowing each employee to choose their health benefit plan, and consider options to reduce uncertainty for carriers and provide for efficient risk management of high-cost enrollees through risk adjustment, reinsurance, or other mechanisms;

(f) Conduct analyses and provide recommendations as requested by the legislature and the governor, with the assistance of staff from the health care authority and the office of the insurance commissioner.

(2) The board may authorize one or more limited health care service plans for dental care services to be offered by limited health care service contractors under RCW 48.44.035. However, such plan shall not qualify for subsidy payments.

(3) In fulfilling the requirements of this section, the board shall consult with small employers, the office of the insurance commissioner, members in good standing of the American academy of actuaries, health carriers, agents and brokers, and employees of small business.

**Sec. 63.** RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

~~((+))~~ Beginning ~~(July 1, 2007)~~ September 1, 2008, the administrator shall accept applications from eligible ~~((employees))~~ partnership participants, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the ~~((small employer))~~ health insurance partnership ~~((program))~~.

~~((2))~~ Premium subsidy payments may be provided to eligible employees if:

- ~~(a) The eligible employee is employed by a small employer;~~
- ~~(b) The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and~~
- ~~(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.~~

~~(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.~~

~~(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.~~

~~(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier.~~

~~Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.))~~

**Sec. 64.** RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

**Sec. 65.** RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule

of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment

of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**Sec. 66.** RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**NEW SECTION, Sec. 67.** On or before December 1, 2008, the health insurance partnership board shall submit a report to the governor and the legislature that includes an implementation plan to incorporate the individual and small group health insurance markets into the partnership program. In preparing the report, the board shall examine at least the following issues:

(1) The impact of these markets being incorporated into the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(2) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(3) How the composition of the board should be modified to reflect the incorporation of the individual and small group markets in the partnership.

**NEW SECTION, Sec. 68.** On or before December 1, 2009, the health insurance partnership board shall submit a report and recommendations to the governor and the legislature regarding:

(1) The risks and benefits of additional markets participating in the partnership:

(a) The report shall examine the following markets:  
(i) Washington state health insurance pool under chapter 48.41 RCW;

(ii) Basic health plan under chapter 70.47 RCW;

(iii) Public employees' benefits board enrollees under chapter 41.05 RCW; and

(iv) Public school employees; and  
(b) The report shall examine at least the following issues:  
(i) The impact of these markets participating in the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(ii) Whether any distinction should be made in participation between active and retired employees enrolled in public employees' benefits board plans, giving consideration to the implicit subsidy that nonmedicare-eligible retirees currently benefit from by being pooled with active employees, and how medicare-eligible retirees would be affected;

(iii) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(iv) If the board recommends the inclusion of additional markets, how the composition of the board should be modified to reflect the participation of these markets; and

(2) The risks and benefits of establishing a requirement that residents of the state of Washington age eighteen and over obtain and maintain affordable creditable coverage, as defined in the federal health insurance portability and accountability act of 1996 (42 U.S.C.

Sec. 300gg(c)). The report shall address the question of how a requirement that residents maintain coverage could be enforced in the state of Washington.

**Sec. 69.** RCW 70.47A.050 and 2006 c 255 s 5 are each amended to read as follows:

Enrollment in the ((small employer)) health insurance partnership ((program)) is not an entitlement and shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the administrator may freeze new enrollment in the program and establish a waiting list of eligible employees who shall receive subsidies only when sufficient funds are available.

**Sec. 70.** RCW 70.47A.060 and 2006 c 255 s 6 are each amended to read as follows:

The administrator shall adopt all rules necessary for the implementation and operation of the ((small employer)) health insurance partnership ((program)). As part of the rule development process, the administrator shall consult with small employers, carriers, employee organizations, and the office of the insurance commissioner under Title 48 RCW to determine an effective and efficient method for the payment of subsidies under this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

**Sec. 71.** RCW 70.47A.080 and 2006 c 255 s 8 are each amended to read as follows:

The ((small employer)) health insurance partnership ((program)) account is hereby established in the custody of the state treasurer. Any nongeneral fund--state funds collected for the ((small employer)) health insurance partnership ((program)) shall be deposited in the ((small employer)) health insurance partnership ((program)) account. Moneys in the account shall be used exclusively for the purposes of administering the ((small employer)) health insurance partnership ((program)), including payments to ((participating managed health care systems)) insurance carriers on behalf of ((small employer)) health insurance partnership enrollees. Only the administrator of the health care authority or his or her designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 72.** (1) The office of the insurance commissioner shall contract for an independent study of health benefit mandates, rating requirements, and insurance statutes and rules to determine the impact on premiums and individuals' health if those statutes or rules were amended or repealed.

(2) The office of the insurance commissioner shall submit an interim report to the governor and appropriate committees of the legislature by December 1, 2007, and a final report by December 1, 2008.

## PUBLIC HEALTH

**NEW SECTION. Sec. 73.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Protecting the public's health across the state is a fundamental responsibility of the state. With any new state funding of the public health system as provided in section 74 of this act, the state expects that measurable benefits will be realized to the health of the residents of Washington. A transparent process that shows the impact of increased public health spending on performance measures related to the health outcomes in subsection (2) of this section is of great value to the state and its residents. In addition, a well-funded public health system is expected to become a more integral part of the state's emergency preparedness system.

(2) Distributions from the local public health financing account in section 74 of this act shall deliver the following outcomes, subject to the availability of amounts appropriated to the account for this specific purpose:

- (a) Create a disease response system capable of responding at all times;
  - (b) Stop the increase in, and reduce, sexually transmitted disease rates;
  - (c) Reduce vaccine preventable diseases;
  - (d) Build capacity to quickly contain disease outbreaks;
  - (e) Decrease childhood and adult obesity and types I and II diabetes rates, and resulting kidney failure and dialysis;
  - (f) Increase childhood immunization rates;
  - (g) Improve birth outcomes and decrease child abuse;
  - (h) Reduce animal-to-human disease rates; and
  - (i) Monitor and protect drinking water across jurisdictional boundaries.
- (3) Benchmarks for these outcomes shall be drawn from the national healthy people 2010 goals, other reliable data sets, and any subsequent national goals.

**NEW SECTION. Sec. 74.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base year funding" means the 2007 budgeted amount of local funding for public health functions passed through ordinance by each county by December 31, 2006.

(b) "Core public health functions of statewide significance" or "public health functions" means health services that:

(i) Address: Communicable disease prevention and response; preparation for, and response to, public health emergencies caused by pandemic disease, earthquake, flood, or terrorism; prevention and management of chronic diseases and disabilities; promotion of healthy families and the development of children; assessment of local health conditions, risks, and trends, and evaluation of the effectiveness of intervention efforts; and environmental health concerns;

(ii) Promote uniformity in the public health activities conducted by all local health jurisdictions in the public health system, increase the overall strength of the public health system, or apply to broad public health efforts; and

(iii) If left neglected or inadequately addressed, are reasonably likely to have a significant adverse impact on counties beyond the borders of the local health jurisdiction.

(c) "Local funding" means discretionary local resources for public health functions, including amounts from general and special revenue funds, but excluding amounts received from fees and licenses and other user fee types of payments for service. "Local funding" does not include payments received from the state or federal government.

(d) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(e) "Population" means the most recent population estimates by the office of financial management for state revenue allocations.

(2) The local public health financing account is created in the state treasury. Expenditures from the account must be used for the purposes specified in subsections (3) and (4) of this section, except for such moneys appropriated to the department of health for the purpose of conducting its responsibilities under sections 75, 76, and 78 of this act.

(3) During the month of January 2008, and during the month of each January thereafter, the state treasurer shall distribute from the local public health financing account any amounts in the account up to a maximum of five million four hundred twenty-five thousand dollars to be shared equally amongst all local health jurisdictions to address core public health functions of statewide significance.

(4) During the month of January 2008, and during the first month of each fiscal quarter thereafter, the state treasurer, in consultation with the department of revenue or the department of health, as necessary, shall distribute money in the local public health financing account as provided in this subsection. The distributions under this subsection (4) are subsequent to the distribution under subsection (3) of this section.

Appropriated funds remaining following the distribution of moneys under subsection (3) of this section must be apportioned to local health jurisdictions in the manner provided in this subsection (4). The apportionment factor for each jurisdiction is the population of the jurisdiction's county as a percentage of the statewide population for the prior calendar year. For two or more counties that have jointly created a health district under chapter 70.46 RCW, the combined population of all counties comprising the health district must be used. Money received by a jurisdiction under this subsection (4) must be used to fund core public health functions of statewide significance, and until July 1, 2008, money shall be used to fund only known deficiencies in core public health functions of statewide significance of the jurisdiction.

(5) To receive distributions under subsections (3) and (4) of this section in calendar year 2010 and thereafter, total local funding spent by the jurisdiction on public health functions in the calendar year prior to the previous calendar year must have equaled or exceeded base year funding. The department of health shall notify the state treasurer to discontinue distributions if the jurisdiction does not meet this requirement.

(6) In the event of an extraordinary financial circumstance beyond the control of a county that results in funding for local public health functions being reduced to an amount lower than the base year funding, the county may petition the secretary for a waiver from the local funding requirement in subsection (5) of this section. The secretary, after reviewing the county's petition and determining that the local funding reduction is necessary, may grant the county a waiver from the requirements of subsection (5) of this section. In order for the waiver to continue beyond one calendar year, the county must demonstrate to the secretary that an effort is being made to restore funding to the base year funding level.

(7) The department may adopt rules necessary to administer this section.

**NEW SECTION. Sec. 75.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall accomplish the tasks included in subsection (2) of this section by utilizing the expertise of varied interests, as provided in this subsection.

(a) In addition to the perspectives of local health jurisdictions, the state board of health, the Washington health foundation, and department staff that are currently engaged in development of the public health services improvement plan under RCW 43.70.520, the secretary shall actively engage:

(i) Individuals or entities with expertise in the development of performance measures, accountability and systems management, such as the University of Washington school of public health and community medicine, and experts in the development of evidence-based medical guidelines or public health practice guidelines; and

(ii) Individuals or entities who will be impacted by performance measures developed under this section and have relevant expertise, such as community clinics, public health nurses, large employers, tribal health providers, family planning providers, and physicians.

(b) In developing the performance measures, consideration shall be given to levels of performance necessary to promote uniformity in core public health functions of statewide significance among all local health jurisdictions, best scientific evidence, national standards of performance, and innovations in public health practice. The performance measures shall be developed to meet the goals and outcomes in section 1 of this act. The office of the state auditor shall provide advice and consultation to the committee to assist in the development of effective performance measures and health status indicators.

(c) On or before November 1, 2007, the experts assembled under this section shall provide recommendations to the secretary related to the activities and services that qualify as core public health functions of statewide significance and performance measures. The secretary shall provide written justification for any departure from the recommendations.

(2) By January 1, 2008, the department shall:

(a) Adopt a prioritized list of activities and services performed by local health jurisdictions that qualify as core public health

functions of statewide significance as defined in section 74 of this act; and

(b) Adopt appropriate performance measures with the intent of improving health status indicators applicable to the core public health functions of statewide significance that local health jurisdictions must provide pursuant to section 74 of this act.

(3) The secretary may revise the list of activities and the performance measures in future years as appropriate. Prior to modifying either the list or the performance measures, the secretary must provide a written explanation of the rationale for such changes.

(4) The department and the local health jurisdictions shall abide by the prioritized list of activities and services and the performance measures developed pursuant to this section.

(5) The department, in consultation with representatives of county governments, shall provide local jurisdictions with financial incentives to encourage and increase local investments in core public health functions. The local jurisdictions shall not supplant existing local funding with such state-incented resources.

**NEW SECTION. Sec. 76.** A new section is added to chapter 43.70 RCW to read as follows:

Beginning November 15, 2009, the department shall report to the legislature and the governor annually on the distribution of funds under section 74 of this act and the use of those funds. The initial report must discuss the performance measures adopted by the secretary and any impact the funding in this act has had on local health jurisdiction performance and health status indicators. Future reports shall evaluate trends in performance over time and the effects of expenditures on performance over time.

**Sec. 77.** RCW 43.70.520 and 1993 c 492 s 467 are each amended to read as follows:

(1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system. The legislature further finds that public health nurses and nursing services are an essential part of our public health system, delivering evidence-based care and providing core services including prevention of illness, injury, or disability; the promotion of health; and maintenance of the health of populations.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances:

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) ~~((Timing of increased funding for public health services linked to specific objectives for improving public health))~~ Linking funding for public health services to performance measures that relate to achieving improved health outcomes; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The Department shall coordinate this planning process with the study activities required in section 258, chapter 492, Laws of 1993.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

**NEW SECTION. Sec. 78.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Each local health jurisdiction shall submit to the secretary such data as the secretary determines is necessary to allow the secretary to assess whether the local health jurisdiction has used the funds in a manner consistent with achieving the performance measures in section 75 of this act.

(2) If the secretary determines that the data submitted demonstrates that the local health jurisdiction is not spending the funds in a manner consistent with achieving the performance measures, the secretary shall:

(a) Provide a report to the governor identifying the local health jurisdiction and the specific items that the secretary identified as inconsistent with achieving the performance measures; and

(b) Require that the local health jurisdiction submit a plan of correction to the secretary within sixty days of receiving notice from the secretary, which explains the measures that the jurisdiction will take to resume spending funds in a manner consistent with achieving the performance measures. The secretary shall provide technical assistance to the local health jurisdiction to support the jurisdiction in successfully completing the activities included in the plan of correction.

(3) Upon a determination by the secretary that a local health jurisdiction that had previously been identified as not spending the funds in a manner consistent with achieving the performance measures has resumed consistency, the secretary shall notify the governor that the jurisdiction has returned to consistent status.

(4) Any local health jurisdiction that has not resumed spending funds in a manner consistent with achieving the performance measures within one year of the secretary reporting the jurisdiction to the governor shall be precluded from receiving any funds from the local public health financing account established in section 74 of this act. Funds may resume once the local health jurisdiction has

demonstrated to the satisfaction of the secretary that it has returned to consistent status. The secretary shall inform the state treasurer of any determinations by the secretary regarding the eligibility status of a local health jurisdiction to receive funds from the local public health financing account.

**NEW SECTION. Sec. 79.** The following acts or parts of acts are each repealed:

- (1) RCW 70.38.919 (Effective date--State health plan--1989 1st ex.s. c 9) and 1989 1st ex.s. c 9 s 610; and
- (2) 2006 c 255 s 10 (uncodified).

**NEW SECTION. Sec. 80.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 81.** Sections 42 through 48 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 82.** Sections 50 through 54 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 83.** Subheadings used in this act are not any part of the law.

**NEW SECTION. Sec. 84.** Sections 18 through 22 of this act take effect January 1, 2009.

**NEW SECTION. Sec. 85.** If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

- (1) Section 9 of this act (Washington state quality forum);
- (2) Section 10 of this act (health records banking pilot project);
- (3) Section 14 of this act;
- (4) Section 40 of this act (state employee health program);
- (5) Section 41 of this act (state employee health demonstration project);
- (6) Sections 50 through 57 of this act;
- (7) Section 62 of this act (health insurance partnership board);
- (8) Section 72 of this act (office of insurance commissioner independent study).

**NEW SECTION. Sec. 86.** Sections 58 through 63 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007."

Correct the title.

Representative Hinkle moved the adoption of amendment (762) to amendment (759):

On page 49, after line 8 of the amendment, insert the following:

"**Sec. 39.** RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)~~((a))~~ An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a~~

~~physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~(2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((3)) (4).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.~~

~~(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:~~

- ~~(i) Changes to the enrollment of the small employer;~~
- ~~(ii) Changes to the family composition of the employee;~~
- ~~(iii) Changes to the health benefit plan requested by the small employer; or~~
- ~~(iv) Changes in government requirements affecting the health benefit plan.~~

~~(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.~~

~~(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.~~

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

~~((4)) (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.~~

~~((5)) (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.~~

~~(b) An insurer shall not require a minimum participation level greater than:~~

- ~~(i) One hundred percent of eligible employees working for groups with three or less employees; and~~
- ~~(ii) Seventy-five percent of eligible employees working for groups with more than three employees.~~

~~(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.~~

~~(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.~~

~~((6)) (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.~~

~~((7)) (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.~~

**Sec. 40.** RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

~~(1)((a)) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ((a)) no more than one health benefit plan featuring a limited schedule of covered health care services. ((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330,~~

~~48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.~~

~~((2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((3)) (4).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.~~

~~(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:~~

- ~~(i) Changes to the enrollment of the small employer;~~
- ~~(ii) Changes to the family composition of the employee;~~
- ~~(iii) Changes to the health benefit plan requested by the small employer; or~~
- ~~(iv) Changes in government requirements affecting the health benefit plan.~~

~~(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.~~

~~(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.~~

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

~~((4)) (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.~~

~~((5)) (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.~~

~~(b) A contractor shall not require a minimum participation level greater than:~~

- ~~(i) One hundred percent of eligible employees working for groups with three or less employees; and~~
- ~~(ii) Seventy-five percent of eligible employees working for groups with more than three employees.~~

~~(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.~~

~~(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.~~

~~((6)) (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.~~

**Sec. 41.** RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

~~(1)((a)) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ((a)) no more than one health benefit plan featuring a limited schedule of covered health care services. ((Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.~~

~~((2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not~~

required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the

overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Hinkle, Condotta, Curtis, Ericksen, Bailey and Schindler spoke in favor of the adoption of the amendment to amendment (759).

Representatives Linville, Schual-Berke and Morrell spoke against the adoption of the amendment to amendment (759).

The amendment to the amendment was not adopted.

Representative Curtis moved the adoption of amendment (760) to amendment (759):

On page 92, after line 5 of the amendment, insert the following:

"Sec. 79. RCW 70.48.130 and 1993 c 409 s 1 are each amended to read as follows:

It is the intent of the legislature that all jail inmates receive appropriate and cost-effective emergency and necessary medical care. Governing units, the department of social and health services, and medical care providers shall cooperate to achieve the best rates consistent with adequate care.

Payment for emergency or necessary health care shall be by the governing unit, except that the department of social and health services shall directly reimburse the provider pursuant to chapter 74.09 RCW, in accordance with the rates and benefits established by the department, if the confined person is eligible under the department's medical care programs as authorized under chapter 74.09 RCW. After payment by the department, the financial responsibility for any remaining balance, including unpaid client liabilities that are a condition of eligibility or participation under chapter 74.09 RCW, shall be borne by the medical care provider and the governing unit as may be mutually agreed upon between the medical care provider and the governing unit. In the absence of mutual agreement between the medical care provider and the governing unit, the financial responsibility for any remaining balance shall be borne equally between the medical care provider and the governing unit. Total payments from all sources to providers for care rendered to confined persons eligible under chapter 74.09 RCW shall not exceed the amounts that would be paid by the department for similar services provided under Title XIX Medicaid, unless additional resources are obtained from the confined person.

As part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled. This information shall be made available to the department, the governing unit, and any provider of health care services.

The governing unit or provider may obtain reimbursement from the confined person for the cost of health care services not provided under chapter 74.09 RCW, including reimbursement from any insurance program or from other medical benefit programs available to the confined person. Nothing in this chapter precludes civil or criminal remedies to recover the costs of medical care provided jail inmates or paid for on behalf of inmates by the governing unit. As part of a judgment and sentence, the courts are authorized to order defendants to repay all or part of the medical costs incurred by the governing unit or provider during confinement.

To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for the department's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for the cost of such medical services from the unit of government (~~whose law enforcement officers~~) that initiated the charges on which the person is being held in the jail: PROVIDED, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility. If a confined person is unable to be financially responsible for medical care and is ineligible for the department's medical care programs under chapter 74.09 RCW, the rate charged for any medical care provided by a health care provider shall not exceed one hundred sixty percent of the Medicaid rates for such service.

There shall be no right of reimbursement to the governing unit from units of government (~~whose law enforcement officers~~) that initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

Under no circumstance shall necessary medical services be denied or delayed because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided."

Renumber the remaining sections consecutively.

On page 93, after line 10 of the amendment, insert the following:

"NEW SECTION. Sec. 87. Section 79 of this act expires June 30, 2009."

Representatives Curtis and Cody spoke in favor of the adoption of the amendment to amendment (759).

The amendment to the amendment was adopted.

Representative Hinkle moved the adoption of amendment (761) to amendment (759):

Beginning on page 1, after line 2 of the amendment, strike all material through "title." on page 93, line 11 and insert the following:

**"USE STATE PURCHASING TO IMPROVE  
HEALTH CARE QUALITY**

NEW SECTION. Sec. 1. (1) The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within their health care programs to:

(a) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;

(b) Pay for care that reflects patient preference and is of proven value;

(c) Require the use of evidence-based standards of care where available;

(d) Tie provider rate increases to measurable improvements in access to quality care;

(e) Direct enrollees to quality care systems;

(f) Better support primary care and provide a medical home to all enrollees through reimbursement policies that create incentives for providers to enter and remain in primary care practice and that address disparities in payment between specialty procedures and primary care services; and

(g) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

(2) In developing any component of the plan that links payment to health care provider performance, the authority and the department shall work in collaboration with the department of health, health carriers, local public health jurisdictions, physicians and other health care providers, the Puget Sound health alliance, and other purchasers.

(3) The plan shall (a) identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress toward those goals will be measured; and (c) be submitted to the governor and the legislature upon completion. The agencies shall report to the legislature by September 1, 2007. Any component of the plan that links payment to health care provider performance must be submitted to the legislature for consideration prior to implementation by the department or the authority.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) The legislature finds that there is growing evidence that, for preference-sensitive care involving elective surgery, patient-practitioner communication is improved through the use of high-quality decision aids that detail the benefits, harms, and uncertainty of available treatment options. Improved communication leads to more fully informed patient decisions. The legislature intends to increase the extent to which patients make genuinely informed, preference-based treatment decisions, by promoting public/private collaborative efforts to broaden the development, certification, use, and evaluation of effective decision aids and by recognition of shared decision making and patient decision aids in the state's laws on informed consent.

(2) The health care authority shall:

(a) Work in collaboration with the health professions, contracting health carriers, nonproprietary public interest or university-based research groups, and quality improvement organizations to increase awareness of appropriate, high-quality decision aids, and to train physicians and other practitioners in their use.

(b) In consultation with the national committee for quality assurance, identify a certification process for patient decision aids.

(c) Implement a shared decision-making demonstration project. The demonstration project shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing state purchased health care. The demonstration project shall include the following elements:

(i) Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology; and

(ii) An evaluation of the impact of the use of shared decision making with decision aids, including the use of preference-sensitive health care services selected for the demonstration project and expenditures for those services, the impact on patients, including patient understanding of the treatment options presented and concordance between patient values and the care received, and patient and practitioner satisfaction with the shared decision-making process.

(3) The health care authority may solicit and accept funding to support the demonstration and evaluation.

**Sec. 3.** RCW 7.70.060 and 1975-'76 2nd ex.s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

~~((+))~~ (a) A description, in language the patient could reasonably be expected to understand, of:

- ~~((+))~~ (i) The nature and character of the proposed treatment;  
~~((+))~~ (ii) The anticipated results of the proposed treatment;  
~~((+))~~ (iii) The recognized possible alternative forms of treatment; and

~~((+))~~ (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

~~((+))~~ (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ~~((+)) of this section~~.

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4) As used in this section, "patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific knowledge about outcomes, and that is certified by one or more national certifying organizations approved by the health care authority under section 2 of this act.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

## PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, must acknowledge the role of primary care providers and include financial and other supports to enable these providers to effectively carry out their role in chronic care management, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients best served under a chronic care management model using predictive modeling through claims or other health risk information; and

(b) Evaluate the effectiveness of current chronic care management efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

- (a) Clinical information systems and sharing and organization of patient data;
- (b) Decision support to promote evidence-based care;
- (c) Clinical delivery system design;
- (d) Support for patients managing their own conditions; and
- (e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the provider's participation in the medicaid program, the basic health plan, and health plans offered through the public employees' benefits board.

**NEW SECTION. Sec. 6.** (1) The health care authority, in collaboration with the department of health, shall design and implement a medical home for chronically ill state employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**Sec. 7.** RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin disorders, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

**NEW SECTION. Sec. 8.** A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect the following fees from the parents or other responsible party of each infant screened for congenital disorders as defined by the state board of health under RCW 70.83.020:

(1) A fee as authorized under RCW 43.20B.020 sufficient to cover the cost of activities related to administering newborn screening requirements under RCW 70.83.020; and

(2) A fee of three dollars and fifty cents to fund specialty clinics that provide treatment services for those with the defined disorders.

The fee may be collected through the facility where the screening specimen is obtained.

### **COST AND QUALITY INFORMATION FOR CONSUMERS AND PROVIDERS**

**NEW SECTION. Sec. 9.** A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. In collaboration with the Puget Sound health alliance and other local organizations, the forum shall:

(1) Collect and disseminate information regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;

(2) Coordinate the collection of health care quality data among state health care purchasing agencies;

(3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;

(4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and

(5) Produce an annual quality report detailing clinical practice patterns for purchasers, providers, insurers, and policy makers. The agencies shall report to the legislature by September 1, 2007.

**NEW SECTION. Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and co-chairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not

receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

**Sec. 11.** RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in ~~((RCW 18.79.202, until June 30, 2013, and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360))~~ subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of section 12 of this act.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.70 RCW to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009.

#### **REDUCING UNNECESSARY EMERGENCY ROOM USE**

**Sec. 13.** RCW 41.05.220 and 1998 c 245 s 38 are each amended to read as follows:

(1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary health and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the

health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) The authority, in consultation with the department of health, shall work with community and migrant health clinics and other providers of care to underserved populations, to ensure that the number of people of color and underserved people receiving access to managed care is expanded in proportion to need, based upon demographic data.

(3) In contracting with community health centers to provide primary health and dental services, migrant health services, and maternity health care services under subsection (1) of this section the authority shall give priority to those community health centers working with local hospitals, local community health collaboratives, and/or local public health jurisdictions to successfully reduce unnecessary emergency room use.

**NEW SECTION. Sec. 14.** The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs that they administer and the uninsured, and then partner with community organizations and local health care providers to design a demonstration pilot to reduce such unnecessary visits.

**NEW SECTION. Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:

In collaboration with the department of social and health services, the administrator shall provide all persons enrolled in health plans under this chapter and chapter 70.47 RCW with access to a twenty-four hour, seven day a week nurse hotline.

**NEW SECTION. Sec. 16.** A new section is added to chapter 74.09 RCW to read as follows:

In collaboration with the health care authority, the department shall provide all persons receiving services under this chapter with access to a twenty-four hour, seven day a week nurse hotline. The health care authority and the department of social and health services shall determine the most appropriate way to provide the nurse hotline under section 15 of this act and this section, which may include use of the 211 system established in chapter 43.211 RCW.

#### **REDUCE HEALTH CARE ADMINISTRATIVE COSTS**

**NEW SECTION. Sec. 17.** By September 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

#### **COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE**

**NEW SECTION. Sec. 18.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue covering that dependent under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

**NEW SECTION. Sec. 19.** A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 20.** A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 21.** A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 22.** A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

## **SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS**

**NEW SECTION. Sec. 23.** (1) The department of social and health services shall develop a series of options that require federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic health program, for the medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program for individuals eligible for transitional medical benefits. When a participant in the health opportunity account demonstration program satisfies his or her deductible, the benefits provided shall be those included in the medicaid benefit package in effect during the period of the demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) Prior to submitting requests for federal waivers or state plan amendments, the department shall consult with and seek input from stakeholders and other interested parties.

(3) The department of social and health services, in collaboration with the Washington state health care authority, shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the

maximum number of people within available funds. Priority enrollment in the basic health program shall be given to those who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

**NEW SECTION. Sec. 24.** A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

## **REINSURANCE**

**NEW SECTION. Sec. 25.** (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate options and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance markets, and submit implementing legislation and supporting information, including financing options, to the governor and the legislature by December 1, 2007. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program such as the approach used by the department of labor and industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Determine whether the Washington state health insurance pool should be retained, and if so, develop options for additional sources of funding;

(f) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

(g) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

**THE WASHINGTON STATE HEALTH INSURANCE  
POOL AND THE BASIC HEALTH PLAN**

**Sec. 26.** RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features and encourage enrollees to participate in chronic care and disease management and evidence-based protocols into ((such)) existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least one policy which at a minimum includes, but is not limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The pool shall offer at least one policy which closely adheres to benefits available in the private, individual market.

~~((6))~~ (6) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (7) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ((The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner, however,)) No limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

~~((6))~~ (8) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ((7)) (9) of this section.

~~((7))~~ (9)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (10) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(11) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate.

**Sec. 27.** RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

(1) ~~((A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for~~

coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150)) On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage consistent with this section.

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

(a) Nonpayment of premium;

(b) Violation of published policies of the pool;

(c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace a plan under this subsection until it has completed an evaluation of the impact of replacing the plan upon:

(i) The cost and quality of care to pool enrollees;

(ii) Pool financing and enrollment;

(iii) The board's ability to offer comprehensive and other plans to its enrollees;

(iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

((3)) (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

**Sec. 28.** RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the

standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

**Sec. 29.** RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

**Sec. 30.** RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit

plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~((one))~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including

examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

**Sec. 31.** RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection (3) of this section, a pool policy offered in accordance with RCW 48.41.110(3) shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at ~~((the))~~ a rate ~~((of))~~ not to exceed twenty percent of eligible expenses in excess of the mandatory deductible and which supports the efficient delivery of high quality health care services for the medical conditions of pool enrollees.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under a pool policy offered in accordance with RCW 48.41.110(3) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Except for those enrolled in a high deductible health plan qualified under federal law for use with a health savings account, eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

(5) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.

**Sec. 32.** RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ~~((five hundred))~~ dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July, 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under

chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In

determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**Sec. 33.** RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

~~((Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately.))~~ The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.

**Sec. 34.** RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

- (a) Encourages competition among insuring entities;
- (b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;

- (c) Is timely to the state budgetary process; and
- (d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

- (i) Facilitate diagnosis or treatment;
- (ii) Reduce unnecessary duplication of medical tests;
- (iii) Promote efficient electronic physician order entry;
- (iv) Increase access to health information for consumers and their providers; and
- (v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

## PREVENTION AND HEALTH PROMOTION

NEW SECTION. Sec. 35. (1) The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state purchased health programs that they administer by:

- (a) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;
- (b) Encouraging enrollees in state health programs to complete a health assessment, and providing appropriate follow up;

(c) Reimbursing for cost-effective prevention activities; and

(d) Developing prevention and health promotion contracting standards for state programs that contract with health carriers.

(2) The plan shall: (a) Identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress towards those goals will be measured and reported; and (c) be submitted to the governor and the legislature upon completion.

**Sec. 36.** RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~((the department of personnel))~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.~~

~~((2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program)) shall establish and maintain a state employee health program focused on reducing the health risks and improving the health status of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.~~

~~((2) The state employee health program shall:~~

~~((a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;~~

~~((b) Develop effective communication tools and ongoing training for wellness staff;~~

~~((c) Contract with outside vendors for evaluation of program goals;~~

~~((d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:~~

~~((i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;~~

~~((ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and~~

~~((iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.~~

~~((3) The health care authority shall report to the legislature in December 2008 and December 2010 on outcome goals for the employee health program.~~

**NEW SECTION. Sec. 37.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall implement a state employee health demonstration project. The agencies selected must: (a) Show a high rate of health risk assessment completion; (b) document an infrastructure capable of implementing employee health programs using current and emerging best practices; (c) show evidence of senior management support; and (d) together employ a total of no more than eight thousand employees who are enrolled in health plans of the public employees' benefits board. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program.

(2) Agency demonstration project employee health programs:

(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(3) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008 and December 2010 on the demonstration project.

(4) This section expires June 30, 2011.

#### **PRESCRIPTION MONITORING PROGRAM**

**NEW SECTION. Sec. 38.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Authority" means the Washington state health care authority.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a practitioner or pharmacy that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

**NEW SECTION. Sec. 39.** (1) To the extent that funding is available through federal or private grants, or is appropriated by the legislature, the authority shall establish and maintain a prescription monitoring program to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. The program shall be designed to improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and over-prescribing of controlled substances, and improving controlled substance prescribing practices. As much as possible, the authority should establish a common database with other states.

(2) Except as provided in subsection (4) of this section, each dispenser shall submit to the authority by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be immediately reported. The information submitted for each prescription shall include, but not be limited to:

(a) Patient identifier;

(b) Drug dispensed;

(c) Date of dispensing;

(d) Quantity dispensed;

- (e) Prescriber; and
- (f) Dispenser.

(3) It is the intent of the legislature to establish an electronic database available in real time to dispensers and prescribers of controlled substances. And further, that the authority in as much as possible should establish a common dataset with other states. Each dispenser shall immediately submit the information in accordance with transmission methods established by the authority.

(4) The data submission requirements of this section do not apply to:

(a) Medications provided to patients receiving inpatient services provided at hospitals licensed under chapter 70.41 RCW; or patients of such hospitals receiving services at the clinics, day surgery areas, or other settings within the hospital's license where the medications are administered in single doses; or

(b) Pharmacies operated by the department of corrections for the purpose of providing medications to offenders in department of corrections institutions who are receiving pharmaceutical services from a department of corrections pharmacy, except that the department must submit data related to each offender's current prescriptions for controlled substances upon the offender's release from a department of corrections institution.

(5) The authority shall seek federal grants to support the activities described in this act. As state and federal funds are available, the authority shall develop and implement the prescription monitoring program. The authority may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

**NEW SECTION. Sec. 40.** To the extent that funding is available through federal or private grants, or is appropriated by the legislature, the authority shall submit an implementation plan to the legislature within six months of receipt of funding under this subsection that builds upon the prescription monitoring program established in this chapter. The plan shall expand the information included in the prescription drug monitoring program to include information related to all legend drugs, as defined in RCW 69.41.010(12), dispensed or paid for through fee-for-service or managed care contracting, on behalf of persons receiving health care services through state-purchased health care programs administered by the authority, the department of social and health services, the department of labor and industries, and the department of corrections. The implementation plan shall be designed to improve the quality of state-purchased health services by reducing legend drug abuse, reducing duplicative prescribing and over-prescribing of legend drugs, and improving legend drug prescribing practices. The implementation plan shall include mechanisms that will eventually allow persons authorized to prescribe or dispense controlled substances to query the web-based interactive prescription monitoring program and obtain real time information regarding legend drug utilization history of persons for whom they are providing medical or pharmaceutical care when such persons are receiving health services through the programs included in this subsection.

**NEW SECTION. Sec. 41.** (1) Prescription information submitted to the authority shall be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to disclosure, except as provided in subsections (3), (4), and (5) of this section.

(2) The authority shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3), (4), and (5) of this section.

(3) The authority shall review the prescription information. The authority shall notify the practitioner and allow explanation or correction of any problem. If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the authority shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide prescription information required for an investigation.

(4) The authority may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

(g) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

(h) Other entities under grand jury subpoena or court order; and

(i) Personnel of the department of health for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(5) The authority may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(6) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

**NEW SECTION. Sec. 42.** The authority may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 41 of this act and is subject to the penalties specified in section 44 of this act for unlawful acts.

**NEW SECTION. Sec. 43.** The authority shall adopt rules to implement this chapter.

**NEW SECTION. Sec. 44.** (1) A dispenser who knowingly fails to submit prescription monitoring information to the authority as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with chapter 70.02 RCW and federal health care information privacy requirements, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved with the patient in order to provide safe and appropriate care coordination.

**Sec. 45.** RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under

RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~(and)~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the health care authority under chapter 41.-- RCW (sections 38 through 44 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

**NEW SECTION. Sec. 46.** The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer coverage due to its high cost. It is the intent of the legislature to encourage the availability of less expensive health insurance plans, and expand the flexibility of small employers to purchase less expensive products.

**Sec. 47.** RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

(1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the small employer health insurance partnership program.

(2) Premium subsidy payments may be provided to eligible employees ~~((#))~~ or participating carriers on behalf of employees.

(a) The eligible employee ~~((is))~~ must be employed by a small employer ~~((s)).~~

(b) ~~((The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and))~~ Small employers may offer any available health benefit plan including health savings accounts. Health savings account subsidy payments may be provided to eligible employees if the eligible employee participates in an employer-sponsored high deductible health plan and health savings account that conforms to the requirements of the United States internal revenue service.

(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW

70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

**Sec. 48.** RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

~~(1)((#))~~ An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~((b))~~ A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

~~((2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool, ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small

employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

**Sec. 49.** RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

~~(1)((a))~~ A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~((b))~~ A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

~~((2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any

plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool (~~such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that:~~ (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner and must be approved or denied within

thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**Sec. 50.** RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)~~((a))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.~~

~~—(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.~~

~~—(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are~~

~~subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**Sec. 51.** RCW 48.21.047 and 2005 c 223 s 11 are each amended to read as follows:

(1) An insurer may not offer any health benefit plan to any small employer without complying with RCW 48.21.045~~((3))~~ (4).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care are not small employers and the plans are not subject to RCW 48.21.045~~((3))~~ (4).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005.

**Sec. 52.** RCW 48.43.028 and 2001 c 196 s 10 are each amended to read as follows:

To the extent required of the federal health insurance portability and accountability act of 1996, the eligibility of an employer or group to purchase a health benefit plan set forth in RCW 48.21.045(1)~~((b))~~, 48.44.023(1)~~((b))~~, and 48.46.066(1)~~((b))~~ must be extended to all small employers and small groups as defined in RCW 48.43.005.

**Sec. 53.** RCW 48.44.024 and 2003 c 248 s 15 are each amended to read as follows:

(1) A health care service contractor may not offer any health benefit plan to any small employer without complying with RCW 48.44.023(~~(3)~~) (4).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care are not small employers and the plans are not subject to RCW 48.44.023(~~(3)~~) (4).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005.

**Sec. 54.** RCW 48.46.068 and 2003 c 248 s 16 are each amended to read as follows:

(1) A health maintenance organization may not offer any health benefit plan to any small employer without complying with RCW 48.46.066(~~(3)~~) (4).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care are not small employers and are not subject to RCW 48.46.066(~~(3)~~) (4).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005.

#### WASHINGTON HEALTH INSURANCE CONNECTOR

**NEW SECTION. Sec. 55.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority, in collaboration with an advisory board established under subsection (3) of this section, shall design a Washington health insurance connector and submit implementing legislation and supporting information, including funding options, to the governor and the legislature by December 1, 2007. The connector shall be designed to serve as a statewide, public-private partnership, offering maximum value for Washington state residents, through which nonlarge group health insurance may be bought and sold. It is the goal of the connector to:

(a) Ensure that employees of small businesses and other individuals can find affordable health insurance;

(b) Provide a mechanism for small businesses to contribute to their employees' coverage without the administrative burden of directly shopping or contracting for insurance;

(c) Ensure that individuals can access coverage as they change and/or work in multiple jobs;

(d) Coordinate with other state agency health insurance assistance programs, including the department of social and health services medical assistance programs and the authority's basic health program; and

(e) Lead the health insurance marketplace in implementation of evidence-based medicine, data transparency, prevention and wellness incentives, and outcome-based reimbursement.

(2) In designing the connector, the authority shall:

(a) Address all operational and governance issues;

(b) Consider best practices in the private and public sectors regarding, but not limited to, such issues as risk and/or purchasing pooling, market competition drivers, risk selection, and consumer choice and responsibility incentives; and

(c) Address key functions of the connector, including but not limited to:

(i) Methods for small businesses and their employees to realize tax benefits from their financial contributions;

(ii) Options for offering choice among a broad array of affordable insurance products designed to meet individual needs, including waiving some current regulatory requirements. Options may include a health savings account/high-deductible health plan, a comprehensive health benefit plan, and other benchmark plans;

(iii) Benchmarking health insurance products to a reasonable standard to enable individuals to make an informed choice of the coverage that is right for them;

(iv) Aggregating premium contributions for an individual from multiple sources: Employers, individuals, philanthropies, and government;

(v) Mechanisms to collect and distribute workers' enrollment information and premium payments to the health plan of their choice;

(vi) Mechanisms for spreading health risk widely to support health insurance premiums that are more affordable;

(vii) Opportunities to reward carriers and consumers whose behavior is consistent with quality, efficiency, and evidence-based best practices;

(viii) Coordination of the transmission of premium assistance payments with the department of social and health services for individuals eligible for the department's employer-sponsored insurance program.

(3) The authority shall appoint an advisory board and designate a chair. Members of the advisory board shall receive no compensation, but shall be reimbursed for expenses under RCW 43.03.050 and 43.03.060. Meetings of the board are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information.

(4) The authority may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out the requirements of this section.

**NEW SECTION. Sec. 56.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 57.** Sections 38 through 44 of this act constitute a new chapter in Title 41 RCW.

**NEW SECTION. Sec. 58.** Subheadings used in this act are not any part of the law.

**NEW SECTION. Sec. 59.** Sections 18 through 22 of this act take effect January 1, 2008.

**NEW SECTION. Sec. 60.** If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

- (1) Section 2 of this act;
- (2) Section 9 of this act (Washington state quality forum);
- (3) Section 10 of this act (health records banking pilot project);
- (4) Section 14 of this act; and
- (5) Section 37 of this act (state employee health demonstration project).

Correct the title."

Representatives Hinkle, Alexander, Anderson, Curtis, Bailey and Condotta spoke in favor of the adoption of the amendment to amendment (759).

Representatives Cody, Simpson and Campbell spoke against the adoption of the amendment to amendment (759).

The Speaker (Representative Lovick presiding) divided the House. The result was 39 - YEAS; 55 -NAYS.

The amendment to the amendment was not adopted.

The question before the House was adoption of amendment (759) as amended.

An electronic roll call vote was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (759)

as amended to Engrossed Second Substitute Senate Bill No. 5930.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (759) as amended to Engrossed Second Substitute Senate Bill No. 5930, and the amendment was adopted by the following vote: Yeas - 58, Nays - 37, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericks, Ericksen, Hailey, Haler, Hinkle, Jarrett, Kretz, Kristiansen, Linville, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 37.

Excused: Representatives Eickmeyer, Hankins and Morris - 3.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Schual-Berke and Green spoke in favor of passage of the bill.

Representatives Hinkle, Anderson, Ahern, Bailey and Curtis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5930, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5930, as amended by the House, and the bill passed the House by the following vote: Yeas - 61, Nays - 34, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericks, Ericksen, Hailey, Haler, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 34.

Excused: Representatives Eickmeyer, Hankins and Morris - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Parlette, Marr and Kohl-Welles)**

### Creating innovative primary health care delivery.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was not adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Amendment (550) was ruled out of order.

Representative Hinkle moved the adoption of amendment (719):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the public policy of Washington to promote access to medical care for all citizens and to encourage innovative arrangements between patients and providers that will help provide all citizens with a medical home.

Washington needs a multipronged approach to provide adequate health care to many citizens who lack adequate access to it. Direct patient-provider practices, in which patients enter into a direct relationship with medical practitioners and pay a fixed amount directly to the health care provider for primary care services, represent an innovative, affordable option which could improve access to medical care, reduce the number of people who now lack such access, and cut down on emergency room use for primary care purposes, thereby freeing up emergency room facilities to treat true emergencies.

**Sec. 2.** RCW 48.44.010 and 1990 c 120 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, chiropractic, hospital, optometric, podiatric, pharmaceutical, ambulance, custodial, mental health, and other therapeutic services.

(2) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes health care services and is licensed to furnish such services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which is sponsored by or otherwise intimately connected with a provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services. "Health care service contractor" does not include direct patient-provider primary care practices as defined in section 3 of this act.

(4) "Participating provider" means a provider, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid, or on whose behalf prepayment has been made, to such contractor for such services.

(5) "Enrolled participant" means a person or group of persons who have entered into a contractual arrangement or on whose behalf

a contractual arrangement has been entered into with a health care service contractor to receive health care services.

(6) "Commissioner" means the insurance commissioner.

(7) "Uncovered expenditures" means the costs to the health care service contractor for health care services that are the obligation of the health care service contractor for which an enrolled participant would also be liable in the event of the health care service contractor's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by the health care service contractor, or for services that are guaranteed, insured or assumed by a person or organization other than the health care service contractor.

(8) "Copayment" means an amount specified in a group or individual contract which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(9) "Deductible" means the amount an enrolled participant is responsible to pay before the health care service contractor begins to pay the costs associated with treatment.

(10) "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specific group. The group contract may include coverage for dependents.

(11) "Individual contract" means a contract for health care services issued to and covering an individual. An individual contract may include dependents.

(12) "Carrier" means a health maintenance organization, an insurer, a health care service contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual contract.

(13) "Replacement coverage" means the benefits provided by a succeeding carrier.

(14) "Insolvent" or "insolvency" means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

(15) "Fully subordinated debt" means those debts that meet the requirements of RCW 48.44.037(3) and are recorded as equity.

(16) "Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

**NEW SECTION. Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW, plans administered under chapter 41.05, 70.47, or 70.47A RCW, or self-insured plans; and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

**NEW SECTION. Sec. 4.** Except as provided in section 7 of this act, no direct practice shall decline to accept any person solely on account of race, religion, national origin, the presence of any sensory, mental, or physical disability, education, economic status, or sexual orientation.

**NEW SECTION. Sec. 5.** (1) A direct practice must charge a direct fee on a monthly basis. The fee must represent the total amount due for all primary care services specified in the direct agreement and may be paid by the direct patient or on his or her behalf by others.

(2) A direct practice must:

(a) Maintain appropriate accounts and provide data regarding payments made and services received to direct patients upon request; and

(b) Either:

(i) Bill patients at the end of each monthly period; or

(ii) If the patient pays the monthly fee in advance, promptly refund to the direct patient all unearned direct fees following receipt of written notice of termination of the direct agreement from the direct patient. The amount of the direct fee considered earned shall be a proration of the monthly fee as of the date the notice of termination is received.

(3) If the patient chooses to pay more than one monthly direct fee in advance, the funds must be held in a trust account and paid to the direct practice as earned at the end of each month. Any unearned direct fees held in trust following receipt of termination of the direct agreement shall be promptly refunded to the direct patient. The amount of the direct fee earned shall be a proration of the monthly fee for the then current month as of the date the notice of termination is received.

(4) The direct fee schedule applying to an existing direct patient may not be increased over the annual negotiated amount more frequently than annually. A direct practice shall provide advance notice to existing patients of any change within the fee schedule applying to those existing direct patients. A direct practice shall provide at least sixty days' advance notice of any change in the fee.

(5) A direct practice must designate a contact person to receive and address any patient complaints.

(6) Direct fees for comparable services within a direct practice shall not vary from patient to patient based on health status or sex.

**NEW SECTION. Sec. 6.** (1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

(b) Submit a claim for payment to any carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, as a participant in the carrier's or any carrier's contractor or subcontractor network for purposes of determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 or plans administered under chapter 41.05, 70.47, or 70.47A RCW for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract applicable to participating providers including but not limited to the right to:

(i) Make referrals to other participating providers;

(ii) Admit the carrier's members to participating hospitals and other health care facilities;

(iii) Prescribe prescription drugs; and

(iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services provided in connection with wellness physical examinations. In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

**NEW SECTION. Sec. 7.** (1) Direct practices may not decline to accept new direct patients or discontinue care to existing patients solely because of the patient's health status. A direct practice may decline to accept a patient if the practice has reached its maximum capacity, or if the patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care services in the direct practice. So long as the direct practice provides the patient notice and opportunity to obtain care from another physician, the direct practice may discontinue care for direct patients if: (a) The patient fails to pay the direct fee under the terms required by the direct agreement; (b) the patient has performed an act that constitutes fraud; (c) the patient repeatedly fails to comply with the recommended treatment plan; (d) the patient is abusive and presents an emotional or physical danger to the staff or other patients of the direct practice; or (e) the direct practice discontinues operation as a direct practice.

(2) Direct practices may accept payment of direct fees directly or indirectly from nonemployer third parties.

**NEW SECTION. Sec. 8.** Direct practices, as defined in section 3 of this act, who comply with this chapter are not insurers under RCW 48.01.050, health carriers under chapter 48.43 RCW, health care service contractors under chapter 48.44 RCW, or health maintenance organizations under chapter 48.46 RCW.

**NEW SECTION. Sec. 9.** A person shall not make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of the business of a direct practice, or relative to the business of a direct practice.

**NEW SECTION. Sec. 10.** A person shall not make, issue, or circulate, or cause to be made, issued, or circulated, a misrepresentation of the terms of any direct agreement, or the benefits or advantages promised thereby, or use the name or title of any direct agreement misrepresenting the nature thereof.

**NEW SECTION. Sec. 11.** Violations of this chapter constitute unprofessional conduct enforceable under RCW 18.130.180.

**NEW SECTION. Sec. 12.** (1) Direct practices must submit annual statements, beginning on October 1, 2007, to the office of insurance commissioner specifying the number of providers in each practice, total number of patients being served, the average direct fee being charged, providers' names, and the business address for each direct practice. The form and content for the annual statement must be developed in a manner prescribed by the commissioner.

(2) A health care provider may not act as, or hold himself or herself out to be, a direct practice in this state, nor may a direct agreement be entered into with a direct patient in this state, unless the provider submits the annual statement in subsection (1) of this section to the commissioner.

(3) The commissioner shall report annually to the legislature on direct practices including, but not limited to, participation trends, complaints received, voluntary data reported by the direct practices, and any necessary modifications to this chapter. The initial report shall be due December 1, 2009.

**NEW SECTION. Sec. 13.** (1) A direct agreement must include the following disclaimer: "This agreement does not provide comprehensive health insurance coverage. It provides only the health care services specifically described." The direct agreement may not be sold to a group and may not be entered with a group of subscribers. It must be an agreement between a direct practice and an individual direct patient. Nothing prohibits the presentation of marketing materials to groups of potential subscribers or their representatives.

(2) A comprehensive disclosure statement shall be distributed to all direct patients with their participation forms. Such disclosure must inform the direct patients of their financial rights and responsibilities to the direct practice as provided for in this chapter, encourage that direct patients obtain and maintain insurance for services not provided by the direct practice, and state that the direct practice will not bill a carrier for services covered under the direct agreement. The disclosure statement shall include contact information for the office of the insurance commissioner.

**NEW SECTION. Sec. 14.** By December 1, 2012, the commissioner shall submit a study of direct care practices to the appropriate committees of the senate and house of representatives. The study shall include an analysis of the extent to which direct care practices:

(1) Improve or reduce access to primary health care services by recipients of medicare and medicaid, individuals with private health insurance, and the uninsured;

(2) Provide adequate protection for consumers from practice bankruptcy, practice decisions to drop participants, or health conditions not covered by direct care practices;

(3) Increase premium costs for individuals who have health coverage through traditional health insurance;

(4) Have an impact on a health carrier's ability to meet network adequacy standards set by the commissioner or state health purchasing agencies; and

(5) Cover a population that is different from individuals covered through traditional health insurance.

The study shall also examine the extent to which individuals and families participating in a direct care practice maintain health coverage for health conditions not covered by the direct care practice. The commissioner shall recommend to the legislature whether the

statutory authority for direct care practices to operate should be continued, modified, or repealed.

**NEW SECTION. Sec. 15.** Sections 1 and 3 through 14 of this act constitute a new chapter in Title 48 RCW."

Correct the title.

Representatives Hinkle and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hinkle, Cody and Curtis and Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5958, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5958, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Appleton, Chase, Conway, Hasegawa and Springer - 5.

Excused: Representatives Eickmeyer, Hankins and Morris - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5995, by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Zarelli, Kilmer, Clements, Kauffman, Shin, Pridemore, Regala, Fairley, Brown, Jacobsen and Rasmussen)**

**Providing for the role of the economic development commission in state government.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Representative Kenney moved the adoption of amendment (754):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.162.005 and 2003 c 235 s 1 are each amended to read as follows:

The legislature finds that Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The current economic development system is fragmented among numerous programs, councils, centers, and organizations with inadequate overall coordination and insufficient guidance built into the system to ensure that the system is responsive to its customers. The current economic development system's data-gathering and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so the system may be held accountable for its outcomes.

The legislature also finds that developing ~~((an effective))~~ a comprehensive economic development ((strategy for the state and operating)) strategic plan to guide the operation of effective economic development programs, including workforce training, infrastructure development, small business assistance, technology transfer, and export assistance, ((are)) is vital to the state's efforts to increase the competitiveness of state businesses, encourage employment growth, increase state revenues, and generate economic well-being. ((In addition, the legislature finds that)) There is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. The legislature finds that there is a need for the development of coordination criteria for business recruitment, expansion, and retention activities carried out by the state and local entities. It is the intent of the legislature to create an economic development commission that will ~~((develop and update the state's economic development strategy and performance measures and provide advice to and oversight of the department of community, trade, and economic development))~~ provide planning, coordination, evaluation, monitoring, and policy analysis and development for the state economic development system as a whole, and advice to the governor and legislature concerning the state economic development system.

**Sec. 2.** RCW 43.162.010 and 2003 c 235 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established to oversee the economic development strategies and policies of the department of community, trade, and economic development.

(2)(a) The Washington state economic development commission shall consist of ~~((at least seven and no more than nine))~~ eleven voting members appointed by the governor as follows: Six representatives of the private sector, one representative of labor, one representative of port districts, one representative of four-year state public higher education, one representative for state community or technical colleges, and one representative of associate development organizations. The director of the department of community, trade, and economic development, the director of the workforce training and education coordinating board, the commissioner of the employment security department, and the chairs and ranking minority members of the standing committees of the house of representatives and the senate overseeing economic development policies shall serve as nonvoting ex officio members.

The chair of the commission shall be a voting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state

and nation and the role the state's economic development system has in meeting those needs.

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. ~~((Representation shall derive primarily from the))~~ Private sector~~((, including, but not limited to,))~~ members shall represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses~~((, but other sectors of the economy that have experience in economic development, including labor organizations and nonprofit organizations, shall be represented as well. A minimum of seventy-five percent of the members shall represent the private sector))~~. Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in economic development or disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for three-year terms~~((, except that through June 30, 2004, members currently serving on the economic development commission created by executive order may continue to serve at the pleasure of the governor. Of the initial members appointed to serve after June 30, 2004, two members shall serve one-year terms, three members shall serve two-year terms, and the remainder of the commission members shall serve three-year terms))~~.

(4) ~~((The commission chair shall be selected from among the appointed members by the majority vote of the members.~~

~~((5)))~~ The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(5) The executive director of the commission shall be appointed by the governor with the consent of the voting members of the commission. The governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor.

(6) The commission may adopt rules for its own governance.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.162 RCW to read as follows:

(1) The commission shall employ an executive director. The executive director shall serve as chief executive officer of the commission and shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, utilize staff of existing operating agencies to the fullest extent possible, and employ outside consulting and service agencies when appropriate.

(2) The executive director may not be the chair of the commission.

(3) The executive director shall appoint necessary staff who shall be exempt from the provisions of chapter 41.06 RCW. The executive director's appointees shall serve at the executive director's pleasure on such terms and conditions as the executive director determines but subject to chapter 42.52 RCW.

(4) The executive director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the commission.

(5) The executive director shall exercise such additional powers, other than rule making, as may be delegated by the commission.

**Sec. 4.** RCW 43.162.020 and 2003 c 235 s 3 are each amended to read as follows:

The Washington state economic development commission shall ~~((perform the following duties:~~

~~((1) Review and periodically update the state's economic development strategy, including implementation steps, and~~

~~performance measures, and perform an annual evaluation of the strategy and the effectiveness of the state's laws, policies, and programs which target economic development;~~

~~((2) Provide policy, strategic, and programmatic direction to the department of community, trade, and economic development regarding strategies to:~~

~~((a) Promote business retention, expansion, and creation within the state;~~

~~((b) Promote the business climate of the state and stimulate increased national and international investment in the state;~~

~~((c) Promote products and services of the state;~~

~~((d) Enhance relationships and cooperation between local governments, economic development councils, federal agencies, state agencies, and the legislature;~~

~~((e) Integrate economic development programs, including work force training, technology transfer, and export assistance; and~~

~~((f) Make the funds available for economic development purposes more flexible to meet emergent needs and maximize opportunities;~~

~~((3) Identify policies and programs to assist Washington's small businesses;~~

~~((4) Assist the department of community, trade, and economic development with procurement and deployment of private funds for business development, retention, expansion, and recruitment as well as other economic development efforts;~~

~~((5) Meet with the chairs and ranking minority members of the legislative committees from both the house of representatives and the senate overseeing economic development policies; and~~

~~((6) Make a biennial report to the appropriate committees of the legislature regarding the commission's review of the state's economic development policy, the commission's recommendations, and steps taken by the department of community, trade, and economic development to implement the recommendations. The first report is due by December 31, 2004));~~

(1) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

(2) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. In developing the state comprehensive plan for economic development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

(3) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs; and

(4) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination.

The commission may delegate to the director any of the functions of this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.162 RCW to read as follows: Subject to available funds, the Washington state economic development commission may:

(1) Periodically review for consistency with the state comprehensive plan for economic development the policies and plans established for:

(a) Business and technical assistance by the small business development center, the Washington manufacturing service, the Washington technology center, associate development organizations, the department of community, trade, and economic development, and the office of minority and women-owned business enterprises;

(b) Export assistance by the small business export finance assistance center, the international marketing program for agricultural commodities and trade, the department of agriculture, the center for international trade in forest products, associate development organizations, and the department of community, trade, and economic development; and

(c) Infrastructure development by the department of community, trade, and economic development and the department of transportation; and

(2) Review and make recommendations to the office of financial management and the legislature on budget requests and legislative proposals relating to the state economic development system for purposes of consistency with the state comprehensive plan for economic development;

(3) Provide for coordination among the different agencies, organizations, and components of the state economic development system at the state level and at the regional level;

(4) Advocate for the state economic development system and for meeting the needs of industry associations, industry clusters, businesses, and employees;

(5) Identify partners and develop a plan to develop a consistent and reliable database on participation rates, costs, program activities, and outcomes from publicly funded economic development programs in this state by January 1, 2011.

(a) In coordination with the development of the database, the commission shall establish standards for data collection and maintenance for providers in the economic development system in a format that is accessible to use by the commission. The commission shall require a minimum of common core data to be collected by each entity providing economic development services with public funds and shall develop requirements for minimum common core data in consultation with the economic climate council, the office of financial management, and the providers of economic development services;

(b) The commission shall establish minimum common standards and metrics for program evaluation of economic development programs, and monitor such program evaluations; and

(c) The commission shall, beginning no later than January 1, 2012, periodically administer, based on a schedule established by the commission, scientifically based outcome evaluations of the state economic development system including, but not limited to, surveys of industry associations, industry cluster associations, and businesses served by publicly funded economic development programs; matches with employment security department payroll and wage files; and matches with department of revenue tax files; and

(6) Evaluate proposals for expenditure from the economic development strategic reserve account and recommend expenditures from the account.

The commission may delegate to the director any of the functions of this section.

**NEW SECTION. Sec. 6.** (1) The commission must develop and update a state comprehensive plan for economic development and an initial inventory of economic development programs, as required under section 4 of this act, by June 30, 2008.

(2) Using the information from the inventory, public input, and such other information as it deems appropriate, the commission shall, by September 1, 2008, provide a report with findings, analysis, and recommendations to the governor and the legislature on the appropriate state role in economic development and the appropriate administrative and regional structures for the provision of economic development services. The report shall address how best to organize

the state system to ensure that the state's economic development efforts:

(a) Are organized around a clear central mission and aligned with the state's comprehensive plan for economic development;

(b) Are capable of providing focused and flexible responses to changing economic conditions;

(c) Generate greater local capacity to respond to local opportunities and needs;

(d) Face no administrative barriers to efficiency and effectiveness;

(e) Maximize results through partnerships and the use of intermediaries; and

(f) Provide increased accountability to the public, the executive branch, and the legislature.

(3) The report should address the potential value of creating or consolidating specific programs if doing so would be consistent with an agency's core mission, and the potential value of removing specific programs from an agency if the programs are not central to the agency's core mission.

**Sec. 7.** RCW 43.162.030 and 2003 c 235 s 4 are each amended to read as follows:

~~((1)) The Washington state economic development commission shall receive the necessary staff support from the staff resources of the governor, the department of community, trade, and economic development, and other state agencies as appropriate, and within existing resources and operations.~~

~~((2))~~ Creation of the Washington state economic development commission shall not be construed to modify any authority or budgetary responsibility of the governor or the department of community, trade, and economic development.

**Sec. 8.** RCW 82.33A.010 and 1998 c 245 s 168 are each amended to read as follows:

(1) The economic climate council is hereby created.

(2) The council shall, in consultation with the Washington economic development commission, select a series of ~~((no more than ten))~~ benchmarks that characterize the competitive environment of the state. The benchmarks should be indicators of the cost of doing business; the education and skills of the work force; a sound infrastructure; and the quality of life. In selecting the appropriate benchmarks, the council shall use the following criteria:

(a) The availability of comparative information for other states and countries;

(b) The timeliness with which benchmark information can be obtained; and

(c) The accuracy and validity of the benchmarks in measuring the economic climate indicators named in this section.

(3) Each year the council shall prepare an official state economic climate report on the present status of benchmarks, changes in the benchmarks since the previous report, and the reasons for the changes. The reports shall include current benchmark comparisons with other states and countries, and an analysis of factors related to the benchmarks that may affect the ability of the state to compete economically at the national and international level.

(4) All agencies of state government shall provide to the council immediate access to all information relating to economic climate reports.

**Sec. 9.** RCW 82.33A.020 and 1996 c 152 s 4 are each amended to read as follows:

~~((+)) The economic climate council shall ((create an advisory committee to assist the council)) consult with the Washington economic development commission in selecting benchmarks and developing economic climate reports and benchmarks. The ((advisory committee)) commission shall provide for a process to ensure public participation in the selection of the benchmarks. ((The advisory committee shall consist of no more than seven members. At least two of the members of the advisory committee shall have experience in and represent business, and at least two of the members shall have experience in and represent labor. All of the members of the advisory committee shall have special expertise and interest in the state's economic climate and competitive strategies. Appointments~~

to the advisory committee shall be recommended by the chair of the council and approved by a two-thirds vote of the council. The chair of the advisory committee shall be selected by the members of the committee.

~~—(2) The advisory committee shall meet as determined by the chair of the committee until September 30, 1996, and shall meet at least twice per year thereafter in advance of the economic climate reports due on March 31st and September 30th of each year.~~

~~—(3) Members of the advisory council shall serve without compensation but shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 while attending meetings of the advisory committee, sessions of the economic climate council, or on official business authorized by the council.)~~

**NEW SECTION. Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Kenney and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5995, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5995, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Hankins and Morris - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5995, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE JOINT RESOLUTION NO. 4204, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### POINT OF PERSONAL PRIVILEGE

Representative Curtis: "Today we passed House Resolution 4660 to honor Dr. Lynn Wittwer. I wanted to rise to say that Dr. Wittwer has served our emergency medical community for the last thirty-three years. Many of us if you have ever been in Clark County and had an emergency and you had a satisfactory outcome it was because of the leadership he has provided in our community. The good gentleman from the 24<sup>th</sup> District, Fire Fighter Paramedic Van De Wege was trained by him. Many of us have benefitted from his expertise. I would like to thank Dr. Wittwer personally for his service to our communities. Thank you Mr. Speaker."

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5647, by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Fraser, Morton, McAuliffe, Fairley, Swecker, Regala, Hatfield, Spanel, Rockefeller, Kohl-Welles and Rasmussen)**

**Clarifying the use of existing lodging tax revenues for tourism promotion.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community & Economic Development & Trade was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

Representative Linville moved the adoption of amendment (842) to the committee amendment:

On page 2, after line 14 of the striking amendment, insert the following:

"(9) Amendments made in section 1 of this act (chapter ..., Laws of 2007) expire June 30, 2013."

On page 3, after line 13 of the striking amendment, insert the following:

"(4) This section expires June 30, 2013."

On page 3, beginning on line 14 of the striking amendment, strike all of section 3

Representatives Linville and Bailey spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

With the consent of the House, amendments (640), (838), (614), (744), (779) and (683) were withdrawn.

Representative Chase moved the adoption of amendment (824) to the committee amendment:

On page 2, line 34 of the striking amendment, after "tourists" insert ", persons traveling over 50 miles to the destination, persons remaining at the destination overnight,"

Representative Chase spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Orcutt moved the adoption of amendment (686) to the committee amendment:

On page 3, after line 13, insert the following:

"**Sec. 3.** RCW 67.28.1817 and 1998 c 35 s 3 are each amended to read as follows:

(1) Before proposing imposition of a new tax under this chapter, an increase in the rate of a tax imposed under this chapter, repeal of an exemption from a tax imposed under this chapter, or a change in the use of revenue received under this chapter, a municipality with a population of five thousand or more shall establish a lodging tax advisory committee under this section. A lodging tax advisory committee shall consist of at least five members, appointed by the legislative body of the municipality, unless the municipality has a charter providing for a different appointment authority. The committee membership shall include: (a) At least two members who are representatives of businesses required to collect tax under this chapter; and (b) at least two members who are persons involved in activities authorized to be funded by revenue received under this chapter. Persons who are eligible for appointment under (a) of this subsection are not eligible for appointment under (b) of this subsection. Persons who are eligible for appointment under (b) of this subsection are not eligible for appointment under (a) of this subsection. Organizations representing businesses required to collect tax under this chapter, organizations involved in activities authorized to be funded by revenue received under this chapter, and local agencies involved in tourism promotion may submit recommendations for membership on the committee. The number of members who are representatives of businesses required to collect tax under this chapter shall equal the number of members who are involved in activities authorized to be funded by revenue received under this chapter. One member shall be an elected official of the municipality who shall serve as chair of the committee. An advisory committee for a county may include one nonvoting member who is an elected official of a city or town in the county. An advisory committee for a city or town may include one nonvoting member who is an elected official of the county in which the city or town is located. The appointing authority shall review the membership of the advisory committee annually and make changes as appropriate.

(2) Any municipality that proposes imposition of a tax under this chapter, an increase in the rate of a tax imposed under this chapter, ~~or repeal of an exemption from a tax imposed under this chapter~~~~(, or a change in the use of revenue received under this chapter)~~ shall submit the proposal to the lodging tax advisory committee for review and comment. The submission shall occur at least forty-five days before final action on or passage of the proposal by the municipality. The advisory committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures. The comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the fund created under RCW 67.28.1815. Failure of the advisory committee to submit comments before final action on or passage of the proposal shall not prevent the municipality from acting on the proposal. A municipality is not required to submit an amended proposal to an advisory committee under this subsection.

(3) Any municipality that proposes a change in the use of revenue received under this chapter must receive the prior approval the lodging tax advisory committee."

Renumber the sections consecutively and correct any internal references accordingly.

Representative Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Pettigrew spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Bailey moved the adoption of amendment (692) to the committee amendment:

Beginning on page 1, line 3 of the amendment, strike all material through "2013." on page 3, line 14 and insert the following:

"**Sec. 1.** RCW 67.28.080 and 1997 c 452 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acquisition" includes, but is not limited to, siting, acquisition, design, construction, refurbishing, expansion, repair, and improvement, including paying or securing the payment of all or any portion of general obligation bonds, leases, revenue bonds, or other obligations issued or incurred for such purpose or purposes under this chapter.

(2) "Municipality" means any county, city or town of the state of Washington.

(3) "Operation" includes, but is not limited to, operation, management, and marketing.

(4) "Person" means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

(5) "Tourism" means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.

(6) "Tourism promotion" means activities and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding marketing of special events and festivals designed to attract tourists.

(7) "Tourism-related facility" means real or tangible personal property with a usable life of three or more years, or constructed with volunteer labor~~(s)~~ that is: (a) Owned by a public entity, a nonprofit organization described under 501(c)(6) of the federal internal revenue code of 1986, as amended, a business organization, a destination marketing organization, a main street organization, a lodging association or a chamber of commerce; and (b) used to support tourism, including visitor information centers, performing arts, or to accommodate tourist activities.

(8) "Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage, or culture.

(9) "Visitor information center" means real property which is owned or leased by a municipality, a nonprofit organization under section 501(c)(6) of the federal internal revenue code of 1986, as amended, a business organization, a destination marketing organization, a main street organization, a lodging association or a chamber of commerce and is used for the purpose of providing information to tourists.

**Sec. 2.** RCW 67.28.1815 and 1997 c 452 s 4 are each amended to read as follows:

All revenue from taxes imposed under this chapter shall be credited to a special fund in the treasury of the municipality imposing such tax and used solely for the purpose of paying all or any part of the cost of tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities. Municipalities

may, under chapter 39.34 RCW, agree to the utilization of revenue from taxes imposed under this chapter for the purposes of funding a multijurisdictional tourism-related facility. In addition, municipalities may contract with a nonprofit organization described under 501(c)(6) of the federal internal revenue code of 1986, as amended, for tourism promotion activities, a business organization, a destination marketing organization, a main street organization, a lodging association, or a chamber of commerce."

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Kenney spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney, Takko, Dunn, Skinner and Hinkle spoke in favor of passage of the bill.

Representative Bailey, Orcutt and Schindler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5647, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5647, as amended by the House, and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darnelle, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, Williams, Wood and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Ericksen, Goodman, Grant, Hailey, Kelley, Kretz, McCune, McDonald, Newhouse, Rodne, Rolfes, Schindler, Strow, Sump and Walsh - 25.

SUBSTITUTE SENATE BILL NO. 5647, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6128, by Senators Keiser and Kohl-Welles**

#### **Requiring the naming of the person or persons authorized to make expenditures on behalf of a candidate or committee.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was not adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

With the consent of the House, amendment (839) was withdrawn.

Representative Hunt moved the adoption of amendment (831).

On page 5, beginning on line 1, strike all of subsection (ix) and insert the following:

"(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in subsection (15)(b)(vi) of this section or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17.040; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under subsection (15)(a)(ii) of this section.

A person who performs ministerial functions under this subsection (ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee."

On page 9, beginning on line 9, after "(34)" insert the following: "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

(35)"

Renumber the subsections consecutively and correct any internal references accordingly.

On page 12, beginning on line 32, strike all material through "committee" on line 34 and insert the following:

"(k) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(l) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees"

Representatives Hunt and Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

Representatives Chandler, Anderson and Armstrong spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6128, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6128, as amended by the House, and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Goodman, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 40.

ENGROSSED SENATE BILL NO. 6128, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6001, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Pridemore, Poulsen, Rockefeller, Brown, Eide, Oemig, Hargrove, Marr, Fraser, Kohl-Welles, Keiser, Regala, Franklin, Fairley, Jacobsen, Shin, Haugen, Berkey, Spanel, Kline and Weinstein)**

#### Mitigating the impacts of climate change.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

Amendments (474), (475), (476), (477), (483), (480), (481), (482), (478), (479), (484), (486), (487), (488), (489), (490), (491), (492), (685) and (724) were ruled out of order because they were drawn to the committee amendment.

Representative Morris moved the adoption of amendment (775):

On page 5, beginning on line 1, strike all of subsection (ix) and insert the following:

"(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in subsection (15)(b)(vi) of this section or

for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17.040; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under subsection (15)(a)(ii) of this section.

A person who performs ministerial functions under this subsection (ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee."

On page 9, beginning on line 9, after "(34)" insert the following: "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

(35)"

Renumber the subsections consecutively and correct any internal references accordingly.

On page 12, beginning on line 32, strike all material through "committee" on line 34 and insert the following:

"(k) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(l) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees"

Representative Morris moved the adoption of amendment (796) to amendment (775):

On page 6 of the amendment, line 17, strike "and"

On page 6 of the amendment, line 20, after "act" insert ";  
(e) How regulatory and tax policies for electric utilities could be improved to help achieve these goals in a manner that is equitable for electric utilities and consumers"

On page 13 of the amendment, line 22, strike all of subsection 7

Representatives Morris and Crouse spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

With the consent of the House, amendments (745), (746), (753), (741) and (743) were withdrawn.

Representative Morris moved the adoption of amendment (846) to amendment (775):

On page 6, beginning on line 31 of the amendment, after "determined" strike "by the department of community, trade, and economic development"

On page 10, beginning on line 5 of the amendment, strike all of section 7 and insert the following:

**"NEW SECTION. Sec. 7.** The energy policy division of the department of community, trade, and economic development shall provide an opportunity for interested parties to comment on the development of a survey of new combined cycle natural gas thermal electric generation turbines commercially available and offered for sale by manufacturers and purchased in the United States to determine the average rate of emissions of greenhouse gases for these turbines. The department of community, trade, and economic development shall report the results of its survey to the legislature every five years, beginning June 30, 2013. The department of community, trade, and economic development shall adopt by rule the average available greenhouse gases emissions output every five years beginning five years after the effective date of this act."

Representatives Morris and Crouse spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

Representative Morris moved the adoption of amendment (843) to amendment (775):

On page 4, beginning on line 8 of the amendment, strike:

"(a) The United Nation's intergovernmental panel on climate change report, released February 2, 2007, states that evidence of the climate's warming "is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global mean sea level";"

Renumber subsections consecutively.

Representatives Morris and Crouse spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

Representative Morris moved the adoption of amendment (845) to amendment (775):

On page 7, line 1 of the amendment, after "powered" insert "exclusively"

Representatives Morris and Crouse spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

Representative Linville moved the adoption of amendment (840) to amendment (775):

On page 7 of the amendment, after line 4, insert the following:

"(5) All cogeneration facilities in the state that are fueled by natural gas or waste gas or a combination of the two fuels, and that are in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section until the facilities are the subject of a new ownership interest or are upgraded."

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Linville, Crouse, Buri, Morris and Jarrett spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

Representative Morris moved the adoption of amendment (847) to amendment (775):

On page 8, line 25 of the amendment, after "schedule;" insert the following:

"(e) Provisions for an owner to purchase emissions reductions in the event of the failure of a sequestration plan under subsection (12);"

Renumber the subsections consecutively and correct any internal references accordingly.

On page 9, line 10 of the amendment, after "chapter 80.50 RCW" strike all material through "certification" on line 36 and insert the following:

"shall make a good faith effort to implement the sequestration plan. If the project owner determines that implementation is not feasible, the project owner shall submit documentation of that determination to the energy facility site evaluation council. The documentation shall demonstrate the steps taken to implement the sequestration plan and evidence of the technological and economic barriers to successful implementation. The project owner shall then provide to the energy facility site evaluation council notification that they shall implement the plan that requires the project owner to meet the greenhouse gases emissions performance standard by purchasing verifiable greenhouse gases emissions reductions from an electric generating facility located within the western interconnection, where the reduction would not have occurred otherwise or absent this contractual agreement, such that the sum of the emissions reductions purchased and the facility's emissions meets the standard for the life of the facility"

Representatives Morris, Crouse and Buri spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

Representative Morris moved the adoption of amendment (778) to amendment (775):

On page 8 of the amendment, at the beginning of line 30, strike "the energy facility site evaluation council and"

On page 9 of the amendment, line 23, after "with" strike "(a) and (b)" and insert "(b) and (c)"

Representative Morris spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

Representative Morris moved the adoption of amendment (844) to amendment (775):

On page 10, line 3 of the amendment, strike "issue" and insert "approve or otherwise take action on"

Representative Morris spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

Representative Morris moved the adoption of amendment (777) to amendment (775):

On page 11 of the amendment, beginning on line 1, strike all of subsections (5) and (6) and insert the following:

"(5) Upon application by an electrical company, the commission shall determine whether the company's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity complies with the greenhouse gases emissions performance standard established under section 5 of this act, whether the company has a need for the resource, and whether the specific resource selected is appropriate. The commission shall take into consideration factors such as the company's forecasted loads, need for energy, power plant technology, expected costs, and other associated investment decisions. The commission shall not decide in a proceeding under this subsection (5) issues involving the actual costs to construct and operate the selected resource, cost recovery, or other issues reserved by the commission for decision in a general rate case or other proceeding for recovery of the resource or contract costs. A proceeding under this subsection (5) shall be conducted pursuant to chapter 34.05 RCW (Part IV). The commission shall adopt rules to provide that the schedule for a proceeding under this subsection takes into account both (a) the needs of the parties to the proposed resource acquisition or power purchase agreement for timely decisions that allow transactions to be completed and (b) the procedural rights to be provided to parties in chapter 34.05 RCW (Part IV), including intervention, discovery, briefing, and hearing.

(6) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with the long-term financial commitment, including operating and maintenance costs, depreciation, taxes, and cost of invested capital. The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and continues for a period not to exceed 24 months; provided that if during such period the company files a general rate case or other proceeding for the recovery of such costs, deferral ends on the effective date of the final decision by the commission in such proceeding. Creation of such a deferral account does not by itself determine the actual costs of the long-term financial commitment, whether recovery of any or all of these costs is appropriate, or other issues to be decided by the commission in a general rate case or other proceeding for recovery of these costs."

On page 11 of the amendment, at the beginning of line 25, strike all of subsection (7)

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Morris and Crouse spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

Representative Crouse moved the adoption of amendment (848) to amendment (775):

On page 13, after line 35 of the amendment, insert the following:

**"NEW SECTION. Sec. 11.** By December 31, 2007, the governor shall report to the legislature regarding the potential benefits of creating tax incentives to encourage baseload electric facilities to upgrade their equipment to reduce carbon dioxide emissions, the nature and level of tax incentives likely to produce the greatest benefits, and the cost of providing such incentives."

Renumber the remaining section consecutively.

Representatives Crouse and Morris spoke in favor of the adoption of the amendment to amendment (775).

The amendment to amendment (775) was adopted.

The amendment (775) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

With the consent of the House, House Rule 13(c) was suspended.

Representatives Morris, Ericksen, Linville, DeBolt, Dunshee and Orcutt spoke in favor of passage of the bill.

Representative Armstrong spoke against the passage of the bill.

### COLLOQUY

Representative DeBolt: "Does the bill provide a backstop for an IGCC facility that is in the EFSEC permitting process on the effective date of this act?"

Representative Dunshee: "Yes. If that facility is sited and concludes after 5 years of real effort that it cannot in fact permanently sequester CO2 emissions to meet the emissions performance standard, it is allowed another option for compliance. That option ensures that the facility will purchase verifiable, additional emissions reductions from another power plant. We must be clear in our intent -- the idea is not to provide an alternative compliance path to meeting the emissions performance standard. Instead, this is a provision specific to power plants on the drawing board now, and recognizes that the technology for permanent sequestration is still in its early stages. Those power plants must propose real CO2 sequestration plans, as provided in the bill, and must pursue solid efforts to permanently sequester emissions. Permanent sequestration is critical to reducing our greenhouse gas emissions footprint."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6001, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6001, as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Armstrong, Buri, Chandler, Crouse, Dunn, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Schindler and Warnick - 14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6001,  
as amended by the House, having received the necessary  
constitutional majority, was declared passed.

There being no objection, the House advanced to the  
eleventh order of business.

There being no objection, the House adjourned until 10:00  
a.m., April 13, 2007, the 96th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## NINETY SIXTH DAY

House Chamber, Olympia, Friday, April 13, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shirley Arreola-Kern and Evelyn Carlson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Brian Wiele, River Ridge Covenant Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

April 12, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,  
 SUBSTITUTE HOUSE BILL NO. 1124,  
 HOUSE BILL NO. 1181,  
 SUBSTITUTE HOUSE BILL NO. 1264,  
 HOUSE BILL NO. 1270,  
 HOUSE BILL NO. 1291,  
 SUBSTITUTE HOUSE BILL NO. 1312,  
 HOUSE BILL NO. 1526,  
 SUBSTITUTE HOUSE BILL NO. 1555,  
 HOUSE BILL NO. 1680,  
 HOUSE BILL NO. 1706,  
 HOUSE BILL NO. 1789,  
 HOUSE BILL NO. 1813,  
 SUBSTITUTE HOUSE BILL NO. 1892,  
 SUBSTITUTE HOUSE BILL NO. 1897,  
 HOUSE BILL NO. 2032,  
 SUBSTITUTE HOUSE BILL NO. 2056,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

SB 6167 By Senators Pridemore, Zarelli and Prentice; by request of Department of Retirement Systems

AN ACT Relating to clarifying the director's authority to determine interest in certain public retirement systems; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**ENGROSSED SENATE BILL NO. 5498, by Senators Regala, Clements, Morton, Brandland, Pridemore, Delvin, Prentice, Hatfield and Rasmussen**

**Revising voter-approved funding sources for local taxing districts.**

The bill was read the second time.

**POINT OF ORDER**

Representative Orcutt: "Thank you Mr. Speaker. Given that Engrossed Senate Bill 5498 was not reported out of the House Finance Committee until Friday, April 6<sup>th</sup>, four days after the cutoff date set in House Concurrent Resolution 4401 and considering the ruling on House Bill 2403, I ask is Engrossed Senate Bill 5498 properly before us for consideration?"

**SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "The Speaker would direct the members to Sections 111 and 112 of Reed's Rules. These sections provide that any objection to a question being considered because of conflicts with rules and orders already established, or with proceedings already determined upon by the assembly, must be presented in a timely fashion. Once action has been taken it is too late.

The bill is on the House Second Reading calendar. The Speaker would note that HCR 4401, the cutoff resolution, sets a deadline for today at 5:00 p.m. for the House to consider Senate bills, with limited exceptions not relevant here. That is the only part of the cutoff resolution relevant to this body's consideration of this measure, and it clearly allows consideration of the bill until the stated deadline.

Any inquiry or objection as to whether the bill met earlier cutoff deadlines are out of order because they were not raised in a timely fashion."

Representative Orcutt moved the adoption of amendment (693):

On page 2, line 23, after "limitations," insert "and except as provided in subsection (2) of this section."

On page 2, line 36, after "(2)" insert "(a)"

On page 3, after line 21, insert the following:

"(b) A proposition under this subsection (2) is not approved unless the number of persons voting "yes" on the proposition constitutes at least:

(i) Three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or

(ii) Three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the

proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election."

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

#### POINT OF ORDER

Representative Buri: "I believe that was a remark impugning the intelligence of the voters or what he thinks the intelligence of his voters."

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker would ask the member from the 48<sup>th</sup> District to direct his comments to the amendment and not to other members."

Representative Hunter (continued) spoke against the adoption of the amendment.

Representatives Buri, Ericksen and Condotta spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (852):

On page 2, line 36, after "(2)" insert "(a)"

On page 2, line 36, after "limitations" insert "and the conditions in subsection (b) of this subsection"

On page 3, after line 21, insert the following:

"(b) A legislative authority may place a proposition before the voters under this subsection (2) only after first establishing a finding of substantial need. In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution under this subsection (2)(b). In districts with more than four members, a majority plus one vote must approve an ordinance or resolution under this subsection (2)(b)."

Representatives Orcutt, Sump, Armstrong, Ericksen and Hinkle spoke in favor of the adoption of the amendment.

Representatives Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

#### MOTION

On motion of Representative Schindler, Representative Skinner was excused.

Representative Condotta moved the adoption of amendment (742):

On page 3, line 1, after "levies" insert "for any county, city, town, or fire protection district"

Representatives Condotta, Sump, Kristiansen, Ahern, McCune, Orcutt, Buri and Ericksen spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Newhouse moved the adoption of amendment (856):

On page 3, line 1, after "up to" strike "six" and insert "five"

Representatives Newhouse, Hailey, Anderson, Kristiansen, Strow and Sump spoke in favor of the adoption of the amendment.

Representatives Hunter and Roach spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Newhouse moved the adoption of amendment (855):

On page 3, line 1, after "up to" strike "six" and insert "four"

Representatives Newhouse, Alexander, Orcutt, Strow, Anderson and Roach spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ahern moved the adoption of amendment (849):

On page 3, line 1, after "up to" strike "six" and insert "three"

Representative Ahern spoke in favor of the adoption of the amendment.

Representatives Hunter, Roach, Buri and Pearson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ahern moved the adoption of amendment (850):

On page 3, line 1, after "up to" strike "six" and insert "two"

Representatives Ahern, Schindler, Warnick and Ericksen spoke in favor of the adoption of the amendment.

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker would ask all members to direct their comments to the amendment."

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (851):

On page 3, line 1, after "levies" insert "for any fire protection district"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (694):

On page 3, beginning on line 2, after "period" strike all material through "years," on line 8 and insert "the levy limit for each year shall be calculated based on the levy amount in the calendar year immediately preceding the period. The ballot proposition must state the limit factor"

Representatives Orcutt and Schindler spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (695):

On page 3, beginning on line 4, after "computed" strike all material through "years" on line 9 and insert ". The ballot proposition must state the dollar rate proposed for each of the consecutive years in the levy"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (854):

On page 3, line 10, after "at a" strike "primary or"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (853):

On page 3, line 11, after "state" insert "both"

On page 3, line 13, after "used" strike ", and funds" and insert "as well as the dollar amount that is to be allocated for each specific purpose. Funds"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (697):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.55.005 and 2002 c 1 s 2 are each reenacted to read as follows:

As used in this chapter:

(1) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce in September of the year before the taxes are payable;

(2) "Limit factor" means:

(a) For taxing districts with a population of less than ten thousand in the calendar year prior to the assessment year, one hundred one percent;

(b) For taxing districts for which a limit factor is authorized under RCW 84.55.0101, the lesser of the limit factor under that section or one hundred one percent;

(c) For all other districts, the lesser of one hundred one percent or one hundred percent plus inflation; and

(3) "Regular property taxes" has the meaning given it in RCW 84.04.140.

"**Sec. 2.** RCW 84.55.0101 and 2002 c 1 s 3 are each reenacted to read as follows:

Upon a finding of substantial need, the legislative authority of a taxing district other than the state may provide for the use of a limit factor under this chapter of one hundred one percent or less unless an increase greater than this limit is approved by the voters at an election as provided in RCW 84.55.050. In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution under this section. In districts with more than four members, a majority plus one vote must approve an ordinance or resolution under this section. The new limit factor shall be effective for taxes collected in the following year only.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

### POINT OF ORDER

Representative Springer requested a scope and object ruling on the amendment (697) to Engrossed Senate Bill No. 5498.

### SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "ENGROSSED SENATE BILL NO. 5498 is entitled AN ACT relating to "revising voter-approved funding sources for local taxing districts." The bill modifies non-supplantation requirements for voter-approved sales and property tax increases, and extends to other taxing districts the authority that cities and counties have to seek voter-approved multi-year regular levy increases above the 1 percent limit.

Amendment (697) strikes the entire bill and reenacts the regular levy growth limitations adopted under Initiative 747. Section 1 of the amendment places a limit on the rate by which

the legislative authority of a taxing district may increase its regular levy annually in the absence of a public vote.

The amendment is not limited to voter-approved taxes but also extends to non-voter-approved taxes. The Speaker therefore finds the amendment is beyond the scope and object of the bill.

Representative Springer, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunter spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5498.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5498 and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Bailey, Barlow, Buri, DeBolt, Ericksen, Goodman, Hailey, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McDonald, Orcutt, Pearson, Roach, Schindler, Seaquist, Strow, Sump and Warnick - 23.

Excused: Representative Skinner - 1.

ENGROSSED SENATE BILL NO. 5498, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Moeller to preside.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6099, by Senate Committee on Transportation (originally sponsored by Senator Murray)**

**Hiring a mediator to help the department of transportation develop a state route number 520 expansion impact plan. (REVISED FOR ENGROSSED: Addressing the state route number 520 bridge replacement and HOV project.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

With the consent of the House, amendment (841) was withdrawn.

Representative Anderson moved the adoption of amendment (681) to the committee amendment:

On page 3, line 17 of the striking amendment, after "district," strike "and"

On page 3, line 17, after "tolling" insert ", and two billion seven hundred million dollars from the regional transit authority as provided in section 5 of this act"

On page 3, after line 21, insert:  
"NEW SECTION. Sec. 5. A new section is added to chapter 81.112 RCW to read as follows:

Funds received as part of the regional transit authority's system and financing plan submitted to voters at the 2007 general election under RCW 36.120.070 and 81.112.030 that are intended to support light rail across Lake Washington shall, instead, be allocated to the projects listed below in the amounts described and in the following order of priority:

(1) Two billion seven hundred million dollars for the improvement and replacement of the state route number 520 bridge replacement and HOV project between Interstate 5 and Interstate 405; and

(2) All other projects identified in the authority's system and financing plan except for projects that support development of light rail across Lake Washington."

Renumber the sections accordingly and correct any internal references.

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Clibborn moved the adoption of amendment (857) to the committee amendment:

On page 1, beginning on line 3 of the amendment, strike all of sections 1 through 5 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the replacement of the vulnerable state route number 520 corridor is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 520 floating bridge is susceptible to damage, closure, or even catastrophic failure from earthquakes, windstorms, and waves. Additionally, the bridge serves as a vital route for vehicles to cross Lake Washington, carrying over three times its design capacity in traffic, resulting in more than seven hours of congestion per day.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state must take the necessary steps to move forward with a state route number 520 bridge replacement project design that provides six total lanes, with four general purpose lanes and two lanes that are for high occupancy vehicle travel that could also accommodate high capacity transportation, and the bridge shall

also be designed to accommodate light rail in the future. High occupancy vehicle lanes in the state route 520 corridor must also be able to support a bus rapid transit system.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.01 RCW to read as follows:

(1) As soon as practicable after the effective date of this act, and after consulting with the city of Seattle, the office of financial management shall hire a mediator, and appropriate planning staff, including urban, transportation, and neighborhood planners, to develop a state route number 520 project impact plan for addressing the impacts of the state route number 520 bridge replacement and HOV project design on Seattle city neighborhoods, parks, including the Washington park arboretum, and institutions of higher education. The mediator must have significant professional experience in working with communities that surround major transportation construction projects, and mitigating the impacts of those transportation projects on those communities. The office of financial management shall hire the mediator and the planning staff within existing appropriations allocated for the state route number 520 bridge replacement and HOV project. The position of mediator under this section is not considered a certified or legally binding position.

(2) The mediator's responsibility to develop a project impact plan is highly time sensitive. As a result, competitive bidding is not cost-effective or appropriate for personal service contracts to hire the mediator. The director of the office of financial management shall, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(3) In evaluating the project impacts, the mediator must consider the concerns of neighborhoods and institutions of higher education directly impacted by the proposed design, establish a process that incorporates interest-based negotiation, and work with the appropriate planning staff to develop mitigation recommendations related to the project design. The mediator shall work to ensure that the project impact plan provides a comprehensive approach to mitigating the impacts of the project, including incorporating construction mitigation plans.

(4) The ultimate goal of the mediation and planning process established in subsection (1) of this section is to develop a project impact plan agreed to by all appropriate parties including, but not limited to, those parties listed in subsection (6) of this section. The project impact plan must be consistent with RCW 47.01.380, and must support and be consistent with the approved purpose and need statement for the project, which is: "The purpose of the project is to improve mobility for people and goods across Lake Washington within the SR 520 corridor from Seattle to Redmond in a manner that is safe, reliable, and cost-effective while avoiding, minimizing, and/or mitigating impacts on the affected neighborhoods and the environment." The mediator must strive to develop a consensus-based plan. In the event that the mediation process does not result in consensus, the mediator shall submit a project impact plan to the governor and the joint transportation committee that reflects the views of the majority of the mediation participants.

(5) The process established in subsection (1) of this section shall result in a project design that provides six total lanes, with four general purpose lanes and two lanes that are for high occupancy vehicle travel that could also accommodate high capacity transportation. The bridge shall also be designed to accommodate light rail in the future and to support a bus rapid transit system. Additionally, the mediator shall strive to develop a project impact plan within the constraints of the range of estimated project costs as of May 1, 2007.

(6)(a) In performing the duties of this section, and consistent with the governor's findings and conclusions, dated December 15, 2006, the mediator shall work with interested parties directly affected by the state route number 520 bridge replacement and HOV project including, but not limited to, at least the following:

- (i) Representation from each neighborhood directly impacted by the project;
- (ii) Representation from local governments on both ends of the bridge directly impacted by the project;

- (iii) Representation from King county;
- (iv) Representation from the Washington park arboretum;
- (v) Representation from the University of Washington; and
- (vi) Representation from sound transit.

(b) The mediator shall also work with the department and others as necessary.

(c) Before the mediator may submit the project impact plan, it must be reviewed by the mayor of Seattle and the Seattle city council. The project impact plan must reflect whether the mayor and council concur or do not concur with the plan and include an explanation regarding their positions.

(7) Until December 1, 2008, the mediator must provide periodic reports to the joint transportation committee and the governor regarding the status of the project impact plan development process. The mediator must submit a progress report to the joint transportation committee and the governor by August 1, 2007. The mediator must submit a final project impact plan to the governor and legislature by December 1, 2008.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.01 RCW to read as follows:

In developing the state route number 520 project impact plan provided in section 2 of this act, the mediator and associated planning staff shall review the department's project design plans in the draft environmental impact statement for conformance with the following legislative goals regarding the final design for the state route number 520 bridge replacement and HOV project:

(1) Minimize the total footprint and width of the bridge, and seek appropriate federal design variances to safety and mobility standards, while complying with other federal laws;

(2) Minimize the project impact on surrounding neighborhoods, including incorporation of green lids and connectors, and minimize any increases in additional traffic volumes through the Washington park arboretum and other adjacent neighborhoods;

(3) Incorporate the recommendations of a health impact assessment to calculate the project's impact on air quality, carbon emissions, and other public health issues, conducted by the Puget Sound clean air agency and King county public health;

(4) Ensure that the ultimate project configuration effectively prioritizes maintaining travel time, speed, and reliability on the two high-occupancy vehicle lanes; and

(5) Clearly articulate in required environmental documents the alignment of the selected preferred alternative for the state route number 520 bridge replacement and HOV project and the footprint of the project and the affected areas.

**NEW SECTION. Sec. 4.** A new section is added to chapter 47.01 RCW to read as follows:

In addition to the review required in section 3 of this act, the mediator may determine that additional alternative concept designs should be considered for the west end of the project to best meet the expressed legislative goals described in section 3 of this act. The mediator may contract with an engineering firm to conduct an independent feasibility analysis of the following proposals: A combination of tunnels and submerged tubes under Lake Washington; a partial tunnel from Interstate 5 to the west end of the state route number 520 bridge; and a proposal to move state route number 520 from its current alignment through the arboretum. The analyses for all alternative concept design plans must be submitted to the joint transportation committee and the governor by September 1, 2007. The mediator must hold a public hearing regarding the results of the independent review and reflect the independent review findings in the project impact plan. Up to two hundred fifty thousand dollars of the existing funding appropriation to the project shall be used for reviewing these alternative concept design plans.

**Sec. 5.** RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

(1) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse

impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both.

(2) The department shall not commence on-site construction on any part of the state route number 520 bridge replacement and HOV project until the department submits the finance plan required in section 7 of this act to the legislature.

(3) The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.01 RCW to read as follows:

As part of the state route number 520 bridge replacement and HOV project, the governor's office shall work with the department, sound transit, King county metro, and the University of Washington, to plan for high capacity transportation in the state route number 520 corridor. The parties shall jointly develop a multimodal transportation plan that ensures the effective and efficient coordination of bus services and light rail services throughout the state route number 520 corridor. The plan shall include alternatives for a multimodal transit station that serves the state route number 520 - Montlake interchange vicinity, and mitigation of impacts on affected parties. The high capacity transportation planning work must be closely coordinated with the state route number 520 bridge replacement and HOV project's environmental planning process, and must be completed within the current funding for the project. A draft plan must be submitted to the governor and the joint transportation committee by October 1, 2007. A final plan must be submitted to the governor and the joint transportation committee by December 2008.

**NEW SECTION. Sec. 7.** A new section is added to chapter 47.01 RCW to read as follows:

The state route number 520 bridge replacement and HOV project finance plan must include state funding, federal funding, at least one billion dollars in regional contributions, and revenue from tolling. The department must provide a proposed finance plan to be tied to the estimated cost of the recommended project solutions, as provided under section 3 of this act, to the governor and the joint transportation committee by January 1, 2008.

**NEW SECTION. Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representatives Clibborn and Jarrett spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn, Jarrett and McIntire spoke in favor of passage of the bill.

Representative Hasegawa spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6099, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6099, as amended by the House, and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Anderson, Armstrong, Chandler, Chase, Condotta, Crouse, Eickmeyer, Ericksen, Hasegawa, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Roach, Rodne, Ross, Schindler, Simpson, Sump Van De Wege, and Warnick - 23.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6099, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5248, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist)**

**Preserving the viability of agricultural lands.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, March 30, 2007.)

With the consent of the House, amendments (654) and (566) were withdrawn.

Representative Ericksen moved the adoption of amendment (806) to the committee amendment:

Strike everything after page 1, line 2 of the amendment and insert the following:

"**Sec. 1.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read as follows:

(1)(a) Except as provided in RCW 36.70A.1701, each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural,

forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(b) Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) Critical area ordinances and development regulations developed or amended after the effective date of this section by local governments under this chapter may not prohibit legally existing agricultural activities occurring on agricultural land, as defined in RCW 90.58.065, and may not require removal of agricultural land from production. This section applies only to this chapter and does not affect any other authority of local governments.

**NEW SECTION. Sec. 2.** This act applies prospectively only and not retroactively."

Correct the title.

Representatives Erickson, Newhouse, Curtis and Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

#### SPEAKER'S RULING

Mr. Speaker: "Would the gentleman from the 13<sup>th</sup> District stay to this subject?"

Representatives Hinkle (continued), Chandler, Kretz, Schindler, Hailey and Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker stated the question before the House to be adoption of amendment (806) to Substitute Senate Bill No. 5248.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (806) to Substitute Senate Bill No. 5248, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Erickson, Grant, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Linville, McCune, McDonald, Morrell, Morris, Newhouse, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Ross, Schindler, Strow, Sump, Takko, Van De Wege, Walsh, and Warnick - 44.

Voting nay: Representatives Appleton, Barlow, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 53.

Excused: Representative Skinner - 1.

Representative Simpson moved the adoption of amendment (858) to the committee amendment:

Strike everything after page 1, line 2 of the amendment and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the goal of preserving Washington's agricultural lands is shared by citizens throughout the state. The legislature recognizes that efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have proven difficult, but that good faith efforts to seek solutions have yielded successes. The legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.

(2) The legislature, therefore, intends this act, the temporary delays it establishes for amending or adopting provisions of certain critical area ordinances, and the duties and requirements it prescribes for the William D. Ruckelshaus Center, to be expressions of progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals.

(3) The legislature fully expects the duties and requirements it is prescribing for the Ruckelshaus Center to be successful. If, however, the efforts of the center do not result in agreement on how to best address the conflicts between agricultural activities and certain regulatory requirements as they apply to agricultural activities, the legislature intends, upon the expiration of the delay, to require jurisdictions that have delayed amending or adopting certain regulatory measures to promptly complete all regulatory amendments or adoptions necessary to comply with the growth management act.

(4) The legislature does not intend this act to reduce or otherwise diminish existing critical area ordinances that apply to agricultural activities during the deferral period established in section 2 of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) For the period beginning May 1, 2007, and concluding July 1, 2010, counties and cities may not amend or adopt critical area

ordinances under RCW 36.70A.060(2) as they specifically apply to agricultural activities. Nothing in this section:

(a) Nullifies critical area ordinances adopted by a county or city prior to May 1, 2007, to comply with RCW 36.70A.060(2);

(b) Limits or otherwise modifies the obligations of a county or city to comply with the requirements of this chapter pertaining to critical areas not associated with agricultural activities; or

(c) Limits the ability of a county or city to adopt or employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

(2) Counties and cities subject to deferral requirements under subsection (1) of this section:

(a) Should implement voluntary programs to enhance public resources and the viability of agriculture. Voluntary programs implemented under this subsection (a) must include measures to evaluate the successes of these programs; and

(b) Must review and, if necessary, revise critical area ordinances as they specifically apply to agricultural activities to comply with the requirements of this chapter by December 1, 2011.

(3) For purposes of this section and section 3 of this act, "agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.

**NEW SECTION. Sec. 3.** (1) Subject to the availability of amounts appropriated for this specific purpose, the William D. Ruckelshaus Center must conduct an examination of the conflicts between agricultural activities and critical area ordinances adopted under chapter 36.70A RCW. The examination required by this section must commence by July 1, 2007.

(2) In fulfilling the requirements of this section, the center must:

(a) Work and consult with willing participants including, but not limited to, agricultural, environmental, tribal, and local government interests; and (b) involve and apprise legislators and legislative staff of its efforts.

(3) The examination conducted by the center must be completed in two distinct phases in accordance with the following:

(a) In the first phase, the center must conduct fact-finding and stakeholder discussions with stakeholders identified in subsection (2) of this section. These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas including, but not limited to: (i) Critical area ordinances adopted under chapter 36.70A RCW; (ii) acreage enrolled in the conservation reserve enhancement program; (iii) acreage protected by conservation easements; (iv) buffer widths; (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vii) compliance with water quality requirements. The center must issue two reports of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2007, and December 1, 2008; and

(b)(i) In the second phase, the center must facilitate discussions between the stakeholders identified in subsection (2) of this section to identify policy and financial options or opportunities to address the issues and desired outcomes identified by stakeholders in the first phase of the center's examination efforts.

(ii) In particular, the stakeholders must examine innovative solutions including, but not limited to, outcome-based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. Additionally, stakeholders must examine ways to modify statutory provisions to ensure that regulatory constraints on agricultural activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches.

(iii) The center must work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 legislative session.

(4) The center must issue a final report of findings and legislative recommendations to the governor and the appropriate committees of the house of representatives and the senate by September 1, 2009.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of section 3 of this act, referencing this act and section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 6.** This act expires December 1, 2011."

Correct the title.

Representative Simpson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Curtis spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Grant spoke in favor of passage of the bill.

Representatives Kretz and Hailey spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5248, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5248, as amended by the House, and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby,

Kretz, Lantz, Linville, Lovick, McCune, McDermott, McDonald, McIntire, Miloschia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seauquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Alexander, Appleton, Armstrong, Crouse, Curtis, DeBolt, Ericksen, Hailey, Haler, Hankins, Hasegawa, Kristiansen, McCoy, Pearson and Schindler - 15.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5248, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Kohl-Welles, Fairley, Franklin, Brown and Kline)**

**Establishing family and medical leave insurance.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85<sup>th</sup> Day, April 2, 2007.)

With the consent of the House, amendments (818) and (819) were withdrawn.

Representative Dickerson moved the adoption of amendment (776):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS.** The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of parent-child bonding, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for a child while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current state and federal family and medical leave laws.

**NEW SECTION. Sec. 2. DEFINITIONS.** The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family and medical leave insurance benefits and, thereafter, the twelve-month period beginning with the first day of the calendar week in which the individual next files an

application for family and medical leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Calendar quarter" means the same as in RCW 50.04.050.

(3) "Child" means the same as in RCW 49.78.020.

(4) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(5) "Employment" means the same as in RCW 50.04.100.

(6) "Family and medical leave" means leave for the birth or placement of a child as defined in RCW 49.78.020 and described in RCW 49.78.220(1) (a) or (b).

(7) "Family and medical leave insurance benefits" means the benefits payable under section 3 of this act.

(8) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

(9) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of the individual's qualifying year in which total wages were highest.

**NEW SECTION. Sec. 3. BENEFITS.** (1) Beginning October 1, 2009, family and medical leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family and medical leave if the individual has been employed for at least six hundred eighty hours in employment during the individual's qualifying year.

(2) The maximum number of weeks during which family and medical leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family and medical leave.

(3) The amount of family and medical leave insurance benefits shall be determined as follows:

(a) The weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week.

(b) For an individual who was regularly working thirty-five hours or more per week at the time of beginning family and medical leave and is on family and medical leave for less than thirty-five hours but at least eight hours in a week, the weekly benefit shall be .025 times the maximum weekly benefit times the number of hours of family and medical leave taken in the week.

(c) For an individual who was regularly working less than thirty-five hours per week at the time of beginning family and medical leave, there shall be a prorated schedule for a weekly benefit amount and a minimum number of hours of family and medical leave that must be taken in a week for benefits to be payable. The prorated schedule shall be based on the amounts and the calculations specified under (a) and (b) of this subsection.

**NEW SECTION. Sec. 4. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT.** This act does not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this act at any time, and a benefit or other right granted under this act exists subject to the legislature's power to amend or repeal this act. There is no vested private right of any kind against such amendment or repeal.

**NEW SECTION. Sec. 5. LEAVE AND EMPLOYMENT PROTECTION.** (1) Beginning October 1, 2009, during a period in which an individual receives family and medical leave insurance benefits or earns waiting period credits under this act, the individual is entitled to family and medical leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.

(2) The individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual if:

(a) The employer from whom the individual takes family and medical leave employs more than twenty-five employees; and

(b) The individual has been employed for at least twelve months by that employer, and for at least one thousand two hundred fifty hours of service with that employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

**NEW SECTION. Sec. 6. COORDINATION OF LEAVE.**

(1)(a) Leave taken under this act must be taken concurrently with any leave taken under the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) or under chapter 49.78 RCW.

(b) An employer may require that leave taken under this act be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or employer policy, as applicable, for the birth or placement of a child. The employer must give individuals in its employ written notice of this requirement.

(2)(a) This act does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater leave for the birth or placement of a child.

(b) An individual's right to leave under this act may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this act is void as against public policy.

**NEW SECTION. Sec. 7. ADMINISTRATIVE COSTS.**

Beginning July 1, 2011, the costs of administering this act may not exceed ten percent of the total costs of family and medical leave insurance benefits.

**NEW SECTION. Sec. 8. JOINT LEGISLATIVE TASK FORCE.** (1)(a) The joint legislative task force on family and medical leave insurance is established, with members as provided in this subsection.

(i) The majority leader of the senate shall appoint three legislative members of the task force, which shall include two members of the largest caucus of the senate and one member of the next largest caucus of the senate.

(ii) The speaker of the house of representatives shall appoint three legislative members of the task force, which shall include two members of the largest caucus of the house and one member of the next largest caucus of the house.

(iii) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint five nonlegislative members of the task force, which shall include one member representing large business, one member representing small business, one member representing labor, one member representing women, and one member representing interests in children's early learning and/or health.

(iv) The governor shall appoint one member of the task force.

(b) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint the cochairs of the task force from among the legislative members of the task force. The cochairs shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force shall advise the cochairs on the meetings and other activities of the task force.

(2) The task force shall study the establishment of a family and medical leave insurance program including, but not limited to, the following:

(a) The manner in which the benefits and the administrative costs should be financed;

(b) The manner in which the program should be implemented and administered;

(c) Any government efficiencies which should be adopted to improve program administration and reduce program costs; and

(d) The impacts, if any, of the family and medical leave insurance program on the unemployment compensation system, and options for mitigating such impacts.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, which shall include proposed legislation, to the legislature by January 1, 2008.

(7) This section expires July 1, 2009.

**NEW SECTION. Sec. 9. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 10. EFFECTIVE DATE.** Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Condotta moved the adoption of amendment (859) to amendment (776):

On page 2, beginning on line 5 of the amendment, strike all of subsection (4) and insert the following:

"(4) "Employee" means a full-time equivalent employee.

(5) "Employer" means: (a) An employer as defined in RCW 50.04.080, which employs fifty or more employees for each working day during each of twenty or more calendar workweeks in the current or preceding calendar year; and (b) the state and its political subdivisions."

Renumber the subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 21 of the amendment, strike all of sections 5 and 6

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Condotta, Chandler, Warnick and Sump spoke in favor of the adoption of the amendment to amendment (776).

Representatives Conway and Dickerson spoke against the adoption of the amendment to amendment (776).

The amendment to amendment (776) was not adopted.

Representative Condotta moved the adoption of amendment (863) to amendment (776):

On page 4, beginning on line 26 of the amendment, strike all of subsection (a) and insert the following:

"(a) The joint legislative task force on family and medical leave insurance is established, with thirteen members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint four nonlegislative members of the task force, which shall include one member representing large business, one member representing small business, one member representing labor, and one member representing women.

(vi) The governor shall appoint one member of the task force."

Representatives Condotta and Conway spoke in favor of the adoption of the amendment to amendment (776).

The amendment to amendment (776) was adopted.

Representative Condotta moved the adoption of amendment (860) to amendment (776):

On page 5, line 21 of the amendment, after "financed" insert the following:

". Options for financing the benefits and the administrative costs must ensure that employers will not bear any costs related to either the family and medical leave insurance program or the unemployment compensation system"

On page 6, line 10 of the amendment, after "2008." insert the following:

"The findings and recommendations of the task force related to the manner in which the benefits and the administrative costs are financed must ensure that employers will not bear any costs related to either the family and medical leave insurance program or the unemployment compensation system."

Representative Condotta spoke in favor of the adoption of the amendment to amendment (776).

Representative Conway spoke against the adoption of the amendment to amendment (776).

The amendment to amendment (776) was not adopted.

Representative Condotta moved the adoption of amendment (861) to amendment (776):

On page 5, line 25 of the amendment, after "costs;" delete "and"

On page 5, line 28 of the amendment, after "impacts" insert the following:

"; and

(e) The impacts of the family and medical leave insurance program on the state's business climate and the ability of the state's employers to be competitive in a global economy"

Representatives Condotta, Schindler and Ahern spoke in favor of the adoption of the amendment to amendment (776).

Representative Conway spoke against the adoption of the amendment to amendment (776).

The amendment to amendment (776) was not adopted.

Representative Condotta moved the adoption of amendment (862) to amendment (776):

On page 1, after line 2 of the amendment, strike all of sections 1 through 10 and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The joint legislative task force on family and medical leave insurance is established, with thirteen members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint four nonlegislative members of the task force, which shall include two members representing business and two members representing labor.

(vi) The governor shall appoint one member of the task force.

(b) One of the legislative members of the task force shall act as the chair for each meeting of the task force. The chair shall alternate between members from the senate and members from the house of representatives. The legislative members of the task force jointly shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force jointly shall plan the meetings and other activities of the task force.

(2) The task force shall study the establishment of a family and medical leave insurance program including, but not limited to, the following:

(a) The purposes of leave for which benefits are payable;

(b) The manner in which such benefits and the administrative costs should be financed;

(c) The manner in which the program should be implemented and administered;

(d) Any government efficiencies which should be adopted to improve program administration and reduce program costs;

(e) The impacts of the family and medical leave insurance program on the unemployment compensation system, and options for mitigating such impacts; and

(f) The impacts of the family and medical leave insurance program on the state's business climate and the ability of the state's employers to be competitive in a global economy.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, which shall include proposed legislation, to the legislature by January 1, 2008.

(7) This section expires July 1, 2009.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representatives Condotta, Chandler, Priest, Wallace spoke in favor of the adoption of the amendment to amendment (776).

Representatives Fromhold, Dickerson spoke against the adoption of the amendment to amendment (776).

An electronic roll call was requested.

The Speaker stated the question before the House to be adoption of amendment (862) to Engrossed Second Substitute Senate Bill No. 5659.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (862) to Engrossed Second Substitute Senate Bill No. 5659, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 56, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, Linville, McCune, McDonald, Morris, Newhouse, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Ross, Schindler, Strow, Sump, Takko, Wallace, Walsh and Warnick - 41.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 56.

Excused: Representative Skinner - 1.

Amendment (776) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson, Fromhold, Conway and Kagi spoke in favor of passage of the bill.

Representatives Chandler, Condotta and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House, and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Lantz, Linville, McCune, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Strow, Sump, Takko, Wallace, Walsh and Warnick - 36.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, as amended by the House, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659 as amended by the House.

PATRICIA LANTZ, 26<sup>th</sup> District

There being no objection, the House advanced to the eleventh order of business.

**SIGNED BY THE SPEAKER**

The Speaker signed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1009,
- SUBSTITUTE HOUSE BILL NO. 1039,
- HOUSE BILL NO. 1054,
- HOUSE BILL NO. 1064,
- HOUSE BILL NO. 1069,
- HOUSE BILL NO. 1084,
- SUBSTITUTE HOUSE BILL NO. 1135,
- HOUSE BILL NO. 1137,
- HOUSE BILL NO. 1218,
- HOUSE BILL NO. 1247,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
- SUBSTITUTE HOUSE BILL NO. 1258,
- SUBSTITUTE HOUSE BILL NO. 1338,
- HOUSE BILL NO. 1341,
- HOUSE BILL NO. 1370,
- ENGROSSED HOUSE BILL NO. 1379,
- HOUSE BILL NO. 1412,
- HOUSE BILL NO. 1416,
- HOUSE BILL NO. 1430,
- HOUSE BILL NO. 1431,
- HOUSE BILL NO. 1447,
- SUBSTITUTE HOUSE BILL NO. 1456,
- HOUSE BILL NO. 1501,
- SUBSTITUTE HOUSE BILL NO. 1565,
- SUBSTITUTE HOUSE BILL NO. 1574,
- SUBSTITUTE HOUSE BILL NO. 1642,
- HOUSE BILL NO. 1645,
- HOUSE BILL NO. 1666,
- HOUSE BILL NO. 1670,
- SECOND SUBSTITUTE HOUSE BILL NO. 1677,
- SUBSTITUTE HOUSE BILL NO. 1693,
- HOUSE BILL NO. 1747,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756,
- SUBSTITUTE HOUSE BILL NO. 1784,
- SUBSTITUTE HOUSE BILL NO. 1826,
- HOUSE BILL NO. 1831,
- SUBSTITUTE HOUSE BILL NO. 1843,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,  
HOUSE BILL NO. 1888,  
HOUSE BILL NO. 1939,  
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,  
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,  
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,  
SUBSTITUTE HOUSE BILL NO. 2286,  
SUBSTITUTE HOUSE BILL NO. 2300,  
HOUSE BILL NO. 2319,  
HOUSE JOINT MEMORIAL NO. 4016,  
ENGROSSED HOUSE JOINT RESOLUTION NO. 4204,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215,

There being no objection, the House adjourned until 10:00  
a.m., April 14, 2007, the 97th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

HOUSE JOURNAL  
OF THE  
SIXTIETH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2007 Regular Session  
Convened January 8, 2007  
Adjourned Sine Die April 22, 2007

VOLUME 2



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**Frank Chopp, Speaker**  
**John Lovick, Speaker Pro Tempore**  
**Richard Nafziger, Chief Clerk**

Compiled and edited by House Workroom Staff

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## SIXTIETH LEGISLATURE - REGULAR SESSION

## NINETY SEVENTH DAY

House Chamber, Olympia, Saturday, April 14, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mandy Baker and Kyle Guinto. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Dave Quall.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4661, by Representatives Hunt, Newhouse, Williams, Buri, Ericks, Van De Wege, Wood, Moeller, Jarrett, Hailey and Warnick

WHEREAS, The Washington State University men's basketball team, led by coach Tony Bennett, and all-conference players Kyle Weaver and Derrick Low, finished second in the Pacific-10 Conference and was a number three seed in the 2007 NCAA basketball tournament; and

WHEREAS, Strong leadership was also provided by Robbie Cowgill, Daven Harmeling, and Aron Baynes, who were named to the 2007 Pac-10 Men's Basketball All-Academic First Team and composed sixty percent of the first team; and

WHEREAS, Tony Bennett has been honored as the 2007 Naismith Men's College Coach of the Year, the Pacific-10 Conference Coach of the Year, the Associated Press Men's College Basketball Coach of the Year, and the National Coach of the Year by the United States Basketball Writers Association, The Sporting News, Basketball Times, Collegeinsider.com, Collegehoops.net, Rivals.com, and CBS/Chevrolet; and

WHEREAS, Tony's father, Dick Bennett, preceded Tony as the men's basketball coach and helped lay the foundation for the program's turnaround; and

WHEREAS, Tony Bennett assumed the head coach's job this year and led the Cougars to their first upper-division league finish since 1994-95 and their first NCAA Tournament in 13 years; and

WHEREAS, Tony Bennett led the Cougars to 26 wins this season, tying Washington State University's 1941 national runner-up squad for the most in school history; and

WHEREAS, The Cougars were consistently ranked among the nation's top twenty teams, being ranked as high as ninth and finishing the season ranked 11th in the AP and 12th in the ESPN/USA Today polls; and

WHEREAS, The Washington State University men's basketball team entered the NCAA Tournament as only one of 14 teams in the nation not to have lost two consecutive games; and

WHEREAS, The Washington State University men's basketball team has defeated its arch rival Washington Huskies five consecutive games; and

WHEREAS, The Washington State University men's basketball team under the guidance of head coach Tony Bennett led Washington State University and the state of Washington to success, national recognition, and revitalized pride;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the outstanding success of the Washington State University men's basketball team for its success on the court and in the classroom during the 2007 season; and

BE IT FURTHER RESOLVED, That the House of Representatives congratulate Head Coach Tony Bennett for his leadership in driving the Washington State University men's basketball team to success and for his numerous honors as National Coach of the Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Tony Bennett, the Washington State University men's basketball team, and Washington State University President, V. Lane Rawlins.

HOUSE RESOLUTION NO. 4661 was adopted.

HOUSE RESOLUTION NO. 2007-4662, by Representative Buri

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team won the State A Girls' Basketball Title on Saturday, March 3, 2007; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team has won the State A Girls' Basketball Title for the past four years; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team has consisted of the same group of girls for the past four years showing a very strong girls' basketball program; and

WHEREAS, Coach Corey Baerlocher has been the Colfax High School Bulldogs Girls' Basketball Team Coach for five years; and

WHEREAS, Coach Corey Baerlocher has led the Colfax High School Bulldogs Girls' Basketball Team to win the State A Girls' Basketball Title for the past four consecutive years; and

WHEREAS, Several members of the Colfax High School Bulldogs Girls' Basketball Team also play on the Colfax High School Bulldogs Girls' Volleyball Team, which has won the State A Girls' Volleyball Title for three consecutive years so that some of these team members have won a combined seven State A Titles; and

WHEREAS, The Colfax fans have a practice not to sit down in a game until the girls score; and

WHEREAS, At the end of the first quarter, the Colfax High School Bulldogs Girls' Basketball Team was scoreless at

0-10 and the fans remained standing until the start of the second quarter, when they finally scored; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team did not lead during the game until 23 seconds remained in the fourth quarter, when they ended up winning the game by four points; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team has been quoted as having three "deadly combinations" that enabled them to win four consecutive titles: (1) Super talent, (2) ice in their veins - the girls are "unflappable" under pressure, and (3) hard work - the girls are engaged in a sport year round between playing basketball, volleyball, softball, or track; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team Members' winning combination of exceptional skill, extraordinary focus, tireless effort, and overall dedication has resulted in such incomparable achievements; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team Members have been quoted as being the "most dominate group of athletes (male or female) in Colfax, ever"; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team set a record this year by becoming the first team in any sport in state history to win a state championship four years in a row; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team Members are Megan Teade, Sadie Lazzarini, Jordan Harazin, Shana Largent, Elise Markley, Traci Hart, Lauren Mellor, Colleen Paulson, Kinsey Doering, Heidi Morgan, Abby Bruya, and Kylie Shaw; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team Cheerleaders Kendayle Anderson, Amber Broeckel, Emily Lange, Cassie Lewis, Alex Mackleit, Lauren Mackleit, A.J. Morgan, and Shelby Morgan, led by Cheer Coach Rhonda Pittman, inspired the team by their energetic and inspiring cheers; and

WHEREAS, The Colfax High School Bulldogs Girls' Basketball Team Managers Emily Shaw, Brooke Webber, Shaina Simonsen, and Maggee Cochran kept the team healthy, strong, and fit for each and every game;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives acknowledge and honor the Colfax High School Bulldogs Girls' Basketball Team as an example to all Washingtonians of the rewards of commitment and team effort; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Colfax High School Bulldogs Girls' Basketball Team Coach Corey Baerlocher, Colfax High School Bulldogs Girls' Basketball Team Members, Colfax High School Athletic Director Mike Morgan, and Colfax High School Principal Gary Weitz.

HOUSE RESOLUTION NO. 4662 was adopted.

#### MESSAGES FROM THE SENATE

April 12, 2007

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5123,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5297,  
SUBSTITUTE SENATE BILL NO. 5336,  
SUBSTITUTE SENATE BILL NO. 5445,  
SUBSTITUTE SENATE BILL NO. 5568,  
SUBSTITUTE SENATE BILL NO. 5676,  
SENATE BILL NO. 5773,

SUBSTITUTE SENATE BILL NO. 5972,  
SUBSTITUTE SENATE BILL NO. 5984,  
SENATE BILL NO. 6014,  
SENATE JOINT RESOLUTION NO. 8212,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 13, 2007

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1293,  
SUBSTITUTE HOUSE BILL NO. 1397,  
SECOND SUBSTITUTE HOUSE BILL NO. 1401,  
HOUSE BILL NO. 1443,  
SUBSTITUTE HOUSE BILL NO. 1445,  
HOUSE BILL NO. 1505,  
SUBSTITUTE HOUSE BILL NO. 1583,  
HOUSE BILL NO. 1671,  
HOUSE BILL NO. 1820,  
SUBSTITUTE HOUSE BILL NO. 1832,  
SUBSTITUTE HOUSE BILL NO. 2007,  
HOUSE BILL NO. 2079,  
SUBSTITUTE HOUSE BILL NO. 2087,  
HOUSE BILL NO. 2236,  
SUBSTITUTE HOUSE BILL NO. 2366,  
SUBSTITUTE HOUSE BILL NO. 2378,  
HOUSE JOINT MEMORIAL NO. 4017,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 13, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5799,  
SUBSTITUTE SENATE BILL NO. 6168,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

#### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1051 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the goal of Washington's education reform is for all students to meet rigorous academic standards so that they are prepared for success in college, work, and life. Educators know that not all students learn at the same rate or in the same way. Some students will take longer to meet the state's standards for high school graduation. Older students who cannot graduate with their peers need an appropriate learning environment and flexible programming that enables them simultaneously to earn a diploma, work, and pursue other training options. Providing learning options in locations in addition to high schools will encourage older students to complete their diplomas. Therefore the legislature intends to create a pilot high school completion program at two community and technical colleges for older students who have not yet received a diploma but are eligible for state basic education support.

**Sec. 2.** RCW 28B.50.535 and 1991 c 238 s 58 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction and the state board of education.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) A pilot program is created for two community or technical colleges to make available courses or a program of study, on the college campus, designed to enable students under the age of twenty-one who have completed all state and local high school graduation requirements except the certificate of academic achievement or certificate of individual achievement to complete their high school education and obtain a high school diploma.

(a) The colleges participating in the pilot program in this section may make courses or programs under this section available by entering into contracts with local school districts to deliver the courses or programs. Colleges participating in the pilot program that offer courses or programs under contract shall be reimbursed for each enrolled eligible student as provided in the contract, and the high school diploma shall be issued by the local school district;

(b) Colleges participating in the pilot program may deliver courses or programs under this section directly. Colleges that deliver courses or programs directly shall be reimbursed for each enrolled eligible student as provided in section 4 of this act, and the high school diploma shall be issued by the college;

(c) Colleges participating in the pilot program may make courses or programs under this section available through a combination of contracts with local school districts, collaboration with educational service districts, and direct service delivery. Colleges participating in the pilot program may also make courses or programs under this section available for students at locations in addition to the college campus; or

(d) Colleges participating in the pilot program may enter into regional partnerships to carry out the provisions of this subsection (1).

(2) Regardless of the service delivery method chosen, colleges participating in the pilot program shall ensure that all eligible students have an opportunity to enroll in a course or program under this section.

(3) Colleges participating in the pilot program shall not require students enrolled under this section to pay tuition or services and activities fees; however this waiver of tuition and services and activities fees shall be in effect only for those courses that lead to a high school diploma.

(4) Nothing in this section or section 4 of this act precludes a community or technical college from offering courses or a program of study for students other than eligible students as defined by section 4 of this act to obtain a high school diploma, nor is this section or section 4 of this act intended to restrict diploma completion programs offered by school districts or educational service districts. Community and technical colleges and school districts are encouraged to consult with educational service districts in the development and delivery of programs and courses required under this section.

(5) Community and technical colleges participating in the pilot program shall not be required to administer the Washington assessment of student learning.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) For purposes of this section and section 3 of this act, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section, and who meets the following criteria:

(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school Washington assessment of student learning;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under section 3 of this act from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under section 3 of this act for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under section 3 of this act and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), (c), and (d) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(d) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section for the pilot program created under section 3 of this act.

(5) All school districts in the geographic area of the two community and technical colleges selected pursuant to section 8 of this act to participate in the pilot program shall provide information about the high school completion option under section 3 of this act to students in grades ten, eleven, and twelve and the parents or guardians of those students.

(6) The Washington state institute for public policy shall conduct a review of the high school completion pilot program authorized under section 3 of this act. The institute shall begin the study after July 1, 2010, and report to the superintendent of public instruction, the state board for community and technical colleges, and the education and fiscal committees of the legislature by January 1, 2011. At a minimum, the report shall include the following:

(a) The number of students taking part in the high school completion programs, reported by their high school of last attendance and the community or technical college that offered the program;

(b) The types of high school completion programs offered at the two community or technical colleges;

(c) The number of students successfully receiving a high school diploma and other identified outcome measures; and

(d) The amount of funds spent in support of this effort compared to actual reimbursement costs that are provided under subsection (3)(a), (b), (c), and (d) of this section.

**Sec. 5.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the

skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a

content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b) A student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet or exceed the state standard for mathematics. The state board of education shall identify the first scores by December 1, 2006, and thereafter may increase but not decrease the scores required for students to meet or exceed the state standard for mathematics.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. If applicable, the plan shall also include the high school completion pilot program created under section 3 of this act. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

**Sec. 6.** RCW 28B.15.520 and 1993 sp.s. c 18 s 16 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 ~~(and)~~, who enroll in a course of study or program

which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by section 4 of this act; and

(b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by section 4 of this act. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

**Sec. 7.** RCW 28B.15.067 and 2006 c 161 s 6 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under RCW 28C.04.610.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under section 3 of this act for the purpose of obtaining a high school diploma.

(8) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

~~((8))~~ (9) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students.

**NEW SECTION. Sec. 8.** The office of the superintendent of public instruction and the state board for community and technical colleges shall:

(1) By June 30, 2007, select the two community and technical colleges to be involved in the pilot program created in section 3 of this act. The criteria for selecting the two pilot program sites shall include, but are not limited to: (a) The quality of the courses or

program offerings; (b) having the appropriate type of staff and facility to deliver the program; (c) the number of eligible students; and (d) the willingness to participate and provide requested data and information for the evaluation under section 4(6) of this act conducted pursuant to section 4(6) of this act;

(2) Develop an estimate of the number of students statewide likely to participate in the program authorized under section 3 of this act if established on a statewide basis. The assumptions shall take into account programs and alternatives offered for fifth-year seniors by school districts and educational service districts;

(3) Identify and analyze possible service delivery models in addition to those described in section 3 of this act, particularly to address the challenges faced by community and technical colleges serving school districts dispersed across large geographic areas and with limited staffing and facilities resources for the programs; and

(4) Submit a report with an implementation plan for the two community and technical colleges participating in the pilot program created under section 3 of this act and submit findings and recommendations to the education and fiscal committees of the legislature by December 15, 2007."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to HOUSE BILL NO. 1051 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1073 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 38.52.010 and 2002 c 341 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person(~~including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW;~~) who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose

of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

(9) "Director" means the adjutant general.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the state military department.

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

(15) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

(16) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

**Sec. 2.** RCW 38.52.180 and 1987 c 185 s 7 are each amended to read as follows:

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for emergency management as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of willful negligence by such owner or occupant or his servants, agents, or employees.

(2) All legal liability for damage to property or injury or death to persons (except an emergency worker, regularly enrolled and acting as such), caused by acts done(;) or attempted during or while traveling to or from an emergency or disaster or search and rescue, or during training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue, under the color of this chapter in a bona fide attempt to comply therewith, except as provided in subsections (3), (4), and (5) of this section regarding covered volunteer emergency workers, shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the indemnification of persons appointed and regularly enrolled as emergency workers while actually engaged in emergency management duties, or as members of any agency of the state or political subdivision thereof engaged in emergency management activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this chapter: PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of willful misconduct, gross negligence or bad faith on the part of any agent of emergency management: PROVIDED, That should the United States or any agency thereof, in accordance with any federal statute, rule or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

(3) No act or omission by a covered volunteer emergency worker while engaged in a covered activity shall impose any liability for civil damages resulting from such an act or omission upon:

(a) The covered volunteer emergency worker;

(b) The supervisor or supervisors of the covered volunteer emergency worker;

(c) Any facility or their officers or employees;

(d) The employer of the covered volunteer emergency worker;

(e) The owner of the property or vehicle where the act or omission may have occurred during the covered activity;

(f) Any local organization that registered the covered volunteer emergency worker; and

(g) The state or any state or local governmental entity.

(4) The immunity in subsection (3) of this section applies only when the covered volunteer emergency worker was engaged in a covered activity:

(a) Within the scope of his or her assigned duties;

(b) Under the direction of a local emergency management organization or the department, or a local law enforcement agency for search and rescue; and

(c) The act or omission does not constitute gross negligence or willful or wanton misconduct.

(5) For purposes of this section:

(a) "Covered volunteer emergency worker" means an emergency worker as defined in RCW 38.52.010 who (i) is not receiving or expecting compensation as an emergency worker from the state or local government, or (ii) is not a state or local government employee unless on leave without pay status.

(b) "Covered activity" means:

(i) Providing assistance or transportation authorized by the department during an emergency or disaster or search and rescue as defined in RCW 38.52.010, whether such assistance or transportation is provided at the scene of the emergency or disaster or search and rescue, at an alternative care site, at a hospital, or while in route to or from such sites or between sites; or

(ii) Participating in training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue.

(6) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized emergency worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during an emergency described in this chapter.

~~((+))~~ (7) The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the workers' compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

**NEW SECTION. Sec. 3.** RCW 38.52.570 (Immunity from liability for covered volunteers) and 2006 c 72 s 2 are each repealed."

On page 1, line 1 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 38.52.010 and 38.52.180; and repealing RCW 38.52.570."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to HOUSE BILL NO. 1073 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1396 with the following amendment:

On page 6, line 17, after "RCW.", insert the following:

"However, as part of the single ballot proposition submitted to voters under this subsection, the authority shall include in the authority's plan assurances that the authority will not enter into any agreement that would restrict the type of transit station serving the west end of the SR 520 floating bridge such that it would be unable to accommodate a comprehensive and coordinated corridor-based multimodal public transportation system to serve the SR 520 bridge area from Seattle to Redmond, including a high capacity transportation system not limited to rail service."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1396 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter; and

(c) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights.

(2) The child may file the petition prior to the expiration of this three-year period if the department or the supervising or custodial agency that is responsible for the custody or supervision of the child and the child stipulate that the child is not likely to achieve his or her permanency plan.

(3) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(4) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(5) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing be held.

(6) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(7) The juvenile court shall grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(8) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(9) The court shall grant the petition and dismiss the dependency only if the child and the parent or parents who were the subject of a petition under this section and whose parental rights were reinstated agree that the child will return to the legal custody of the parent or parents and the court finds that returning to the legal custody of the parent or parents is in the best interests of the child and will not present a risk to the child's health, welfare, or safety. The court shall order the department to provide services necessary to ensure the child's health, welfare, and safety, including a home study, as the child transitions back into the parent's legal custody.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(12) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

(13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

**Sec. 2.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 1 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.20A RCW to read as follows:

The state is not liable for civil damages resulting from any act or omission in the delivery of child welfare services or child protective services through the children's administration of the department of social and health services unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists.

**Sec. 4.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

~~((+))~~ (2) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a). The person must be willing and available to care for the child and be able to meet any special needs of the child. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court. If a child is not initially placed with a relative or other person requested by the parent pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative or

other person requested by the parent on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative or other person requested by the parent pursuant to this section. Nothing within this subsection ~~((+))~~ (2) establishes an entitlement to services or a right to a particular placement.

~~((+))~~ (3) Whenever a child is taken into custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. ~~((In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary.~~

~~—(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification:—)~~

**Sec. 5.** RCW 13.34.062 and 2004 c 147 s 2 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by ~~((RCW 13.34.062))~~ this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency).

You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

~~((2))~~ (3) If child protective services is not required to give notice under ~~(RCW 13.34.060(2) and subsection (1) of)~~ this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

~~((3))~~ (4) Reasonable efforts to advise and to give notice, as required in ~~(RCW 13.34.060(2) and subsections (1) and (2) of)~~ this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

~~((4))~~ The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section

was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

~~(5)(a)~~ A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

~~(b)~~ If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.

~~(c)~~ The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

~~(6)~~ A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

~~(7)~~ Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means:)

**Sec. 6.** RCW 13.34.065 and 2001 c 332 s 3 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The ((juvenile court probation counselor)) department of social and health services shall submit a recommendation to the court as to the further need for shelter care ((unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department)) in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(a) The parent, guardian, or custodian has the right to a shelter care hearing;

(b) The nature of the shelter care hearing and the proceedings that will follow; and

(c) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or

custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether restraining orders, or orders expelling an allegedly abusive parent from the home, will allow the child to safely remain in the home;

(j) Whether any orders, agreed to by all parties, for examinations, evaluations, or immediate services are needed;

(k) The terms and conditions for parental, sibling, and family visitation.

~~((2))~~ (5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

~~((a))~~ (i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

~~((b))~~ (ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

~~((c))~~ (B) The release of such child would present a serious threat of substantial harm to such child; or

~~((d))~~ (C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. ~~((The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.~~

~~((3))~~ If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

~~((4))~~ (8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

~~((5))~~ (b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

**Sec. 7.** RCW 13.34.110 and 2001 c 332 s 7 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2) The court in a fact-finding hearing may consider the history of past involvement of child protective services or law enforcement

agencies with the family for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of the child on the part of the child's parent, guardian, or legal custodian, or for the purpose of establishing that reasonable efforts have been made by the department to prevent or eliminate the need for removal of the child from the child's home. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes.

(3)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court hearing for entry of the stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or

agreed dependency fact-finding/disposition statement in a form determined by the Washington state supreme court pursuant to General Rule GR 9.

~~((3))~~ (4) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (b) are known to the department as having been in contact with the family or child within the past twelve months; and (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement.

**Sec. 8.** RCW 13.34.136 and 2004 c 146 s 1 are each amended to read as follows:

(1) Whenever a child is ordered removed from the child's home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency (~~charged with his or her care shall provide the court with~~) supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage

the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) Unless it is not in the best interests of the child, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(v) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

~~((2))~~ (3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~((3))~~ (5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 9.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first(~~(, at a)~~). The

purpose of the hearing ((in which it)) shall be ((determined)) to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The supervising agency shall provide a foster parent or relative with notice of, and his or her right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to the child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(c) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(~~((3))~~) (1)(a) or 13.34.134. ((The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.))

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) ~~((Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered))~~ Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

~~((iii))~~ (vii) Whether ((the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and)) preference has been given to placement with the child's relatives;

~~((iii))~~ Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

~~((vi))~~ (viii) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((vii))~~ Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's

parents; if so, the court shall order that reasonable services be offered specifying such services; and

- ~~(viii))~~ (ix) Whether terms of visitation need to be modified;
- ~~(x))~~ (x) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;
- ~~(xi))~~ (xi) Whether any additional court orders need to be made to move the case toward permanency; and
- ~~(xii))~~ (xii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

~~((2))~~ (3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

- (i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and
- (ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

- (i) Noncompliance by the parents with the agency case plan or court order;
- (ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or
- (iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

~~((3))~~ (4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((4))~~ (5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

**Sec. 10.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read as follows:

(1) ~~((A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.~~

~~(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.~~

~~(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.~~

~~(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be~~

~~a goal to complete the adoption within six months following entry of the termination order.~~

~~(d) For purposes related to permanency planning:~~

~~(i) "Guardianship" means a dependency guardianship, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.~~

~~(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.~~

~~(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.~~

~~(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.~~

~~(3)) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.~~

~~(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.~~

~~((4)) (b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in ~~((subsection (3) of))~~ this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.~~

~~((5)) (c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.~~

~~(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.~~

~~((6)) (3) At the permanency planning hearing, the court shall ~~((enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency))~~ conduct the following inquiry:~~

~~(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.~~

~~(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:~~

~~(i) The continuing necessity for, and the safety and appropriateness of, the placement;~~

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138. ~~((If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.))~~

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((7))~~ (5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

~~((10))~~ (10) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((11))~~ (11) Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.138, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~((12))~~ (12) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((13))~~ (13) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((14))~~ (14) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**Sec. 11.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall

include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases

involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

**NEW SECTION. Sec. 12.** (1) The secretary of the department of social and health services shall work in conjunction with the University of Washington to study the need for and the feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent classification. The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington jointly shall facilitate a work group composed of: (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate; and the speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives; (b) four foster parents, including two representatives from the foster parent association of Washington state; (c) the director of the institute for children and families at the University of Washington; (d) a representative of the Washington federation of state employees; and (e) four or more child welfare professionals with subject matter expertise from the public, private, or academic communities.

(2) To promote the exchange of ideas and collaboration, the secretary and the director also shall convene at least two focused stakeholder meetings seeking input from a broad range of foster parents, social workers, and community members. To facilitate the exchange of ideas, the department of social and health services shall provide to the work group the contact information for licensed foster parents for the sole purpose of communicating with foster parents regarding issues relevant to foster parents. The work group shall keep the contact information confidential and shall develop guidelines for the use and maintenance of this contact information among work group members.

(3) The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington shall report the recommendations of the work group to the appropriate committees of the legislature by January 1, 2008.

**Sec. 13.** RCW 26.44.020 and 2006 c 339 s 108 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

—(1) "Court" means the superior court of the state of Washington, juvenile department.

—(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

—(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

—(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

—(5) "Department" means the state department of social and health services.

—(6) "Child" or "children" means any person under the age of eighteen years of age.

—(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

—(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

—(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

—(13) "Child protective services section" means the child protective services section of the department.

—(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

—(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

—(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

—(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

—(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

—(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.)

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(6) "Court" means the superior court of the state of Washington, juvenile department.

(7) "Department" means the state department of social and health services.

(8) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(9) "Inconclusive" means the determination following an investigation by the department, prior to the effective date of this section, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(10) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(11) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(12) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(13) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(14) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(15) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(16) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(17) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(19) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(21) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(22) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

**Sec. 14.** RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to

believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall

notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and

a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation(:

~~((11))~~ (11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency); and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((12))~~ (13) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases ~~((constituting))~~ of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((13))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((14))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((15))~~ The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.)

Sec. 15. RCW 26.44.031 and 1997 c 282 s 1 are each amended to read as follows:

(1) To protect the privacy in reporting and the maintenance of reports of nonaccidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not disclose or maintain information related to ~~((unfounded referrals in files or))~~ reports of child abuse or neglect ~~((for longer than six years))~~ except as provided in this section or as otherwise required by state and federal law.

~~((At the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period.))~~

(2) The department shall destroy all of its records concerning:

(a) A screened-out report, within three years from the receipt of the report; and

(b) An unfounded or inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) An unfounded, screened-out, or inconclusive report may not be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes.

**Sec. 16.** RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

~~((3))~~ (5) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

**NEW SECTION. Sec. 17.** A new section is added to chapter 74.13 RCW to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise wherein:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, and:

(i) The child is a sexually reactive youth, exhibits high-risk behaviors, or is physically assaultive or physically aggressive as defined in RCW 74.13.280, and this information and the child's prior behavior was not disclosed to the care provider as required by RCW 74.13.280; and

(ii) The care provider did not know or have reason to know that the child needed supervision as a sexually reactive or physically assaultive or physically aggressive youth, or because of a documented history of high-risk behaviors, as a result of the care provider's involvement with or independent knowledge of the child or training and experience; or

(b) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation, and the care provider was acting in good faith and did not know or have reason to know that reasonable control or supervision of the child was necessary to prevent harm or risk of harm to the child or other persons.

(2) Allegations of child abuse or neglect that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

**Sec. 18.** RCW 74.15.130 and 2006 c 265 s 404 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded, inconclusive, or screened-out report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed two hundred fifty dollars per violation for group homes and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

**Sec. 19.** RCW 74.13.650 and 2006 c 353 s 2 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement.

**Sec. 20.** RCW 74.13.660 and 2006 c 353 s 3 are each amended to read as follows:

Under the foster parent critical support and retention program, foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280, shall receive:

- (1) Availability at any time of the day or night to address specific concerns related to the identified child;
- (2) Assessment of risk and development of a safety and supervision plan;
- (3) Home-based foster parent training utilizing evidence-based models; and
- (4) Referral to relevant community services and training provided by the local children's administration office or community agencies.

**Sec. 21.** RCW 26.44.060 and 2004 c 37 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out

of such reporting or testifying under any law of this state or its political subdivisions.

(b) A person convicted of a violation of subsection (4) of this section shall not be immune from liability under (a) of this subsection.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to RCW 26.44.056 shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

(4) A person who, intentionally and in bad faith (~~or maliciously~~), knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

(5) A person who, in good faith and without gross negligence, cooperates in an investigation arising as a result of a report made pursuant to this chapter, shall not be subject to civil liability arising out of his or her cooperation. This subsection does not apply to a person who caused or allowed the child abuse or neglect to occur.

**NEW SECTION. Sec. 22.** A new section is added to chapter 26.44 RCW to read as follows:

(1) The child protective services section shall prepare a statement warning against false reporting of alleged child abuse or neglect for inclusion in any instructions, informational brochures, educational forms, and handbooks developed or prepared for or by the department and relating to the reporting of abuse or neglect of children. Such statement shall include information on the criminal penalties that apply to false reports of alleged child abuse or neglect under RCW 26.44.060(4). It shall not be necessary to reprint existing materials if any other less expensive technique can be used. Materials shall be revised when reproduced.

(2) The child protective services section shall send a letter by certified mail to any person determined by the section to have made a false report of child abuse or neglect informing the person that such a determination has been made and that a second or subsequent false report will be referred to the proper law enforcement agency for investigation.

**NEW SECTION. Sec. 23.** Section 12 of this act expires January 1, 2008.

**NEW SECTION. Sec. 24.** Sections 13 through 15 of this act take effect October 1, 2008.

**NEW SECTION. Sec. 25.** The secretary of the department of social and health services may take the necessary steps to ensure that sections 13 through 15 of this act are implemented on their effective date.

**NEW SECTION. Sec. 26.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "welfare;" strike the remainder of the title and insert "amending RCW 13.34.200, 13.34.060, 13.34.062, 13.34.065, 13.34.110, 13.34.136, 13.34.138, 13.34.145, 26.44.020, 26.44.030, 26.44.031, 74.13.280, 74.15.130, 74.13.650, 74.13.660, and 26.44.060; reenacting and amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 26.44 RCW; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 and asked the Senate to recede therefrom.

## MESSAGE FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1694 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.06B.010 and 1999 c 385 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In ~~((some))~~ too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

**Sec. 2.** RCW 47.06B.020 and 1998 c 173 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The council is composed of ~~((nine))~~ ten voting members and ~~((eight))~~ four nonvoting, legislative members.

(2) The ~~((nine))~~ ten voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((six))~~ seven members appointed by the governor as follows:

(a) One representative from the office of the governor;

(b) ~~((Two))~~ Three persons who are consumers of special needs transportation services, which must include:

(i) One person designated by the executive director of the governor's committee on disability issues and employment; and

(ii) One person who is designated by the executive director of the developmental disabilities council;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; and

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association.

(3) The ~~((eight))~~ four nonvoting members are legislators as follows:

(a) ~~((Four))~~ Two members from the house of representatives, ~~((two))~~ one from each of the two largest caucuses, appointed by the speaker of the house of representatives, ~~((two who are members of))~~ including at least one member from the house transportation policy and budget committee ~~((and two who are members of))~~ or the house appropriations committee; and

(b) ~~((Four))~~ Two members from the senate, ~~((two))~~ one from each of the two largest caucuses, appointed by the president of the senate, ~~((two members of))~~ including at least one member from the senate transportation committee ~~((and two members of))~~ or the senate ways and means committee.

(4) gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

(5) The secretary of transportation or a designee shall serve as the chair.

(6) The department of transportation shall provide necessary staff support for the council.

(7) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(8) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

(9) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

(10) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

**Sec. 3.** RCW 47.06B.030 and 1999 c 385 s 5 are each reenacted and amended to read as follows:

(1) To assure implementation of ~~((the Program for))~~ an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on coordinated transportation ~~((, the council, in coordination with stakeholders,))~~ shall:

~~((1) Develop guidelines for local planning of coordinated transportation in accordance with this chapter;~~

~~((2) Initiate local planning processes by contacting the board of commissioners and county councils in each county and encouraging them to convene local planning forums for the purpose of implementing special needs coordinated transportation programs at the community level;~~

~~((3) Work with local community forums to designate a local lead organization that shall cooperate and coordinate with private and nonprofit transportation brokers and providers, local public transportation agencies, local governments, and user groups;~~

~~((4) Provide a forum at the state level in which state agencies will discuss and resolve coordination issues and program policy issues that may impact transportation coordination and costs;~~

~~((5) Provide guidelines for state agencies to use in creating policies, rules, or procedures to encourage the participation of their constituents in community-based planning and coordination, in accordance with this chapter;~~

~~((6) Facilitate state-level discussion and action on problems and barriers identified by the local forums that can only be resolved at either the state or federal level;~~

~~((7) Develop and test models for determining the impacts of facility siting and program policy decisions on transportation costs;~~

~~((8) Develop methodologies and provide support to local and state agencies in identifying transportation costs;~~

~~((9) Develop guidelines for setting performance measures and evaluating performance;~~

~~((10) Develop monitoring reporting criteria and processes to assess state and local level of participation with this chapter;~~

~~((11) Administer and manage grant funds to develop, test, and facilitate the implementation of coordinated systems;~~

~~((12) Develop minimum standards for safety, driver training, and vehicles, and provide models for processes and technology to support coordinated service delivery systems;~~

~~((13) Provide a clearinghouse for sharing information about transportation coordination best practices and experiences;~~

~~((14) Promote research and development of methods and tools to improve the performance of transportation coordination in the state;~~

~~((15) Provide technical assistance and support to communities;~~

— (16) Facilitate, monitor, provide funding as available, and give technical support to local planning processes;

— (17) Form, convene, and give staff support to stakeholder work groups as needed to continue work on removing barriers to coordinated transportation;

— (18) Advocate for the coordination of transportation for people with special transportation needs at the federal, state, and local levels;

— (19) Recommend to the legislature changes in laws to assist coordination of transportation services;

— (20) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets;

— (21) Report to the legislature by December 1, 2000, on council activities including, but not limited to, the progress of community planning processes, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary))

(a) Focus its efforts on projects that identify and address barriers in laws, policies, and procedures;

(b) Focus on results; and

(c) Identify and advocate for transportation system improvements for persons with special transportation needs.

(2) The council shall, as necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation.

(3) To improve the service experienced by persons with special transportation needs, the council shall develop statewide guidelines for customer complaint processes so that information about policies regarding the complaint processes is available consistently and consumers are appropriately educated about available options. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council.

(4) The council shall represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning by advising the emergency management council on how to address transportation needs for high-risk individuals during and after disasters.

**Sec. 4.** RCW 47.06B.040 and 1999 c 385 s 6 are each amended to read as follows:

~~((The council may request, and may require as a condition of receiving coordination grants, selected county governments to convene local planning forums and invite participation of all entities, including tribal governments, that serve or transport persons with special transportation needs. Counties are encouraged to coordinate and combine their forums and planning processes with other counties, as they find it appropriate. The local community forums must:~~

~~— (1) Designate a lead organization to facilitate the community planning process on an ongoing basis;~~

~~— (2) Identify functional boundaries for the local coordinated transportation system;~~

~~— (3) Clarify roles and responsibilities of the various participants;~~

~~— (4) Identify community resources and needs;~~

~~— (5) Prepare a plan for developing a coordinated transportation system that meets the intent of this chapter, addresses community needs, and efficiently uses community resources to address unmet needs;~~

~~— (6) Implement the community-coordinated transportation plan;~~

~~— (7) Develop performance measures consistent with council guidelines;~~

~~— (8) Develop a reporting process consistent with council guidelines;~~

~~— (9) Raise issues and barriers to the council when resolution is needed at either the state or federal level;~~

~~— (10) Develop a process for open discussion and input on local policy and facility siting decisions that may have an impact on the special needs transportation costs and service delivery of other programs and agencies in the community.))~~

The agency council on coordinated transportation shall review and recommend certification of local plans developed by regional transportation planning organizations based on meeting federal requirements. Each regional transportation planning organization must submit to the council an updated plan that includes the elements, consistent with federal planning requirements, identified by the council beginning on July 1, 2007, and every four years thereafter.

Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

**Sec. 5.** RCW 47.80.023 and 1998 c 171 s 8 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

(9) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.06B RCW to read as follows:

The agency council on coordinated transportation shall submit a progress report on council activities to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The information will be reported in a form established by the council.

**NEW SECTION. Sec. 7.** (1) The joint transportation committee, in consultation with the agency council on coordinated transportation and the joint legislative audit and review committee, as deemed appropriate by the committee, shall conduct a study and review the legal and programmatic changes and best practices necessary for effective coordination of transportation services for persons with special transportation needs.

(2) The study shall:

- (a) Include a comprehensive, statewide survey of existing transportation resources for persons with special transportation needs;
- (b) Identify opportunities for improving coordination by determining a uniform system of:
  - (i) Measuring and reporting trip costs;
  - (ii) Provider billing practices;
  - (iii) Provider agreements and reporting requirements; and
  - (iv) Sharing eligibility information and trip requirements; and
- (c) Make recommendations for:
  - (i) Improving access to customer services;
  - (ii) Integrating services of transportation service providers and brokers; and
  - (iii) Best practices to effectively coordinate transportation services for persons with special transportation needs, including those at the subregional level.

(3) In conducting the study, the committee shall:

- (a) Convene one or more meetings to consult with local and regional special needs transportation providers, brokers, users of transit services, representatives of nonprofit organizations that provide related transportation services, including hopelink, and representatives of other agencies and organizations, including the department of social and health services;
  - (b) Identify federal funding and related program barriers to improved coordination between state and federal programs and to reasonable cost sharing for those programs;
  - (c) Review and consider other relevant model coordinated special needs transportation systems throughout the nation as a source of best practices for Washington state, including the ACCESS transportation system in Pittsburgh, Pennsylvania;
  - (d) Evaluate using nontraditional service providers, such as public utility districts;
  - (e) Evaluate methods to influence facility siting decisions for state agencies serving persons with special transportation needs in order to make facilities accessible; and
  - (f) Evaluate appropriate standards and strategies for a decentralized broker system, including the state's role in this system.
- (4) The committee shall provide a draft final report to the transportation committees of the senate and the house of representatives by December 15, 2007.

**Sec. 8.** RCW 47.06B.900 and 1999 c 385 s 7 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~((2007))~~ 2010, as provided in RCW 47.06B.901.

**Sec. 9.** RCW 47.06B.901 and 1999 c 385 s 8 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2008))~~ 2011:

- (1) RCW 47.06B.010 and 2007 c ... s 1 (section 1 of this act), 1999 c 385 s 1, & 1998 c 173 s 1;
- (2) RCW 47.06B.012 and 1999 c 385 s 2;
- (3) ~~((RCW 47.06B.015 and 1999 c 385 s 3;~~
- ~~((4)))~~ RCW 47.06B.020 and ~~((1999 c 385 s 4))~~ 2007 c ... s 2 (section 2 of this act) & 1998 c 173 s 2;
- ~~((5)))~~ (4) RCW 47.06B.030 and 2007 c ... s 3 (section 3 of this act), 1999 c 385 s 5, & 1998 c 173 s 3; ~~((and~~

~~((6)))~~ (5) RCW 47.06B.040 and 2007 c ... s 4 (section 4 of this act) & 1999 c 385 s 6; and  
~~((6))~~ Section 6 of this act.

**NEW SECTION. Sec. 10.** 1999 c 372 s 13 is repealed.

**NEW SECTION. Sec. 11.** RCW 47.06B.015 (Program for Agency Coordinated Transportation) and 1999 c 385 s 3 are each repealed."

On page 1, line 2 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 47.06B.010, 47.06B.020, 47.06B.040, 47.80.023, 47.06B.900, and 47.06B.901; reenacting and amending RCW 47.06B.030; adding a new section to chapter 47.06B RCW; creating a new section; repealing RCW 47.06B.015; and repealing 1999 c 372 s 13."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1694 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1909 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.48.130 and 1995 c 366 s 13 are each amended to read as follows:

(1) A person who violates a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both a fine and imprisonment.

(2) In any prosecution for a violation of this chapter's requirements to obtain or possess a specialized forest products permit or true copy thereof, an authorization, sales invoice, or bill of lading, it is an affirmative defense, if established by the defendant by a preponderance of the evidence, that: (a) The specialized forest products were harvested from the defendant's own land; or (b) the specialized forest products were harvested with the permission of the landowner.

**NEW SECTION. Sec. 2.** (1) The specialized forest products work group is established. The work group must consist of appropriate representation from: The department of natural resources; county sheriffs; county prosecutors; industrial and small forest landowners; tribes; recreational and professional wood carvers; cedar and specialty wood processors; and other appropriate persons invited by the commissioner of public lands.

(2) The specialized forest products work group must review the current specialized forest products statute, chapter 76.48 RCW, as well as applicable theft laws. The specialized forest products work group must evaluate the statute, as well as its application, and make recommendations, if any, to ensure that the specialized forest products requirements: Provide reasonable tools for law enforcement and reasonably protect landowners from theft; are not unduly burdensome to harvesters, those possessing or transporting specialized forest products, or cedar or specialty wood processors or buyers; are clear and may be readily understood by law enforcement

and the public; and are administered and enforced consistently throughout the state.

(3) The specialized forest products work group must be staffed by the department of natural resources.

(4) The specialized forest products work group must provide a report to the appropriate committees of the legislature containing its recommendations, as well as draft legislation implementing its recommendations, by December 1, 2007.

(5) This section expires July 1, 2008.

**Sec. 3.** RCW 76.48.020 and 2005 c 401 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees which contains the information required by RCW 76.48.080, a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(2) "Bill of lading" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product.

(3) "Cascara bark" means the bark of a Cascara tree.

(4) "Cedar processor" means any person who purchases, takes, or retains possession of cedar products or cedar salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

(5) "Cedar products" means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(7) "Christmas trees" means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(8) "Cut or picked evergreen foliage," commonly known as brush, means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape, rhododendron, mosses, bear grass, scotch broom (*Cytisus scoparius*), and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones, berries, any foliage that does not remain green year-round, or seeds.

(9) "Harvest" means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection or contact with the land or vegetation upon which it is or was growing or (b) from the position in which it is lying upon the land.

(10) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(11) "Huckleberry" means the following species of edible berries, if they are not nursery grown: *Vaccinium membranaceum*, *Vaccinium deliciosum*, *Vaccinium ovatum*, *Vaccinium parvifolium*, *Vaccinium globulare*, *Vaccinium ovalifolium*, *Vaccinium alaskaense*, *Vaccinium caespitosum*, *Vaccinium occidentale*, *Vaccinium uliginosum*, *Vaccinium myrtillus*, and *Vaccinium scoparium*.

(12) "Landowner" means, with regard to real property, the private owner, the state of Washington or any political subdivision, the federal government, or a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at a public or private timber sale.

~~((12))~~ (13) "Native ornamental trees and shrubs" means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

~~((13))~~ (14) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

~~((14))~~ (15) "Person" includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

~~((15))~~ (16) "Processed cedar products" means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, rails, or rounds less than one foot in length.

~~((16))~~ (17) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

~~((17))~~ (18) "Specialized forest products" means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, huckleberries, cedar products, cedar salvage, processed cedar products, specialty wood, wild edible mushrooms, and Cascara bark.

~~((18))~~ (19) "Specialized forest products permit" means a printed document in a form printed by the department of natural resources, or true copy thereof, that is signed by a landowner or his or her authorized agent or representative, referred to in this chapter as "permitters" and validated by the county sheriff and authorizes a designated person, referred to in this chapter as "permittee," who has also signed the permit, to harvest and transport a designated specialized forest product from land owned or controlled and specified by the permitter and that is located in the county where the permit is issued.

~~((19))~~ (20) "Specialty wood" means wood that is:

(a) In logs less than eight feet in length, chunks, slabs, stumps, or burls; and

(b) One or more of the following:

(i) Of the species western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder;

(ii) Without knots in a portion of the surface area at least twenty-one inches long and seven and a quarter inches wide when measured from the outer surface toward the center; or

(iii) Suitable for the purposes of making musical instruments or ornamental boxes.

~~((20))~~ (21) "Specialty wood buyer" means the first person that receives any specialty wood product after it leaves the harvest site.

~~((21))~~ (22) "Specialty wood processor" means any person who purchases, takes, or retains possession of specialty wood products or specialty wood salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

~~((22))~~ (23) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site by any means.

~~((23))~~ (24) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permitter signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permitter specify an earlier date. A permitter may require the actual signatures of both the permittee and permitter for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permitter, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

~~((24))~~ (25) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

**Sec. 4.** RCW 76.48.060 and 2005 c 401 s 3 are each amended to read as follows:

(1)(a) A specialized forest products permit validated by the county sheriff shall be obtained by a person prior to harvesting from any lands, including his or her own, any of the following: More than five Christmas trees(♾); more than five native ornamental trees or shrubs(♾); more than five pounds of cut or picked evergreen foliage(♾); any cedar products, cedar salvage, or processed cedar products(♾); more than five pounds of Cascara bark(♾); or more than five United States gallons of a single species of wild edible mushroom.

(b) A specialized forest products permit validated by the county sheriff must be obtained by a person prior to harvesting from any lands, except his or her own, more than three United States gallons of huckleberries in a single day.

(2) Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permitors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested.

(3) Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of the information, the form shall be validated with the sheriff's validation stamp.

(4) Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession, or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit.

(5) In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county.

(6) While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

**Sec. 5.** RCW 76.48.070 and 2005 c 401 s 4 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it is unlawful for any person (a) to possess, (b) to transport, or (c) to possess and transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, ~~((or))~~ more than five pounds of Cascara bark, ~~((or))~~ more than five gallons of a single species of wild edible mushroom, or more than three gallons of huckleberries without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported. However, a person does not need a written authorization, sales invoice, bill of lading, or specialized forest products permit or true copy thereof to store, at that person's residence or property, ten or fewer gallons of huckleberries for noncommercial use.

(2) It is unlawful for any person either (a) to possess, (b) to transport, or (c) to possess and transport within the state of Washington any cedar products, cedar salvage, or specialty wood without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported. The specialized forest products permit or true copy are valid to possess, transport, or possess and transport the cedar products, cedar salvage, or specialty wood from the harvest site to the first cedar or specialty wood processor or buyer. For purposes of this subsection, a true copy requires the actual signatures of both the permittee and the permittor for the execution of a true copy.

**Sec. 6.** RCW 76.48.030 and 1995 c 366 s 2 are each amended to read as follows:

It is unlawful for any person to:

(1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;

(2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; ~~((or))~~

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative; or

(4) Harvest huckleberries in any amount using a rake, mechanical device, or any other method that damages the huckleberry bush."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 76.48.130, 76.48.020, 76.48.060, 76.48.070, and 76.48.030; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1909 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2070 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In *State v. Pillatos*, 150 P.3d 1130 (2007), the Washington supreme court held that the changes made to the sentencing reform act concerning exceptional sentences in chapter 68, Laws of 2005 do not apply to cases where the trials had already begun or guilty pleas had already been entered prior to the effective date of the act on April 15, 2005. The legislature intends that the superior courts shall have the authority to impanel juries to find aggravating circumstances in all cases that come before the courts for trial or sentencing, regardless of the date of the original trial or sentencing.

**Sec. 2.** RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) In any case where an exceptional sentence above the standard range was imposed and where a new sentencing hearing is required, the superior court may impanel a jury to consider any alleged aggravating circumstances listed in RCW 9.94A.535(3), that were relied upon by the superior court in imposing the previous sentence, at the new sentencing hearing.

(3) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts.

~~((3))~~ (4) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y) shall be presented to the jury during the trial of the alleged crime, unless the jury has been impaneled solely for resentencing, or unless the state alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in

trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

~~((4))~~ (5) If the superior court conducts a separate proceeding to determine the existence of aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t), the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

~~((5))~~ (6) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

**Sec. 3.** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c 122 s 7, and 2006 c 73 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this

chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)(a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1)(d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first

degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

(36) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(37) "Public school" has the same meaning as in RCW 28A.150.010.

(38) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(39) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(40) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(41) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(42) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(43) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(44) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(45) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(46) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(47) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(48) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(49) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(50) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(51) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(52) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(53) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**NEW SECTION. Sec. 4.** (1) The task force on sentencing of persistent offenders is hereby created for the purpose of conducting a review of the crimes considered a most serious offense. The objectives of the task force are to:

(a) Examine existing evidence concerning the types of offenses committed by individuals convicted only of the crimes of assault in the second degree and robbery in the second degree and sentenced to life in prison as a persistent offender;

(b) Evaluate whether the inclusion of assault in the second degree and robbery in the second degree as crimes classified as most serious offenses has resulted in disproportionate sentencing of individuals; and

(c) Assess the objectives of the three-strikes law and evaluate whether the crimes of assault in the second degree and robbery in the second degree should continue to be classified as most serious offenses.

(2) The task force shall be composed of:

(a) One member of each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member of each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) One police chief appointed by the Washington association of sheriffs and police chiefs;

(d) One representative of the Washington association of criminal defense lawyers;

(e) One representative of the Washington association of prosecuting attorneys; and

(f) One representative of the Washington coalition of crime victim advocates.

(3) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The task force shall make a report, together with any recommendations, to the legislature not later than December 31, 2007.

**NEW SECTION. Sec. 5.** Section 4 of this act expires June 30, 2008.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.537; reenacting and amending RCW 9.94A.030; creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### POINT OF ORDER

Representative Springer requested a scope and object ruling on the Senate amendment to ENGROSSED HOUSE BILL NO. 2070.

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Engrossed House Bill No. 2070 is titled AN ACT relating to "exceptional sentences". The bill as passed by the House grants superior courts authority to empanel a jury in new trials and sentencing hearings for purposes of imposing exceptional sentences above the standard range.

The Senate amendment revises the House provisions regarding the authority to empanel juries for such purposes, and in addition creates a Task Force on Sentencing of Persistent Offenders, and adds an offense to the definition of most serious offenses for purposes of persistent offender sentencing.

Those parts of the Senate amendment relating to persistent offenders do not fit within the title of "exceptional sentences" and are unrelated to the bill's purpose in granting statutory authority to courts to empanel juries to consider exceptional sentences.

The Speaker therefore finds that the Senate amendment is beyond the scope and objection of the House bill.

Representative Springer, your point of order is well taken."

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED HOUSE BILL NO. 2070 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds from the 2006 Washington state ferries financing study that the state has limited information on state ferry users and markets. Accurate user and market information is vital in order to find ways to maximize the ferry systems' current capacity and to make the most efficient use of citizens' tax dollars. Therefore, it is the intent of the legislature that Washington state ferries be given the tools necessary to maximize existing capacity and to make the most efficient use of existing assets and tax dollars.

**Sec. 2.** RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

(1) The legislature declares the following transportation facilities and services to be of statewide significance: The interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private

transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal plan are essential state public facilities under RCW 36.70A.200.

(2) The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities. When setting the level of service standards under this section for state ferry routes, the department may allow for a standard that is adjustable for seasonality.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.60 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs.

(2) "Capital plan" means the state ferry system plan as described in RCW 47.06.050(2) and adopted by the commission.

(3) "Capital project" has the same meaning as used in budget instructions developed by the office of financial management.

(4) "Commission" means the transportation commission created in RCW 47.01.051.

(5) "Improvement project" has the same meaning as in the budget instructions developed by the office of financial management. If the budget instructions do not define improvement project, then it has the same meaning as "program project" in the budget instructions. If a project meets both the improvement project and preservation project definitions in this section it must be defined as an improvement project. New vessel acquisitions must be defined as improvement projects.

(6) "Life-cycle cost model" means that portion of a capital asset inventory system which, among other things, is used to estimate future preservation needs.

(7) "Maintenance cost" has the same meaning as used in budget instructions developed by the office of financial management.

(8) "Preservation project" has the same meaning as used in budget instructions developed by the office of financial management.

(9) "Route" means all ferry sailings from one location to another, such as the Seattle to Bainbridge route or the Port Townsend to Keystone route.

(10) "Sailing" means an individual ferry sailing for a specific route, such as the 5:00 p.m. sailing from Seattle to Bremerton.

(11) "Travel shed" means one or more ferry routes with distinct, common characteristics as determined by the department.

**NEW SECTION. Sec. 4.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall, with the involvement of the department, conduct a survey to gather data on ferry users to help inform level of service, operational, pricing, planning, and investment decisions. The survey must include, but is not limited to:

- (a) Recreational use;
- (b) Walk-on customer use;
- (c) Vehicle customer use;
- (d) Freight and goods movement demand; and
- (e) Reactions to potential operational and pricing strategies described under section 7 of this act and RCW 47.60.290.

(2) Ferry advisory committees may provide suggestions to the commission regarding the survey.

(3) The survey must be updated at least every two years and maintained to support the development and implementation of adaptive management of ferry services.

**Sec. 5.** RCW 47.60.290 and 1983 c 3 s 136 are each amended to read as follows:

~~((Subject to the provisions of RCW 47.60.326;)) (1) The department ((is hereby authorized and directed to)) shall annually review ((tariffs and charges as)) fares and pricing policies applicable to the operation of the Washington state ferries ((for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries)).~~

(2) Beginning in 2008, the department shall develop fare and pricing policy proposals that must:

(a) Recognize that each travel shed is unique, and might not have the same farebox recovery rate and the same pricing policies;

(b) Use data from the current survey conducted under section 4 of this act;

(c) Be developed with input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the survey conducted in section 4 of this act;

(d) Generate the amount of revenue required by the biennial transportation budget; and

(e) Keep fare schedules as simple as possible.

(3) While developing fare and pricing policy proposals, the department must consider the following:

(a) Options for using pricing to level vehicle peak demand; and

(b) Options for using pricing to increase off-peak ridership.

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) In October of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year. The schedule may initially be adopted as an emergency rule if necessary to take effect in, or as near as possible to, the month of October.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare.

**NEW SECTION. Sec. 7.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall develop, and the commission shall review, operational strategies to ensure that existing assets are fully utilized and to guide future investment decisions. These operational strategies must, at a minimum:

(a) Recognize that each travel shed is unique and might not have the same operational strategies;

(b) Use data from the current survey conducted under section 4 of this act;

- (c) Be consistent with vehicle level of service standards;
  - (d) Choose the most efficient balance of capital and operating investments by using a life-cycle cost analysis; and
  - (e) Use methods of collecting fares that maximize efficiency and achieve revenue management control.
- (2) After the commission reviews recommendations by the department, the commission and department shall make joint recommendations to the legislature for the improvement of operational strategies.
- (3) In developing operational strategies, the following, at a minimum, must be considered:
- (a) The feasibility of using reservation systems;
  - (b) Methods of shifting vehicular traffic to other modes of transportation;
  - (c) Methods of improving on-dock operations to maximize efficiency and minimize operating and capital costs;
  - (d) A cost-benefit analysis of remote holding versus over-water holding;
  - (e) Methods of reorganizing holding areas and minimizing on-dock employee parking to maximize the dock size available for customer vehicles;
  - (f) Schedule modifications;
  - (g) Efficiencies in exit queuing and metering; and
  - (h) Interoperability with other transportation services.
- (4) Operational strategies must be reevaluated periodically and, at a minimum, before developing a new capital plan.

**Sec. 8.** RCW 47.60.330 and 2003 c 374 s 5 are each amended to read as follows:

(1) Before a substantial change to the service levels provided to ferry users, the department shall consult with affected ferry users by public hearing and by review with the affected ferry advisory committees.

~~(2) Before ((a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges)) adding or eliminating a ferry route, the department ((of transportation)) shall consult with affected ferry users and receive legislative approval. ((The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c):~~

~~— Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission each fiscal year.~~

~~(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof; and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.~~

~~(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and; consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1)(a) or (c) of this section:))~~

**NEW SECTION. Sec. 9.** A new section is added to chapter 47.60 RCW to read as follows:

(1) Appropriations made for the Washington state ferries capital program may not be used for maintenance costs.

(2) Appropriations made for preservation projects shall be spent only on preservation and only when warranted by asset condition, and shall not be spent on master plans, right-of-way acquisition, or other nonpreservation items.

(3) Systemwide and administrative capital program costs shall be allocated to specific capital projects using a cost allocation plan developed by the department. Systemwide and administrative capital program costs shall be identifiable.

**NEW SECTION. Sec. 10.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall maintain a life-cycle cost model on capital assets such that:

(a) Available industry standards are used for estimating the life of an asset, and department-adopted standard life cycles derived from the experience of similar public and private entities are used when industry standards are not available;

(b) Standard estimated life is adjusted for asset condition when inspections are made;

(c) It does not include utilities or other systems that are not replaced on a standard life cycle; and

(d) It does not include assets not yet built.

(2) All assets in the life-cycle cost model must be inspected and updated in the life-cycle cost model for asset condition at least every three years.

(3) The life-cycle cost model shall be used when estimating future system preservation needs.

**NEW SECTION. Sec. 11.** A new section is added to chapter 47.60 RCW to read as follows:

(1) Preservation funding requests shall only be for assets in the life-cycle cost model.

(2) Preservation funding requests that exceed five million dollars per project must be accompanied by a predesign study. The predesign study must include all elements required by the office of financial management.

**NEW SECTION. Sec. 12.** A new section is added to chapter 47.60 RCW to read as follows:

The department shall develop terminal design standards that:

(1) Adhere to vehicle level of service standards as described in RCW 47.06.140;

(2) Adhere to operational strategies as described in section 7 of this act; and

(3) Choose the most efficient balance between capital and operating investments by using a life-cycle cost analysis.

**NEW SECTION. Sec. 13.** A new section is added to chapter 47.60 RCW to read as follows:

The capital plan must adhere to the following:

(1) A current ridership demand forecast;

(2) Vehicle level of service standards as described in RCW 47.06.140;

(3) Operational strategies as described in section 7 of this act; and

(4) Terminal design standards as described in section 12 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 47.60 RCW to read as follows:

(1) Terminal improvement project funding requests must adhere to the capital plan.

(2) Requests for terminal improvement design and construction funding must be submitted with a predesign study that:

(a) Includes all elements required by the office of financial management;

(b) Separately identifies basic terminal elements essential for operation and their costs;

(c) Separately identifies additional elements to provide ancillary revenue and customer comfort and their costs;

(d) Includes construction phasing options that are consistent with forecasted ridership increases;

(e) Separately identifies additional elements requested by local governments and the cost and proposed funding source of those elements;

(f) Separately identifies multimodal elements and the cost and proposed funding source of those elements; and

(g) Identifies all contingency amounts.

**NEW SECTION. Sec. 15.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under chapter . . . (House Bill No. 1094), Laws of 2007, as it exists on the effective date of this section, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

**NEW SECTION. Sec. 16.** The following acts or parts of acts are each repealed:

(2) RCW 47.60.150 (Fixing of charges--Deposit of revenues) and 2003 c 374 s 3, 1999 c 94 s 26, & 1990 c 42 s 405; and

(3) RCW 47.60.326 (Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission) and 2005 c 270 s 1, 2003 c 374 s 4, 2001 1st sp.s. c 1 s 1, 1999 c 94 s 27, 1990 c 42 s 406, 1983 c 15 s 25, & 1981 c 344 s 5."

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; creating a new section; repealing RCW 47.60.150 and 47.60.326; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1029 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.112.010 and 2006 c 338 s 15 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas that is used alone or in combination

with gasoline or other petroleum products for use as a fuel in self-propelled motor vehicles.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. Alternative fuel includes, but is not limited to, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Biodiesel fuel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet the registration requirements for fuels and fuel additives established by the federal environmental protection agency and standards established by the American society of testing and materials.

~~((2))~~ (4) "Diesel" means special fuel as defined in RCW 82.38.020, and diesel fuel dyed in accordance with the regulations in 26 C.F.R. Sec. 48.4082-1T as of October 24, 2005.

~~((3))~~ (5) "Director" means the director of agriculture.

~~((4))~~ (6) "E85 motor fuel" means an alternative fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is nominally seventy-five to eighty-five percent denatured fuel ethanol by volume that complies with the most recent version of American society of testing and materials specification D 5798.

(7) "Motor fuel" means any liquid product used for the generation of power in an internal combustion engine used for the propulsion of a motor vehicle upon the highways of this state, and any biodiesel fuel. Motor fuels containing ethanol may be marketed if either (a) the base motor fuel meets the applicable standards before the addition of the ethanol or (b) the resultant blend meets the applicable standards after the addition of the ethanol.

(8) "Nonhazardous motor fuel" means any fuel of a type distributed for use in self-propelled motor vehicles that does not contain a hazardous liquid as defined in RCW 19.122.020.

**Sec. 2.** RCW 19.112.120 and 2006 c 338 s 3 are each amended to read as follows:

(1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.36 RCW, other than motor vehicle fuel distributors, shall provide evidence to the department of licensing that at least two percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section shall take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing shall each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using ~~((up to eighty-five percent ethanol fuel blends))~~ E85 motor fuel. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

**Sec. 3.** RCW 82.04.4334 and 2003 c 63 s 1 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax amounts received from the retail sale, or for the distribution, of:

(a) Biodiesel fuel; or

(b) ~~((Alcohol fuel, if the alcohol fuel is at least eighty-five percent of the volume of the fuel being sold or distributed))~~ E85 motor fuel.

(2) For the purposes of this section and RCW 82.08.955 and 82.12.955, the following definitions apply:

(a) "Biodiesel fuel" means a mono alkyl ester of long chain fatty acids derived from vegetable oils or animal fats for use in compression-ignition engines and that meets the requirements of the American society of testing and materials specification D 6751 in effect as of January 1, 2003.

(b) ~~("Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements and machines, or implements of husbandry.)~~ "E85 motor fuel" means an alternative fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is nominally seventy-five to eighty-five percent denatured fuel ethanol by volume that complies with the most recent version of American society of testing and materials specification D 5798.

(c) "Distribution" means any of the actions specified in RCW 82.36.020(2).

(3) This section expires July 1, ~~((2009))~~ 2015.

**Sec. 4.** RCW 82.08.955 and 2003 c 63 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment, or to services rendered in respect to constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving of structures or machinery and equipment, or to sales of tangible personal property that becomes an ingredient or component of structures or machinery and equipment, if the machinery, equipment, or structure is used directly for the retail sale of a biodiesel ~~((or alcohol fuel))~~ blend or E85 motor fuel. Structures and machinery and equipment that are used for the retail sale of a biodiesel ~~((or alcohol fuel))~~ blend or E85 motor fuel and for other purposes are exempt only on the portion used directly for the retail sale of a biodiesel ~~((or alcohol fuel))~~ blend or E85 motor fuel.

(2) The tax levied by RCW 82.08.020 does not apply to sales of fuel delivery vehicles or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles including repair parts and replacement parts if at least seventy-five percent of the fuel distributed by the vehicles is a biodiesel ~~((or alcohol fuel))~~ blend or E85 motor fuel.

(3) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(4) For the purposes of this section, the definitions in RCW 82.04.4334 and this subsection apply.

(a) ~~("Alcohol fuel blend" means fuel that contains at least eighty-five percent alcohol fuel by volume.~~

~~(b))~~ "Biodiesel blend" means fuel that contains at least twenty percent biodiesel fuel by volume.

(b) "E85 motor fuel" means an alternative fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is nominally seventy-five to eighty-five percent denatured fuel ethanol by volume that complies with the most recent version of American society of testing and materials specification D 5798.

(c) "Machinery and equipment" means industrial fixtures, devices, and support facilities and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts that are integral and necessary for the delivery of biodiesel ~~((or alcohol fuel))~~ blends or E85 motor fuel into the fuel tank of a motor vehicle.

(5) This section expires July 1, ~~((2009))~~ 2015.

**Sec. 5.** RCW 82.12.955 and 2003 c 63 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of machinery and equipment, or to services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible

machinery and equipment, or tangible personal property that becomes an ingredient or component of machinery and equipment used directly for the retail sale of a biodiesel or ~~((alcohol fuel blend))~~ E85 motor fuel.

(2) The provisions of this chapter do not apply in respect to the use of fuel delivery vehicles including repair parts and replacement parts and to services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles if at least seventy-five percent of the fuel distributed by the vehicles is a biodiesel or ~~((alcohol fuel blend))~~ E85 motor fuel.

(3) For the purposes of this section, the definitions in RCW 82.04.4334 and 82.08.955 apply.

(4) This section expires July 1, ~~((2009))~~ 2015."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "defining alternative motor fuels; amending RCW 19.112.010, 19.112.120, 82.04.4334, 82.08.955, and 82.12.955; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1029 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1029, as amended by the Senate.

#### MOTION

On motion of Representative Morrell, Representatives Eickmeyer and Haigh were excused. On motion of Representative Schindler, Representatives Condotta and Sump were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1029, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1029, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 2, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION, Sec. 1.** The legislature finds:

(1) There are students with disabilities throughout the state of Washington who have attended four years of high school, but whose individualized education programs prescribe the continuation of special education and related services beyond the fourth year of high school;

(2) Through their participation in the public schools and the community, students with disabilities have frequently become identified with and connected to a class of typically developing, age-appropriate peers who will graduate in four years and participate in a high school graduation ceremony;

(3) A high school graduation ceremony is an important rite of passage for students regardless of their abilities or limitations; and

(4) There is significant value in recognizing students' attendance and accomplishments in their individualized education programs and in allowing students with disabilities to participate in high school graduation ceremonies and activities with their age-appropriate peers without the forfeiture of their continuing special education and related services.

**NEW SECTION, Sec. 2.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning July 1, 2007, each school district that operates a high school shall establish a policy and procedures that permit any student who is receiving special education or related services under an individualized education program pursuant to state and federal law and who will continue to receive such services between the ages of eighteen and twenty-one to participate in the graduation ceremony and activities after four years of high school attendance with his or her age-appropriate peers and receive a certificate of attendance.

(2) Participation in a graduation ceremony and receipt of a certificate of attendance under this section does not preclude a student from continuing to receive special education and related services under an individualized education program beyond the graduation ceremony.

(3) A student's participation in a graduation ceremony and receipt of a certificate of attendance under this section shall not be construed as the student's receipt of either:

(a) A high school diploma pursuant to RCW 28A.230.120; or

(b) A certificate of individual achievement pursuant to RCW 28A.155.045.

**NEW SECTION, Sec. 3.** This act may be known and cited as Kevin's law.

**NEW SECTION, Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "ceremonies;" strike the remainder of the title and insert "adding a new section to chapter 28A.155 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Priest and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1050, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1050, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 3, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1082 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.32.520 and 2004 c 248 s 1 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish, including razor clams, for personal use from state waters or offshore waters including national park beaches.

(2) A razor clam license allows a person to harvest only razor clams for personal use from state waters, including national park beaches.

(3) The fees for annual personal use shellfish and seaweed licenses are:

- (a) For a resident fifteen years of age or older, seven dollars;
  - (b) For a nonresident fifteen years of age or older, twenty dollars; and
  - (c) For a senior, five dollars.
- (4) The fee for an annual razor clam license is five dollars and fifty cents for residents and eleven dollars for nonresidents.
- (5) The fee for a three-day razor clam license is three dollars and fifty cents for both residents and nonresidents.
- (6) A personal use shellfish and seaweed license or razor clam license must be ~~((visible on the licensee))~~ in immediate possession of the licensee and available for inspection while a licensee is harvesting shellfish or seaweed. However, the license does not need to be visible at all times.

**NEW SECTION. Sec. 2.** The department of fish and wildlife shall monitor the sale of personal use shellfish and seaweed licenses and razor clam licenses for four years from the effective date of this act. If in any of the four years the number of license sales drop more than ten percent from the effective date of this act, then the department of fish and wildlife shall report the sales and revenue data for the licenses along with any relevant information regarding the reasons for the decrease to the legislature."

On page 1, line 2 of the title, after "seaweed;" strike the remainder of the title and insert "amending RCW 77.32.520; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1082 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative B. Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1082, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1082, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P.

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1082, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) The legislature finds that in Washington, there are more than seven thousand three hundred children in foster family or group care. These children face unique obstacles and burdens as they transition to adulthood, including lacking continuity in their elementary and high school educations. As compared to the general population of students, twice as many foster care youth change schools at least once during their elementary and secondary school careers, and three times as many change schools at least three times. Only thirty-four percent of foster care youth graduate from high school within four years, compared to seventy percent for the general population. Of the former foster care youth who earn a high school diploma, more than twenty-eight percent earn a GED instead of a traditional high school diploma. This is almost six times the rate of the general population. Research indicates that GED holders tend not to be as economically successful as the holders of traditional high school diplomas. Only twenty percent of former foster care youth who earn a high school degree enroll in college, compared to over sixty percent of the population generally. Of the former foster care youth who do enroll in college, very few go on to earn a degree. Less than two percent of former foster care youth hold bachelor's degrees, compared to twenty-eight percent of Washington's population generally.

(b) Former foster care youth face two critical hurdles to enrolling in college. The first is a lack of information regarding preparation for higher education and their options for enrolling in higher education. The second is finding the financial resources to fund their education. As a result of the unique hurdles and challenges that face former foster care youth, a disproportionate number of them are part of society's large group of marginalized youth and are at increased risk of continuing the cycle of poverty and violence that frequently plagues their families.

(c) Former foster care youth suffer from mental health problems at a rate greater than that of the general population. For example, one in four former foster care youth report having suffered from posttraumatic stress disorder within the previous twelve months, compared to only four percent of the general population. Similarly, the incidence of major depression among former foster care youth is twice that of the general population, twenty percent versus ten percent.

(d) There are other barriers for former foster care youth to achieving successful adulthood. One-third of former foster care youth live in households that are at or below the poverty level. This is three times the rate for the general population. The percentage of former foster care youth who report being homeless within one year of leaving foster care varies from over ten percent to almost twenty-five percent. By comparison, only one percent of the general population reports having been homeless at sometime during the past year. One in three former foster care youth lack health insurance, compared to less than one in five people in the general population. One in six former foster care youth receive cash public assistance. This is five times the rate of the general population.

(e) Approximately twenty-five percent of former foster care youth are incarcerated at sometime after leaving foster care. This is

four times the rate of incarceration for the general population. Of the former foster care youth who "age out" of foster care, twenty-seven percent of the males and ten percent of the females are incarcerated within twelve to eighteen months of leaving foster care.

(f) Female former foster care youth become sexually active more than seven months earlier than their nonfoster care counterparts, have more sexual partners, and have a mean age of first pregnancy of almost two years earlier than their peers who were not in foster care.

(2) The legislature intends to create the passport to college promise pilot program. The pilot program will initially operate for a six-year period, and will have two primary components, as follows:

(a) Significantly increasing outreach to foster care youth between the ages of fourteen and eighteen regarding the higher education opportunities available to them, how to apply to college, and how to apply for and obtain financial aid; and

(b) Providing financial aid to former foster care youth to assist with the costs of their public undergraduate college education.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the higher education coordinating board, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

(2) "Emancipated from foster care" means a person who was a dependent of the state in accordance with chapter 13.34 RCW and who was receiving foster care in the state of Washington when he or she reached his or her eighteenth birthday.

(3) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

(4) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) "Institution of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any independent college or university in Washington; or

(c) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the higher education coordinating board for the purposes of this section: PROVIDED, That any institution, branch, extension, or facility operating within the state of Washington that is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students.

(6) "Program" means the passport to college promise pilot program created in this chapter.

**NEW SECTION. Sec. 3.** The passport to college promise pilot program is created. The purpose of the program is:

(1) To encourage current and former foster care youth to prepare for, attend, and successfully complete higher education; and

(2) To provide current and former foster care youth with the educational planning, information, institutional support, and direct

financial resources necessary for them to succeed in higher education.

**NEW SECTION. Sec. 4.** (1) The higher education coordinating board shall design and, to the extent funds are appropriated for this purpose, implement, a program of supplemental scholarship and student assistance for students who have emancipated from the state foster care system after having spent at least one year in care.

(2) The board shall convene and consult with an advisory committee to assist with program design and implementation. The committee shall include but not be limited to former foster care youth and their advocates; representatives from the state board for community and technical colleges, and from public and private agencies that assist current and former foster care recipients in their transition to adulthood; and student support specialists from public and private colleges and universities.

(3) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for assistance under this section if he or she:

(a) Emancipated from foster care on or after January 1, 2007, after having spent at least one year in foster care subsequent to his or her sixteenth birthday;

(b) Is a resident student, as defined in RCW 28B.15.012(2);

(c) Is enrolled with or will enroll on at least a half-time basis with an institution of higher education in Washington state by the age of twenty-one;

(d) Is making satisfactory academic progress toward the completion of a degree or certificate program, if receiving supplemental scholarship assistance;

(e) Has not earned a bachelor's or professional degree; and

(f) Is not pursuing a degree in theology.

(4) A passport to college scholarship under this section:

(a) Shall not exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state; and

(b) Shall not exceed the student's financial need, less a reasonable self-help amount defined by the board, when combined with all other public and private grant, scholarship, and waiver assistance the student receives.

(5) An eligible student may receive a passport to college scholarship under this section for a maximum of five years after the student first enrolls with an institution of higher education or until the student turns age twenty-six, whichever occurs first. If a student turns age twenty-six during an academic year, and would otherwise be eligible for a scholarship under this section, the student shall continue to be eligible for a scholarship for the remainder of the academic year.

(6) The higher education coordinating board, in consultation with and with assistance from the state board for community and technical colleges, shall perform an annual analysis to verify that those institutions of higher education at which students have received a scholarship under this section have awarded the student all available need-based and merit-based grant and scholarship aid for which the student qualifies.

(7) In designing and implementing the passport to college student support program under this section, the board, in consultation with and with assistance from the state board for community and technical colleges, shall ensure that a participating college or university:

(a) Has a viable plan for identifying students eligible for assistance under this section, for tracking and enhancing their academic progress, for addressing their unique needs for assistance during school vacations and academic interims, and for linking them to appropriate sources of assistance in their transition to adulthood;

(b) Receives financial and other incentives for achieving measurable progress in the recruitment, retention, and graduation of eligible students.

**NEW SECTION. Sec. 5.** Effective operation of the passport to college promise pilot program requires early and accurate identification of former foster care youth so that they can be linked to the financial and other assistance that will help them succeed in college. To that end:

(1) All institutions of higher education that receive funding for student support services under section 4 of this act shall include on their applications for admission or on their registration materials a question asking whether the applicant has been in foster care in Washington state for at least one year since his or her sixteenth birthday. All other institutions of higher education are strongly encouraged to include such a question. No institution may consider whether an applicant may be eligible for a scholarship or student support services under this chapter when deciding whether the applicant will be granted admission.

(2) The department of social and health services shall devise and implement procedures for efficiently, promptly, and accurately identifying students and applicants who are eligible for services under section 4 of this act, and for sharing that information with the higher education coordinating board and with institutions of higher education. The procedures shall include appropriate safeguards for consent by the applicant or student before disclosure.

**NEW SECTION. Sec. 6.** (1) To the extent funds are appropriated for this purpose, the higher education coordinating board, with input from the state board for community and technical colleges, the foster care partnership, and institutions of higher education, shall develop and maintain an internet web site and outreach program to serve as a comprehensive portal for foster care youth in Washington state to obtain information regarding higher education including, but not necessarily limited to:

(a) Academic, social, family, financial, and logistical information important to successful postsecondary educational success;

(b) How and when to obtain and complete college applications;

(c) What college placement tests, if any, are generally required for admission to college and when and how to register for such tests;

(d) How and when to obtain and complete a federal free application for federal student aid (FAFSA); and

(e) Detailed sources of financial aid likely available to eligible former foster care youth, including the financial aid provided by this chapter.

(2) The board shall determine whether to design, build, and operate such program and web site directly or to use, support, and modify existing web sites created by government or nongovernmental entities for a similar purpose.

**NEW SECTION. Sec. 7.** (1) To the extent funds are appropriated for this purpose, the department of social and health services, with input from the state board for community and technical colleges, the higher education coordinating board, and institutions of higher education, shall contract with at least one nongovernmental entity through a request for proposals process to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care in Washington state.

(2) The nongovernmental entity or entities chosen by the department shall have demonstrated success in working with foster care youth and assisting foster care youth in successfully making the transition from foster care to independent adulthood.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care youth in Washington state beginning at age fourteen and then at least every six months thereafter. The supplemental transition planning shall include:

(a) Comprehensive information regarding postsecondary educational opportunities including, but not limited to, sources of financial aid, institutional characteristics and record of support for former foster care youth, transportation, housing, and other logistical considerations;

(b) How and when to apply to postsecondary educational programs;

(c) What precollege tests, if any, the particular foster care youth should take based on his or her postsecondary plans and when to take the tests;

(d) What courses to take to prepare the particular foster care youth to succeed at his or her postsecondary plans;

(e) Social, community, educational, logistical, and other issues that frequently impact college students and their success rates; and

(f) Which web sites, nongovernmental entities, public agencies, and other foster care youth support providers specialize in which services.

(4) The selected nongovernmental entity or entities shall work directly with the school counselors at the foster care youths' high schools to ensure that a consistent and complete transition plan has been prepared for each foster care youth who emancipates out of the foster care system in Washington state.

**NEW SECTION. Sec. 8.** (1) The higher education coordinating board shall report to appropriate committees of the legislature by January 15, 2008, on the status of program design and implementation. The report shall include a discussion of proposed scholarship and student support service approaches; an estimate of the number of students who will receive such services; baseline information on the extent to which former foster care youth who meet the eligibility criteria in section 4 of this act have enrolled and persisted in postsecondary education; and recommendations for any statutory changes needed to promote achievement of program objectives.

(2) The state board for community and technical colleges and the higher education coordinating board shall monitor and analyze the extent to which eligible young people are increasing their participation, persistence, and progress in postsecondary education, and shall jointly submit a report on their findings to appropriate committees of the legislature by December 1, 2009, and by December 1, 2011.

(3) The Washington state institute for public policy shall complete an evaluation of the passport to college promise pilot program and shall submit a report to appropriate committees of the legislature by December 1, 2012. The report shall estimate the impact of the program on eligible students' participation and success in postsecondary education, and shall include recommendations for program revision and improvement.

**NEW SECTION. Sec. 9.** Nothing in this chapter may be construed to:

(1) Guarantee acceptance by, or entrance into, any institution of higher education; or

(2) Limit the participation of youth, in or formerly in, foster care in Washington state in any other program of financial assistance for postsecondary education.

**NEW SECTION. Sec. 10.** This chapter expires June 30, 2013.

**NEW SECTION. Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 28B RCW."

On page 1, line 3 of the title, after "purpose;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Wallace spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1131, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1131, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 78, Nays - 16, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Alexander, Chandler, Crouse, DeBolt, Dunn, Ericksen, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler and Warnick - 16.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1166 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.61.210 and 1997 c 3 s 205 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the limitation provided for in chapter 84.55 RCW.

The board is hereby authorized to levy a general tax in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general

taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and ~~((paid out on warrants))~~ disbursed under RCW 36.29.010(1) and 39.58.750.

**Sec. 2.** RCW 36.35.020 and 1972 ex.s. c 150 s 2 are each amended to read as follows:

The term "tax title lands" as used in this chapter shall mean any tract of land acquired by the county for lack of other bidders at a tax foreclosure sale. Tax title lands are held in trust for the taxing districts.

**Sec. 3.** RCW 36.35.100 and 1998 c 106 s 13 are each amended to read as follows:

All property deeded to the county under the provisions of this chapter shall be ~~((stricken from the tax rolls as county property and exempt from taxation and shall not be again assessed or taxed while the property of the county))~~ treated as follows during the period the property is so held:

(1) The property shall be:

(a) Stricken from the tax rolls as county property;

(b) Exempt from taxation;

(c) Exempt from special assessments except as provided in chapter 35.49 RCW and RCW 35.44.140 and 79.44.190; and

(d) Exempt from property owner association dues or fees.

(2) The sale, management, and leasing of tax title property shall be handled as under chapter 36.35 RCW.

**Sec. 4.** RCW 36.89.090 and 1991 c 36 s 1 are each amended to read as follows:

The county shall have a lien for delinquent ~~((service))~~ charges, including interest, penalties, and costs of foreclosure thereon, against any property against which they were levied for ~~((storm water control facilities))~~ the purposes authorized by this chapter, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective upon the charges becoming delinquent and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290 ~~((PROVIDED, That))~~. However, a county may, by resolution or ordinance, adopt all or any part of the alternative interest rate, lien, and foreclosure procedures as set forth in RCW 36.89.092 through 36.89.094 or ~~((by RCW))~~ 36.94.150, or chapters 84.56, 84.60, and 84.64 RCW.

**Sec. 5.** RCW 84.56.070 and 1991 c 245 s 19 are each amended to read as follows:

On the fifteenth day of February succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. The treasurer shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer shall forthwith proceed to collect the same. In the event that he or she is unable to collect the same when due, the treasurer shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner. The treasurer shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or the treasurer's deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of

such property, such treasurer or treasurer's designee shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer shall pay such excess less any cost of the auction to the owner of the property so sold or to his or her legal representative: PROVIDED, That whenever it shall become necessary to distrain any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of the notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: AND PROVIDED FURTHER, That if the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distrain sufficient goods and chattels to pay the same.

**Sec. 6.** RCW 84.56.090 and 1985 c 83 s 1 are each amended to read as follows:

Whenever in the judgment of the assessor or the county treasurer personal property is being removed or is about to be removed without the limits of the state, or is being dissipated or about to be dissipated, or is being or about to be sold, disposed of, or removed from the county so as to jeopardize collection of taxes, the treasurer shall immediately prepare papers in distraint, which shall contain a description of the personal property, including mobile homes, manufactured homes, or park model trailers, being or about to be removed, dissipated, sold, disposed of, or removed from the county so as to jeopardize collection of taxes, the amount of the tax, the amount of accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distrain sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall advertise and sell said property as provided in RCW 84.56.070.

If said personal property is being removed or is about to be removed from the limits of the state, is being dissipated or about to be dissipated, or is being or about to be sold, disposed of, or removed from the county so as to jeopardize collection of taxes, at any time subsequent to the first day of January in any year, and prior to the levy of taxes thereon, the taxes upon such property so distrained shall be computed upon the rate of levy for state, county and local purposes for the preceding year; and all taxes collected in advance of levy under this section and RCW 84.56.120, together with the name of the owner and a brief description of the property assessed shall be entered forthwith by the county treasurer upon the personal property tax rolls of such preceding year, and all collections thereon shall be considered and treated in all respects, and without recourse by either the owner or any taxing unit, as collections for such preceding year. Property on which taxes are thus collected shall thereupon become discharged from the lien of any taxes that may thereafter be levied in the year in which payment or collection is made.

Whenever property has been removed from the county wherein it has been assessed, on which the taxes have not been paid, then the county treasurer, or his deputy, shall have the same power to distrain and sell said property for the satisfaction of said taxes as he would have if said property were situated in the county in which the property was taxed, and in addition thereto said treasurer, or his deputy, in the distraint and sale of property for the payment of taxes,

shall have the same powers as are now by law given to the sheriff in making levy and sale of property on execution.

**Sec. 7.** RCW 84.64.200 and 1981 c 322 s 6 are each amended to read as follows:

All lots, tracts and parcels of land upon which taxes levied prior to January 9, 1926 remain due and unpaid at the date when such taxes would have become delinquent as provided in the act under which they were levied shall be deemed to be delinquent under the provisions of this title, and the same proceedings may be had to enforce the payment of such unpaid taxes, with interest and costs, and payment enforced and liens foreclosed under and by virtue of the provisions of this chapter. For the purposes of foreclosure under this chapter, the date of delinquency shall be construed to mean the date when the taxes first became delinquent. At all sales of property for which certificates of delinquency are held by the county, if no other bids are received, the county shall be considered a bidder for the full area of each tract or lot to the amount of all taxes, interest and costs due thereon, and where no bidder appears, acquire title ~~((thereto))~~ in trust for the taxing districts as absolutely as if purchased by an individual under the provisions of this chapter; all bidders except the county at sales of property for which certificates of delinquency are held by the county shall pay the full amount of taxes, interest and costs for which judgment is rendered, together with all taxes, interest and costs which are delinquent at the time of sale, regardless of whether the taxes, interest, or costs are included in the judgment."

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "and amending RCW 35.61.210, 36.35.020, 36.35.100, 36.89.090, 84.56.070, 84.56.090, and 84.64.200."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1166 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Takko spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1166, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1166, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells,

Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Walsh - 1.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

HOUSE BILL NO. 1166, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 1166.  
MAUREEN WALSH, 16<sup>th</sup> District

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1201 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.510 and 2001 2nd sp.s. c 15 s 3 and 2001 1st sp.s. c 4 s 1 are each reenacted and amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department, as defined in the social security Title XIX state plan for mandatory categorically needy persons and:

(1) Individuals who would be eligible for cash assistance except for their institutional status;

(2) Individuals who are under twenty-one years of age, who would be eligible for medicaid, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) a nursing facility or an intermediate care facility for ~~(the)~~ persons who are mentally retarded, or (d) inpatient psychiatric facilities;

(3) ~~(the)~~ Individuals who:

(a) Are under twenty-one years of age;

(b) On or after the effective date of this section, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state; and

(c) On their eighteenth birthday, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state;

(4) Persons who are aged, blind, ~~(and)~~ or disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized;

~~((4))~~ (5) Categorically eligible individuals who meet the income and resource requirements of the cash assistance programs;

~~((5))~~ (6) Individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act;

~~((6))~~ (7) Children and pregnant women allowed by federal statute for whom funding is appropriated;

~~((7))~~ (8) Working individuals with disabilities authorized under section 1902(a)(10)(A)(ii) of the social security act for whom funding is appropriated;

~~((8))~~ (9) Other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act;

~~((9))~~ (10) Persons allowed by section 1931 of the social security act for whom funding is appropriated; and

~~((10))~~ (11) Women who: (a) Are under sixty-five years of age; (b) have been screened for breast and cervical cancer under the national breast and cervical cancer early detection program administered by the department of health or tribal entity and have

been identified as needing treatment for breast or cervical cancer; and (c) are not otherwise covered by health insurance. Medical assistance provided under this subsection is limited to the period during which the woman requires treatment for breast or cervical cancer, and is subject to any conditions or limitations specified in the omnibus appropriations act.

**Sec. 2.** RCW 74.09.530 and 2000 c 218 s 2 are each amended to read as follows:

(1) The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the department of social and health services. The department shall establish reasonable standards of assistance and resource and income exemptions which shall be consistent with the provisions of the Social Security Act and with the regulations of the secretary of health, education and welfare for determining eligibility of individuals for medical assistance and the extent of such assistance to the extent that funds are available from the state and federal government. The department shall not consider resources in determining continuing eligibility for recipients eligible under section 1931 of the social security act.

(2) Individuals eligible for medical assistance under RCW 74.09.510(3) shall be transitioned into coverage under that subsection immediately upon their termination from coverage under RCW 74.09.510(2)(a). The department shall use income eligibility standards and eligibility determinations applicable to children placed in foster care. The department, in consultation with the health care authority, shall provide information regarding basic health plan enrollment and shall offer assistance with the application and enrollment process to individuals covered under RCW 74.09.510(3) who are approaching their twenty-first birthday.

**NEW SECTION. Sec. 3.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "eighteen;" strike the remainder of the title and insert "amending RCW 74.09.530; reenacting and amending RCW 74.09.510; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1201 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1201, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1201, as amended by the Senate,

and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Anderson - 1.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1201, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 3, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1217 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.24.025 and 2006 c 333 s 104 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity"

shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

(7) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill ((persons)) being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill ((and)) or severely emotionally disturbed ((children)) discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(11) "Department" means the department of social and health services.

(12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(13) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(14) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(17) "Mental health services" means all services provided by regional support networks and other services provided by the state for ~~(the)~~ persons who are mentally ill.

~~((17))~~ (18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((26))~~ (27), and ~~((27))~~ (28) of this section.

~~((18))~~ (19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

~~((19))~~ (20) "Regional support network" means a county authority or group of county authorities or other nonprofit entity recognized by the secretary in contract in a defined region.

~~((20))~~ (21) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((21))~~ (22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((22))~~ (23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill (~~(persons)~~), adults who are chronically mentally ill (~~(adults)~~), children who are severely emotionally disturbed (~~(children)~~), or adults who are seriously disturbed (~~(adults)~~) and determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill (~~(persons)~~) in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((23))~~ (24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((24))~~ (25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill (~~(adults and children)~~); (b) adults who are chronically mentally ill (~~(adults)~~); (c) children who are severely emotionally disturbed (~~(children)~~); or (d) adults who are seriously disturbed (~~(adults)~~) and determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding (~~(mentally ill adults' and children's)~~) enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((25))~~ (26) "Secretary" means the secretary of social and health services.

~~((26))~~ (27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or

school or with peers or is clearly interfering with the child's personalty development and learning.

~~((27))~~ (28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate (~~(caretaker)~~);

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((28))~~ (29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((29))~~ (30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((30))~~ (31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

**Sec. 2.** RCW 71.24.035 and 2006 c 333 s 201 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents in the following order of priority: (i) The acutely mentally ill; (ii)

chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

- (A) Outpatient services;
- (B) Emergency care services for twenty-four hours per day;
- (C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;
- (D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;
- (E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;
- (F) Consultation and education services; and
- (G) Community support services;
- (c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:
  - (i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;
  - (ii) Regional support networks; and
  - (iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;
- (d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;
- (e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;
- (f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;
- (g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;
- (h) License service providers who meet state minimum standards;
- (i) Certify regional support networks that meet state minimum standards;
- (j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;
- (k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; ~~((and))~~

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services; and

(o) Certify clubhouses that meet state minimum standards.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(14) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

~~((+4))~~ (15) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

~~((+5))~~ (16) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

~~((+6))~~ (17) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

**Sec. 3.** RCW 49.19.010 and 2000 c 94 s 18 are each amended to read as follows:

For purposes of this chapter:

(1) "Health care setting" means:

(a) Hospitals as defined in RCW 70.41.020;

(b) Home health, hospice, and home care agencies under chapter 70.127 RCW, subject to RCW 49.19.070;

(c) Evaluation and treatment facilities as defined in RCW 71.05.020~~((+2))~~; and

(d) Community mental health programs as defined in RCW 71.24.025~~((+5))~~.

(2) "Department" means the department of labor and industries.

(3) "Employee" means an employee as defined in RCW 49.17.020.

(4) "Violence" or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 71.24.025, 71.24.035, and 49.19.010."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1217 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1217, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1217, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

ENGROSSED HOUSE BILL NO. 1217, as amended by the Senate, having received the constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1224 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.590 and 2006 c 81 s 2 are each amended to read as follows:

(1) The boards of regents of the state universities ~~((and))~~, the boards of trustees of the regional universities and The Evergreen State College, and the boards of trustees of each community and technical college district, in collaboration with affiliated bookstores and student and faculty representatives, shall adopt rules requiring that:

(a) Affiliated bookstores:

(i) Provide students the option of purchasing materials that are unbundled when possible, disclose to faculty and staff the costs to students of purchasing materials, and disclose publicly how new editions vary from previous editions;

(ii) Actively promote and publicize book buy-back programs; and

(iii) Disclose retail costs for course materials on a per course basis to faculty and staff and make this information publicly available; and

(b) Faculty and staff members consider the least costly practices in assigning course materials, such as adopting the least expensive edition available when educational content is comparable as determined by the faculty and working closely with publishers and local bookstores to create bundles and packages if they deliver cost savings to students.

(2) As used in this section:

(a) "Materials" means any supplies or texts required or recommended by faculty or staff for a given course.

(b) "Bundled" means a group of objects joined together by packaging or required to be purchased as an indivisible unit."

On page 1, line 2 of the title, after "colleges;" strike the remainder of the title and insert "and amending RCW 28B.10.590."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1224 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kelley spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1224, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1224, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Jarrett - 1.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

HOUSE BILL NO. 1224, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1233 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease ~~((and))~~ or illness-triggered fixed payment insurance, hospital confinement ((indemnity when marketed solely as a supplement to a health plan)) fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.20 RCW to read as follows:

The commissioner shall adopt rules setting forth the content of a standard disclosure form to be provided to all applicants for individual, illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance. The standard disclosure shall provide information regarding the level, type, and amount of benefits provided and the limitations, exclusions, and exceptions under the policy, as well as additional information to enhance consumer understanding. The disclosure shall specifically disclose that the coverage is not comprehensive in nature and will not cover the cost of most hospital and other medical services. Such disclosure form must be filed for approval with the commissioner prior to use. The standard disclosure forms must be provided at the time of solicitation and completion of the application form. All advertising and marketing materials other than the standard disclosure form must be filed with the commissioner at least thirty days prior to use.

**NEW SECTION. Sec. 3.** A new section is added to chapter 48.20 RCW to read as follows:

Illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance policies are not considered to provide coverage for hospital or medical expenses under this chapter, if the benefits provided are a fixed dollar amount that is paid regardless of the amount charged. The benefits may not be related to, or be a percentage of, the amount charged by the provider of service and must be offered as an independent and noncoordinated benefit with any other health plan as defined in RCW 48.43.005(19).

**NEW SECTION. Sec. 4.** A new section is added to chapter 48.21 RCW to read as follows:

The commissioner shall adopt rules setting forth the content of a standard disclosure form to be delivered to all applicants for group illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance. The standard disclosure shall provide information regarding the level, type, and amount of benefits provided and the limitations, exclusions, and exceptions under the policy, as well as additional information to enhance consumer understanding. The disclosure shall specifically disclose that the coverage is not comprehensive in nature and will not cover the cost of most hospital and other medical services. Such disclosure form must be filed for approval with the commissioner prior to use. The standard disclosure form must be provided to the master policyholders at the time of solicitation and completion of the application and to all enrollees at the time of enrollment. All advertising and marketing materials other than the standard disclosure form must be filed with the commissioner at least thirty days prior to use.

**NEW SECTION. Sec. 5.** A new section is added to chapter 48.21 RCW to read as follows:

Illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance policies are not considered to provide coverage for hospital or medical expenses or care under this chapter, if the benefits provided are a fixed dollar amount that is paid regardless of the amount charged. The benefits may not be related to, or be a percentage of, the amount charged by the provider of service and must be offered as an independent and noncoordinated benefit with any other health plan as defined in RCW 48.43.005(19).

**NEW SECTION. Sec. 6.** A new section is added to chapter 48.43 RCW to read as follows:

The commissioner shall collect information from insurers offering fixed payment insurance products, and report aggregated data for each calendar year, including the number of groups purchasing the products, the number of enrollees, and the number of consumer complaints filed. The reports shall be provided to the legislature annually to reflect the calendar year experience, and the initial report shall reflect calendar year 2008 and be due no later than June 1, 2009, and each June thereafter."

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.43.005; adding new sections to chapter 48.20 RCW; adding new sections to chapter 48.21 RCW; and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1233 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1233, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1233, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1233, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1244 with the following amendment:

On page 2, line 8, after "fuel," strike "health care."

On page 2, starting on line 9, after "hire," strike all material through "Wages" on line 12

On page 2, line 13, after "section." insert "As consideration of like nature to board, housing, and fuel, wages shall also include the"

employer's payment or contributions, or appropriate portions thereof, for health care benefits unless the employer continues ongoing and current payment or contributions for these benefits at the same level as provided at the time of injury."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1244 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Conway spoke in favor of the passage of the bill.

Representative Newhouse spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1244, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1244, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 63, Nays - 31, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Walsh and Warnick - 31.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1244, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1259 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.065 and 1999 c 249 s 305 are each amended to read as follows:

(1)(a) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall ~~((a))~~ entitle such person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and ~~((b))~~ entitle such person to free admission to any state park.

~~((2))~~ (b) The commission shall grant a senior citizen's pass to any person who applies for the same and who meets the following requirements:

~~((a))~~ (i) The person is at least sixty-two years of age; and  
~~((b))~~ (ii) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

~~((c))~~ (iii) The person and his or her spouse have a combined income which would qualify the person for a property tax exemption pursuant to RCW 84.36.381 ~~(, as now law or hereafter amended)~~. The financial eligibility requirements of this ~~(subparagraph (c))~~ subsection (1)(b)(iii) shall apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

~~((3))~~ (c) Each senior citizen's pass granted pursuant to this section is valid so long as the senior citizen meets the requirements of ~~(b)(ii) of this subsection ((2)(b) of this section)~~. Notwithstanding, any senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

~~((4))~~ (d) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in ~~(b) of this subsection ((2)(a), (b), or (c) of this section)~~. The holder shall have the pass returned upon providing proof to the satisfaction of the director of the parks and recreation commission that the holder does meet the eligibility criteria for obtaining the senior citizen's pass.

~~((5))~~ (2)(a) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020(3) due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall ~~((a))~~ entitle such person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and ~~((b))~~ entitle such person to free admission to any state park.

~~((6))~~ (b) A card, decal, or special license plate issued for a permanent disability under RCW 46.16.381 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

~~((7))~~ (3) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall: (a) Entitle such person, and members of his or her camping unit, to free use of any campsite within any state park; (b) entitle such person to free admission to any state park; and (c) entitle such person to an exemption from any reservation fees.

~~((8))~~ (4) All passes issued pursuant to this section shall be valid at all parks any time during the year ~~(, PROVIDED, That)~~. However, the pass shall not be valid for admission to concessionaire operated facilities.

~~((9))~~ (5) The commission may deny or revoke any Washington state park pass issued under this section for cause, including but not limited to the following:

(a) Residency outside the state of Washington;  
(b) Violation of laws or state park rules resulting in eviction from a state park;

(c) Intimidating, obstructing, or assaulting a park employee or park volunteer who is engaged in the performance of official duties;

(d) Fraudulent use of a pass;

(e) Providing false information or documentation in the application for a state parks pass;

(f) Refusing to display or show the pass to park employees when requested; or

(g) Failing to provide current eligibility information upon request by the agency or when eligibility ceases or changes.

(6) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

~~((+0))~~ (7) The commission may engage in a mutually agreed upon reciprocal or discounted program for all or specific pass programs with other outdoor recreation agencies.

(8) The commission shall adopt such rules as it finds appropriate for the administration of this section. Among other things, such rules shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass.

**Sec. 2.** RCW 79A.05.165 and 2003 c 53 s 382 are each amended to read as follows:

(1) Every person is guilty of a misdemeanor who:

(a) Cuts, breaks, injures, destroys, takes, or removes any tree, shrub, timber, plant, or natural object in any park or parkway except in accordance with such rules as the commission may prescribe; or

(b) Kills, or pursues with intent to kill, any bird or animal in any park or parkway except in accordance with a research pass, permit, or other approval issued by the commission, pursuant to rule, for scientific research purposes; or

(c) Takes any fish from the waters of any park or parkway, except in conformity with such general rules as the commission may prescribe; or

(d) Willfully mutilates, injures, defaces, or destroys any guidepost, notice, tablet, fence, inclosure, or work for the protection or ornamentation of any park or parkway; or

(e) Lights any fire upon any park or parkway, except in such places as the commission has authorized, or willfully or carelessly permits any fire which he or she has lighted or which is under his or her charge, to spread or extend to or burn any of the shrubbery, trees, timber, ornaments, or improvements upon any park or parkway, or leaves any campfire which he or she has lighted or which has been left in his or her charge, unattended by a competent person, without extinguishing it; or

(f) Places within any park or parkway or affixes to any object therein contained, without a written license from the commission, any word, character, or device designed to advertise any business, profession, article, thing, exhibition, matter, or event.

(2)(a) Except as provided in (b) of this subsection, a person who violates any rule adopted, promulgated, or issued by the commission pursuant to the provisions of this chapter is guilty of a misdemeanor.

(b) The commission may specify by rule, when not inconsistent with applicable statutes, that violation of the rule is an infraction under chapter 7.84 RCW."

On page 1, line 1 of the title, after "passes;" strike the remainder of the title and insert "and amending RCW 79A.05.065 and 79A.05.165."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1259 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative B. Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1259, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1259, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1259, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1267 with the following amendment:

On page 2, after line 17, insert the following:

"(c) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars for each classified skill examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not for profit corporations that are federally supported head start programs; or

(ii) Public benefit not for profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4)."

Renumber the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1267

and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Wallace and Jarrett spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1267, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1267, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 78, Nays - 16, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Green, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Anderson, Crouse, DeBolt, Dunn, Ericksen, Grant, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Rodne, Ross, Van De Wege, and Warnick - 16.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1267, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1276 with the following amendment:

On page 2, line 13, after "least", strike "one", and insert "two"

On page 2, line 14, after "nominees", insert "per position"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1276 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Linville and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1276, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1276, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Orcutt - 1.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1276, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 10, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1287 with the following amendment:

On page 12, after line 29, insert the following:

"**Sec. 6.** RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

**Sec. 7.** RCW 74.13.285 and 2000 c 88 s 2 are each amended to read as follows:

(1) Within available resources, the department shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements after July 1, 1997, shall have first priority in the preparation of passports. Within available resources, the department may prepare passports for any child in a foster home on July 1, 1997, provided that no time spent in a foster home before July 1, 1997, shall be included in the computation of the ninety days.

(2) In addition to the requirements of subsection (1) of this section, the department shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

On page 1, line 3 of the title, after "13.34.145," strike "and" and after "13.34.062" insert ", 74.13.280, and 74.13.285"

On page 1, line 3 of the title, after "13.34.062;" strike "and" and after "13.34 RCW" insert "; providing an effective date; and declaring an emergency"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1287 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1287, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1287, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1287, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 11, 207

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1298 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.29.056 and 1997 c 37 s 2 are each amended to read as follows:

(1)(a) Subject to section 3 of this act and (c) of this subsection, dental hygienists licensed under this chapter with two years' practical clinical experience with a licensed dentist within the preceding five years may be employed or retained by health care facilities to perform authorized dental hygiene operations and services without dental supervision, limited to removal of deposits and stains from the surfaces of the teeth, application of topical preventive or prophylactic agents, polishing and smoothing restorations, and performance of root planing and soft-tissue curettage, but shall not perform injections of anesthetic agents, administration of nitrous oxide, or diagnosis for dental treatment.

(b) The performance of dental hygiene operations and services in health care facilities shall be limited to patients, students, and residents of the facilities.

(c) A dental hygienist employed or retained to perform services under this section in a senior center must, before providing services:

(i) Enter into a written practice arrangement plan, approved by the department, with a dentist licensed in this state, under which the dentist will provide off-site supervision of the dental services provided. This agreement does not create an obligation for the dentist to accept referrals of patients receiving services under the program;

(ii) Collect data on the patients treated by dental hygienists under the program, including age, treatments rendered, insurance coverage, if any, and patient referral to dentists. This data must be submitted to the department of health at the end of each annual quarter, commencing October 1, 2007; and

(iii) Obtain information from the patient's primary health care provider about any health conditions of the patient that would be relevant to the provision of preventive dental care. The information may be obtained by the dental hygienist's direct contact with the provider or through a written document from the provider that the patient presents to the dental hygienist.

(d) For dental planning and dental treatment, dental hygienists shall refer patients to licensed dentists.

(2) For the purposes of this section(6):

(a) "Health care facilities" are limited to hospitals; nursing homes; home health agencies; group homes serving the elderly, ~~((handicapped))~~ individuals with disabilities, and juveniles; state-operated institutions under the jurisdiction of the department of social and health services or the department of corrections; and federal, state, and local public health facilities, state or federally funded community and migrant health centers, and tribal clinics. Until July 1, 2009, "health care facilities" also include senior centers.

(b) "Senior center" means a multipurpose community facility operated and maintained by a nonprofit organization or local government for the organization and provision of a broad spectrum of health, social, nutritional, and educational services and recreational activities for persons sixty years of age or older.

**Sec. 2.** RCW 18.29.220 and 2001 c 93 s 3 are each amended to read as follows:

~~((+))~~ For low-income, rural, and other at-risk populations and in coordination with local public health jurisdictions and local oral health coalitions, a dental hygienist licensed in this state ~~((as of April 19, 2001;))~~ may assess for and apply sealants and apply fluoride varnishes, and may remove deposits and stains from the surfaces of teeth until July 1, 2009, in community-based sealant programs carried out in schools:

(1) Without attending the department's school sealant endorsement program~~(-)~~ if the dental hygienist was licensed as of April 19, 2001; or

(2) ~~((For low-income, rural, and other at-risk populations and in coordination with local public health jurisdictions and local oral health coalitions;))~~ If the dental hygienist~~((s who are))~~ is school sealant endorsed under RCW 43.70.650 ~~((may assess for and apply sealants and fluoride varnishes in community-based sealant programs carried out in schools)).~~

A hygienist providing services under this section must collect data on patients treated, including age, treatment rendered, methods of reimbursement for treatment, evidence of coordination with local public health jurisdictions and local oral health coalitions, and patient referrals to dentists. These data must be submitted to the department of health at the end of each annual quarter, commencing October 1, 2007.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.29 RCW to read as follows:

A dental hygienist participating in a program under RCW 18.29.056 that involves providing services at senior centers, as defined in RCW 18.29.056, or under RCW 18.29.220 that involves removing deposits and stains from the surfaces of teeth in a community-based sealant program must:

(1) Provide the patient or, if the patient is a minor, the parent or legal guardian of the patient, if reasonably available, with written information that includes at least the following:

(a) A notice that the treatment being given under the program is not a comprehensive oral health care service, but is provided as a preventive service only; and

(b) A recommendation that the patient should be examined by a licensed dentist for comprehensive oral health care services; and

(2) Assist the patient in obtaining a referral for further dental planning and treatment, including providing a written description of methods and sources by which a patient may obtain a referral, if needed, to a dentist, and a list of licensed dentists in the community. Written information should be provided to the parent on the potential needs of the patient.

**NEW SECTION. Sec. 4.** The secretary of health, in consultation with representatives of dental hygienists and dentists, shall provide a report to the appropriate committees of the legislature by December 1, 2008, that:

(1) Provides a summary of the information about patients receiving dental services in senior centers that is collected under RCW 18.29.056(1)(c)(ii), and in community-based sealant programs carried out in schools under RCW 18.29.220, and describing the dental health outcomes, including both effects on dental health and adverse incidents, if any, related to the services these patients receive under the programs; and

(2) Makes recommendations, as appropriate, with regard to the services that could be appropriately provided by dental hygienists in senior centers and community-based sealant programs carried out in schools, and the effects on dental health of patients treated."

On page 1, line 1 of the title, after "hygiene;" strike the remainder of the title and insert "amending RCW 18.29.056 and 18.29.220; adding a new section to chapter 18.29 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1298 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Green spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1298, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1298, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 69, Nays - 25, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hankins, Hasegawa, Hunt, Hurst, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Skinner, Sommers, Springer, Sullivan, B., Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Armstrong, Buri, Chandler, Dunn, Ericksen, Hailey, Haler, Hinkle, Hudgins, Hunter, Jarrett, Kagi, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Simpson, Strow, Sullivan, P., Takko, Van De Wege and Warnick - 25.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1298, as amended by the Senate, having received the constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1304 with the following amendment:

On page 3, after line 23, insert the following:

"(4) Beginning on June 30, 2012, the requirements of subsection (3) of this section apply to any original or renewal application that is submitted to the department for registration of a commercial motor vehicle that is owned by a motor carrier subject to RCW 46.32.080, and that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more."

On page 9, after line 4, insert the following:

"(b) All motor carriers operating in this state who (i) have not applied under (a) of this subsection for a department of transportation number, as defined in section 3 of this act, and (ii) have a commercial motor vehicle that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more, must apply for a department of transportation number by January 1, 2011."

Reletter the remaining subsections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1304 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Jarrett spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1304, as amended by the Senate.

### MOTION

There being no objection, Representative Schual-Berke was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1304, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 11, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Crouse, Curtis, Dunn, Ericksen, Hinkle, Kretz, Kristiansen, Pearson, Roach and Schindler - 11.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke and Sump - 5.

SUBSTITUTE HOUSE BILL NO. 1304, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1319 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.46.110 and 2006 c 95 s 3 are each amended to read as follows:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class C felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.602, while stalking the person; (v) (A) the stalker's victim is or was a law enforcement officer(§); judge(§); juror(§); attorney(§); victim advocate(§); legislator(§); community correction's officer(§); an employee, contract staff person, or volunteer of a correctional agency; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services(§); and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective

witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

(b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

~~((b))~~ (c) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

~~((c))~~ (d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

~~((d))~~ (e) "Repeatedly" means on two or more separate occasions."

On page 1, line 2 of the title, after "stalking;" strike the remainder of the title and insert "and amending RCW 9A.46.110."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1319 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives O'Brien and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1319, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1319, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson,

Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke and Sump - 5.

SUBSTITUTE HOUSE BILL NO. 1319, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ambulatory surgical facility" means any distinct entity that operates for the primary purpose of providing specialty or multispecialty outpatient surgical services in which patients are admitted to and discharged from the facility within twenty-four hours and do not require inpatient hospitalization, whether or not the facility is certified under Title XVIII of the federal social security act.

(2) "Department" means the department of health.

(3) "General anesthesia" means a state of unconsciousness intentionally produced by anesthetic agents, with absence of pain sensation over the entire body, in which the patient is without protective reflexes and is unable to maintain an airway.

(4) "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

(5) "Practitioner" means any physician or surgeon licensed under chapter 18.71 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, or a podiatric physician or surgeon licensed under chapter 18.22 RCW.

(6) "Secretary" means the secretary of health.

(7) "Surgical services" means invasive medical procedures that:

(a) Utilize a knife, laser, cautery, cryogenics, or chemicals; and

(b) Remove, correct, or facilitate the diagnosis or cure of a disease, process, or injury through that branch of medicine that treats diseases, injuries, and deformities by manual or operative methods by a practitioner.

NEW SECTION. Sec. 2. The secretary shall:

(1) Issue a license to any ambulatory surgical facility that:

(a) Submits payment of the fee established in section 7 of this act;

(b) Submits a completed application that demonstrates the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule. An ambulatory surgical facility shall be deemed to have met the standards if it submits proof of certification as a medicare ambulatory surgical facility or accreditation by an organization that the secretary has determined to have substantially equivalent standards to those of the department; and

(c) Successfully completes the survey requirements established in section 11 of this act;

(2) Develop an application form for applicants for a license to operate an ambulatory surgical facility;

(3) Initiate investigations and enforcement actions for complaints or other information regarding failure to comply with this chapter or the standards and rules adopted under this chapter;

(4) Conduct surveys of facilities, including reviews of medical records and documents required to be maintained under this chapter or rules adopted under this chapter;

(5) By March 1, 2008, determine which accreditation organizations have substantially equivalent standards for purposes of

deeming specific licensing requirements required in statute and rule as having met the state's standards; and

(6) Adopt any rules necessary to implement this chapter.

**NEW SECTION. Sec. 3.** Except as provided in section 4 of this act, after June 30, 2009, no person or governmental unit of the state of Washington, acting separately or jointly with any other person or governmental unit, shall establish, maintain, or conduct an ambulatory surgical facility in this state or advertise by using the term "ambulatory surgical facility," "day surgery center," "licensed surgical center," or other words conveying similar meaning without a license issued by the department under this chapter.

**NEW SECTION. Sec. 4.** Nothing in this chapter:

(1) Applies to an ambulatory surgical facility that is maintained and operated by a hospital licensed under chapter 70.41 RCW;

(2) Applies to an office maintained for the practice of dentistry;

(3) Applies to outpatient specialty or multispecialty surgical services routinely and customarily performed in the office of a practitioner in an individual or group practice that do not require general anesthesia; or

(4) Limits an ambulatory surgical facility to performing only surgical services.

**NEW SECTION. Sec. 5.** (1) An applicant for a license to operate an ambulatory surgical facility must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule, including:

(a) Submitting a written application to the department providing all necessary information on a form provided by the department, including a list of surgical specialties offered;

(b) Submitting building plans for review and approval by the department for new construction, alterations other than minor alterations, and additions to existing facilities, prior to obtaining a license and occupying the building;

(c) Demonstrating the ability to comply with this chapter and any rules adopted under this chapter;

(d) Cooperating with the department during on-site surveys prior to obtaining an initial license or renewing an existing license;

(e) Providing such proof as the department may require concerning the ownership and management of the ambulatory surgical facility, including information about the organization and governance of the facility and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(f) Submitting proof of operation of a coordinated quality improvement program in accordance with section 9 of this act;

(g) Submitting a copy of the facility safety and emergency training program established under section 6 of this act;

(h) Paying any fees established under section 7 of this act; and

(i) Providing any other information that the department may reasonably require.

(2) A license is valid for three years, after which an ambulatory surgical facility must submit an application for renewal of license upon forms provided by the department and the renewal fee as established in section 7 of this act. The applicant must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statutes, standards, and rules. The applicant must submit the license renewal document no later than thirty days prior to the date of expiration of the license.

(3) The applicant may demonstrate compliance with any of the requirements of subsection (1) of this section by providing satisfactory documentation to the secretary that it has met the standards of an accreditation organization or federal agency that the secretary has determined to have substantially equivalent standards as the statutes and rules of this state.

**NEW SECTION. Sec. 6.** An ambulatory surgical facility shall have a facility safety and emergency training program. The program shall include:

(1) On-site equipment, medication, and trained personnel to facilitate handling of services sought or provided and to facilitate the

management of any medical emergency that may arise in connection with services sought or provided;

(2) Written transfer agreements with local hospitals licensed under chapter 70.41 RCW, approved by the ambulatory surgical facility's medical staff; and

(3) A procedural plan for handling medical emergencies that shall be available for review during surveys and inspections.

**NEW SECTION. Sec. 7.** The department of health shall convene a group of interested stakeholders to identify relevant regulatory issues related to the implementation of this act, including a reasonable fee schedule for licenses and renewal licenses. The group shall report to the department on their recommendations no later than December 15, 2007.

**NEW SECTION. Sec. 8.** (1) The secretary may deny, suspend, or revoke the license of any ambulatory surgical facility in any case in which he or she finds the applicant or registered entity knowingly made a false statement of material fact in the application for the license or any supporting data in any record required by this chapter or matter under investigation by the department.

(2) The secretary shall investigate complaints concerning operation of an ambulatory surgical facility without a license. The secretary may issue a notice of intention to issue a cease and desist order to any person whom the secretary has reason to believe is engaged in the unlicensed operation of an ambulatory surgical facility. If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the secretary. Any person operating an ambulatory surgical facility under this chapter without a license is guilty of a misdemeanor, and each day of operation of an unlicensed ambulatory surgical facility constitutes a separate offense.

(3) The secretary is authorized to deny, suspend, revoke, or modify a license or provisional license in any case in which it finds that there has been a failure or refusal to comply with the requirements of this chapter or the standards or rules adopted under this chapter. RCW 43.70.115 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(4) Pursuant to chapter 34.05 RCW, the secretary may assess monetary penalties of a civil nature not to exceed one thousand dollars per violation.

**NEW SECTION. Sec. 9.** (1) Every ambulatory surgical facility shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the ambulatory surgical facility, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise the policies and procedures of the ambulatory surgical facility;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the ambulatory surgical facility;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the ambulatory surgical facility's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the ambulatory surgical facility for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual practitioners within the practitioner's personnel or credential file maintained by the ambulatory surgical facility;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee is not subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence of information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the management of the ambulatory surgical facility, as identified in the facility's application, in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission, the board of osteopathic medicine and surgery, or the podiatric medical board, as appropriate, may review and audit the records of committee decisions in which a practitioner's privileges are terminated or restricted. Each ambulatory surgical facility shall produce and make accessible to the

commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained is not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of an ambulatory surgical facility to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department and any accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of the ambulatory surgical facility. Information so obtained is not subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each ambulatory surgical facility shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510 or 70.41.200, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents are not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 70.41.200(3), 74.42.640 (7) and (9), and 4.24.250.

(9) An ambulatory surgical facility that participates in a coordinated quality improvement program under RCW 43.70.510 shall be deemed to have met the requirements of this section.

(10) Violation of this section shall not be considered negligence per se.

**NEW SECTION. Sec. 10.** The department shall establish and adopt such minimum standards and rules pertaining to the construction, maintenance, and operation of ambulatory surgical facilities and rescind, amend, or modify such rules, as are necessary in the public interest, and particularly for the establishment and maintenance of standards of patient care required for the safe and adequate care and treatment of patients. In establishing the format and content of these standards and rules, the department shall give consideration to maintaining consistency with such minimum standards and rules applicable to ambulatory surgical facilities in the survey standards of accrediting organizations or federal agencies that the secretary has determined to have substantially equivalent standards as the statutes and rules of this state.

**NEW SECTION. Sec. 11.** (1) The department shall make or cause to be made a survey of all ambulatory surgical facilities every eighteen months. Every survey of an ambulatory surgical facility may include an inspection of every part of the surgical facility. The department may make an examination of all phases of the ambulatory surgical facility operation necessary to determine compliance with all applicable statutes, rules, and regulations. In the event that the department is unable to make a survey or cause a survey to be made during the three years of the term of the license, the license of the ambulatory surgical facility shall remain in effect until the state conducts a survey or a substitute survey is performed if the ambulatory surgical facility is in compliance with all other licensing requirements.

(2) An ambulatory surgical facility shall be deemed to have met the survey standards of this section if it submits proof of certification as a medicare ambulatory surgical facility or accreditation by an organization that the secretary has determined to have substantially equivalent survey standards to those of the department. A survey performed pursuant to medicare certification or by an approved accrediting organization may substitute for a survey by the department if:

(a) The ambulatory surgical facility has satisfactorily completed a survey by the department in the previous eighteen months; and

(b) Within thirty days of learning the result of a survey, the ambulatory surgical facility provides the department with documentary evidence that the ambulatory surgical facility has been certified or accredited as a result of a survey and the date of the survey.

(3) Ambulatory surgical facilities shall make the written reports of surveys conducted pursuant to medicare certification procedures or by an approved accrediting organization available to department surveyors during any department surveys, upon request.

**NEW SECTION. Sec. 12.** The department shall require ambulatory surgical facilities to submit data related to the quality of patient care for review by the department. The data shall be submitted every eighteen months. The department shall consider the reporting standards of other public and private organizations that measure quality in order to maintain consistency in reporting and minimize the burden on the ambulatory surgical facility. The department shall review the data to determine the maintenance of quality patient care at the facility. If the department determines that the care offered at the facility may present a risk to the health and safety of patients, the department may conduct an inspection of the facility and initiate appropriate actions to protect the public. Information submitted to the department pursuant to this section shall be exempt from disclosure under chapter 42.56 RCW.

**NEW SECTION. Sec. 13.** (1) The chief administrator or executive officer of an ambulatory surgical facility shall report to the department when the practice of a health care provider licensed by a disciplining authority under RCW 18.130.040 is restricted, suspended, limited, or terminated based upon a conviction, determination, or finding by the ambulatory surgical facility that the provider has committed an action defined as unprofessional conduct under RCW 18.130.180. The chief administrator or executive officer shall also report any voluntary restriction or termination of the practice of a health care provider licensed by a disciplining authority under RCW 18.130.040 while the provider is under investigation or the subject of a proceeding by the ambulatory surgical facility regarding unprofessional conduct, or in return for the ambulatory surgical facility not conducting such an investigation or proceeding or not taking action. The department shall forward the report to the appropriate disciplining authority.

(2) Reports made under subsection (1) of this section must be made within fifteen days of the date of: (a) A conviction, determination, or finding by the ambulatory surgical facility that the health care provider has committed an action defined as unprofessional conduct under RCW 18.130.180; or (b) acceptance by the ambulatory surgical facility of the voluntary restriction or termination of the practice of a health care provider, including his or her voluntary resignation, while under investigation or the subject of proceedings regarding unprofessional conduct under RCW 18.130.180.

(3) Failure of an ambulatory surgical facility to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

(4) An ambulatory surgical facility, its chief administrator, or its executive officer who files a report under this section is immune from suit, whether direct or derivative, in any civil action related to the filing or contents of the report, unless the conviction, determination, or finding on which the report and its content are based is proven to not have been made in good faith. The prevailing party in any action brought alleging that the conviction, determination, finding, or report was not made in good faith is

entitled to recover the costs of litigation, including reasonable attorneys' fees.

(5) The department shall forward reports made under subsection (1) of this section to the appropriate disciplining authority designated under Title 18 RCW within fifteen days of the date the report is received by the department. The department shall notify an ambulatory surgical facility that has made a report under subsection (1) of this section of the results of the disciplining authority's case disposition decision within fifteen days after the case disposition. Case disposition is the decision whether to issue a statement of charges, take informal action, or close the complaint without action against a provider. In its biennial report to the legislature under RCW 18.130.310, the department shall specifically identify the case dispositions of reports made by ambulatory surgical facilities under subsection (1) of this section.

**NEW SECTION. Sec. 14.** Each ambulatory surgical facility shall keep written records of decisions to restrict or terminate privileges of practitioners. Copies of such records shall be made available to the medical quality assurance commission, the board of osteopathic medicine and surgery, or the podiatric medical board, within thirty days of a request, and all information so gained remains confidential in accordance with sections 9 and 13 of this act and is protected from the discovery process. Failure of an ambulatory surgical facility to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

**NEW SECTION. Sec. 15.** (1) Prior to granting or renewing clinical privileges or association of any practitioner or hiring a practitioner, an ambulatory surgical facility approved pursuant to this chapter shall request from the practitioner and the practitioner shall provide the following information:

(a) The name of any hospital, ambulatory surgical facility, or other facility with or at which the practitioner had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the practitioner deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the practitioner deems appropriate;

(e) A waiver by the practitioner of any confidentiality provisions concerning the information required to be provided to ambulatory surgical facilities pursuant to this subsection; and

(f) A verification by the practitioner that the information provided by the practitioner is accurate and complete.

(2) Prior to granting privileges or association to any practitioner or hiring a practitioner, an ambulatory surgical facility approved under this chapter shall request from any hospital or ambulatory surgical facility with or at which the practitioner had or has privileges, was associated, or was employed, the following information concerning the practitioner:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals or ambulatory surgical facilities pursuant to RCW 18.130.070.

(3) The medical quality assurance commission, board of osteopathic medicine and surgery, podiatric medical board, or dental quality assurance commission, as appropriate, shall be advised within thirty days of the name of any practitioner denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital, ambulatory surgical facility, or other facility that receives a request for information from another hospital, ambulatory surgical facility, or other facility pursuant to subsections (1) and (2)

of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital, ambulatory surgical facility, or other facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital, ambulatory surgical facility, or facility. A hospital, ambulatory surgical facility, other facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(6) Ambulatory surgical facilities shall be granted access to information held by the medical quality assurance commission, board of osteopathic medicine and surgery, or podiatric medical board pertinent to decisions of the ambulatory surgical facility regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

**NEW SECTION. Sec. 16.** Ambulatory surgical facilities shall have in place policies to assure that, when appropriate, information about unanticipated outcomes is provided to patients or their families or any surrogate decision makers identified pursuant to RCW 7.70.065. Notifications of unanticipated outcomes under this section do not constitute an acknowledgement or admission of liability, nor may the fact of notification, the content disclosed, or any and all statements, affirmations, gestures, or conduct expressing apology be introduced as evidence in a civil action.

**NEW SECTION. Sec. 17.** Every ambulatory surgical facility shall post in conspicuous locations a notice of the department's ambulatory surgical facility complaint toll-free telephone number. The form of the notice shall be approved by the department.

**NEW SECTION. Sec. 18.** Information received by the department through filed reports, inspection, or as otherwise authorized under this chapter may be disclosed publicly, as permitted under chapter 42.56 RCW, subject to the following provisions:

(1) Licensing inspections, or complaint investigations regardless of findings, shall, as requested, be disclosed no sooner than three business days after the ambulatory surgical facility has received the resulting assessment report;

(2) Information regarding administrative action against the license shall, as requested, be disclosed after the ambulatory surgical facility has received the documents initiating the administrative action;

(3) Information about complaints that did not warrant an investigation shall not be disclosed except to notify the ambulatory

surgical facility and the complainant that the complaint did not warrant an investigation; and

(4) Information disclosed under this section shall not disclose individual names.

**NEW SECTION. Sec. 19.** The ambulatory surgical facility account is created in the custody of the state treasurer. All receipts from fees and penalties imposed under this chapter must be deposited into the account. Expenditures from the account may be used only for administration of this chapter. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 20.** RCW 70.56.010 and 2006 c 8 s 105 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adverse health event" or "adverse event" means the list of serious reportable events adopted by the national quality forum in 2002, in its consensus report on serious reportable events in health care. The department shall update the list, through adoption of rules, as subsequent changes are made by the national quality forum. The term does not include an incident.

(2) "Ambulatory surgical facility" means ~~((any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, whether or not the facility is certified under Title XVIII of the federal social security act))~~ a facility licensed under chapter 70.-- RCW (sections 1 through 19 of this act).

(3) "Childbirth center" means a facility licensed under chapter 18.46 RCW.

(4) "Correctional medical facility" means a part or unit of a correctional facility operated by the department of corrections under chapter 72.10 RCW that provides medical services for lengths of stay in excess of twenty-four hours to offenders.

(5) "Department" means the department of health.

(6) "Health care worker" means an employee, independent contractor, licensee, or other individual who is directly involved in the delivery of health services in a medical facility.

(7) "Hospital" means a facility licensed under chapter 70.41 RCW.

(8) "Incident" means an event, occurrence, or situation involving the clinical care of a patient in a medical facility that:

(a) Results in unanticipated injury to a patient that is not related to the natural course of the patient's illness or underlying condition and does not constitute an adverse event; or

(b) Could have injured the patient but did not either cause an unanticipated injury or require the delivery of additional health care services to the patient.

"Incident" does not include an adverse event.

(9) "Independent entity" means that entity that the department of health contracts with under RCW 70.56.040 to receive notifications and reports of adverse events and incidents, and carry out the activities specified in RCW 70.56.040.

(10) "Medical facility" means a childbirth center, hospital, psychiatric hospital, or correctional medical facility. An ambulatory surgical facility shall be considered a medical facility for purposes of this chapter upon the effective date of any requirement for state registration or licensure of ambulatory surgical facilities.

(11) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

**Sec. 21.** RCW 43.70.510 and 2006 c 8 s 113, 2005 c 291 s 2, 2005 c 274 s 302, and 2005 c 33 s 6 are each reenacted and amended to read as follows:

(1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers approved pursuant to chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may

maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers, or any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.56.360(1)(c) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.56.360(1)(c) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of five or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. For purposes of this section, a health care provider group may be a consortium of providers consisting of five or more providers in total. All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.56.360(1)(c) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (6) of this section is not subject to an action for civil damages or other relief as a result of the activity or its consequences. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider;

(d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (f) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by, a quality improvement committee are exempt from disclosure under chapter 42.56 RCW.

(6) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or with RCW 70.41.200, a coordinated quality improvement committee maintained by an ambulatory surgical facility under section 8 of this act, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (4) of this section and RCW 4.24.250.

(7) The department of health shall adopt rules as are necessary to implement this section.

**Sec. 22.** RCW 70.41.200 and 2005 c 291 s 3 and 2005 c 33 s 7 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care

outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this

section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a coordinated quality improvement committee maintained by an ambulatory surgical facility under section 8 of this act, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

**Sec. 23.** RCW 18.130.070 and 2006 c 99 s 2 are each amended to read as follows:

(1)(a) The secretary shall adopt rules requiring every license holder to report to the appropriate disciplining authority any conviction, determination, or finding that another license holder has committed an act which constitutes unprofessional conduct, or to report information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the other license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(b) The secretary may adopt rules to require other persons, including corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by a disciplining authority, and state or local government agencies to report:

(i) Any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct; or

(ii) Information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(c) If a report has been made by a hospital to the department pursuant to RCW 70.41.210 or by an ambulatory surgical facility

pursuant to section 12 of this act, a report to the disciplining authority is not required. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(d) Reporting under this section is not required by:

(i) Any entity with a peer review committee, quality improvement committee or other similarly designated professional review committee, or by a license holder who is a member of such committee, during the investigative phase of the respective committee's operations if the investigation is completed in a timely manner; or

(ii) An impaired practitioner program or voluntary substance abuse monitoring program approved by a disciplining authority under RCW 18.130.175 if the license holder is currently enrolled in the treatment program, so long as the license holder actively participates in the treatment program and the license holder's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order is a contempt of court as provided in chapter 7.21 RCW.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4)(a) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority:

(i) Any conviction, determination, or finding that he or she has committed unprofessional conduct or is unable to practice with reasonable skill or safety; and

(ii) Any disqualification from participation in the federal medicare program, under Title XVIII of the federal social security act or the federal medicaid program, under Title XIX of the federal social security act.

(b) Failure to report within thirty days of notice of the conviction, determination, finding, or disqualification constitutes grounds for disciplinary action.

**Sec. 24.** RCW 18.71.0195 and 2005 c 274 s 227 are each amended to read as follows:

(1) The contents of any report filed under RCW 18.130.070 shall be confidential and exempt from public disclosure pursuant to chapter 42.56 RCW, except that it may be reviewed (a) by the licensee involved or his or her counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the commission, or investigator thereof, who has been assigned to review the activities of a licensed physician.

Upon a determination that a report is without merit, the commission's records may be purged of information relating to the report.

(2) Every individual, medical association, medical society, hospital, ambulatory surgical facility, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, agency of the federal, state, or local government, or the entity established by RCW 18.71.300 and its officers, agents, and employees are immune from civil liability, whether direct or derivative, for providing information to the commission under RCW 18.130.070, or for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260.

**Sec. 25.** RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, section 9 of this act, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; and

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

**Sec. 26.** RCW 18.71.017 and 2000 c 171 s 23 are each amended to read as follows:

(1) The commission may adopt such rules as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on July 1, 1994, unless otherwise repealed or rejected by this chapter or by the commission.

(2) The commission may adopt rules governing the administration of sedation and anesthesia in the offices of persons licensed under this chapter, including necessary training and equipment.

**Sec. 27.** RCW 18.57.005 and 1986 c 259 s 94 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

(3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or

philosophy of medical practice or its political and/or professional organizations, associations, or societies;

(4) To adopt rules governing the administration of sedation and anesthesia in the offices of persons licensed under this chapter, including necessary training and equipment;

(5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

**Sec. 28.** RCW 18.22.015 and 1990 c 147 s 5 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatric physician and surgeon licenses;

(3) Examine and investigate all applicants for podiatric physician and surgeon licenses and certify to the secretary all applicants it judges to be properly qualified;

(4) Adopt any rules which it considers necessary or proper to carry out the purposes of this chapter;

(5) Adopt rules governing the administration of sedation and anesthesia in the offices of persons licensed under this chapter, including necessary training and equipment;

(6) Determine which schools of podiatric medicine and surgery will be approved.

**NEW SECTION. Sec. 29.** Except for section 7 of this act, this act takes effect July 1, 2009.

**NEW SECTION. Sec. 30.** The secretary of health may take the necessary steps to ensure that this act is implemented on its effective date.

**NEW SECTION. Sec. 31.** Sections 1 through 6 and 8 through 19 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 70.56.010, 18.130.070, 18.71.0195, 18.71.017, 18.57.005, and 18.22.015; reenacting and amending RCW 43.70.510, 70.41.200, and 42.56.360; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1414, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1414, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Dunn and Orcutt - 2.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke and Sump - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 3, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1543 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.14.370 and 2004 c 130 s 2 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, ((no later than October 1st)) within one hundred fifty days

after the close of each fiscal year(=): (i) A list of new projects ~~((from))~~ begun during the ((prior)) fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection.

(c) ~~((For the purposes of this section;))~~ The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington(~~(= and)~~).

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

Beginning on line 1 of the title, strike the remainder of the title and insert "AN ACT Relating to financing economic development offices; and amending RCW 82.14.370."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1543 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Buri and Kenney spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1543, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1543, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz,

Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Curtis, Dunn, Hinkle, Hunt and Orcutt - 5.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke and Sump - 5.

HOUSE BILL NO. 1543, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1599 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.46.0209 and 2000 c 233 s 1 are each amended to read as follows:

(1)(a) "Bona fide charitable or nonprofit organization," as used in this chapter, means: ~~((+))~~

(i) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or ~~((2))~~

(ii) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. ~~((Such))~~

(b) An organization defined under (a) of this subsection must:

(i) Have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required(~~(= It must)~~);

(ii) Have not less than fifteen bona fide active members each with the right to an equal vote in the election of the officers, or board members, if any, who determine the policies of the organization in order to receive a gambling license(~~(= An organization must)~~); and

(iii) Demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the internal revenue code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

(c) Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(2) For the purposes of RCW 9.46.0315 and 9.46.110, a bona fide nonprofit organization also includes:

(a) A credit union organized and operating under state or federal law. All revenue less prizes and expenses received from raffles conducted by credit unions must be devoted to purposes authorized under this section for charitable and nonprofit organizations; and

(b) A group of executive branch state employees that:

(i) Has requested and received revocable approval from the agency's chief executive official, or such official's designee, to conduct one or more raffles in compliance with this section;

(ii) Conducts a raffle solely to raise funds for either the state combined fund drive, created under RCW 41.04.033; an entity approved to receive funds from the state combined fund drive; or a charitable or benevolent entity, including but not limited to a person or family in need, as determined by a majority vote of the approved group of employees. No person or other entity may receive compensation in any form from the group for services rendered in support of this purpose;

(iii) Promptly provides such information about the group's receipts, expenditures, and other activities as the agency's chief executive official or designee may periodically require, and otherwise complies with this section and RCW 9.46.0315; and

(iv) Limits the participation in the raffle such that raffle tickets are sold only to, and winners are determined only from, the employees of the agency.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.52 RCW to read as follows:

(1) When soliciting gifts, grants, or donations solely to support the charitable activities of executive branch state employees conducted pursuant to RCW 9.46.0209, the executive branch state officers and executive branch state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140. However, the gifts, grants, or donations must only be solicited from state employees or businesses and organizations that have no business dealings with the soliciting employee's agency. For the purposes of this subsection, "business dealings" includes being subject to regulation by the agency, having a contractual relationship with the agency, and purchasing goods or services from the agency.

(2) For purposes of this section, activities are deemed to be charitable if the activities are devoted to the purposes authorized under RCW 9.46.0209 for charitable and nonprofit organizations listed in that section, or are in support of the activities of those charitable or nonprofit organizations."

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 9.46.0209; and adding a new section to chapter 42.52 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1599 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1599, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfe, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke, and Sump - 5.

HOUSE BILL NO. 1599, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1592 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.95.011 and 2002 c 174 s 2 are each amended to read as follows:

(1) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges adopted under RCW 9.94A.850, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

(2)(a) Except as provided in (b) of this subsection, not less than ninety days prior to the expiration of the minimum term of a person sentenced under RCW 9.94A.712, for a sex offense committed on or

after September 1, 2001, less any time credits permitted by statute, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional ~~((two))~~ five years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

(b) If at the time a person sentenced under RCW 9.94A.712 for a sex offense committed on or after September 1, 2001, arrives at a department of corrections facility, the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional ~~((two))~~ five years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

(c) In setting a new minimum term, the board may consider the length of time necessary for the offender to complete treatment and programming as well as other factors that relate to the offender's release under RCW 9.95.420. The board's rules shall permit an offender to petition for an earlier review if circumstances change or the board receives new information that would warrant an earlier review.

**Sec. 2.** RCW 9.95.420 and 2006 c 313 s 2 are each amended to read as follows:

(1)(a) Except as provided in (c) of this subsection, before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(c) If at the time the sentence is imposed by the superior court the offender's minimum term has expired or will expire within one hundred twenty days of the sentencing hearing, the department shall conduct, within ninety days of the offender's arrival at a department of corrections facility, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(2) The board shall impose the conditions and instructions provided for in RCW 9.94A.720. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3)(a) Except as provided in (b) of this subsection, no later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term ~~((; not to exceed an additional two years))~~ as provided in RCW 9.95.011.

(b) If at the time the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival at a department of correction's facility, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term ~~((; not to exceed an additional two years))~~ as provided in RCW 9.95.011.

(4) In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for the victims of any crimes for which the offender has been convicted to present oral, video, written, or in-person testimony to the board. The procedures for victim input shall be developed by rule. To facilitate victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence.

**Sec. 3.** RCW 9.95.435 and 2003 c 218 s 1 are each amended to read as follows:

(1) If an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend the release and sanction up to sixty days' confinement in a local correctional facility for each violation, or revoke the release to community custody whenever an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody.

(3) If an offender released by the board under RCW 9.95.420 is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board or a designee of the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.737. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members or designees of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.737;

(b) The board shall provide the offender with ~~((written notice of the violation;))~~ findings and conclusions which include the evidence relied upon, and the reasons the particular sanction was imposed. ((The notice shall include a statement of the rights specified in this subsection, and the offender's)) The board shall notify the offender of the right to appeal the sanction and the right to file a personal

restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. The board or its designee shall make a determination whether probable cause exists to believe the violation or violations occurred. The determination shall be made within forty-eight hours of receipt of the allegation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the ~~((hearing examiner))~~ presiding hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody upon a finding of violation is a probable sanction for the violation. The board may not revoke the release to community custody of any offender who was not represented by counsel at the hearing, unless the offender has waived the right to counsel; and

(e) The sanction shall take effect if affirmed by the ~~((hearing examiner))~~ presiding hearing officer.

(5) Within seven days after the ~~((hearing examiner's))~~ presiding hearing officer's decision, the offender may appeal the decision to the full board or to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (a) The crime of conviction; (b) the violation committed; (c) the offender's risk of reoffending; or (d) the safety of the community.

(6) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

**Sec. 4.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read as follows:

(1)(a) When ~~((a prisoner))~~ an offender on parole has performed all obligations of his or her release, including any and all legal financial obligations, for such time as shall satisfy the indeterminate sentence review board that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the ~~((prisoner))~~ offender. ~~((The certificate of discharge shall be issued to the offender in person or by mail to the prisoner's last known address.))~~

(b) The board retains the jurisdiction to issue a certificate of discharge after the expiration of the offender's or parolee's maximum statutory sentence. If not earlier granted and any and all legal financial obligations have been paid, the board shall issue a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years.

(c) The discharge, regardless of when issued, shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certification of discharge shall so state.

(d) This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.

(e) The board shall issue a certificate of discharge to the offender in person or by mail to the offender's last known address.

(2) The board shall send a copy of every signed certificate of discharge to the auditor for the county in which the offender was sentenced and to the department of corrections. The department shall create and maintain a data base containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

~~((The board retains the jurisdiction to issue a certificate of discharge after the expiration of the prisoner's or parolee's maximum statutory sentence. If not earlier granted, the board shall make a final~~

~~order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years. Such discharge, regardless of when issued, shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certification of discharge shall so state. This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.))~~

(3) The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 9.95.011, 9.95.420, 9.95.435, and 9.96.050."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1592 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1592, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1592, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke, and Sump - 5.

HOUSE BILL NO. 1592, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1636 with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that current concern over the rapid and increasing loss of rural, agricultural, and forested land has led to the exploration of creative approaches to preserving these important lands. The legislature finds also that the creation of a regional transfer of development rights marketplace will assist in slowing the conversion of these lands.

The legislature further finds that transferring development rights is a market-based technique that encourages the voluntary transfer of growth from places where a community would like to see less development, referred to as sending areas, to places where a community would like to see more development, referred to as receiving areas. Under this technique, permanent deed restrictions are placed on the sending area properties to ensure that the land will be used only for approved activities such as farming, forest management, conservation, or passive recreation. Also under this technique, the costs of purchasing the recorded development restrictions are borne by the developers who receive the building credit or bonus.

Accordingly, the legislature has determined that it is good public policy to build upon existing transfer of development rights programs, pilot projects, and private initiatives that foster effective use of transferred development rights through the creation of a market-based program that focuses on the central Puget Sound region.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Nongovernmental entities" includes nonprofit or membership organizations with experience or expertise in transferring development rights.

(3) "Transfer of development rights" includes methods for protecting land from development by voluntarily removing the development rights from a sending area and transferring them to a receiving area for the purpose of increasing development density in the receiving area.

**NEW SECTION. Sec. 3.** Subject to the availability of amounts appropriated for this specific purpose, the department shall fund a process to develop a regional transfer of development rights program that comports with chapter 36.70A RCW that:

(1) Encourages King, Kitsap, Pierce, and Snohomish counties, and the cities within these counties, to participate in the development and implementation of regional frameworks and mechanisms that make transfer of development rights programs viable and successful. The department shall encourage and embrace the efforts in any of these counties or cities to develop local transfer of development rights programs. In fulfilling the requirements of this chapter, the department shall work with the Puget Sound regional council and its growth management policy board to develop a process that satisfies the requirements of this chapter. In the development of a process to create a regional transfer of development rights program, the Puget Sound regional council and its growth management policy board shall develop policies to discourage, or prohibit if necessary, the transfer of development rights from a sending area that would negatively impact the future economic viability of the sending area. The department shall also work with an advisory committee to develop a regional transfer of development rights marketplace that includes, but is not limited to, supporting strategies for financing infrastructure and conservation. The department shall establish an advisory committee of nine stakeholders with representatives of the following interests:

(a) Two qualified nongovernmental organizations with expertise in the transfer of development rights. At least one organization must have a statewide expertise in growth management planning and in the transfer of development rights and at least one organization must have a local perspective on market-based conservation strategies and transfer of development rights;

(b) Two representatives from real estate and development;

(c) One representative with a county government perspective;

(d) Two representatives from cities of different sizes and geographic areas within the four-county region; and

(e) Two representatives of the agricultural industry; and

(2) Allows the department to utilize recommendations of the interested local governments, nongovernmental entities, and the Puget Sound regional council to develop recommendations and strategies for a regional transfer of development rights marketplace with supporting strategies for financing infrastructure and conservation that represents the consensus of the governmental and nongovernmental parties engaged in the process. However, if agreement between the parties cannot be reached, the department shall make recommendations to the legislature that seek to balance the needs and interests of the interested governmental and nongovernmental parties. The department may contract for expertise to accomplish any of the following tasks. Recommendations developed under this subsection must:

(a) Identify opportunities for cities, counties, and the state to achieve significant benefits through using transfer of development rights programs and the value in modifying criteria by which capital budget funds are allocated, including but not limited to, existing state grant programs to provide incentives for local governments to implement transfer of development rights programs;

(b) Address challenges to the creation of an efficient and transparent transfer of development rights market, including the creation of a transfer of development rights bank, brokerage, or direct buyer-seller exchange;

(c) Address issues of certainty to buyers and sellers of development rights that address long-term environmental benefits and perceived inequities in land values and permitting processes;

(d) Address the means for assuring that appropriate values are recognized and updated, as well as specifically addressing the need to maintain the quality of life in receiving neighborhoods and the protection of environmental values over time;

(e) Identify opportunities and challenges that, if resolved, would result in cities throughout the Puget Sound region participating in a transfer of development rights market;

(f) Compare the uses of a regional transfer of development rights program to other existing land conservation strategies to protect rural and resource lands and implement the growth management act; and

(g) Identify appropriate sending areas so as to protect future growth and economic development needs of the sending areas.

**NEW SECTION. Sec. 4.** The department shall submit recommendations, findings, and legislative recommendations according to the following schedule:

(1) By December 1, 2007, the department shall notify the governor and the appropriate committees of the legislature of any recommended actions for advancing the purposes of this act.

(2) By December 1, 2008, the department shall notify the governor and the appropriate committees of the legislature of findings and legislative recommendations to implement a regional transfer of development rights program.

**NEW SECTION. Sec. 5.** Sections 1 through 3 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1636 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1636, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1636, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Dunn, and Orcutt - 2.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke, and Sump - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 1636, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 11, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTION HOUSE BILL NO. 1646 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends that sampling of fish, wildlife, and shellfish by department of fish and wildlife employees will ensure the conservation and management of fish, shellfish, and wildlife. Because the harvest of fish and wildlife is regulated by the department, the legislature finds that sampling by departmental employees will benefit the resource, and will further the department's research related to fish, wildlife, and shellfish. This section and section 2 of this act do not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

(1) Department employees, in carrying out their duties under this title on public lands or state waters, may:

(a) Collect samples of tissue, fluids, or other bodily parts of fish, wildlife, or shellfish; or

(b) Board vessels in state waters engaged in commercial and recreational harvest activities to collect samples of fish, wildlife, or shellfish.

(i) Department employees shall ask permission from the owner or his or her agent before boarding vessels in state waters.

(ii) If an employee of the department is denied access to any vessel where access was sought for the purposes of (b) of this subsection, the department employee may contact an enforcement officer for assistance in applying for a search warrant authorizing access to the vessel in order to carry out the department employee's duties under this section.

(2) Department employees must have official identification, announce their presence and intent, and perform their duties in a safe and professional manner while carrying out the activities in this section.

(3) This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(4) This section does not apply to fish and wildlife officers and ex officio fish and wildlife officers carrying out their duties under this title.

**Sec. 3.** RCW 77.15.360 and 2000 c 107 s 243 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title, including but not limited to interfering:

(a) In the operation of department vehicles, vessels, or aircraft;  
or

(b) With the collection of samples of tissue, fluids, or other bodily parts of fish, wildlife, and shellfish under section 2 of this act.

(2) Unlawful interfering in department operations is a gross misdemeanor.

**Sec. 4.** RCW 77.15.568 and 2003 c 336 s 1 are each amended to read as follows:

~~(Since violation of rules of the department relating to the accounting of the commercial harvest of food fish, commercialized game fish, and shellfish result in damage to the resources of the state, persons selling such fish and shellfish at retail, including but not limited to stores, markets, and restaurants, must maintain sufficient records for the department to be able to ascertain the origin of the fish and shellfish in their possession:~~

~~(1) A retail fish seller is guilty of retail fish seller's failure to account for commercial harvest if the retail seller sells fish or shellfish at retail, the fish or shellfish were required to be entered on a Washington state fish receiving ticket, the seller is not a wholesale fish dealer or fisher selling under a direct retail sale endorsement, and the seller fails to maintain sufficient records at the location where the fish or shellfish are being sold to determine the following:~~

~~(a) The name of the wholesale fish dealer or fisher selling under a direct retail sale endorsement from whom the fish were purchased;~~

~~(b) The wholesale fish dealer's license number or the number of the fisher's sale under a direct retail sale endorsement;~~

~~(c) The fish receiving ticket number documenting original receipt, if known;~~

~~(d) The date of purchase; and~~

~~(e) The amount of fish or shellfish originally purchased from the wholesale dealer or fisher selling under a direct retail sale endorsement;~~

~~(2) A retail fish seller's failure to account for commercial harvest is a misdemeanor.)~~

(1) A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if:

(a) The person sells fish or shellfish at retail, stores or holds fish or shellfish for another in exchange for valuable consideration, ships fish or shellfish in exchange for valuable consideration, or brokers fish or shellfish in exchange for valuable consideration;

(b) The fish or shellfish were required to be entered on a Washington fish receiving ticket or a Washington aquatic farm production annual report; and

(c) The person fails to maintain records of each receipt of fish or shellfish, as required under subsections (3) through (5) of this section, at the location where the fish or shellfish are being sold, at the location where the fish or shellfish are being stored or held, or at the principal place of business of the shipper or broker.

(2) This section does not apply to a wholesale fish dealer, a fisher selling under a direct retail sale endorsement, or a registered aquatic farmer.

(3) Records of the receipt of fish or shellfish required to be kept under this section must be in the English language and be maintained for three years from the date fish or shellfish are received, shipped, or brokered.

(4) Records maintained by persons that retail or broker must include the following:

(a) The name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic farmer or shellstock shipper from whom the fish or shellfish were purchased or received;

(b) The Washington fish receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;

(c) The date of purchase or receipt; and

(d) The amount and species of fish or shellfish purchased or received.

(5) Records maintained by persons that store, hold, or ship fish or shellfish for others must state the following:

(a) The name, address, and phone number of the person and business from whom the fish or shellfish were received;

(b) The date of receipt; and

(c) The amount and species of fish or shellfish received.

(6) A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 77.15.360 and 77.15.568; adding a new section to chapter 77.12 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1646 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1646, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1646, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson,

Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke, and Sump - 5.

SUBSTITUTE HOUSE BILL NO. 1646, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1648 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that agricultural activities are often subjected to nuisance lawsuits. The legislature also finds that such lawsuits hasten premature conversion of agricultural lands to other uses. The legislature further finds that agricultural activities must be able to adopt new technologies and diversify into new crops and products if the agricultural industry is to survive and agricultural lands are to be conserved. Therefore, the legislature intends to enhance the protection of agricultural activities from nuisance lawsuits, and to further the clear legislative directive of the state growth management act to maintain and enhance the agricultural industry and conserve productive agricultural lands.

Sec. 2. RCW 7.48.305 and 1992 c 151 s 1 and 1992 c 52 s 3 are each reenacted and amended to read as follows:

Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on ((the)) public health and safety.

If those agricultural activities and forest practices are undertaken in conformity with all applicable laws and rules, ((the activities)) they are presumed to be good agricultural and forest practices not adversely affecting the public health and safety for purposes of this section and RCW 7.48.300. An agricultural activity that is in conformity with such laws and rules shall not be restricted as to the hours of the day or day or days of the week during which it may be conducted.

Nothing in this section shall affect or impair any right to sue for damages.

Sec. 3. RCW 7.48.310 and 1992 c 52 s 4 are each amended to read as follows:

As used in RCW 7.48.305:

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; keeping of bees for production of agricultural or apicultural products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses;

and conversion from one agricultural activity to another, including a change in the type of plant-related farm product being produced. The term includes use of new practices and equipment consistent with technological development within the agricultural industry.

(2) "Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products.

(3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other ~~((agricultural commodities))~~ farm products.

(4) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries and apiary products, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

(5) "Forest practice" means "forest practice" as defined in RCW 76.09.020."

On page 1, line 2 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 7.48.310; reenacting and amending RCW 7.48.305; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1648 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative B. Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1648, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1648, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke and Sump - 5.

ENGROSSED HOUSE BILL NO. 1648, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1654 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.60.160 and 2005 c 243 s 15 and 2005 c 153 s 11 are each reenacted and amended to read as follows:

(1) Except for an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, (([and] except Sundays and legal holidays,)) the county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than ~~((twenty-five))~~ five hundred ballots that have yet to be canvassed. ~~((The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section.~~

~~— Except for an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.))~~

(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.

(3) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process absentee ballots and canvass the votes.

(4) Tabulation results must be made available to the public immediately upon completion of the canvass.

**Sec. 2.** RCW 29A.60.160 and 2005 c 243 s 15 are each amended to read as follows:

~~((Except Sundays and legal holidays,))~~ (1) The county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than ~~((twenty-five))~~ five hundred ballots that have yet to be canvassed. ~~((The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor, the county~~

auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section:

Each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.))

(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.

(3) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process absentee ballots and canvass the votes.

(4) Tabulation results must be made available to the public immediately upon completion of the canvass.

**Sec. 3.** RCW 29A.60.170 and 2003 c 111 s 1517 are each amended to read as follows:

(1) The counting center in a county using voting systems is under the direction of the county auditor and must be observed by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(2) In counties in which ballots are not counted at the polling place, the official political party observers, upon mutual agreement, may request that a precinct be selected at random on receipt of the ballots from the polling place and that a manual count be made of the number of ballots and of the votes cast on any office or issue. The ballots for that precinct must then be counted by the vote tallying system, and this result will be compared to the results of the manual count. This may be done as many as three times during the tabulation of ballots on the day of the primary or election.

(3) In counties using poll-site ballot counting devices, the political party observers, upon mutual agreement, may choose as many as three precincts and request that a manual count be made of the number of ballots and the votes cast on any office or issue. The results of this count will be compared to the count of the precinct made by the poll-site ballot counting device. These selections must be made no later than thirty minutes after the close of the polls. The manual count must be completed within forty-eight hours after the close of the polls. The process must take place at a location designated by the county auditor for that purpose. The political party observers must receive timely notice of the time and location, and have the right to be present. However, the process must proceed as scheduled if the observers are unable to attend.

(4) In counties voting entirely by mail, a random check of the ballot counting equipment may be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board prior to the processing of ballots. The random check process shall involve a comparison of a manual count to the machine count and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board and the check must be completed no later than forty-eight hours after election day.

**NEW SECTION. Sec. 4.** Section 1 of this act expires July 1, 2013.

**NEW SECTION. Sec. 5.** Section 2 of this act takes effect July 1, 2013."

On page 1, line 2 of the title, after "ballots;" strike the remainder of the title and insert "amending RCW 29A.60.160 and 29A.60.170; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1654 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1654, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1654, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke and Sump - 5.

SUBSTITUTE HOUSE BILL NO. 1654, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1761 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.105D.030 and 2002 c 288 s 3 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020(7) and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, deed restrictions where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing a deed restriction under this subsection, the department shall notify and seek comment from a city or county department with land use planning authority for real property subject to a deed restriction;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(12)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before ~~(November 1st)~~ December 20th of each even-numbered year, the department shall ~~((develop, with public notice and hearing, and submit to))~~

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the ~~((ways and means and))~~ appropriate standing fiscal and environmental committees of the senate and house of representatives ~~((a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also)).~~ This submittal must

also include a ranked list of such remedial action projects for both accounts; and

~~((c))~~ (c) Provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its ~~((top two))~~ waste management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~((4))~~ (5) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020(7) and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

~~((5))~~ (6) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

**Sec. 2.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(c) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the ~~((top two))~~ hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that

portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public

participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund."

On page 1, line 2 of the title, after "cleanups;" strike the remainder of the title and insert "and amending RCW 70.105D.030 and 70.105D.070."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1761 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Linville spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1761, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1761, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke and Sump - 5.

SUBSTITUTE HOUSE BILL NO. 1761, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The GET ready for math and science scholarship program is established. The purpose of the program is to provide scholarships to students who achieve level four on the mathematics or science portions of the tenth grade Washington assessment of student learning or achieve a score in the math section of the SAT or the math section of the ACT that is above the ninety-fifth percentile, major in a mathematics, science, or related field in college, and commit to working in mathematics, science, or a related field for at least three years in Washington following completion of their bachelor's degree. The program shall be administered by the nonprofit organization selected as the private partner in the public-private partnership.

(2) The total annual amount of each GET ready for math and science scholarship may vary, but shall not exceed the annual cost of resident undergraduate tuition fees and mandatory fees at the University of Washington. An eligible recipient may receive a GET ready for math and science scholarship for up to one hundred eighty quarter credits, or the semester equivalent, or for up to five years, whichever comes first.

(3) Scholarships shall be awarded only to the extent that state funds and private matching funds are available for that purpose in the GET ready for math and science account established in section 11 of this act.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the higher education coordinating board.

(2) "GET units" means tuition units under the advanced college tuition payment program in chapter 28B.95 RCW.

(3) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(4) "Program administrator" means the private nonprofit corporation that is registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, that will serve as the private partner in the public-private partnership under this chapter.

(5) "Qualified program" or "qualified major" means a mathematics, science, or related degree program or major line of study offered by an institution of higher education that is included on the list of programs or majors selected by the board and the program administrator under section 10 of this act.

**NEW SECTION. Sec. 3.** (1) An eligible student is a student who:

(a) Is eligible for resident tuition and fee rates as defined in RCW 28B.15.012;

(b) Achieved level four on the mathematics or science portion of the tenth grade Washington assessment of student learning or achieved a score in the math section of the SAT or the math section of the ACT that is above the ninety-fifth percentile;

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for a GET ready for math and science scholarship and for up to the two previous years;

(d) Has declared an intention to complete a qualified program or qualified major or has entered a qualified program or declared a qualified major at an institution of higher education;

(e) Has declared an intention to work in a mathematics, science, or related field in Washington for at least three years immediately following completion of a bachelor's degree or higher degree.

(2) An eligible recipient is an eligible student who:

(a) Has been awarded a scholarship in accordance with the selection criteria and process established by the board and the program administrator;

(b) Enrolls at an institution of higher education within one year of graduating from high school;

(c) Maintains satisfactory academic progress, as defined by the institution of higher education where the student is enrolled;

(d) Takes at least one college-level mathematics or science course each term since enrolling in an institution of higher education; and

(e) Enters a qualified program or qualified major no later than the end of the first term in which the student has junior level standing.

**NEW SECTION. Sec. 4.** (1) If the student enrolls in a qualified program or declares a qualified major and the program or major is subsequently removed from the list of qualified programs and qualified majors by the board and the program administrator, the student's eligibility to receive a GET ready for math and science scholarship shall not be affected.

(2) If a student who received a GET ready for math and science scholarship ceases to be enrolled in an institution of higher education, withdraws or is no longer enrolled in a qualified program, declares a major that is not a qualified major, or otherwise is no longer eligible to receive a GET ready for math and science scholarship, the student shall notify the program administrator as soon as practicable and is not eligible for further GET ready for math and science scholarship awards. Such a student shall also repay the amount of the GET ready for math and science scholarship awarded to the student as required by section 5 of this act.

**NEW SECTION. Sec. 5.** (1) A recipient of a GET ready for math and science scholarship incurs an obligation to repay the scholarship, with interest and an equalization fee, if he or she does not:

(a) Graduate with a bachelor's degree from a qualified program or in a qualified major within five years of first enrolling at an institution of higher education; and

(b) Work in Washington in a mathematics, science, or related occupation full time for at least three years following completion of a bachelor's degree, unless he or she is enrolled in a graduate degree program as provided in subsection (4) of this section.

(2) A former scholarship recipient who has earned a bachelor's degree shall annually verify to the board that he or she is working full time in a mathematics, science, or related field for three years.

(3) If a former scholarship recipient begins but then stops working full time in a mathematics, science, or related field within three years following completion of a bachelor's degree, he or she shall pay back a prorated portion of the amount of the GET ready for math and science scholarship award received by the recipient, plus interest and a prorated equalization fee.

(4) A recipient may postpone for up to three years his or her in-state work obligation if he or she enrolls full time in a graduate degree program in mathematics, science, or a related field.

**NEW SECTION. Sec. 6.** The office of the superintendent of public instruction shall:

(1) Notify elementary, middle, junior high, high school, and school district staff and administrators, and the children's administration of the department of social and health services about the GET ready for math and science scholarship program using methods in place for communicating with schools and school districts; and

(2) Provide data showing the race, ethnicity, income, and other available demographic information of students who achieve level four of the math and science Washington assessment of student learning in the tenth grade. Compare those data with comparable information on the tenth grade student population as a whole. Submit a report with the analysis to the committees responsible for education and higher education in the legislature on December 1st of even-numbered years.

**NEW SECTION. Sec. 7.** The board shall:

(1) Purchase GET units to be owned and held in trust by the board, for the purpose of scholarship awards as provided for in this section;

(2) Distribute scholarship funds, in the form of GET units or through direct payments from the GET ready for math and science

scholarship account, to institutions of higher education on behalf of eligible recipients identified by the program administrator;

(3) Provide the program administrator with annual reports regarding enrollment, contact, and graduation information of GET ready for math and science scholarship recipients, if the recipients have given permission for the board to do so;

(4) Collect repayments from former scholarship recipients who do not meet the eligibility criteria or work obligations;

(5) Establish rules for scholarship repayment, approved leaves of absence, deferments, and exceptions to recognize extenuating circumstances that may impact students; and

(6) Provide information to school districts in Washington, at least once per year, about the GET ready for math and science scholarship program.

**NEW SECTION. Sec. 8.** School districts shall:

(1) Notify parents, teachers, counselors, and principals about the GET ready for math and science scholarship program through existing channels. Notification methods may include, but are not limited to, regular school district and building communications, online scholarship bulletins and announcements, notices posted on school walls and bulletin boards, information available in each counselor's office, and school or district scholarship information sessions.

(2) Provide each student who achieves level four on the mathematics or science high school Washington assessment of student learning with information regarding the scholarship program and how to contact the program administrator.

**NEW SECTION. Sec. 9.** The program administrator shall:

(1) Solicit and accept grants and donations from private sources to match state funds appropriated for the GET ready for math and science scholarship program;

(2) Develop and implement an application, selection, and notification process for awarding GET ready for math and science scholarships;

(3) Notify institutions of higher education of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(4) Report to private donors on the program outcomes and facilitate contact between scholarship recipients and donors, if the recipients have given the program administrator permission to do so, in order for donors to offer employment opportunities, internships, and career information to recipients.

**NEW SECTION. Sec. 10.** The board and the program administrator shall jointly:

(1) Determine criteria for qualifying undergraduate programs, majors, and courses leading to a bachelor's degree in mathematics, science, or a related field, offered by institutions of higher education. The board shall publish the criteria for qualified courses, and lists of qualified programs and qualified majors on its web site on a biennial basis; and

(2) Establish criteria for selecting among eligible applicants those who, without scholarship assistance, would be least likely to pursue a qualified undergraduate program at an institution of higher education in Washington state.

**NEW SECTION. Sec. 11.** (1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in

chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the board.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28B.95 RCW to read as follows:

Ownership of tuition units purchased by the higher education coordinating board for the GET ready for math and science scholarship program under section 7 of this act shall be in the name of the state of Washington and may be redeemed by the state of Washington on behalf of recipients of GET ready for math and science scholarship program scholarships for tuition and fees.

**Sec. 13.** RCW 28B.95.060 and 2000 c 14 s 5 are each amended to read as follows:

(1) The Washington advanced college tuition payment program account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2)(a) Except as provided in (b) of this subsection, the governing body shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of payments received from purchasers of tuition units and funds received from other sources, public or private. With the exception of investment and operating costs associated with the investment of money by the investment board paid under RCW 43.33A.160 and 43.84.160, the account shall be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment of all expenditures. However, an appropriation is not required for such expenditures. Program administration shall include, but not be limited to: The salaries and expenses of the program personnel including lease payments, travel, and goods and services necessary for program operation; contracts for program promotion and advertisement, audits, and account management; and other general costs of conducting the business of the program.

(b) All money received by the program from the higher education coordinating board for the GET ready for math and science scholarship program shall be deposited in the GET ready for math and science scholarship account created in section 11 of this act.

(3) The assets of the account may be spent without appropriation for the purpose of making payments to institutions of higher education on behalf of the qualified beneficiaries, making refunds, transfers, or direct payments upon the termination of the Washington advanced college tuition payment program. Disbursements from the account shall be made only on the authorization of the governing body.

(4) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore the assets of the program are not considered state money, common cash, or revenue to the state.

**Sec. 14.** RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 15.** Sections 1 through 11 of this act constitute a new chapter in Title 28B RCW."

On page 1, beginning on line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Wallace spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1779, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1779, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 72, Nays - 21, Absent - 0, Excused - 5.

Voting yea: Representatives Appleton, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Crouse, Curtis, Dunn, Eddy, Ericksen, Haler, Hinkle, Kristiansen, Newhouse, Orcutt, Pearson, Rodne, Ross, Schindler, and Warnick - 21.

Excused: Representatives Condotta, Eickmeyer, Haigh, Schual-Berke, and Sump - 5.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 6, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1802 with the following amendment:

"Sec. 1. RCW 28A.210.080 and 2005 c 404 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with information about meningococcal disease and its vaccine at the

beginning of every school year. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with information about human papillomavirus disease and its vaccine at the beginning of every school year. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available."

On page 1, line 2 of the title, after "vaccine;" strike the remainder of the title and insert "and amending RCW 28A.210.080."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1802 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Darneille spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1802, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1802, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 76, Nays - 18, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson,

Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Alexander, Buri, Chandler, Crouse, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McCune, Orcutt, Pearson, Ross, Schindler and Warnick - 18.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1802, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1837 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.73.180 and 1987 c 214 s 14 are each amended to read as follows:

Other vehicles not herein defined by this chapter shall not be used for transportation of patients who must be carried on a stretcher or who may require medical attention en route, except that such transportation may be used when:

(1) A disaster creates a situation that cannot be served by licensed ambulances; or

(2) The use of a stretcher is necessary because an individual's personal mobility aid cannot be adequately secured in the nonambulance vehicle and the individual has written authorization from his or her physician that it is safe to transfer the individual from a personal mobility aid to a stretcher.

**NEW SECTION. Sec. 2.** (1) The department of health shall convene a stakeholder group including the department of social and health services, the department of transportation, and local special needs transportation providers who shall assist in the development of guidelines for the safe transport of individuals who rely on stretchers and personal mobility devices.

(2) The department of health shall prepare guidelines for the public and vehicle operators relating to:

(a) Appropriate situations in which vehicles other than ambulances may be used to transport individuals who rely upon personal mobility aids in the normal course of their lives; and

(b) Methods for properly securing personal mobility aids on vehicles other than ambulances and determining if they are adequately secured."

On page 1, line 3 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 18.73.180; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1837 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Newhouse spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1837, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1837, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1837, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 6, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883 with the following amendment:

Strike everything after the enacting clause and insert the following:

#### "PART 1 GENERAL PROVISIONS

**Sec. 101.** RCW 28B.76.050 and 2004 c 275 s 3 are each amended to read as follows:

The members of the board, except ~~((the chair serving on June 13, 2002, and))~~ the student member, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term ~~((except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms))~~. The student member shall hold his or her office for a term of one year ~~((from))~~ beginning on the first day of July. ~~((The chair serving on June 13, 2002, shall serve at the pleasure of the governor.))~~

**Sec. 102.** RCW 28B.76.090 and 2004 c 275 s 4 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 41.06 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 41.06 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rule making, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the workforce training and education coordinating board, ~~((and))~~ the state board for community and technical colleges, and the office of the superintendent of public instruction. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

**Sec. 103.** RCW 28B.76.100 and 2004 c 275 s 2 are each amended to read as follows:

(1) The board shall establish an advisory council consisting of: A representative of the superintendent of public instruction; a representative of the state board of education appointed by the state board of education; a representative of the two-year system of the state board for community and technical colleges appointed by the state board for community and technical colleges; a representative of the workforce training and education coordinating board appointed by the workforce training and education coordinating board; one representative of the research universities appointed by the president of the University of Washington and the president of Washington State University; a representative of the regional universities and The Evergreen State College appointed through a process developed by the council of presidents; a representative of the faculty for the four-year institutions appointed by the council of faculty representatives; a representative of the proprietary schools appointed by the federation of private career schools and colleges; a representative of the independent colleges appointed by the independent colleges of Washington; and a faculty member in the community and technical college system appointed by the state board for community and technical colleges in consultation with the faculty unions.

(2) The members of the advisory council shall each serve a two-year term ~~((except for the superintendent of public instruction, whose term is concurrent with his or her term of office)).~~

(3) The board shall meet with the advisory council at least quarterly and shall seek advice from the council regarding the board's discharge of its statutory responsibilities.

## PART 2 POLICY AND PLANNING

**Sec. 201.** RCW 28B.76.200 and 2004 c 275 s 6 are each amended to read as follows:

(1) The board shall develop a statewide strategic master plan for higher education that proposes a vision and identifies measurable goals and priorities for the system of higher education in Washington state for a ten-year time period. The board shall update the statewide strategic master plan every four years. The plan shall address the goals of: (a) Expanding access; (b) using methods of educational delivery that are efficient, cost-effective, and productive to deliver modern educational programs; and (c) using performance measures to gauge the effectiveness of the state's progress towards meeting its higher education goals. The plan shall encompass all sectors of higher education, including the two-year system, workforce training, the four-year institutions, and financial aid. The board shall also specify strategies for ~~((maintaining and))~~ expanding access,

affordability, quality, efficiency, and accountability among the various institutions of higher education.

(2) In developing the statewide strategic master plan for higher education, the board shall collaborate with the four-year institutions of higher education including the council of presidents, the community and technical college system, and, when appropriate, the workforce training and education coordinating board, the superintendent of public instruction, ~~((and))~~ the independent higher education institutions, the business sector, and labor. The board shall identify and utilize models of regional planning and decision making before initiating a statewide planning process. The board shall also seek input from students, faculty organizations, community and business leaders in the state, members of the legislature, and the governor.

(3) As a foundation for the statewide strategic master plan for higher education, the board shall review role and mission statements for each of the four-year institutions of higher education and the community and technical college system. The purpose of the review is to ensure institutional roles and missions are aligned with the overall state vision and priorities for higher education.

(4) In assessing needs of the state's higher education system, the board ~~((may))~~ should encourage partnerships, embrace innovation, and consider ~~((and))~~, analyze, and make recommendations concerning the following information:

(a) Demographic, social, economic, and technological trends and their impact on service delivery for a twenty-year horizon;

(b) The changing ethnic composition of the population and the special needs arising from those trends;

(c) Business and industrial needs for a skilled workforce;

(d) College attendance, retention, transfer, graduation, and dropout rates;

(e) Needs and demands for basic and continuing education and opportunities for lifelong learning by individuals of all age groups; ~~((and))~~

(f) Needs and demands for nontraditional populations including, but not limited to, adult learners; and

(g) Needs and demands for access to higher education by placebound students and individuals in heavily populated areas underserved by public institutions.

(5) The statewide strategic master plan for higher education shall include, but not be limited to, the following access and educational delivery items:

(a) Recommendations based on enrollment forecasts and analysis of data about demand for higher education, and policies and actions to meet ~~((those needs))~~ the goal of expanding access;

(b) State ~~((or))~~ and regional priorities for new or expanded degree programs or off-campus programs, including what models of service delivery may be most cost-effective;

(c) Recommended policies or actions to improve the efficiency of student transfer and graduation or completion;

(d) State ~~((or))~~ and regional priorities for addressing needs in high-demand fields where enrollment access is limited and employers are experiencing difficulty finding enough qualified graduates to fill job openings;

(e) Recommended tuition and fees policies and levels; and

(f) Priorities and recommendations including increased transparency on financial aid.

(6) The board shall present the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education in a way that provides guidance for institutions, the governor, and the legislature to make further decisions regarding institution-level plans, policies, legislation, and operating and capital funding for higher education. In the statewide strategic master plan for higher education, the board shall recommend specific actions to be taken and identify measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities.

(7) Every four years by December 15th, beginning December 15, ~~((2003))~~ 2007, the board shall submit an ~~((interim))~~ update of the ten-year statewide strategic master plan for higher education to the governor and the legislature. The ~~((interim))~~ updated plan shall reflect the expectations and policy directions of the legislative higher education and fiscal committees, and shall provide a timely and relevant framework for the development of future budgets and policy

proposals. The legislature shall, by concurrent resolution, approve or recommend changes to the (~~interim~~) updated plan, following public hearings. The board shall submit the final plan, incorporating legislative changes, to the governor and the legislature by June of the year in which the legislature approves the concurrent resolution. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan. The board shall report annually to the governor and the legislature on the progress being made by the institutions of higher education and the state to implement the strategic master plan.

(8) Each four-year institution shall develop an institution-level ten-year strategic plan that implements the vision, goals, priorities, and strategies within the statewide strategic master plan for higher education based on the institution's role and mission. Institutional strategic plans shall (~~also~~) encourage partnerships, embrace innovation, and contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities with attention given to the goals and strategies of increased access and program delivery methods. The board shall review the institution-level plans to ensure the plans are aligned with and implement the statewide strategic master plan for higher education and shall periodically monitor institutions' progress toward achieving the goals and priorities within their plans.

(9) The board shall also review the comprehensive master plan prepared by the state board for community and technical colleges for the community and technical college system under RCW 28B.50.090 to ensure the plan is aligned with and implements the statewide strategic master plan for higher education.

**Sec. 202.** RCW 28B.76.210 and 2004 c 275 s 7 are each amended to read as follows:

(1) The board shall collaborate with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the workforce training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions to identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature that recommendations from the board reflect not merely the sum of budget requests from multiple institutions, but prioritized funding needs for the overall system of higher education.

(2) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities to the institutions and the state board for community and technical colleges. The institutions and the state board for community and technical colleges shall submit an outline of their proposed budgets (~~identifying major components, to the board no later than August 1st of each even-numbered year~~) to the board no later than July 1st of each even-numbered year. Pursuant to guidelines developed by the board, operating budget outlines submitted by the institutions and the state board for community and technical colleges after January 1, 2007, shall include all policy changes and enhancements that will be requested by the institutions and the state board for community and technical colleges in their respective biennial budget requests. Operating budget outlines shall include a description of each policy enhancement, the dollar amount requested, and the fund source being requested. Capital budget outlines shall include the prioritized ranking of the capital projects being requested by two-year and four-year institutions, respectively. A description of each capital project, and the amount and fund source being requested, shall be included for each capital project appearing in the prioritized ranking. The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The board shall review and evaluate the operating and capital budget requests from four-year institutions and the community and technical college system based on how the requests align with the board's budget priorities, the missions of the institutions, and the statewide strategic master plan for higher education under RCW 28B.76.200.

(4) The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before (~~November~~) October 1st of each even-

numbered year, and to the legislature by January 1st of each odd-numbered year.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st.

### PART 3 MISCELLANEOUS

NEW SECTION. **Sec. 301.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 302.** Section 102 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "amending RCW 28B.76.050, 28B.76.090, 28B.76.100, 28B.76.200, and 28B.76.210; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Wallace spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1883, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1883, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Orcutt - 1.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 11, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1891 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax imposed by RCW 82.04.290(2) amounts received by physicians or clinics for drugs for infusion or injection by licensed physicians or their agents for human use pursuant to a prescription, but only if the amounts: (1) Are separately stated on invoices or other billing statements; (2) do not exceed the then current federal rate; and (3) are covered or required under a health care service program subsidized by the federal or state government. The federal rate means the rate at or below which the federal government or its agents reimburse providers for prescription drugs administered to patients as provided for in the medicare, part B, drugs average sales price information resource as published by the United States department of health and human services, or any successor index thereto.

**NEW SECTION. Sec. 2.** This act takes effect October 1, 2007."

On page 1, line 2 of the title, after "prescription;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1891 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Linville and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1891, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1891, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green,

Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1891, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 6, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1896 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that Washington is committed to economic development and supporting the tourism industry, and that economic development is achieved by promoting the state and the goods produced around the state. The legislature further finds that tourism is encouraged providing a memorable experience and an opportunity for visitors to take something back home with them to remind them of this experience. There are many visitors every day to the legislative building, including tourists, school children, and people from around the state visiting the state capitol. These visitors offer an opportunity for the state to showcase its products and history. Therefore, the legislature finds that a gift center in the legislative building would be an appropriate response to this opportunity, and further, that such a gift center could provide a source of revenue to help fund the oral history program and to pay for the restoration and repurchase of historical capitol furnishings.

**NEW SECTION. Sec. 2.** (1) There is created in the legislature a legislative gift center for the retail sale of products bearing the state seal, Washington state souvenirs, other Washington products, and other products as approved. Wholesale purchase of products for sale at the legislative gift center is not subject to competitive bidding.

(2) Governance for the legislative gift center shall be under the chief clerk of the house of representatives and the secretary of the senate. They may designate a legislative staff member as the lead staff person to oversee management and operation of the gift shop.

(3) The chief clerk of the house of representatives and secretary of the senate shall consult with the department of general administration in planning, siting, and maintaining legislative building space for the gift center.

(4) Products bearing the "Seal of the State of Washington" as described in Article XVIII, section 1 of the Washington state Constitution and RCW 1.20.080, must be purchased from the secretary of state pursuant to an agreement between the chief clerk of the house of representatives, the secretary of the senate, and the secretary of state.

**NEW SECTION. Sec. 3.** (1) The legislative gift center account is created in the custody of the state treasurer. All moneys received by the gift center from the sale of Washington state souvenirs, other Washington products, and other products as approved shall be deposited in the account. Expenditures from the account may be used only for the operations and maintenance of the gift center, including the purchase of inventory, and for other purposes as

provided in this section. Only the chief clerk of the house of representatives and the secretary of the senate, or the lead staff person designated by them to oversee management and operation of the gift shop, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Net profits, after expenses, from the sale of Washington state souvenirs, other Washington products, and products approved by the legislative gift center, shall be deposited as provided in this subsection:

(a) Twenty-five percent in the legislative oral history account in chapter 44.04 RCW (created in Substitute House Bill No. 1741);

(b) Twenty-five percent in the oral history, state library, and archives account created in RCW 43.07.380; and

(c) Fifty percent in the capitol furnishings preservation committee account created in RCW 27.48.040.

(3) Net profits, after expenses, from the sale of items bearing the state seal by the legislative gift center shall be deposited in the capitol furnishings preservation committee account created in RCW 27.48.040. A full accounting thereof shall be provided to the secretary of state.

(4) The legislative gift center may designate special sales, the proceeds of which shall go to an account specified at the time of designation.

**Sec. 4.** RCW 43.04.100 and 1988 c 120 s 10 are each amended to read as follows:

All fees, penalties, and damages received under this chapter shall be paid to the secretary of state and with the exception of the filing fee authorized in RCW 43.04.040(2) shall be deposited by the secretary into the capitol (~~(building construction account in the state treasury, for use in the historical restoration and completion of the legislative building))~~ furnishings preservation committee account created in RCW 27.48.040.

**NEW SECTION. Sec. 5.** Sections 1 through 3 of this act constitute a new chapter in Title 44 RCW."

On page 1, line 1 of the title, after "center;" strike the remainder of the title and insert "amending RCW 43.04.100; and adding a new chapter to Title 44 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1896 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1896, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1896, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1896, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 6, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1898 with the following amendment:

On page 2, line 33, after "district" insert ", or to any project funded in whole or in part by bond issues approved before July 1, 2007"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1898 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Quall spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1898, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1898, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 69, Nays - 25, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove,

Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Crouse, Curtis, Dunn, Erickson, Hailey, Hinkle, Kretz, Kristiansen, McCune, McDonald, Orcutt, Pearson, Priest, Roach, Ross, Schindler, Skinner, and Warnick - 25.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

ENGROSSED HOUSE BILL NO. 1898, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.14.005 and 1995 c 375 s 1 are each amended to read as follows:

The legislature finds:

(1) That in many of Washington's urban centers there is insufficient availability of desirable and convenient residential units, including affordable housing units, to meet the needs of a growing number of the public who would live in these urban centers if these desirable, convenient, attractive, affordable, and livable places to live were available;

(2) That the development of additional and desirable residential units, including affordable housing units, in these urban centers that will attract and maintain a significant increase in the number of permanent residents in these areas will help to alleviate the detrimental conditions and social liability that tend to exist in the absence of a viable mixed income residential population and will help to achieve the planning goals mandated by the growth management act under RCW 36.70A.020; and

(3) That planning solutions to solve the problems of urban sprawl often lack incentive and implementation techniques needed to encourage residential redevelopment in those urban centers lacking a sufficient variety of residential opportunities, and it is in the public interest and will benefit, provide, and promote the public health, safety, and welfare to stimulate new or enhanced residential opportunities, including affordable housing opportunities, within urban centers through a tax incentive as provided by this chapter.

"**Sec. 2.** RCW 84.14.007 and 1995 c 375 s 2 are each amended to read as follows:

It is the purpose of this chapter to encourage increased residential opportunities, including affordable housing opportunities, in cities that are required to plan or choose to plan under the growth management act within urban centers where the ~~((legislative body))~~ governing authority of the affected city has found there is insufficient housing opportunities, including affordable housing opportunities. It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities, including affordable housing opportunities, within these urban centers. To achieve these purposes, this chapter provides for special valuations in residentially deficient urban centers for eligible improvements associated with multiunit housing ~~((in residentially deficient urban centers))~~, which includes affordable housing.

"**Sec. 3.** RCW 84.14.010 and 2002 c 146 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "City" means either (a) a city or town with a population of at least ~~((thirty))~~ fifteen thousand ~~((or))~~, (b) the largest city or town, if there is no city or town with a population of at least ~~((thirty))~~ fifteen thousand, located in a county planning under the growth management act, or (c) a city or town with a population of at least five thousand located in a county subject to the provisions of RCW 36.70A.215.

(2) "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

(3) "Household" means a single person, family, or unrelated persons living together.

(4) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.

For cities located in high-cost areas, "low-income household" means a household that has an income at or below one hundred percent of the median family income adjusted for family size, for the county where the project is located.

(5) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located.

(6) "High cost area" means a county where the third quarter median house price for the previous year as reported by the Washington center for real estate research at Washington State University is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.

(7) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

~~((3))~~ (8) "Growth management act" means chapter 36.70A RCW.

~~((4))~~ (9) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

~~((5))~~ (10) "Owner" means the property owner of record.

~~((6))~~ (11) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

~~((7))~~ (12) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

~~((8))~~ (13) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

~~((9))~~ (14) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

~~((+0))~~ (15) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

**Sec. 4.** RCW 84.14.020 and 2002 c 146 s 2 are each amended to read as follows:

(1)(a) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows:

(i) For properties for which applications for certificates of tax exemption eligibility are submitted under chapter 84.14 RCW before the effective date of this act, the value is exempt for ten successive years beginning January 1 of the year immediately following the calendar year of issuance of the certificate (of tax exemption eligibility. However, the exemption does not include the value of land or nonhousing-related improvements not qualifying under this chapter); and

(ii) For properties for which applications for certificates of tax exemption eligibility are submitted under chapter 84.14 RCW on or after the effective date of this act, the value is exempt:

(A) For eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate; or

(B) For twelve successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under chapter 84.14 RCW and meets the conditions in this subsection (1)(a)(ii)(B). For the property to qualify for the twelve-year exemption under this subsection, the applicant must commit to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low and moderate-income households, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection (1)(a)(ii)(B) may be satisfied solely through housing affordable to moderate-income households.

(b) The exemptions provided in (a)(i) and (ii) of this subsection do not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(2) When a local government adopts guidelines pursuant to RCW 84.14.030(2) and ~~((the qualifying dwelling units are each on separate parcels for the purpose of property taxation))~~ includes conditions that must be satisfied with respect to individual dwelling units, rather than with respect to the multiple-unit housing as a whole or some minimum portion thereof, the exemption may, at the local government's discretion, be limited to the value of the qualifying improvements allocable to those dwelling units that meet the local guidelines.

~~((2))~~ (3) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

~~((3))~~ (4) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

~~((4))~~ (5) At the conclusion of the ~~((ten-year))~~ exemption period, the new or rehabilitated housing cost shall be considered as new construction for the purposes of chapter 84.55 RCW.

**Sec. 5.** RCW 84.14.030 and 2005 c 80 s 1 are each amended to read as follows:

An owner of property making application under this chapter must meet the following requirements:

(1) The new or rehabilitated multiple-unit housing must be located in a residential targeted area as designated by the city;

(2) The multiple-unit housing must meet ~~((the))~~ guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, ~~((low-income or moderate-))~~ income limits for occupancy ~~((requirements)),~~ limits on rents or sale prices, and other adopted requirements indicated necessary by the city. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(3) The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of fifty percent of the space for permanent residential occupancy. In the case of existing occupied multifamily development, the multifamily housing must also provide for a minimum of four additional multifamily units. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional multifamily units;

(4) New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application;

(5) Property proposed to be rehabilitated must fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995. If the property proposed to be rehabilitated is not vacant, an applicant shall provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate; and

(6) The applicant must enter into a contract with the city approved by the governing ~~((body))~~ authority, or an administrative official or commission authorized by the governing authority, under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

**Sec. 6.** RCW 84.14.040 and 1995 c 375 s 7 are each amended to read as follows:

(1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center, if the affordable, desirable, attractive, and livable places to live were available; and

(c) The providing of additional housing opportunity, including affordable housing, in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter.

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority shall give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a residential targeted area if it

finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority ~~((shall))~~ must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under RCW 84.14.060. The standards and guidelines must establish basic requirements for both new construction and rehabilitation ~~((including))~~, which must include:

~~((a))~~ (a) Application process and procedures ~~((These guidelines may include the following:));~~

~~((b))~~ (b) Requirements that address demolition of existing structures and site utilization; and

~~((c))~~ (c) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the livability of the residential targeted area in which they are to be located.

(6) The governing authority may adopt and implement, either as conditions to eight-year exemptions or as conditions to an extended exemption period under RCW 84.14.020(2), or both, more stringent income eligibility, rent, or sale price limits, including limits that apply to a higher percentage of units, than the minimum conditions for an extended exemption period under RCW 84.14.020(2).

**Sec. 7.** RCW 84.14.050 and 1999 c 132 s 2 are each amended to read as follows:

An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the governing authority or duly authorized ~~((agent))~~ representative, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes;

(2) In the case of new and rehabilitated multifamily housing, the owner shall apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including the floor plan of units and other information requested;

(c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(3) The applicant must verify the application by oath or affirmation; and

(4) The application must be accompanied by the application fee, if any, required under RCW 84.14.080. The governing authority may permit the applicant to revise an application before final action by the governing authority.

**Sec. 8.** RCW 84.14.060 and 1995 c 375 s 9 are each amended to read as follows:

The duly authorized administrative official or committee of the city may approve the application if it finds that:

(1) A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion a minimum of four additional multifamily units are being developed;

(2) If applicable, the proposed multiunit housing project meets the affordable housing requirements as described in RCW 84.14.020;

(3) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

~~((4))~~ (4) The owner has complied with all standards and guidelines adopted by the city under this chapter; and

~~((5))~~ (5) The site is located in a residential targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated in RCW 84.14.040.

**Sec. 9.** RCW 84.14.090 and 1995 c 375 s 12 are each amended to read as follows:

(1) Upon completion of rehabilitation or new construction for which an application for a limited tax exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner shall file with the city the following:

(a) A statement of the amount of rehabilitation or construction expenditures made with respect to each housing unit and the composite expenditures made in the rehabilitation or construction of the entire property;

(b) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter; ~~((and))~~

(c) If applicable, a statement that the project meets the affordable housing requirements as described in RCW 84.14.020; and

(d) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city shall determine whether the work completed, and the affordability of the units, is consistent with the application and the contract approved by the ~~((governing authority))~~ city and is qualified for a limited tax exemption under this chapter. The city shall also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation, conversion, or construction is completed within three years of the date the application for a limited tax exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city determines that improvements were constructed consistent with the application and other applicable requirements, including if applicable, affordable housing requirements, and the owner's property is qualified for a limited tax exemption under this chapter, the city shall file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section.

(4) The authorized representative of the city shall notify the applicant that a certificate of tax exemption is not going to be filed if the authorized representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The improvements were not constructed consistent with the application or other applicable requirements; ~~((or))~~

(c) If applicable, the affordable housing requirements as described in RCW 84.14.020 were not met; or

(d) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative of the city finds that construction or rehabilitation of multiple-unit housing was not completed within the required time period due to circumstances beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the city to the owner of the decision being challenged.

**Sec. 10.** RCW 84.14.100 and 1995 c 375 s 13 are each amended to read as follows:

(1) Thirty days after the anniversary of the date of the certificate of tax exemption and each year for ~~((a period of ten years))~~ the tax exemption period, the owner of the rehabilitated or newly constructed property shall file with a designated ~~((agent))~~ authorized representative of the city an annual report indicating the following:

~~((+))~~ (a) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the twelve months ending with the anniversary date;

~~((+))~~ (b) A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in RCW 84.14.020 since the date of the certificate approved by the city; ~~((and~~

~~((+))~~ (c) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(d) Any additional information requested by the city in regards to the units receiving a tax exemption.

(2) All cities, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, shall report annually by December 31st of each year, beginning in 2007, to the department of community, trade, and economic development. The report must include the following information:

(a) The number of tax exemption certificates granted;

(b) The total number and type of units produced or to be produced;

(c) The number and type of units produced or to be produced meeting affordable housing requirements;

(d) The actual development cost of each unit produced;

(e) The total monthly rent or total sale amount of each unit produced;

(f) The income of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied

units at the time of purchase for each of the units receiving a tax exemption and a summary of these figures for the city; and

(g) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.

**Sec. 11.** RCW 84.14.110 and 2002 c 146 s 3 are each amended to read as follows:

(1) If improvements have been exempted under this chapter, the improvements continue to be exempted ~~((and))~~ for the applicable period under RCW 84.14.020, so long as they are not ((be)) converted to another use ~~((for at least ten years from date of issuance of the certificate of tax exemption))~~ and continue to satisfy all applicable conditions. If the owner intends to convert the multifamily development to another use, or if applicable, if the owner intends to discontinue compliance with the affordable housing requirements as described in RCW 84.14.020 or any other condition to exemption, the owner shall notify the assessor within sixty days of the change in use or intended discontinuance. If, after a certificate of tax exemption has been filed with the county assessor, the ~~((city or assessor or agent))~~ authorized representative of the governing authority discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements, including, if applicable, affordable housing requirements, as previously approved or agreed upon by contract between the ~~((governing authority))~~ city and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have

been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority or authorized representative shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority or authorized representative, within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The value of the new housing construction, conversion, and rehabilitation improvements added to the rolls shall be considered as new construction for the purposes of chapter 84.55 RCW. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW and according to the provisions of RCW 84.40.038. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

**NEW SECTION. Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 84.14.005, 84.14.007, 84.14.010, 84.14.020, 84.14.030, 84.14.040, 84.14.050, 84.14.060, 84.14.090, 84.14.100, and 84.14.110; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Ormsby spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1910, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1910, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 63, Nays - 31, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Crouse, Curtis, DeBolt, Dunn, Erickson, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Ross, Schindler, Skinner, Strow, Walsh, and Warnick - 31.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910, as amended by the Senate, having received the constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910.

JAY RODNE, 5th District

**MESSAGE FROM THE SENATE**

April 10, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1922 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that providing needy youth aging out of the state dependency system with safe and viable options for housing to avoid homelessness confers a valuable benefit on the public that is intended to improve public health, safety, and welfare.

(2) It is the goal of this state to:

(a) Ensure that all youth aging out of the state dependency system have access to a decent, appropriate, and affordable home in a healthy safe environment to prevent such young people from experiencing homelessness; and

(b) Reduce each year the percentage of young people eligible for state assistance upon aging out of the state dependency system.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.63A RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Eligible youth" means an individual who:

(a) On or after September 1, 2006, is at least eighteen, was a dependent of the state under chapter 13.34 RCW in the month before his or her eighteenth birthday, and has not yet reached the age of twenty-three;

(b) Except as provided in section 4(2)(a) of this act, has a total income from all sources, except for temporary sources that include, but are not limited to, overtime wages, bonuses, or short-term temporary assignments, that does not exceed fifty percent of the area median income;

(c) Is not receiving services under RCW 74.13.031(10)(b);

(d) Complies with other eligibility requirements the department may establish.

(3) "Fair market rent" means the fair market rent in each county of the state, as determined by the United States department of housing and urban development.

(4) "Independent housing" means a housing unit that is not owned by or located within the home of the eligible youth's biological parents or any of the eligible youth's former foster care families or dependency guardians. "Independent housing" may include a unit in a transitional or other supportive housing facility.

(5) "Individual development account" or "account" means an account established by contract between a low-income individual and a sponsoring organization for the benefit of the low-income individual and funded through periodic contributions by the low-income individual that are matched with contributions by or through the sponsoring organization.

(6) "Subcontractor organization" means an eligible organization described under RCW 43.185A.040 that contracts with the department to administer the independent youth housing program.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.63A RCW to read as follows:

(1) The independent youth housing program is created in the department to provide housing stipends to eligible youth to be used for independent housing. In developing a plan for the design, implementation, and operation of the independent youth housing program, the department shall:

(a) Adopt policies, requirements, and procedures necessary to administer the program;

(b) Contract with one or more eligible organizations described under RCW 43.185A.040 to provide services and conduct administrative activities as described in subsection (3) of this section;

(c) Establish eligibility criteria for youth to participate in the independent youth housing program, giving priority to youth who have been dependents of the state for at least one year;

(d) Refer interested youth to the designated subcontractor organization administering the program in the area in which the youth intends to reside;

(e) Develop a method for determining the amount of the housing stipend, first and last month's rent, and security deposit, where applicable, to be dedicated to participating youth. The method for determining a housing stipend must take into account a youth's age, the youth's total income from all sources, the fair market rent for the area in which the youth lives or intends to live, and a variety of possible living situations for the youth. The amount of housing stipends must be adjusted, by a method and formula established by the department, to promote the successful transition for youth to complete housing self-sufficiency over time;

(f) Ensure that the independent youth housing program is integrated and aligned with other state rental assistance and case management programs operated by the department, as well as case management and supportive services programs, including the independent living program, the transitional living program, and other related programs offered by the department of social and health services; and

(g) Consult with the department of social and health services and other stakeholders involved with dependent youth, homeless youth, and homeless young adults, as appropriate.

(2) The department of social and health services shall collaborate with the department in implementing and operating the independent youth housing program including, but not limited to, the following:

(a) Refer potential eligible youth to the department before the youth's eighteenth birthday, if feasible, to include an indication, if known, of where the youth plans to reside after aging out of foster care;

(b) Provide information to all youth aged fifteen or older, who are dependents of the state under chapter 13.34 RCW, about the independent youth housing program, encouraging dependents nearing their eighteenth birthday to consider applying for enrollment in the program;

(c) Encourage organizations participating in the independent living program and the transitional living program to collaborate with independent youth housing program providers whenever possible to capitalize on resources and provide the greatest amount and variety of services to eligible youth;

(d) Annually provide to the department data reflecting changes in the percentage of youth aging out of the state dependency system each year who are eligible for state assistance, as well as any other data and performance measures that may assist the department to measure program success; and

(e) Annually, beginning by December 31, 2007, provide to the appropriate committees of the legislature and the interagency council on homelessness as described under RCW 43.185C.170 recommendations of strategies to reach the goals described in section 5(2)(g) of this act.

(3) Under the independent youth housing program, subcontractor organizations shall:

(a) Use moneys awarded to the organizations for housing stipends, security deposits, first and last month's rent stipends, case management program costs, and administrative costs;

(i) Administrative costs for each subcontractor organization may not exceed twelve percent of the estimated total annual grant amount to the subcontractor organization;

(ii) All housing stipends must be payable only to a landlord or housing manager of any type of independent housing;

(b) Enroll eligible youth who are referred by the department and who choose to reside in their assigned service area;

(c) Enter eligible youth program participants into the homeless client management information system as described in RCW 43.185C.180;

(d) Monitor participating youth's housing status;

(e) Evaluate participating youth's eligibility and compliance with department policies and procedures at least twice a year;

(f) Assist participating youth to develop or update an independent living plan focused on obtaining and retaining independent housing or collaborate with a case manager with whom the youth is already involved to ensure that the youth has an independent living plan;

(g) Educate participating youth on tenant rights and responsibilities;

(h) Provide support to participating youth in the form of general case management and information and referral services, when necessary, or collaborate with a case manager with whom the youth is already involved to ensure that the youth is receiving the case management and information and referral services needed;

(i) Connect participating youth, when possible, with individual development account programs, other financial literacy programs, and other programs that are designed to help young people acquire economic independence and self-sufficiency, or collaborate with a case manager with whom the youth is already involved to ensure that

the youth is receiving information and referrals to these programs, when appropriate;

(j) Submit expenditure and performance reports, including information related to the performance measures in section 5 of this act, to the department on a time schedule determined by the department; and

(k) Provide recommendations to the department regarding program improvements and strategies that might assist the state to reach its goals as described in section 5(2)(g) of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.63A RCW to read as follows:

(1) An eligible youth participating in the independent youth housing program must:

(a) Sign a program compliance agreement stating that the youth agrees to:

(i) Timely pay his or her portion of the independent housing cost;

(ii) Comply with an independent living plan; and

(iii) Comply with other program requirements and policies the department may establish; and

(b) Maintain his or her status as an eligible youth, except as provided in subsection (2) of this section.

(2) The department shall establish policies and procedures to allow the youth to remain in the program and continue to receive a housing stipend if the youth's total income exceeds fifty percent of the area median income during the course of his or her participation in the program. The policies must require the youth to:

(a) Participate in the individual development account program established under RCW 43.31.460 and invest a portion, to be determined by the department, of his or her income that exceeds fifty percent of the area median income in an individual development account; or

(b) If the youth is unable to participate in the individual development account program due to the program's capacity limits or eligibility requirements, participate in an alternate supervised savings program approved by the department, as long as the youth qualifies for and may participate in this savings program.

(3) An eligible youth may participate in the independent youth housing program for any duration of time and may apply to enroll in the program with the department at any time.

(4)(a) A youth may be terminated from the independent youth housing program for a violation of department policies.

(b) Youth who are terminated from the program may apply to the department for reenrollment in the program through a procedure to be developed by the department. The department shall establish criteria to evaluate a reenrollment application and may accept or deny a reenrollment application based on the department's evaluation.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.63A RCW to read as follows:

Beginning in 2007, the department must annually review and report on the performance of subcontractor organizations participating in the independent youth housing program, as well as the performance of the program as a whole.

(1) Reporting should be within the context of the state homeless housing strategic plan under RCW 43.185C.040 and any other relevant state or local homeless or affordable housing plans. The outcomes of the independent youth housing program must be included in the measurement of any performance measures described in chapter 43.185C RCW.

(2) The independent youth housing program report must include, at a minimum, an update on the following program performance measures, as well as any other performance measures the department may establish, for enrolled youth in consultation with the department of social and health services, to be measured statewide and by county:

(a) Increases in housing stability;

(b) Increases in economic self-sufficiency;

(c) Increases in independent living skills;

(d) Increases in education and job training attainment;

(e) Decreases in the use of all state-funded services over time;

(f) Decreases in the percentage of youth aging out of the state dependency system each year who are eligible for state assistance as reported to the department by the department of social and health services; and

(g) Recommendations to the legislature and to the interagency council on homelessness as described under RCW 43.185C.170 on program improvements and on departmental strategies that might assist the state to reach its goals of:

(i) Ensuring that all youth aging out of the state dependency system have access to a decent, appropriate, and affordable home in a healthy safe environment to prevent such youth from experiencing homelessness; and

(ii) Reducing each year the percentage of young people eligible for state assistance upon aging out of the state dependency system.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.63A RCW to read as follows:

This act does not create:

(1) An entitlement to services;

(2) Judicial authority to (a) extend the jurisdiction of juvenile court in a proceeding under chapter 13.34 RCW to a youth who has reached the age of eighteen or (b) order the provision of services to the youth; or

(3) A private right of action or claim on the part of any individual, entity, or agency against the department, the department of social and health services, or any contractor of the departments.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.63A RCW to read as follows:

The independent youth housing account is created in the state treasury. All revenue directed to the independent youth housing program must be deposited into this account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for the independent youth housing program as described in section 3 of this act.

**NEW SECTION. Sec. 8.** Beginning in September 2008, the Washington state institute for public policy shall conduct a study measuring the outcomes for youth who are participating or who have participated in the independent youth housing program created in section 3 of this act. The institute shall issue a report containing its preliminary findings to the legislature by December 1, 2009, and a final report by December 1, 2010.

**NEW SECTION. Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1922 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1922, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1922, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 65, Nays - 29, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, and Warnick - 29.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1922, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 2, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1929 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature declares that section 2 of this act is intended to reverse the result of *Okeson v. City of Seattle* (January 18, 2007), by expressly granting municipal utilities the statutory authority to engage in mitigation activities to offset their utility's impact on the environment.

**NEW SECTION. Sec. 2.** A new section is added to chapter 35.92 RCW to read as follows:

(1) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with water, with electricity for lighting and other purposes, or with service from sewerage, storm water, surface water, or solid waste handling facilities, may develop and make publicly available a plan to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that the utility owns, leases, uses, contracts for, or otherwise controls.

(2) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with water, with electricity for lighting and other purposes, or with service from sewerage, storm water, surface water, or solid waste handling facilities, may, as part of its utility operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation, including any power purchases. The

mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a utility that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

**NEW SECTION. Sec. 3.** The legislature finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature declares that section 4 of this act is intended to reverse the result of *Okeson v. City of Seattle* (January 18, 2007), by expressly granting public utility districts the statutory authority to engage in mitigation activities to offset their utility's impact on the environment.

**NEW SECTION. Sec. 4.** A new section is added to chapter 54.16 RCW to read as follows:

(1) A public utility district may develop and make publicly available a plan for the district to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that the district owns, leases, uses, contracts for, or otherwise controls.

(2) A public utility district may, as part of its utility operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation and any power purchases. Mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a public utility district that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

**NEW SECTION. Sec. 5.** The legislature finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature also finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized purpose of other county proprietary activities that are funded by users and ratepayers, and that such mitigation efforts confer a direct benefit on such payers. The legislature declares that section 6 of this act is intended to reverse the result of *Okeson v. City of Seattle* (January 18, 2007), by expressly granting counties the statutory authority to engage in mitigation activities to offset the impact on the environment of their utilities and certain other proprietary and user and ratepayer funded activities.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.01 RCW to read as follows:

(1) Any county authorized to acquire and operate utilities or conduct other proprietary or user or ratepayer funded activities may develop and make publicly available a plan for the county to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that such county utility or proprietary or user or ratepayer funded activity owns, operates, leases, uses, contracts for, or otherwise controls.

(2) Any county authorized to acquire and operate utilities or conduct other proprietary or user or ratepayer funded activities may, as part of such utility or activity, reduce or mitigate the environmental impacts, such as greenhouse gases emissions, of such utility and other proprietary or user or ratepayer funded activity. The mitigation may include, but is not limited to, all greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of carbon offsets or credits. Ratepayer funds, fees, or other revenue dedicated to a county utility or other proprietary or user or ratepayer funded activity may be spent to reduce or mitigate

the environmental impacts of greenhouse gases emitted as a result of that function. If a state greenhouse gases registry is established, the county that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry."

On page 1, line 2 of the title, after "efforts;" strike the remainder of the title and insert "adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 36.01 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1929 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1929, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1929, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representatives Chandler, and Hinkle - 2.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 1929, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1966 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that some state agencies and departments do not accept the signature of physician assistants on certain certificates, reports, and other documents that their supervising physician is permitted to sign, notwithstanding the fact that the signing of such documents is within the physician assistant's scope of practice, covered under their practice arrangement plan, and permitted pursuant to WAC 246-918-140.

It is therefore the intent of the legislature to clarify in statute what was adopted by rule in WAC 246-918-140, that a physician assistant may sign and attest to any document that might ordinarily be signed by the supervising physician and that is consistent with the terms of the practice arrangement plan.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.57A RCW to read as follows:

An osteopathic physician's assistant may sign and attest to any certificates, cards, forms, or other required documentation that the osteopathic physician's assistant's supervising osteopathic physician or osteopathic physician group may sign, provided that it is within the osteopathic physician's assistant's scope of practice and is consistent with the terms of the osteopathic physician's assistant's practice arrangement plan as required by this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.71A RCW to read as follows:

A physician assistant may sign and attest to any certificates, cards, forms, or other required documentation that the physician assistant's supervising physician or physician group may sign, provided that it is within the physician assistant's scope of practice and is consistent with the terms of the physician assistant's practice arrangement plan as required by this chapter."

On page 1, line 2 of the title, after "documents;" strike the remainder of the title and insert "adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71A RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1966 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Curtis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1966, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1966, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt,

Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

HOUSE BILL NO. 1966, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 6, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2034 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds the challenge of developing realistic, effective, and efficient solutions to the conservation and management issues facing Puget Sound and Washington's outer coast requires calling on all available sources of knowledge and creative thinking available in the collective wisdom of Washington's citizens. The legislature further finds that both Puget Sound and the outer coast are dynamic and localized waterbodies with unique local challenges and unique local solutions. As such, it is essential for the future management of these ecosystems that citizens, through their local government, have a voice and an opportunity to share their dedication and interest in the well-being of their community's unique marine waters, while providing a valuable contribution to the statewide efforts aimed at restoring the outer coast and Puget Sound as a whole.

(2) The legislature further finds that federally led efforts to establish marine resources committees have proven to be an exciting vehicle for involving local citizens and community leaders in the future discussions, decisions, and restoration commitments in the waters most important to the community. The existing model of using a community-based, nonregulatory organization to examine issues particular to a community's corner of Puget Sound, applying for grants, and thoroughly and fairly investigating available options and solutions has proved to be a valuable asset to Puget Sound and its communities, and is worthy of replication throughout the Puget Sound basin and the outer coast.

(3) In this chapter, the legislature intends to establish a structure on which interested local communities can harness the dedication, creativity, and wisdom of their residents in the form of marine resources committees. These committees are intended to complement, and not compete with or undermine, any other governmental efforts to restore and manage the Puget Sound. The legislature further intends that the department of fish and wildlife should apply the lessons learned from Puget Sound to work with county governments on the outer coast to establish marine resources committees.

**NEW SECTION. Sec. 2.** (1)(a) The legislative authority for each county that borders the marine waters of southern Puget Sound may establish marine resources committees consistent with the procedures outlined in section 3 of this act. Counties authorized to establish marine resources committees in the southern Puget Sound are: King, Pierce, Thurston, Kitsap, and Mason counties.

(b) The legislative authority for each county bordering the marine waters of the outer coast may develop a marine resources committee consistent with the procedures outlined in section 3 of this

act. Counties authorized to establish marine resources committees on the outer coast are: Pacific, Grays Harbor, and Wahkiakum counties.

(c) Jefferson and Clallam counties may establish a new marine resources committee or a subcommittee of the county's existing marine resources committee, consistent with the procedures outlined in section 3 of this act, specifically to address the marine ecosystems for the outer coast or Puget Sound, where appropriate.

(2) The mission of a marine resources committee created under this section is to address, utilizing sound science, the needs of the marine ecosystem local to the county initiating the marine resources committee.

(3) A marine resources committee created under this section should review current data and resource conservation and management programs and make prioritized recommendations for additional measures that might be necessary to enhance protection of marine resources.

(4) The role of a marine resources committee in developing recommendations includes, but is not limited to:

(a) Utilizing existing data and, to the extent necessary, helping to gather new data on the health of local marine resources;

(b) Making scientifically based recommendations on local candidate sites for marine protected areas;

(c) Working closely with local and state officials to help implement recommendations of the marine resources committee;

(d) Promoting public outreach and education around marine resource conservation and management issues; and

(e) Engaging in any other activities that the initiating county deems appropriate.

**NEW SECTION. Sec. 3.** (1) A marine resources committee, as described in section 2 of this act, may be created by the legislative authority of any county bordering the marine waters of the outer coast or Puget Sound, in cooperation with all appropriate cities and special districts within their boundaries. Adjacent county legislative authorities shall coordinate their efforts whenever there is a mutual interest in creating a marine resources committee.

(2) A county may delegate the management and oversight of a marine resources committee created by the county under section 2 of this act to a city, or cities, within its jurisdiction, if the city or cities are located on the marine waters of the outer coast or southern Puget Sound and are willing to accept the delegation.

(3) Participating county legislative authorities must select members of the marine resources committee, ensuring balanced representation from: Local government; scientific experts; affected economic interests; affected recreational interests; and environmental and conservation interests. Additionally, participating county legislative authorities must invite tribal representatives to participate in the marine resources committee. An initiating county may delegate its appointment authority to a city or cities that have received from the county the delegated responsibilities of managing and overseeing the marine resources committee.

(4) County residents may petition the county legislative authority to create a marine resources committee. Upon receipt of a petition, the county legislative authority must respond in writing within sixty days as to whether they will authorize the creation of a marine resources committee as well as the reasons for their decision.

**NEW SECTION. Sec. 4.** (1) The Puget Sound action team, or its successor organization, shall serve as the regional coordinating entity for marine resources committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resources committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resources committees;

(b) Coordinate communications and information among marine resources committees;

(c) Assist marine resources committees to measure themselves against regional performance benchmarks;

(d) Assist marine resources committees with coordinating local projects to complement regional priorities;

(e) Assist marine resources committees to interact with and complement other marine resources committees, and other similar groups, constituted under a different authority; and

(f) Coordinate with the Northwest Straits commission on issues common to marine resources committees statewide.

**NEW SECTION. Sec. 5.** Nothing in section 2 or 3 of this act is intended to expand or limit the authority of local marine resources committees established under the Northwest Straits marine conservation initiative by federal act in San Juan, Whatcom, Skagit, Island, Snohomish, Clallam, and Jefferson counties and existing as of the effective date of this section.

**NEW SECTION. Sec. 6.** Outer coast marine resources committees, in conjunction with their regional coordinating entity, shall meet and consult with key state, federal, local, and tribal governments, and private interest groups to develop a collaborative process to address ocean policy issues. This collaborative process should use Washington's "Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coasts" developed by the Washington ocean policy work group as a guide to begin the work of developing and coordinating state and local ocean policy and providing better management of Washington's coastal areas.

**NEW SECTION. Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 36 RCW."

On page 1, line 1 of the title, after "committees;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2034 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Jarrett spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2034, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2034, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells,

Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

HOUSE BILL NO. 2034, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2049 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds the challenge of developing realistic, effective, and efficient solutions to the conservation and management issues facing Puget Sound and Washington's outer coast requires calling on all available sources of knowledge and creative thinking available in the collective wisdom of Washington's citizens. The legislature further finds that both Puget Sound and the outer coast are dynamic and localized waterbodies with unique local challenges and unique local solutions. As such, it is essential for the future management of these ecosystems that citizens, through their local government, have a voice and an opportunity to share their dedication and interest in the well-being of their community's unique marine waters, while providing a valuable contribution to the statewide efforts aimed at restoring the outer coast and Puget Sound as a whole.

(2) The legislature further finds that federally led efforts to establish marine resources committees have proven to be an exciting vehicle for involving local citizens and community leaders in the future discussions, decisions, and restoration commitments in the waters most important to the community. The existing model of using a community-based, nonregulatory organization to examine issues particular to a community's corner of Puget Sound, applying for grants, and thoroughly and fairly investigating available options and solutions has proved to be a valuable asset to Puget Sound and its communities, and is worthy of replication throughout the Puget Sound basin and the outer coast.

(3) In this chapter, the legislature intends to establish a structure on which interested local communities can harness the dedication, creativity, and wisdom of their residents in the form of marine resources committees. These committees are intended to complement, and not compete with or undermine, any other governmental efforts to restore and manage the Puget Sound. The legislature further intends that the department of fish and wildlife should apply the lessons learned from Puget Sound to work with county governments on the outer coast to establish marine resources committees.

**NEW SECTION. Sec. 2.** (1)(a) The legislative authority for each county that borders the marine waters of southern Puget Sound may establish marine resources committees consistent with the procedures outlined in section 3 of this act. Counties authorized to establish marine resources committees in the southern Puget Sound are: King, Pierce, Thurston, Kitsap, and Mason counties.

(b) The legislative authority for each county bordering the marine waters of the outer coast may develop a marine resources committee consistent with the procedures outlined in section 3 of this act. Counties authorized to establish marine resources committees on the outer coast are: Pacific, Grays Harbor, and Wahkiakum counties.

(c) Jefferson and Clallam counties may establish a new marine resources committee or a subcommittee of the county's existing marine resources committee, consistent with the procedures outlined in section 3 of this act, specifically to address the marine ecosystems for the outer coast or Puget Sound, where appropriate.

(2) The mission of a marine resources committee created under this section is to address, utilizing sound science, the needs of the marine ecosystem local to the county initiating the marine resources committee.

(3) A marine resources committee created under this section should review current data and resource conservation and management programs and make prioritized recommendations for additional measures that might be necessary to enhance protection of marine resources.

(4) The role of a marine resources committee in developing recommendations includes, but is not limited to:

(a) Utilizing existing data and, to the extent necessary, helping to gather new data on the health of local marine resources;

(b) Making scientifically based recommendations on local candidate sites for marine protected areas;

(c) Working closely with local and state officials to help implement recommendations of the marine resources committee;

(d) Promoting public outreach and education around marine resource conservation and management issues; and

(e) Engaging in any other activities that the initiating county deems appropriate.

**NEW SECTION. Sec. 3.** (1) A marine resources committee, as described in section 2 of this act, may be created by the legislative authority of any county bordering the marine waters of the outer coast or Puget Sound, in cooperation with all appropriate cities and special districts within their boundaries. Adjacent county legislative authorities shall coordinate their efforts whenever there is a mutual interest in creating a marine resources committee.

(2) A county may delegate the management and oversight of a marine resources committee created by the county under section 2 of this act to a city, or cities, within its jurisdiction, if the city or cities are located on the marine waters of the outer coast or southern Puget Sound and are willing to accept the delegation.

(3) Participating county legislative authorities must select members of the marine resources committee, ensuring balanced representation from: Local government; scientific experts; affected economic interests; affected recreational interests; and environmental and conservation interests. Additionally, participating county legislative authorities must invite tribal representatives to participate in the marine resources committee. An initiating county may delegate its appointment authority to a city or cities that have received from the county the delegated responsibilities of managing and overseeing the marine resources committee.

(4) County residents may petition the county legislative authority to create a marine resources committee. Upon receipt of a petition, the county legislative authority must respond in writing within sixty days as to whether they will authorize the creation of a marine resources committee as well as the reasons for their decision.

**NEW SECTION. Sec. 4.** (1) The Puget Sound action team, or its successor organization, shall serve as the regional coordinating entity for marine resources committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resources committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resources committees;

(b) Coordinate communications and information among marine resources committees;

(c) Assist marine resources committees to measure themselves against regional performance benchmarks;

(d) Assist marine resources committees with coordinating local projects to complement regional priorities;

(e) Assist marine resources committees to interact with and complement other marine resources committees, and other similar groups, constituted under a different authority; and

(f) Coordinate with the Northwest Straits commission on issues common to marine resources committees statewide.

**NEW SECTION. Sec. 5.** Nothing in section 2 or 3 of this act is intended to expand or limit the authority of local marine resources committees established under the Northwest Straits marine conservation initiative by federal act in San Juan, Whatcom, Skagit, Island, Snohomish, Clallam, and Jefferson counties and existing as of the effective date of this section.

**NEW SECTION. Sec. 6.** Outer coast marine resources committees, in conjunction with their regional coordinating entity, shall meet and consult with key state, federal, local, and tribal governments, and private interest groups to develop a collaborative process to address ocean policy issues. This collaborative process should use Washington's "Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coasts" developed by the Washington ocean policy work group as a guide to begin the work of developing and coordinating state and local ocean policy and providing better management of Washington's coastal areas.

**NEW SECTION. Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 36 RCW."

On page 1, line 1 of the title, after "committees;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2049 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Rolfes and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2049, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2049, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Condotta, Eickmeyer, Haigh and Sump - 4.

SUBSTITUTE HOUSE BILL NO. 2049, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

April 5, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2113 with the following amendment:

On page 5, starting on line 10, after "request" strike all material through "hold" on line 11

On page 8, starting on line 1, after "statements" strike all material through "patrol" on line 2 and insert "given to law enforcement upon arrest"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2113 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Williams spoke in favor of the passage of the bill.

With the consent of the House (and because of technical difficulties with the microphone system), action was deferred on ENGROSSED HOUSE BILL NO. 2113.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 16, 2007, the 99th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

SIXTIETH LEGISLATURE - REGULAR SESSION

NINETY NINTH DAY

House Chamber, Olympia, Monday, April 16, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) called upon Representative Moeller to preside.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Danielle Newhouse and Elijah Maxwell. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Janet Tanaka, Baha'i Community of Thurston County.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 14, 2007

Mr. Speaker:

The President has signed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1009,
- SUBSTITUTE HOUSE BILL NO. 1039,
- HOUSE BILL NO. 1064,
- HOUSE BILL NO. 1084,
- HOUSE BILL NO. 1137,
- HOUSE BILL NO. 1218,
- SUBSTITUTE HOUSE BILL NO. 1338,
- ENGROSSED HOUSE BILL NO. 1379,
- HOUSE BILL NO. 1416,
- HOUSE BILL NO. 1430,
- SUBSTITUTE HOUSE BILL NO. 1456,
- HOUSE BILL NO. 1501,
- SUBSTITUTE HOUSE BILL NO. 1565,
- SUBSTITUTE HOUSE BILL NO. 1574,
- HOUSE BILL NO. 1645,
- HOUSE BILL NO. 1666,
- SUBSTITUTE HOUSE BILL NO. 1784,
- SUBSTITUTE HOUSE BILL NO. 1843,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,
- HOUSE BILL NO. 1939,
- SUBSTITUTE HOUSE BILL NO. 1953,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,
- SUBSTITUTE HOUSE BILL NO. 2130,
- HOUSE BILL NO. 2152,
- HOUSE BILL NO. 2154,
- HOUSE BILL NO. 2319,
- ENGROSSED HOUSE JOINT RESOLUTION NO. 4204,
- SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 14, 2007

Mr. Speaker:

The President has signed:

- HOUSE BILL NO. 1054,
- HOUSE BILL NO. 1069,
- SUBSTITUTE HOUSE BILL NO. 1135,
- HOUSE BILL NO. 1247,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
- SUBSTITUTE HOUSE BILL NO. 1258,
- HOUSE BILL NO. 1341,
- HOUSE BILL NO. 1370,
- HOUSE BILL NO. 1412,

- HOUSE BILL NO. 1431,
- HOUSE BILL NO. 1447,
- SUBSTITUTE HOUSE BILL NO. 1642,
- HOUSE BILL NO. 1670,
- SECOND SUBSTITUTE HOUSE BILL NO. 1677,
- SUBSTITUTE HOUSE BILL NO. 1693,
- HOUSE BILL NO. 1747,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756,
- SUBSTITUTE HOUSE BILL NO. 1826,
- HOUSE BILL NO. 1831,
- HOUSE BILL NO. 1888,
- HOUSE BILL NO. 1994,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
- SUBSTITUTE HOUSE BILL NO. 2286,
- SUBSTITUTE HOUSE BILL NO. 2300,
- HOUSE JOINT MEMORIAL NO. 4016,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2007-4651, by Representatives Hailey, Seaquist, Ross, Lovick, Barlow, Van De Wege, Springer, Kristiansen, Hinkle, Armstrong, Warnick, Rodne, Buri, McCune, Pearson, O'Brien, Roach, Chase, Hasegawa, Haler, Rolfes, Campbell, Morrell, Walsh, Hunter, Sells, Takko, McCoy, Linville, Moeller, Jarrett, Kenney, Kelley, Skinner, Hankins, Hunt, Strow, P. Sullivan, Appleton, Morris, Eddy, Blake, Wallace, Ahern, Bailey, Fromhold and Conway

WHEREAS, Lieutenant Colonel Bruce P. Crandall served in the United States Army with distinction, demonstrating courage and heroism on the battlefield in Vietnam; and

WHEREAS, On November 14, 1965, the first day of the Battle of LZ X-Ray, then-Major Crandall flew fourteen missions into Landing Zone X-Ray in Vietnam's Ia Drang Valley under intense enemy fire, evacuating more than seventy wounded soldiers while leading a flight of two helicopters; and

WHEREAS, Major Crandall's bravery in the Battle of LZ X-Ray and his determination to put the lives and safety of wounded soldiers ahead of his own enhanced the moral and fighting spirit of fellow pilots and soldiers; and

WHEREAS, In January 1966, during "Operation Masher," Major Crandall rescued twelve wounded soldiers under intense enemy fire and with only a spot flashlight for guidance; and

WHEREAS, Major Crandall received the Aviation and Space Writers Helicopter Heroism Award for his courage in "Operation Masher"; and

WHEREAS, Major Crandall later served with distinction in his second tour in Vietnam, during which time his helicopter was downed while attempting another rescue, landing him in the hospital for five months due to severe injuries; and

WHEREAS, Lieutenant Colonel Crandall retired from the Army in 1977, was inducted into the Army Aviation Hall of Fame in 2004, and also inducted into the Air Force's Gathering of Eagles in 1996; and

WHEREAS, Lieutenant Colonel Crandall was awarded the Medal of Honor in Washington, D.C., on February 26, 2007;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize Lieutenant Colonel Bruce P. Crandall for his heroic service in the defense of the United States of America and for his steadfast commitment to the lives and fighting spirit of his fellow pilots and soldiers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Lieutenant Colonel Crandall.

Representative Hailey moved the adoption of the resolution.

Representatives Hailey and Seaquist spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4651 was adopted.

### REPORTS OF STANDING COMMITTEES

April 14, 2007

SSB 5882 Prime Sponsor, Senate Committee On Ways & Means: Funding the Washington state heritage center. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haler; Hinkle; Hunt; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Pettigrew; Schual-Berke; Seaquist and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dunn; Hunter; Kretz; Morrell; Priest and Walsh.

There being no objection, the bill listed on the day's committee reports sheet under the fifth order of business was placed on the Second Reading calendar.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

**ENGROSSED HOUSE BILL NO. 2113, by Representatives Williams, Goodman, Green, Hunt and Simpson**

**Regarding objections by cities, towns, and counties to the issuance of liquor licenses.**

Representative Williams spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2113, as amended by the Senate.

### MOTIONS

On motion of Representative Schindler, Representatives Curtis, Dunn, Hinkle and Warnick were excused. On motion

of Representative Santos, Representatives Eickmeyer, Hurst, McIntire and Upthegrove were excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2113, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 1, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representative Chandler - 1.

Excused: Representatives Curtis, Dunn, Eickmeyer, Hinkle, Hurst, McIntire, Upthegrove and Warnick - 8.

ENGROSSED HOUSE BILL NO. 2113, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 3, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1418 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the state of Washington to protect the public against the serious health and safety risks that dangerous wild animals pose to the community.

**NEW SECTION. Sec. 2.** (1) "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

(2) "Potentially dangerous wild animal" means one of the following types of animals, whether bred in the wild or in captivity, and any or all hybrids thereof:

- (a) Class mammalia
  - (i) Order carnivora
    - (A) Family felidae, only lions, tigers, captive-bred cougars, jaguars, cheetahs, leopards, snow leopards, and clouded leopards;
    - (B) Family canidae, wolves, excluding wolf-hybrids;
    - (C) Family ursidae, all bears;
    - (D) Family hyaenidae, such as hyenas;
  - (ii) Order perissodactyla, only rhinoceroses;
  - (iii) Order primates, all nonhuman primate species;
  - (iv) Order proboscidae, all elephants species;
- (b) Class reptilia
  - (i) Order squamata
    - (A) Family atractaspidae, all species;
    - (B) Family colubridae, only dispholidus typus;
    - (C) Family elapidae, all species, such as cobras, mambas, kraits, coral snakes, and Australian tiger snakes;

(D) Family hydrophiidae, all species, such as sea snakes;

(E) Family varanidae, only water monitors and crocodile monitors;

(F) Family viperidae, all species, such as rattlesnakes, cottonmouths, bushmasters, puff adders, and gaboon vipers;

(ii) Order crocodylia, all species, such as crocodiles, alligators, caimans, and gavials.

(3) "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative thereof.

(4) "Possessor" means any person who owns, possesses, keeps, harbors, brings into the state, or has custody or control of a potentially dangerous wild animal.

(5) "Wildlife sanctuary" means a nonprofit organization, as described in RCW 84.36.800, that cares for animals defined as potentially dangerous and:

(a) No activity that is not inherent to the animal's nature, natural conduct, or the animal in its natural habitat is conducted;

(b) No commercial activity involving an animal occurs including, but not limited to, the sale of or trade in animals, animal parts, animal byproducts, or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;

(c) No unescorted public visitations or direct contact between the public and an animal; or

(d) No breeding of animals occurs in the facility.

**NEW SECTION. Sec. 3.** (1) The provisions of this chapter do not apply to:

(a) Institutions authorized by the Washington department of fish and wildlife to hold, possess, and propagate deleterious exotic wildlife pursuant to RCW 77.12.047;

(b) Institutions accredited or certified by the American zoo and aquarium association or a facility with a current signed memorandum of participation with an association of zoos and aquariums species survival plan;

(c) Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control authority or acting under the authority of this chapter;

(d) Animal control authority, law enforcement officers, or county sheriffs acting under the authority of this chapter;

(e) Veterinary hospitals or clinics;

(f) A holder of a valid wildlife rehabilitation permit issued by the Washington department of fish and wildlife;

(g) Any wildlife sanctuary as defined under section 2(5) of this act;

(h) A research facility as defined by the animal welfare act, 7 U.S.C.A. 2131, as amended, for the species of animals for which they are registered. This includes but is not limited to universities, colleges, and laboratories holding a valid class R license under the animal welfare act;

(i) Circuses, defined as incorporated, class C licenses under the animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily in this state, and that offer performances by live animals, clowns, and acrobats for public entertainment;

(j) A person temporarily transporting and displaying a potentially dangerous wild animal through the state if the transit time is not more than twenty-one days and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping;

(k) Domesticated animals subject to this title or native wildlife subject to Title 77 RCW;

(l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter 15.76 or 36.37 RCW; and

(m) A game farm meeting the requirements of WAC 232-12-027(1).

(2) This chapter does not require a city or county that does not have an animal control authority to create that office.

**NEW SECTION. Sec. 4.** (1) A person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous wild animal, except as provided in subsection (3) of this section.

(2) A person shall not breed a potentially dangerous wild animal.

(3) A person in legal possession of a potentially dangerous wild animal prior to the effective date of this act and who is the legal possessor of the animal may keep possession of the animal for the remainder of the animal's life. The person must maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to the effective date of this act, and present the paperwork to an animal control or law enforcement authority upon request. The person shall have the burden of proving that he or she possessed the animal prior to the effective date of this act.

**NEW SECTION. Sec. 5.** (1) The animal control authority or a law enforcement officer may immediately confiscate a potentially dangerous wild animal if:

(a) The animal control authority or law enforcement officer has probable cause to believe that the animal was acquired after the effective date of this act in violation of section 4 of this act;

(b) The animal poses a public safety or health risk;

(c) The animal is in poor health and condition as a result of the possessor; or

(d) The animal is being held in contravention of the act.

(2) A potentially dangerous wild animal that is confiscated under this section may be returned to the possessor only if the animal control authority or law enforcement officer establishes that the possessor had possession of the animal prior to the effective date of this act and the return does not pose a public safety or health risk.

(3) The animal control authority or law enforcement officer shall serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, and that the possessor must meet the requirements of subsection (2) of this section in order for the animal to be returned to the possessor.

(4) If a potentially dangerous wild animal confiscated under this section is not returned to the possessor, the animal control authority or law enforcement officer may release the animal to a facility such as a wildlife sanctuary or a facility exempted pursuant to section 3 of this act. If the animal control authority or law enforcement officer is unable to relocate the animal within a reasonable period of time, it may euthanize the animal.

(5) An animal control authority or law enforcement officer may euthanize a potentially dangerous wild animal under this section only if all known reasonable placement options, including relocation to a wildlife sanctuary, are unavailable.

(6) This section applies to animal confiscations on or after the effective date of this act.

**NEW SECTION. Sec. 6.** A city or county may adopt an ordinance governing potentially dangerous wild animals that is more restrictive than this chapter. However, nothing in this chapter requires a city or county to adopt an ordinance to be in compliance with this chapter.

**NEW SECTION. Sec. 7.** A person who violates section 4 of this act is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation and for each day the violation continues.

**NEW SECTION. Sec. 8.** (1) The animal control authority and its staff and agents, local law enforcement agents, and county sheriffs are authorized and empowered to enforce the provisions of this chapter.

(2) If a locality does not have a local animal control authority, the department of fish and wildlife shall enforce the provisions of this chapter.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 16 RCW."

On page 1, line 1 of the title, after "animals;" strike the remainder of the title and insert "adding a new chapter to Title 16 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1418 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Lovick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be final passage of House Bill No. 1418, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1418, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 61, Nays - 31, Absent - 0, Excused - 6.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Wallace, Walsh, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Crouse, DeBolt, Ericksen, Goodman, Hailey, Haler, Hankins, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Ross, Schindler, Skinner, Strow, Sump and Van De Wege - 31.

Excused: Representatives Curtis, Dunn, Eickmeyer, Hinkle, Upthegrove and Warnick - 6.

HOUSE BILL NO. 1418, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2304 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.38 RCW to read as follows:

To promote the stability of Washington's cardiac care delivery system, by July 1, 2008, the department of health shall adopt rules establishing criteria for the issuance of a certificate of need under this chapter for the performance of elective percutaneous coronary interventions at hospitals that do not otherwise provide on-site cardiac surgery.

Prior to initiating rule making, the department shall contract for an independent evidence-based review of the circumstances under which elective percutaneous coronary interventions should be allowed in Washington at hospitals that do not otherwise provide on-site cardiac surgery. The review shall address, at a minimum, factors related to access to care, patient safety, quality outcomes, costs, and the stability of Washington's cardiac care delivery system and of existing cardiac care providers, and ensure that elective coronary intervention volumes at the University of Washington academic medical center are maintained at levels required for training of cardiologists consistent with applicable accreditation requirements. The department shall consider the results of this review, and any associated recommendations, in adopting these rules.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 70.38 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2304 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morrell spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be final passage of Substitute House Bill No. 2304, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2304, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell,

Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 92.

Excused: Representatives Curtis, Dunn, Eickmeyer, Hinkle, Upthegrove and Warnick - 6.

SUBSTITUTE HOUSE BILL NO. 2304, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 6, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to any:

(a) Person performing custom farming services for a farmer, when the person performing the custom farming services is: (i) An eligible farmer; or (ii) at least fifty percent owned by an eligible farmer; or

(b) Person performing farm management services, contract labor services, services provided with respect to animals that are agricultural products, or any combination of these services, for a farmer or for a person performing custom farming services, when the person performing the farm management services, contract labor services, services with respect to animals, or any combination of these services, and the farmer or person performing custom farming services are related.

(2) The definitions in this subsection apply throughout this section.

(a) "Custom farming services" means the performance of specific farming operations through the use of any farm machinery or equipment, farm implement, or draft animal, together with an operator, when: (i) The specific farming operation consists of activities directly related to the growing, raising, or producing of any agricultural product to be sold or consumed by a farmer; and (ii) the performance of the specific farming operation is for, and under a contract with, or the direction or supervision of, a farmer. "Custom farming services" does not include the custom application of fertilizers, chemicals, or biologicals.

For the purposes of this subsection (2)(a), "specific farming operation" includes specific planting, cultivating, or harvesting activities, or similar specific farming operations. The term does not include veterinary services as defined in RCW 18.92.010; farrier, boarding, training, or appraisal services; artificial insemination or stud services, agricultural consulting services; packing or processing of agricultural products; or pumping or other waste disposal services.

(b) "Eligible farmer" means a person who is eligible for an exemption certificate under RCW 82.08.855 at the time that the custom farming services are rendered, regardless of whether the person has applied for an exemption certificate under RCW 82.08.855.

(c) "Farm management services" means the consultative decisions made for the operations of the farm including, but not limited to, determining which crops to plant, the choice and timing of application of fertilizers and chemicals, the horticultural practices to apply, the marketing of crops and livestock, and the care and feeding of animals.

(d) "Related" means having any of the relationships specifically described in section 267(b) (1), (2), and (4) through (13) of the

internal revenue code, as amended or renumbered as of January 1, 2007.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.16 RCW to read as follows:

(1) This chapter shall not apply to any person hauling agricultural products or farm machinery or equipment for a farmer or for a person performing custom farming services, when the person providing the hauling and the farmer or person performing custom farming services are related.

(2) The exemption provided by this section shall not apply to the hauling of any substances or articles manufactured from agricultural products. For the purposes of this subsection, "manufactured" has the same meaning as "to manufacture" in RCW 82.04.120.

(3) The definitions in RCW 82.04.213 and section 1 of this act apply to this section.

**NEW SECTION. Sec. 3.** This act takes effect August 1, 2007.

**NEW SECTION. Sec. 4.** This act expires December 31, 2020."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Grant spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2352, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2352, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 2, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Anderson and Hasegawa - 2.

Excused: Representatives Curtis, Dunn, Eickmeyer, Hinkle, Upthegrove and Warnick - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 31, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2394 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to any:

(a) Person performing custom farming services for a farmer, when the person performing the custom farming services is: (i) An eligible farmer; or (ii) at least fifty percent owned by an eligible farmer; or

(b) Person performing farm management services, contract labor services, services provided with respect to animals that are agricultural products, or any combination of these services, for a farmer or for a person performing custom farming services, when the person performing the farm management services, contract labor services, services with respect to animals, or any combination of these services, and the farmer or person performing custom farming services are related.

(2) The definitions in this subsection apply throughout this section.

(a) "Custom farming services" means the performance of specific farming operations through the use of any farm machinery or equipment, farm implement, or draft animal, together with an operator, when: (i) The specific farming operation consists of activities directly related to the growing, raising, or producing of any agricultural product to be sold or consumed by a farmer; and (ii) the performance of the specific farming operation is for, and under a contract with, or the direction or supervision of, a farmer. "Custom farming services" does not include the custom application of fertilizers, chemicals, or biologicals.

For the purposes of this subsection (2)(a), "specific farming operation" includes specific planting, cultivating, or harvesting activities, or similar specific farming operations. The term does not include veterinary services as defined in RCW 18.92.010; farrier, boarding, training, or appraisal services; artificial insemination or stud services, agricultural consulting services; packing or processing of agricultural products; or pumping or other waste disposal services.

(b) "Eligible farmer" means a person who is eligible for an exemption certificate under RCW 82.08.855 at the time that the custom farming services are rendered, regardless of whether the person has applied for an exemption certificate under RCW 82.08.855.

(c) "Farm management services" means the consultative decisions made for the operations of the farm including, but not limited to, determining which crops to plant, the choice and timing of application of fertilizers and chemicals, the horticultural practices to apply, the marketing of crops and livestock, and the care and feeding of animals.

(d) "Related" means having any of the relationships specifically described in section 267(b) (1), (2), and (4) through (13) of the internal revenue code, as amended or renumbered as of January 1, 2007.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.16 RCW to read as follows:

(1) This chapter shall not apply to any person hauling agricultural products or farm machinery or equipment for a farmer or for a person performing custom farming services, when the person

providing the hauling and the farmer or person performing custom farming services are related.

(2) The exemption provided by this section shall not apply to the hauling of any substances or articles manufactured from agricultural products. For the purposes of this subsection, "manufactured" has the same meaning as "to manufacture" in RCW 82.04.120.

(3) The definitions in RCW 82.04.213 and section 1 of this act apply to this section.

**NEW SECTION. Sec. 3.** This act takes effect August 1, 2007.

**NEW SECTION. Sec. 4.** This act expires December 31, 2020."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2394 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Clibborn and Jarrett spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be final passage of Substitute House Bill No. 2394, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2394, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 10, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Buri, Crouse, Ericksen, Hailey, Kretz, Kristiansen, Pearson, Schindler and Sump - 10.

Excused: Representatives Curtis, Dunn, Eickmeyer, Hinkle, Upthegrove and Warnick - 6.

SUBSTITUTE HOUSE BILL NO. 2394, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

### HOUSE BILL NO. 2395, by Representatives Fromhold, McDonald and Morrell

#### Regarding leasing and development rights on state lands.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2395.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2395 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Curtis, Eickmeyer, Hinkle, Upthegrove and Warnick - 5.

HOUSE BILL NO. 2395, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2396, by Representatives Fromhold and McDonald

#### Regarding investment of moneys in the permanent common school fund.

The bill was read the second time.

With the consent of the House, amendment (773) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2396.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2396 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Hasegawa - 1.

Excused: Representatives Curtis, Eickmeyer, Hinkle and Warnick - 4.

HOUSE BILL NO. 2396, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

## INTRODUCTION & FIRST READING

E2SSB 5799 By Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Prentice, Swecker, Berkey, Marr, Kilmer, Clements, Sheldon, Schoesler and Shin)

AN ACT Relating to business and occupation tax rates for certain fuel distributors; reenacting and amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

SSB 6168 By Senate Committee on Ways & Means (originally sponsored by Senators Berkey, Zarelli, Stevens and Shin)

AN ACT Relating to excise tax relief for aerospace product development businesses; amending RCW 82.08.981, 82.12.981, 82.04.4487, 82.32.545, and 82.04.4463; reenacting and amending RCW 82.04.440; adding a new section to chapter 82.04 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,  
 SUBSTITUTE HOUSE BILL NO. 1124,  
     HOUSE BILL NO. 1181,  
 SUBSTITUTE HOUSE BILL NO. 1264,  
     HOUSE BILL NO. 1270,  
     HOUSE BILL NO. 1291,  
 SUBSTITUTE HOUSE BILL NO. 1312,  
     HOUSE BILL NO. 1526,  
 SUBSTITUTE HOUSE BILL NO. 1555,  
     HOUSE BILL NO. 1680,  
     HOUSE BILL NO. 1706,  
     HOUSE BILL NO. 1789,  
     HOUSE BILL NO. 1813,  
 SUBSTITUTE HOUSE BILL NO. 1892,  
 SUBSTITUTE HOUSE BILL NO. 1897,  
     HOUSE BILL NO. 2032,  
 SUBSTITUTE HOUSE BILL NO. 2056,  
     SENATE BILL NO. 5123,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5297,  
 SUBSTITUTE SENATE BILL NO. 5336,  
 SUBSTITUTE SENATE BILL NO. 5445,  
 SUBSTITUTE SENATE BILL NO. 5568,  
 SUBSTITUTE SENATE BILL NO. 5676,  
     SENATE BILL NO. 5773,  
 SUBSTITUTE SENATE BILL NO. 5972,  
 SUBSTITUTE SENATE BILL NO. 5984,  
     SENATE BILL NO. 6014,  
 SENATE JOINT RESOLUTION NO. 8212,

### MESSAGES FROM THE SENATE

April 16, 2007

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,  
 SUBSTITUTE HOUSE BILL NO. 1124,  
     HOUSE BILL NO. 1181,  
 SUBSTITUTE HOUSE BILL NO. 1264,  
     HOUSE BILL NO. 1270,  
     HOUSE BILL NO. 1291,  
 SUBSTITUTE HOUSE BILL NO. 1312,  
     HOUSE BILL NO. 1526,  
 SUBSTITUTE HOUSE BILL NO. 1555,  
     HOUSE BILL NO. 1680,  
     HOUSE BILL NO. 1706,  
     HOUSE BILL NO. 1789,  
     HOUSE BILL NO. 1813,  
 SUBSTITUTE HOUSE BILL NO. 1892,  
 SUBSTITUTE HOUSE BILL NO. 1897,  
     HOUSE BILL NO. 2032,  
 SUBSTITUTE HOUSE BILL NO. 2056,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 16, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5050,  
 SUBSTITUTE SENATE BILL NO. 5108,  
 SUBSTITUTE SENATE BILL NO. 5193,  
 SUBSTITUTE SENATE BILL NO. 5236,  
 SUBSTITUTE SENATE BILL NO. 5315,  
 ENGROSSED SENATE BILL NO. 5401,  
 SUBSTITUTE SENATE BILL NO. 5447,  
 SECOND SUBSTITUTE SENATE BILL NO. 5467,  
     ENGROSSED SENATE BILL NO. 5498,  
 SECOND SUBSTITUTE SENATE BILL NO. 5597,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5726,  
 SUBSTITUTE SENATE BILL NO. 5826,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923,  
 SENATE CONCURRENT RESOLUTION NO. 8404,  
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1041 with the following amendment:

Beginning on page 3, line 19, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 23B.10 RCW to read as follows:

(1) Unless the articles of incorporation (a) specifically prohibit the adoption of a bylaw pursuant to this section, (b) alter the vote specified in RCW 23B.07.280(2), or (c) allow for or do not exclude cumulative voting, a public company may elect in its bylaws to be governed in the election of directors as follows:

(i) Each vote entitled to be cast may be voted for, voted against, or withheld for one or more candidates up to that number of candidates that is equal to the number of directors to be elected but without cumulating the votes, or a shareholder may indicate an abstention for one or more candidates;

(ii) To be elected, a candidate must have received the number, percentage, or level of votes specified in the bylaws; provided that holders of shares entitled to vote in the election and constituting a quorum are present at the meeting. A candidate who does not receive the number, percentage, or level of votes specified in the bylaws but who was a director at the time of the election shall continue to serve as a director for a term that shall terminate on the date that is the earlier of (A) the date specified in the bylaw, but not longer than ninety days from the date on which the voting results are determined pursuant to RCW 23B.07.300(2), or (B) the date on which an individual is selected by the board of directors to fill the office held by such director, which selection shall be deemed to constitute the filling of a vacancy by the board to which RCW 23B.08.100 applies;

(iii) A bylaw adopted pursuant to this section may provide that votes cast against and/or withheld as to a candidate are to be taken into account in determining whether the number, percentage, or level of votes required for election has been received. Unless the bylaw specifies otherwise, only votes cast are to be taken into account and a ballot marked "withheld" in respect to a share is deemed to be a vote cast. Unless the bylaws specify otherwise, shares otherwise present at the meeting but for which there is an abstention or as to which no authority or direction to vote in the election is given or specified, are not deemed to be votes cast in the election;

(iv) The board of directors may select any qualified individual to fill the office held by a director who did not receive the specified vote for election referenced in (c)(ii) of this subsection; and

(v) Unless the bylaw specifies otherwise, a bylaw adopted pursuant to this subsection (1) shall not apply to an election of directors by a voting group if (A) at the expiration of the time fixed under a provision requiring advance notification of director candidates, or (B) absent such a provision, at a time fixed by the board of directors which is not more than fourteen days before notice is given of the meeting at which the election is to occur, there are more candidates for election by the voting group than the number of directors to be elected, one or more of whom are properly proposed by shareholders. An individual shall not be considered a candidate for purposes of this subsection (1)(c)(v) if the board of directors determines before the notice of meeting is given that such individual's candidacy does not create a bona fide election contest.

(2) A bylaw containing an election to be governed by this section may be repealed or amended:

(a) If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides; or

(b) If adopted by the board of directors, by the board of directors or the shareholders."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1041 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1098 with the following amendment

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95M.115 and 2006 c 231 s 2 are each amended to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon the secretary's or local public health officer's declaration of ((a public health emergency)) an outbreak of vaccine-preventable disease or of a shortage of vaccine that complies with subsection (1) or (2) of this section, suspend the requirements of this section for the duration of the ((emergency)) outbreak or shortage.

(4) A person who is known to be pregnant or a parent or legal guardian of a child under eighteen years of age shall be informed if the person or child is to be vaccinated or injected with any mercury-containing product that contains more than the mercury limits per dose in subsections (1) and (2) of this section.

(5) All vaccines and products referenced under this section must meet food and drug administration licensing requirements."

On page 1, line 1 of the title, after "outbreaks;" strike the remainder of the title and insert "and amending RCW 70.95M.115."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### POINT OF ORDER

Representative Springer requested a scope and object ruling on the Senate amendment to Substitute House Bill No. 1098.

### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Substitute House Bill 1098 is titled AN ACT relating to the "availability of vaccines during outbreaks." Current law prohibits the vaccination of pregnant women and children under the age of three with vaccines containing mercury above a specific limit, with the exception of influenza vaccines. The bill authorizes the Secretary of the Department of Health to suspend this prohibition during the duration of a declared outbreak of vaccine-preventable disease or a shortage of vaccines.

The Senate amendment adds a provision requiring notice to pregnant women and parents or legal guardians of any child under the age of eighteen before vaccination with products containing mercury above the limit referenced above. The Senate amendment's requirement of notice is not limited to the same group of persons subject to current statutory prohibitions nor is it limited to vaccinations during declared outbreaks or shortages. The Speaker therefore finds the amendment expands the scope and object of the bill.

Representative Springer, your point of order is well taken."

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1098 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1573 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language, and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results.

**NEW SECTION. Sec. 2.** Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program and award grants to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program.

(1) For purposes of sections 2 through 7 of this act, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(a) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include foster care youth, youth involved in the juvenile justice system, and students receiving special education services under chapter 28A.155 RCW;

(b) Coaches or mentors for students as necessary;

(c) Staff responsible for coordination of community partners that provide a seamless continuum of academic and nonacademic support in schools and communities;

(d) Retrieval or reentry activities; and

(e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.

(2) One of the grants awarded under this section shall be for a two-year demonstration project focusing on providing fifth through twelfth grade students with a program that utilizes technology and is integrated with state standards, basic academics, cross-cultural exposures, and age-appropriate preemployment training. The project shall:

(a) Establish programs in two western Washington and one eastern Washington urban areas;

(b) Identify at-risk students in each of the distinct communities and populations and implement strategies to close the achievement gap;

(c) Collect and report data on participant characteristics and outcomes of the project, including the characteristics and outcomes specified under section 3(1)(e) of this act; and

(d) Submit a report to the legislature by December 1, 2009.

**NEW SECTION. Sec. 3.** (1) The office of the superintendent of public instruction shall:

(a) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(b) Develop and monitor requirements for grant recipients to:

(i) Identify students who both fail the Washington assessment of student learning and drop out of school;

(ii) Identify their own strengths and gaps in services provided to youth;

(iii) Set their own local goals for program outcomes;

(iv) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(v) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(c) In setting the requirements under (b) of this subsection, encourage creativity and provide for flexibility in implementing the local building bridges program;

(d) Identify and disseminate successful practices;

(e) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(i) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's housing status, whether a student is a foster youth or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(ii) Washington assessment of student learning scores;

(iii) Dropout rates;

(iv) On-time graduation rates;

(v) Extended graduation rates;

(vi) Credentials obtained;

(vii) Absenteeism rates;

(viii) Truancy rates; and

(ix) Credit retrieval;

(f) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership. The third-party contractor shall also evaluate the performance and effectiveness of the partnerships relative to the type of entity, as identified in section 4 of this act, serving as the lead agency for the partnership; and

(g) Report to the legislature by December 1, 2008.

(2) In performing its duties under this section, the office of the superintendent of public instruction is encouraged to consult with the work group identified in section 7 of this act.

**NEW SECTION. Sec. 4.** In awarding the grants under section 2 of this act, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates above the

statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership. The superintendent of public instruction shall ensure that grants are distributed proportionately between school districts and other recipients. This requirement may be waived if the superintendent of public instruction finds that the quality of the programs or applications from these entities does not warrant the awarding of the grants proportionately.

**NEW SECTION. Sec. 5.** To be eligible for a grant under section 2 of this act, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agencies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

(4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners.

**NEW SECTION. Sec. 6.** (1) Educational service districts, in collaboration with area workforce development councils, shall:

(a) Provide technical assistance to local partnerships established under a grant awarded under section 2 of this act in collecting and using performance data; and

(b) At the request of a local partnership established under a grant awarded under section 2 of this act, provide assistance in the development of a functional sustainability plan, including the identification of potential funding sources for future operation.

(2) Local partnerships established under a grant awarded under section 2 of this act may contract with an educational service district, workforce development council, or a private agency for specialized training in such areas as cultural competency, identifying diverse learning styles, and intervention strategies for students at risk of dropping out of school.

**NEW SECTION. Sec. 7.** (1) The office of the superintendent of public instruction shall establish a state-level work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The state-level leadership group shall consist of one representative from each of the following agencies and organizations: The workforce training and education coordinating board; career and technical education including skill centers; relevant divisions of the department of social and health services; the juvenile courts; the Washington association of prosecuting attorneys; the Washington state office of public defense; the employment security department; accredited institutions of higher education; the educational service districts; the area

workforce development councils; parent and educator associations; the department of health; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in section 5 of this act, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in section 3(1)(e) of this act; and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3) The work group shall report to the legislature and the governor on an annual basis beginning December 1, 2007, with recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

**NEW SECTION. Sec. 8.** (1) During the 2007-2009 biennium, school districts that contract with eligible alternative educational service providers to provide education programs, including GED preparation, that generate course credits towards high school graduation, for students who are at risk of dropping out of school, or who have dropped out of school, may continue to use basic education allocations under RCW 28A.150.250 to fund contracts with those providers. For purposes of this section, "eligible alternative educational service providers" includes community and technical colleges and community-based organizations that meet all state requirements for receiving state K-12 formula allocations.

(2) All school districts with contracts with eligible alternative educational service providers shall provide information to the office of the superintendent of public instruction including, but not limited to: (a) The number of students enrolled in those programs; (b) the amount of weekly instructional hours provided; (c) the location of the instruction program provided; and (d) the number and types of staff providing the instruction in the programs. By December 1, 2008, the office of the superintendent of public instruction shall submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the information provided by the school districts pursuant to this subsection.

(3) The state-level work group established under section 7 of this act shall examine issues related to school districts' use of basic education allocations under this section including, but not limited to, findings or other relevant communications by the state auditor. The work group shall develop recommendations and submit a report to the appropriate legislative committees by December 1, 2009.

**NEW SECTION. Sec. 9.** Sections 2 through 7 of this act are each added to chapter 28A.175 RCW.

**NEW SECTION. Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "retrieval;" strike the remainder of the title and insert "adding new sections to chapter 28A.175 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1573 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1088 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.36.005 and 1991 c 326 s 11 are each amended to read as follows:

The legislature intends to (~~encourage the development of community-based interagency collaborative efforts to plan for and provide mental health services to children in a manner that~~) substantially improve the delivery of children's mental health services in Washington state through the development and implementation of a children's mental health system that:

- (1) Values early identification, intervention, and prevention;
- (2) Coordinates existing categorical children's mental health programs and funding, through efforts that include elimination of duplicative care plans and case management;
- (3) Treats each child in the context of his or her family, and provides services and supports needed to maintain a child with his or her family and community;
- (4) Integrates families into treatment through choice of treatment, participation in treatment, and provision of peer support;
- (5) Focuses on resiliency and recovery;
- (6) Relies to a greater extent on evidence-based practices;
- (7) Is sensitive to the unique cultural circumstances of children of color(~~, eliminates duplicative case management,~~) and children in families whose primary language is not English;
- (8) Integrates educational support services that address students' diverse learning styles; and
- (9) To the greatest extent possible, blends categorical funding to offer more service and support options to each child.

**Sec. 2.** RCW 71.36.010 and 1991 c 326 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state, tribal, or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in state or federal law.

(3) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(4) "County authority" means the board of county commissioners or county executive.

~~((4))~~ (5) "Department" means the department of social and health services.

~~((5))~~ (6) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

~~((6))~~ (7) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(8) "Family" means a child's biological parents, adoptive parents, foster parents, guardian, legal custodian authorized pursuant to Title 26 RCW, a relative with whom a child has been placed by the department of social and health services, or a tribe.

(9) "Promising practice" or "emerging best practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "Regional support network" means a county authority or group of county authorities or other nonprofit entity that ~~((have))~~ has entered into contracts with the secretary pursuant to chapter 71.24 RCW.

~~((7))~~ (11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(12) "Secretary" means the secretary of social and health services.

(13) "Wraparound process" means a family driven planning process designed to address the needs of children and youth by the formation of a team that empowers families to make key decisions regarding the care of the child or youth in partnership with professionals and the family's natural community supports. The team produces a community-based and culturally competent intervention plan which identifies the strengths and needs of the child or youth and family and defines goals that the team collaborates on achieving with respect for the unique cultural values of the family. The "wraparound process" shall emphasize principles of persistence and outcome-based measurements of success.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.36 RCW to read as follows:

**ELEMENTS OF A CHILDREN'S MENTAL HEALTH SYSTEM.** (1) It is the goal of the legislature that, by 2012, the children's mental health system in Washington state include the following elements:

(a) A continuum of services from early identification, intervention, and prevention through crisis intervention and inpatient treatment, including peer support and parent mentoring services;

(b) Equity in access to services for similarly situated children, including children with co-occurring disorders;

(c) Developmentally appropriate, high quality, and culturally competent services available statewide;

(d) Treatment of each child in the context of his or her family and other persons that are a source of support and stability in his or her life;

(e) A sufficient supply of qualified and culturally competent children's mental health providers;

(f) Use of developmentally appropriate evidence-based, research-based, promising, or consensus-based practices;

(g) Integrated and flexible services to meet the needs of children who, due to mental illness or emotional or behavioral disturbance, are at risk of out-of-home placement or involved with multiple child-serving systems.

(2) The effectiveness of the children's mental health system shall be determined through the use of outcome-based performance measures. The department and the evidence-based practice institute established in section 7 of this act, in consultation with parents, caregivers, youth, regional support networks, mental health services providers, health plans, primary care providers, tribes, and others, shall develop outcome-based performance measures such as:

(a) Decreased emergency room utilization;

(b) Decreased psychiatric hospitalization;

(c) Lessening of symptoms, as measured by commonly used assessment tools;

(d) Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, when necessary;

(e) Decreased runaways from home or residential placements;

(f) Decreased rates of chemical dependency;

(g) Decreased involvement with the juvenile justice system;

(h) Improved school attendance and performance;

(i) Reductions in school or child care suspensions or expulsions;

(j) Reductions in use of prescribed medication where cognitive behavioral therapies are indicated;

(k) Improved rates of high school graduation and employment; and

(l) Decreased use of mental health services upon reaching adulthood for mental disorders other than those that require ongoing treatment to maintain stability.

Performance measure reporting for children's mental health services should be integrated into existing performance measurement

and reporting systems developed and implemented under chapter 71.24 RCW.

**NEW SECTION. Sec. 4. REGIONAL SUPPORT NETWORK SERVICES--CHILDREN'S ACCESS TO CARE STANDARDS AND BENEFIT PACKAGE.** As part of the system transformation initiative, the department of social and health services shall undertake the following activities related specifically to children's mental health services:

(1) The development of recommended revisions to the access to care standards for children. The recommended revisions shall reflect the policies and principles set out in RCW 71.36.005, 71.36.010, and section 3 of this act, and recognize that early identification, intervention and prevention services, and brief intervention services may be provided outside of the regional support network system. Revised access to care standards shall assess a child's need for mental health services based upon the child's diagnosis and its negative impact upon his or her persistent impaired functioning in family, school, or the community, and should not solely condition the receipt of services upon a determination that a child is engaged in high risk behavior or is in imminent need of hospitalization or out-of-home placement. Assessment and diagnosis for children under five years of age shall be determined using a nationally accepted assessment tool designed specifically for children of that age. The recommendations shall also address whether amendments to RCW 71.24.025 (26) and (27) and 71.24.035(5) are necessary to implement revised access to care standards;

(2) Development of a revised children's mental health benefit package. The department shall ensure that services included in the children's mental health benefit package reflect the policies and principles included in RCW 71.36.005 and section 3 of this act, to the extent allowable under medicaid, Title XIX of the federal social security act. Strong consideration shall be given to developmentally appropriate evidence-based, research-based, promising, or consensus-based practices, family-based interventions, the use of natural and peer supports, and community support services. This effort shall include a review of other states' efforts to fund family-centered children's mental health services through their medicaid programs;

(3) Consistent with the timeline developed for the system transformation initiative, recommendations for revisions to the children's access to care standards and the children's mental health services benefits package shall be presented to the legislature by January 1, 2009.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.09 RCW to read as follows:

**IMPROVING MEDICATION MANAGEMENT AND CARE COORDINATION.** (1)(a) The department, in consultation with the evidence-based practice institute established in section 7 of this act,

shall develop and implement policies to improve prescribing practices for treatment of emotional or behavioral disturbances in children, improve the quality of children's mental health therapy through increased use of evidence-based, research-based, promising, or consensus-based practices and reduced variation in practice, improve communication and care coordination between primary care and mental health providers, and prioritize care in the family home or care which integrates the family where out-of-home placement is required.

(b) The department shall identify those children with emotional or behavioral disturbances who may be at high risk due to off-label use of prescription medication, use of multiple medications, high medication dosage, or lack of coordination among multiple prescribing providers, and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to obtaining second opinions from experts in child psychiatry.

(c) The department shall review the psychotropic medications of all children under five and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to obtaining second opinions from experts in child psychiatry.

(d) The department shall track prescriptive practices with respect to psychotropic medications with the goal of reducing the use of medication.

(e) The department shall encourage the use of cognitive behavioral therapies and other treatments which are empirically supported or evidence-based, in addition to or in the place of prescription medication where appropriate.

(2) The department shall convene a representative group of regional support networks, community mental health centers, and managed health care systems contracting with the department under RCW 74.09.522 to:

(a) Establish mechanisms and develop contract language that ensures increased coordination of and access to medicaid mental health benefits available to children and their families, including ensuring access to services that are identified as a result of a developmental screen administered through early periodic screening, diagnosis, and treatment;

(b) Define managed health care system and regional support network contractual performance standards that track access to and utilization of services; and

(c) Set standards for reducing the number of children that are prescribed antipsychotic drugs and receive no outpatient mental health services with their medication.

(3) The department shall report on progress and any findings under this section to the legislature by January 1, 2009.

**NEW SECTION. Sec. 6.** A new section is added to chapter 71.36 RCW to read as follows:

**MEDICAID ELIGIBLE CHILDREN IN TEMPORARY JUVENILE DETENTION.** The department shall explore the feasibility of obtaining a medicaid state plan amendment to allow the state to receive medicaid matching funds for health services provided to medicaid enrolled youth who are temporarily placed in a juvenile detention facility. Temporary placement shall be defined as until adjudication or up to sixty continuous days, whichever occurs first.

**NEW SECTION. Sec. 7.** A new section is added to chapter 71.24 RCW to read as follows:

**CHILDREN'S MENTAL HEALTH PROVIDERS.** (1) The department shall provide flexibility in provider contracting to regional support networks for children's mental health services. Beginning with 2007-2009 biennium contracts, regional support network contracts shall authorize regional support networks to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, children's hospital and regional medical center, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based, research-based, promising, or consensus-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or promising practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based

practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and on-line resources for families to become informed and engaged in evidence-based, research-based, promising, or consensus-based practices;

(d) Participate in the identification of outcome-based performance measures under section 3(2) of this act and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the department in collaboration with the evidence-based practice institute shall implement a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program. The program shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

**NEW SECTION. Sec. 8.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The department shall adopt rules and policies providing that when youth who were enrolled in a medical assistance program immediately prior to confinement are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with county juvenile court administrators and regional support networks, shall establish procedures for coordination between department field offices, juvenile rehabilitation administration institutions, and county juvenile courts that result in prompt reinstatement of eligibility and speedy eligibility determinations for youth who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services' applications on behalf of confined youth in anticipation of their release from confinement;

(b) Expedited review of applications filed by or on behalf of confined youth and, to the extent practicable, completion of the review before the youth is released; and

(c) Mechanisms for providing medical assistance services' identity cards to youth eligible for medical assistance services immediately upon their release from confinement.

(3) For purposes of this section, "confined" or "confinement" means detained in a facility operated by or under contract with the department of social and health services, juvenile rehabilitation administration, or detained in a juvenile detention facility operated under chapter 13.04 RCW.

(4) The department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined youth who is likely to be eligible for a medical assistance program.

**NEW SECTION. Sec. 9.** Educational service district boards may partner with regional support networks to respond to a request for proposal for operation of a wraparound model site under this act

and, if selected, may contract for the provision of services to coordinate care and facilitate the delivery of services and other supports under a wraparound model.

**NEW SECTION. Sec. 10.** WRAPAROUND MODEL OF INTEGRATED CHILDREN'S MENTAL HEALTH SERVICES DELIVERY. To the extent funds are specifically appropriated for this purpose, the department of social and health services shall contract for implementation of a wraparound model of integrated children's mental health services delivery in up to three counties in Washington state.

(1) Funding provided may be expended for: Costs associated with a request for proposal and contracting process; administrative costs associated with successful bidders' operation of the wraparound model; the evaluation under subsection (5) of this section; and funding for services needed by children enrolled in wraparound model sites that are not otherwise covered under existing state programs. The services provided through the wraparound model sites shall include, but not be limited to, services covered under the medicaid program. The department shall maximize the use of medicaid and other existing state-funded programs as a funding source. However, state funds provided may be used to develop a broader service package to meet needs identified in a child's care plan. Amounts provided shall supplement, and not supplant, state, local, or other funding for services that a child being served through a wraparound site would otherwise be eligible to receive.

(2) The wraparound model sites shall serve children with serious emotional or behavioral disturbances who are at high risk of residential or correctional placement or psychiatric hospitalization, and who have been referred for services from the department, a county juvenile court, a tribal court, a school, or a licensed mental health provider or agency.

(3) Through a request for proposal process, the department shall contract, with educational service districts, regional support networks, or entities licensed to provide mental health services to children with serious emotional or behavioral disturbances, to operate the wraparound model sites. The contractor shall provide care coordination and facilitate the delivery of services and other supports to families using a strength-based, highly individualized wraparound process. The request for proposal shall require that the contractor provide evidence of commitments from at least the following entities to participate in wraparound care plan development and service provision when appropriate: Regional support networks, community mental health agencies, schools, the department of social and health services children's administration, juvenile courts, the department of social and health services juvenile rehabilitation administration, and managed health care systems contracting with the department under RCW 74.09.522.

(4) Contracts for operation of the wraparound model sites shall be executed on or before April 1, 2008, with enrollment and service delivery beginning on or before July 1, 2008.

(5) The evidence-based practice institute established in section 7 of this act shall evaluate the wraparound model sites, measuring outcomes for children served. Outcomes measured shall include, but are not limited to: Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, school attendance, school performance, recidivism, emergency room utilization, involvement with the juvenile justice system, and decreased hospitalization.

**NEW SECTION. Sec. 11.** A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose the department shall revise its medicaid healthy options managed care and fee-for-service program standards under medicaid, Title XIX of the federal social security act to improve access to mental health services for children who do not meet the regional support network access to care standards. Effective July 1, 2008, the program standards shall be revised to allow outpatient therapy services to be provided by licensed mental health professionals, as defined in RCW 71.34.020, and up to twenty outpatient therapy hours per calendar year, including family therapy visits integral to a child's treatment.

(2) This section expires July 1, 2010.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(4) RCW 71.36.020 (Plan for early periodic screening, diagnosis, and treatment services) and 2003 c 281 s 4 & 1991 c 326 s 13; and

(5) RCW 71.36.030 (Children's mental health services delivery system--Local planning efforts) and 1991 c 326 s 14.

**NEW SECTION. Sec. 13.** Captions used in this act are not part of the law.

**NEW SECTION. Sec. 14.** If specific funding for the purposes of sections 4, 5, 7, 8, 10, and 11 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2007, each section not referenced is null and void."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.36.005 and 71.36.010; adding new sections to chapter 71.36 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; creating new sections; repealing RCW 71.36.020 and 71.36.030; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

Representative Kagi moved that the House not concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1088 and ask the Senate to recede therefrom.

Representative Haler moved that the House concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1088 and advance the bill to final passage as amended by the Senate.

The question before the House was the motion to concur in the Senate amendment.

Representative Haler spoke in favor of the motion to concur in the Senate amendment.

Representative Kagi spoke against the motion to concur in the Senate amendment.

An electronic roll call vote was requested.

#### ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to Second Substitute House Bill No. 1088 and the motion failed the House by the following vote: Yeas - 32, Nays - 63, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Erickson, Hailey, Haler, Hankins, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Walsh - 32.

Voting nay: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby,

Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

The House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1088 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the legislative youth advisory council provides a unique opportunity for middle and high school students to be actively involved in government. Council members not only learn about, but exercise, the core values and democratic principles of our state and nation, along with the rights and responsibilities of citizenship and democratic civic involvement. As such, they are engaged in authentic practice of the essential academic learning requirements in civics. In the short time since its creation, the legislative youth advisory council has studied, debated, and begun to formulate positions and recommendations on such important topics as education reform, school finance, public school learning environments, health and fitness education, and standardized testing. The legislature continues to stress the importance of civics education and support the type of civic involvement by students exemplified by the legislative youth advisory council.

**Sec. 2.** RCW 28A.300.801 and 2005 c 355 s 1 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

~~((a) Five members shall be selected by each of the two major caucuses in the senate, appointed by the secretary of the senate.~~

~~((b) Five members shall be selected by each of the two major caucuses in the house of representatives, appointed by the chief clerk of the house of representatives.~~

~~((c) The governor shall appoint two members.))~~

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4)(a) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. The office of the lieutenant governor shall notify all applicants of the final selections.

(b) The office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) The council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature; ~~((and))~~

(d) Accepting grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

~~((5)) (6) In carrying out its duties under ((subsection (4) of) this section, the council may meet at least three times but not more than six times per year ((including not more than two public hearings on issues of importance to youth)).~~ The council shall consider conducting at least some of the meetings via the K-20 telecommunications network. Councils are encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on the various issues. The council is encouraged to use technology to conduct the polling, including the council's web site, if the council has a web site.

~~((6)) (7) Members shall be reimbursed as provided in RCW 43.03.050 and 43.03.060.~~

~~((7)) (8) The office of superintendent of public instruction shall provide administration, coordination, and facilitation assistance to the council. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.~~

~~((8)) (9) The office of the lieutenant governor, the office of superintendent of public instruction, the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection ((6)) (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruction or the legislature or any agency of the legislature.~~

~~((9)) (10) This section expires June 30, ((2007)) 2009.~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The civic education travel grant program is created to provide travel grants to students participating in statewide, regional, national, or international civic education competitions or events.

(2) The superintendent of public instruction shall allocate grants under the program established in this section from private donations or with amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(3) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(4) The superintendent of public instruction shall select grant recipients from student applicants that meet all of the following criteria:

(a) Students must be residents of the state of Washington;

(b) Students must use the grants to fund travel to civic education-based competitions or events;

(c) Students must be participants in the civic education competition or event; and

(d) Students must be under the age of twenty-one and not yet have received their high school diploma.

(5) Students are encouraged to seek matching funds, in-kind contributions, or other sources of support to supplement their travel expenses.

(6) Applicants must include in the grant application the following:

(a) A brief description of the civic education competition or event;

(b) A brief description of what the applicant expects to learn from the competition or event;

(c) The total travel costs and how much the applicant is requesting from the program; and

(d) The total amount of matching funds the applicant has already secured or expects to secure.

(7) The superintendent of public instruction may adopt other criteria as appropriate for the review of grant proposals. In reviewing student applications for funding, scoring shall be based on an evaluation of all application materials that may be requested of applicants. The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill the program's goal. Final grant awards may be for the full amount of the grant request or for a portion of the grant request.

(8) The office of the superintendent of public instruction may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 28A.300.801; adding a new section to chapter 28A.300 RCW; creating a new section; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1052, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1052, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey,

Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Chandler, Crouse, Dunn, Kristiansen and Schindler - 5.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1065 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the legislative youth advisory council provides a unique opportunity for middle and high school students to be actively involved in government. Council members not only learn about, but exercise, the core values and democratic principles of our state and nation, along with the rights and responsibilities of citizenship and democratic civic involvement. As such, they are engaged in authentic practice of the essential academic learning requirements in civics. In the short time since its creation, the legislative youth advisory council has studied, debated, and begun to formulate positions and recommendations on such important topics as education reform, school finance, public school learning environments, health and fitness education, and standardized testing. The legislature continues to stress the importance of civics education and support the type of civic involvement by students exemplified by the legislative youth advisory council.

**Sec. 2.** RCW 28A.300.801 and 2005 c 355 s 1 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

~~((a) Five members shall be selected by each of the two major caucuses in the senate, appointed by the secretary of the senate.~~

~~—(b) Five members shall be selected by each of the two major caucuses in the house of representatives, appointed by the chief clerk of the house of representatives.~~

~~—(c) The governor shall appoint two members.)~~

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4)(a) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the

legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. The office of the lieutenant governor shall notify all applicants of the final selections.

(b) The office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) The council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature; ~~(and)~~

(d) ~~Accepting grants and donations from public and private sources to support the activities of the council; and~~

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

~~((5)) (6) In carrying out its duties under ~~(subsection (4) of)~~ this section, the council may meet at least three times but not more than six times per year ~~(, including not more than two public hearings on issues of importance to youth)~~. The council shall consider conducting at least some of the meetings via the K-20 telecommunications network. Councils are encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on the various issues. The council is encouraged to use technology to conduct the polling, including the council's web site, if the council has a web site.~~

~~((6)) (7) Members shall be reimbursed as provided in RCW 43.03.050 and 43.03.060.~~

~~((7)) (8) The office of superintendent of public instruction shall provide administration, coordination, and facilitation assistance to the council. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.~~

~~((8)) (9) The office of the lieutenant governor, the office of superintendent of public instruction, the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection ~~((6)) (7)~~ of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruction or the legislature or any agency of the legislature.~~

~~((9)) (10) This section expires June 30, ~~(2007)~~ 2009.~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The civic education travel grant program is created to provide travel grants to students participating in statewide, regional, national, or international civic education competitions or events.

(2) The superintendent of public instruction shall allocate grants under the program established in this section from private donations or with amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(3) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(4) The superintendent of public instruction shall select grant recipients from student applicants that meet all of the following criteria:

(a) Students must be residents of the state of Washington;

(b) Students must use the grants to fund travel to civic education-based competitions or events;

(c) Students must be participants in the civic education competition or event; and

(d) Students must be under the age of twenty-one and not yet have received their high school diploma.

(5) Students are encouraged to seek matching funds, in-kind contributions, or other sources of support to supplement their travel expenses.

(6) Applicants must include in the grant application the following:

(a) A brief description of the civic education competition or event;

(b) A brief description of what the applicant expects to learn from the competition or event;

(c) The total travel costs and how much the applicant is requesting from the program; and

(d) The total amount of matching funds the applicant has already secured or expects to secure.

(7) The superintendent of public instruction may adopt other criteria as appropriate for the review of grant proposals. In reviewing student applications for funding, scoring shall be based on an evaluation of all application materials that may be requested of applicants. The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill the program's goal. Final grant awards may be for the full amount of the grant request or for a portion of the grant request.

(8) The office of the superintendent of public instruction may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 28A.300.801; adding a new section to chapter 28A.300 RCW; creating a new section; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1065 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kelley spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1065, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1065, as amended by the Senate, and the bill passed

the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1065, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1077 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.56.430 and 2005 c 274 s 423 are each amended to read as follows:

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data (~~obtained~~). Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in section 2 of this act. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife (, however, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. As used in this subsection, sensitive wildlife data includes):

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable; ((or))

(iii) There is a known demand to visit, take, or disturb ~~(, and the species behavior or ecology renders it especially vulnerable))~~ the species; or

(iv) The species has an extremely limited distribution and concentration; and

(3) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

**NEW SECTION. Sec. 2.** A new section is added to chapter 77.12 RCW to read as follows:

The department shall post on its internet web site all reported predatory wildlife interactions, including reported human safety confrontations or sightings as well as the known details of reported depredations by predatory wildlife on humans, pets, or livestock, within ten days of receiving the report. The posted material must include, but is not limited to, the location and time, the known details, and a running summary of such reported interactions by identified specie and interaction type within each affected county. For the purposes of this section and RCW 42.56.430, "predatory wildlife" means grizzly bears, wolves, and cougars."

On page 1, line 2 of the title, after "data;" strike the remainder of the title and insert "amending RCW 42.56.430; and adding a new section to chapter 77.12 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1077 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1077, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1077, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.  
 Voting nay: Representative Morris - 1.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1077, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1096 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

- (1) The economic trends of globalization and technological change are increasing the demand for higher and differently skilled workers than in the past;
- (2) Increasing Washington's economic competitiveness requires increasing the supply of skilled workers in the state;
- (3) Improving the labor market competitiveness of all Washington residents requires that all residents have access to postsecondary education; and
- (4) Community and technical college workforce training programs and Washington state apprenticeship and training council-approved apprenticeship programs provide effective and efficient pathways for people to enter high wage, high skill careers while also meeting the needs of the economy.

### PART 1 OPPORTUNITY GRANT PROGRAM

NEW SECTION. **Sec. 101.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) The college board shall develop and implement a workforce education program known as the opportunity grant program to provide financial and other assistance for students enrolled at qualified institutions of higher education in opportunity grant-eligible programs of study as described in section 201 of this act. Students enrolled in the opportunity grant program are eligible for:

- (a) Funding for tuition and mandatory fees at the public community and technical college rate, prorated if the credit load is less than full time, paid directly to the educational institution; and
- (b) An additional one thousand dollars per academic year for books, tools, and supplies, prorated if the credit load is less than full time.

(2) Funding under subsection (1)(a) and (b) of this section is limited to a maximum forty-five credits or the equivalent in an opportunity grant-eligible program of study, including required related courses. No student may receive opportunity grant funding for more than forty-five credits or for more than three years from initial receipt of grant funds in one or a combination of programs.

(3) Grants awarded under this section are subject to the availability of amounts appropriated for this specific purpose.

NEW SECTION. **Sec. 102.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) To be eligible for participation in the opportunity grant program established in section 101 of this act, a student must:

- (a) Be a Washington resident student as defined in RCW 28B.15.012 enrolled in an opportunity grant-eligible program of study;
- (b) Have a family income that is at or below two hundred percent of the federal poverty level using the most current guidelines available from the United States department of health and human services, and be determined to have financial need based on the free application for federal student aid; and
- (c) Meet such additional selection criteria as the college board shall establish in order to operate the program within appropriated funding levels.

(2) Upon enrolling, the student must provide evidence of commitment to complete the program. The student must make satisfactory progress and maintain a cumulative 2.0 grade point average for continued eligibility. If a student's cumulative grade point average falls below 2.0, the student may petition the institution of higher education of attendance. The qualified institution of higher education has the authority to establish a probationary period until such time as the student's grade point average reaches required standards.

(3) Subject to funds appropriated for this specific purpose, public qualified institutions of higher education shall receive an enhancement of one thousand five hundred dollars for each full-time equivalent student enrolled in the opportunity grant program whose income is below two hundred percent of the federal poverty level. The funds shall be used for individualized support services which may include, but are not limited to, college and career advising, tutoring, emergency child care, and emergency transportation. The qualified institution of higher education is expected to help students access all financial resources and support services available to them through alternative sources.

(4) The college board shall be accountable for student retention and completion of opportunity grant-eligible programs of study. It shall set annual performance measures and targets and monitor the performance at all qualified institutions of higher education. The college board must reduce funding at institutions of higher education that do not meet targets for two consecutive years, based on criteria developed by the college board.

(5) The college board and higher education coordinating board shall work together to ensure that students participating in the opportunity grant program are informed of all other state and federal financial aid to which they may be entitled while receiving an opportunity grant.

(6) The college board and higher education coordinating board shall document the amount of opportunity grant assistance and the types and amounts of other sources of financial aid received by participating students. Annually, they shall produce a summary of the data.

(7) The college board shall:

- (a) Begin developing the program no later than August 1, 2007, with student enrollment to begin no later than January 14, 2008; and
- (b) Submit a progress report to the legislature by December 1, 2008.

(8) The college board may, in implementing the opportunity grant program, accept, use, and expend or dispose of contributions of money, services, and property. All such moneys received by the college board for the program must be deposited in an account at a depository approved by the state treasurer. Only the college board or a duly authorized representative thereof may authorize expenditures from this account. In order to maintain an effective expenditure and revenue control, the account is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of moneys in the account.

### PART 2 OPPORTUNITY PARTNERSHIPS

NEW SECTION. **Sec. 201.** A new section is added to chapter 28B.50 RCW to read as follows:

The college board, in partnership with business, labor, and the workforce training and education coordinating board, shall:

(1) Identify job specific training programs offered by qualified postsecondary institutions that lead to a credential, certificate, or degree in high demand occupations, which are occupations where data show that employer demand for workers exceeds the supply of qualified job applicants throughout the state or in a specific region, and where training capacity is underutilized;

(2) Gain recognition of the credentials, certificates, and degrees by Washington's employers and labor organizations. The college board shall designate these recognized credentials, certificates, and degrees as "opportunity grant-eligible programs of study"; and

(3) Market the credentials, certificates, and degrees to potential students, businesses, and apprenticeship programs as a way for individuals to advance in their careers and to better meet the needs of industry.

**NEW SECTION. Sec. 202.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) Community and technical colleges shall partner with local workforce development councils to develop the opportunity partnership program. The opportunity partnership program may be newly developed or part of an existing program, and shall provide mentoring to students participating in the opportunity grant program. The program must develop criteria and identify opportunity grant students who would benefit by having a mentor. Each participating student shall be matched with a business or labor mentor employed in the field in which the student is interested. The mentor shall help the student explore careers and employment options through any combination of tours, informational interviews, job shadowing, and internships.

(2) Subject to funds appropriated for this specific purpose, the workforce training and education coordinating board shall create the opportunity partnership program. The board, in partnership with business, labor, and the college board, shall determine the criteria for the distribution of funds.

(3) The board may, in implementing this section, accept, use, and dispose of contributions of money, services, and property. All moneys received by the board for the purposes of this section must be deposited in a depository approved by the state treasurer. Only the board or a duly authorized representative thereof may authorize expenditures from this account. In order to maintain an effective expenditure and revenue control, the account is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of moneys in the account.

### PART 3 MISCELLANEOUS

**Sec. 301.** RCW 28B.50.030 and 2005 c 258 s 8 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education.

(2) "Board" shall mean the work force training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges created by this chapter.

(4) "Director" shall mean the administrative director for the state system of community and technical colleges.

(5) "District" shall mean any one of the community and technical college districts created by this chapter.

(6) "Board of trustees" shall mean the local community and technical college board of trustees established for each college district within the state.

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree, and education and training leading to an applied baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean a public school district board of directors.

(10) "Community college" shall include those higher education institutions that conduct education programs under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four year public institution of higher education.

(13) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(14) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(3).

(15) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(16) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

(17) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (18) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (18) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (18) of this section.

(18) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

(19) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under RCW 28B.50.810 for successful completion of a program of study that is:

(a) Specifically designed for individuals who hold an associate of applied science degree, or its equivalent, in order to maximize application of their technical course credits toward the baccalaureate degree; and

(b) Based on a curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(20) "Qualified institutions of higher education" means:

(a) Washington public community and technical colleges;

(b) Private career schools that are members of an accrediting association recognized by rule of the higher education coordinating board for the purposes of chapter 28B.92 RCW; and

(c) Washington state apprenticeship and training council-approved apprenticeship programs.

**NEW SECTION. Sec. 302.** Part headings used in this act are not any part of the law."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1096 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1096, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1096, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1096, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1099 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Close supervision" means that a supervising dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervising dentist is continuously on-site and physically present in the treatment facility while the procedures are performed by the assistive personnel and capable of responding immediately in the event of an emergency. The term does not require a supervising dentist to be physically present in the operator.

(2) "Commission" means the Washington state dental quality assurance commission created in chapter 18.32 RCW.

(3) "Dental assistant" means a person who is registered by the commission to provide supportive services to a licensed dentist to the extent provided in this chapter and under the close supervision of a dentist.

(4) "Dentist" means an individual who holds a license to practice dentistry under chapter 18.32 RCW.

(5) "Department" means the department of health.

(6) "Expanded function dental auxiliary" means a person who is licensed by the commission to provide supportive services to a licensed dentist to the extent provided in this chapter and under the specified level of supervision of a dentist.

(7) "General supervision" means that a supervising dentist has examined and diagnosed the patient and provided subsequent

instructions to be performed by the assistive personnel, but does not require that the dentist be physically present in the treatment facility.

(8) "Secretary" means the secretary of health.

(9) "Supervising dentist" means a dentist licensed under chapter 18.32 RCW that is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

**NEW SECTION. Sec. 2.** (1) No person may practice or represent himself or herself as a registered dental assistant by use of any title or description without being registered by the commission as having met the standards established for registration under this chapter unless he or she is exempt under section 11 of this act.

(2) No person may practice or represent himself or herself as a licensed expanded function dental auxiliary by use of any title or description without being licensed by the commission under this chapter unless he or she is exempt under section 11 of this act.

**NEW SECTION. Sec. 3.** The commission shall issue a registration to practice as a dental assistant to any applicant who pays any applicable fees, as established by the secretary in accordance with RCW 43.70.110 and 43.70.250, and submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary.

**NEW SECTION. Sec. 4.** (1) The commission shall issue a license to practice as an expanded function dental auxiliary to any applicant who:

(a) Pays any applicable fees as established by the secretary in accordance with RCW 43.70.110 and 43.70.250;

(b) Submits, on forms provided by the secretary, the applicant's name, address, and other applicable information as determined by the secretary; and

(c) Demonstrates that the following requirements have been met:

(i) Successful completion of a dental assisting education program approved by the commission. The program may be an approved on-line education program;

(ii) Successful completion of an expanded function dental auxiliary education program approved by the commission; and

(iii) Successful passage of both a written examination and a clinical examination in restorations approved by the commission.

(2)(a) An applicant that holds a limited license to practice dental hygiene under chapter 18.29 RCW is considered to have met the dental assisting education program requirements of subsection (1)(c)(i) of this section.

(b) An applicant that holds a full license to practice dental hygiene under chapter 18.29 RCW is considered to have met the requirements of subsection (1)(c) of this section upon demonstrating the successful completion of training in taking final impressions as approved by the commission.

**NEW SECTION. Sec. 5.** (1) The commission shall adopt rules relating to the scope of dental assisting services related to patient care and laboratory duties that may be performed by dental assistants. All dental services performed by dental assistants must be performed under the close supervision of a supervising dentist as the dentist may allow.

(2) In addition to any other limitations established by the commission, dental assistants may not perform the following procedures:

(a) Any scaling procedure;

(b) Any oral prophylaxis, except coronal polishing;

(c) Administration of any general or local anesthetic, including intravenous sedation;

(d) Any removal of or addition to the hard or soft tissue of the oral cavity;

(e) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth, jaw, or adjacent structures; and

(f) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

(3) A dentist may not assign a dental assistant to perform duties until the dental assistant has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

**NEW SECTION. Sec. 6.** (1) The commission shall adopt rules relating to the scope of expanded function dental auxiliary services related to patient care and laboratory duties that may be performed by expanded function dental auxiliaries.

(2) The scope of expanded function dental auxiliary services that the commission identifies in subsection (1) of this section includes:

(a) In addition to the dental assisting services that a dental assistant may perform under the close supervision of a supervising dentist, the performance of the following services under the general supervision of a supervising dentist as the dentist may allow:

(i) Performing coronal polishing;

(ii) Giving fluoride treatments;

(iii) Applying sealants;

(iv) Placing dental x-ray film and exposing and developing the films;

(v) Giving patient oral health instruction; and

(b) Notwithstanding any prohibitions in section 5 of this act, the performance of the following services under the close supervision of a supervising dentist as the dentist may allow:

(i) Placing and carving direct restorations; and

(ii) Taking final impressions.

(3) A dentist may not assign an expanded function dental auxiliary to perform services until the expanded function dental auxiliary has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

**NEW SECTION. Sec. 7.** A supervising dentist is responsible for:

(1) Maintaining the appropriate level of supervision for dental assistants and expanded function dental auxiliaries; and

(2) Ensuring that the dental assistants and expanded function dental auxiliaries that the dentist supervises are able to competently perform the tasks that they are assigned.

**NEW SECTION. Sec. 8.** The commission shall issue an initial credential or renewal credential to an applicant who has met the requirements for a credential or deny an initial credential or renewal credential based upon failure to meet the requirements for a credential or unprofessional conduct or impairment governed by chapter 18.130 RCW.

**NEW SECTION. Sec. 9.** An applicant holding a license in another state may be licensed as an expanded function dental auxiliary in this state without examination if the commission determines that the other state's licensing standards are substantially equivalent to the standards in this state.

**NEW SECTION. Sec. 10.** (1) The commission may approve a written examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements under section 4 of this act. The requirement that the examination be written does not exclude the use of computerized test administration.

(2) The commission, upon consultation with the dental hygiene examining committee, may approve a clinical examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements under section 4 of this act.

**NEW SECTION. Sec. 11.** Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a dental assistant in the discharge of official duties by dental assistants in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs; or

(2) Expanded function dental auxiliary education and training programs approved by the commission and the practice as an expanded function dental auxiliary by students in expanded function

dental auxiliary education and training programs approved by the commission, when acting under the direction and supervision of persons licensed under chapter 18.29 or 18.32 RCW.

**NEW SECTION. Sec. 12.** The commission may adopt rules under chapter 34.05 RCW as required to implement this chapter.

**NEW SECTION. Sec. 13.** Chapter 18.130 RCW governs unregistered or unlicensed practice, the issuance and denial of credentials, and the discipline of those credentialed under this chapter. The commission is the disciplining authority under this chapter.

**NEW SECTION. Sec. 14.** A new section is added to chapter 18.29 RCW to read as follows:

A person who holds a license under this chapter and who has met the requirements under section 4 of this act and has been issued a license to practice as an expanded function dental auxiliary may perform those expanded function dental auxiliary services identified in section 6 of this act under the specified supervision of a supervising dentist.

**Sec. 15.** RCW 18.32.030 and 2003 c 282 s 1 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved under RCW 18.32.040, and the practice of dentistry by students in accredited dental schools or colleges approved by the commission, when acting under the direction and supervision of Washington state-licensed dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the commission;

(5) The use of roentgen and other rays for making radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by the dentist, and the prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the secretary or the secretary's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon or osteopathic physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) The performing of dental operations or services by ~~((persons not licensed under this chapter))~~ registered dental assistants and licensed expanded function dental auxiliaries holding a credential issued under chapter 18.-- RCW (sections 1 through 13 and 18 of this

act) when performed under the supervision of a licensed dentist, or by other persons not licensed under this chapter if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, each while acting within the scope of the person's permitted practice under the person's license: PROVIDED HOWEVER, That such ~~((nonlicensed))~~ persons shall in no event perform the following dental operations or services unless permitted to be performed by the person under this chapter or chapters 18.29, 18.57, 18.71, ~~((and))~~ 18.79 as it applies to registered nurses and advanced registered nurse practitioners, and 18.-- (sections 1 through 13 and 18 of this act) RCW ~~((as it applies to registered nurses and advanced registered nurse practitioners))~~:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

**Sec. 16.** RCW 18.32.0351 and 1994 sp.s. c 9 s 204 are each amended to read as follows:

The Washington state dental quality assurance commission is established, consisting of ~~((fourteen))~~ sixteen members each appointed by the governor to a four-year term. No member may serve more than two consecutive full terms. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, members of the previous boards and committees regulating these professions be appointed to the commission. Members of the commission hold office until their successors are appointed. The governor may appoint members of the initial commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, two members must be expanded function dental auxiliaries licensed under chapter 18.-- RCW (sections 1 through 13 and 18 of this act), and two members must be public members.

**Sec. 17.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;  
 (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;  
 (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;  
 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW; and

(xxii) Recreational therapists.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.-- RCW (sections 1 through 13 and 18 of this act);

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**NEW SECTION. Sec. 18.** By November 15, 2012, the department, in consultation with the commission and the dental hygiene examining committee, shall conduct a review of the effectiveness of the creation of the dental assistant and expanded function dental auxiliary professions as related to:

(1) Increasing professional standards in dental practices;

(2) Increasing efficiency in dental practices and community health clinics;

(3) Promoting career ladders in the dental professions; and

(4) Recommendations for expanding or contracting the practice of dental assistants and expanded function dental auxiliaries.

**NEW SECTION. Sec. 19.** Sections 1 through 13 and 18 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 20.** Section 16 of this act takes effect July 1, 2009.

**NEW SECTION. Sec. 21.** (1) The provisions of this act apply to registered dental assistants effective July 1, 2008.

(2) The provisions of this act apply to expanded function dental auxiliaries effective December 1, 2008.

**NEW SECTION. Sec. 22.** The secretary of health and the Washington state dental quality assurance commission may take the necessary steps to ensure that this act is implemented on its effective date."

On page 1, line 1 of the title, after "professionals;" strike the remainder of the title and insert "amending RCW 18.32.030, 18.32.0351, and 18.130.040; adding a new section to chapter 18.29 RCW; adding a new chapter to Title 18 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1099 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1099, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1099, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 1099, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 11, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1106 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that each year health care-associated infections affect two million Americans. These infections result in the unnecessary death of ninety thousand patients and costs the health care system 4.5 billion dollars. Hospitals should be implementing evidence-based measures to reduce hospital-acquired infections. The legislature further finds the public should have access to data on outcome measures regarding hospital-acquired infections. Data reporting should be consistent with national hospital reporting standards.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) Beginning July 1, 2008, central line-associated bloodstream infection in the intensive care unit;

(ii) Beginning January 1, 2009, ventilator-associated pneumonia; and

(iii) Beginning January 1, 2010, surgical site infection for the following procedures:

(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft;

(B) Total hip and knee replacement surgery; and

(C) Hysterectomy, abdominal and vaginal.

(b) Until required otherwise under (c) of this subsection, a hospital must routinely collect and submit the data required to be collected under (a) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

(c)(i) With respect to any of the health care-associated infection measures for which reporting is required under (a) of this subsection, the department must, by rule, require hospitals to collect and submit the data to the centers for medicare and medicaid services according to the definitions, methods, requirements, and procedures of the hospital compare program, or its successor, instead of to the national healthcare safety network, if the department determines that:

(A) The measure is available for reporting under the hospital compare program, or its successor, under substantially the same definition; and

(B) Reporting under this subsection (2)(c) will provide substantially the same information to the public.

(ii) If the department determines that reporting of a measure must be conducted under this subsection (2)(c), the department must adopt rules to implement such reporting. The department's rules must require reporting to the centers for medicare and medicaid services as soon as practicable, but not more than one hundred twenty days, after the centers for medicare and medicaid services allow hospitals to report the respective measure to the hospital compare

program, or its successor. However, if the centers for medicare and medicaid services allow infection rates to be reported using the centers for disease control and prevention's national healthcare safety network, the department's rules must require reporting that reduces the burden of data reporting and minimizes changes that hospitals must make to accommodate requirements for reporting.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By January 1, 2011, submit a report to the appropriate committees of the legislature based on the recommendations of the advisory committee established in subsection (5) of this section for additional reporting requirements related to health care-associated infections, considering the methodologies and practices of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations;

(c) Delete, by rule, the reporting of categories that the department determines are no longer necessary to protect public health and safety;

(d) By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome; and

(e) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals.

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the

joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

**Sec. 3.** RCW 70.41.200 and 2005 c 291 s 3 and 2005 c 33 s 7 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients including health care-associated infections as defined in section 2 of this act, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, infection control, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or

required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement

committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

**Sec. 4.** RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in section 2 of this act, for reporting of health care-associated infections under section 2 of this act, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; and

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

The hospital infection control grant account is created in the custody of the state treasury. All receipts from gifts, grants, bequests, devises, or other funds from public or private sources to support its activities must be deposited into the account. Expenditures from the account may be used only for awarding hospital infection control grants to hospitals and public agencies for establishing and maintaining hospital infection control and surveillance programs, for providing support for such programs, and for the administrative costs associated with the grant program. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 6.** A stakeholder group shall be convened by the department of health to review available data regarding existing infection control protocols at ambulatory surgical facilities. Based on its review of the data, the stakeholder group must make a recommendation to the department no later than December 15, 2008, regarding whether these facilities should be included within

the coverage of this act. The department must report the stakeholder group recommendation to the appropriate committees of the legislature by January 1, 2009.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "reenacting and amending RCW 70.41.200 and 42.56.360; adding new sections to chapter 43.70 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1106 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Campbell spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1106, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1106, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Chandler and Dunn - 2.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1106, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1256 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.215 RCW to read as follows:

(1) Minimum licensing requirements under this chapter shall include a prohibition on the use of window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing a risk of strangulation to young children. Window blinds and other coverings that have been manufactured or properly retrofitted in a manner that eliminates the formation of loops posing a risk of strangulation are not prohibited under this section.

(2) When developing and periodically reviewing minimum licensing requirements related to safety of the premises, the director shall consult and give serious consideration to publications of the United States consumer product safety commission.

(3) The department may provide information as available regarding reduced cost or no-cost options for retrofitting or replacing unsafe window blinds and window coverings.

**NEW SECTION. Sec. 2.** This act may be known and cited as the Jaclyn Frank act."

On page 1, line 3 of the title, after "settings;" strike the remainder of the title and insert "adding a new section to chapter 43.215 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1256 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dickerson and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1256, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1256, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P.

Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 1256, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1328 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.04.155 and 2001 c 284 s 1 are each amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established

and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government, other than a port district, that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement (~~(project projects)~~) projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, ~~(materialmen)~~ materialpersons, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5)(a) A state agency or authorized local government may use the limited public works process of subsection (3) of this section to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.

(b) A state agency or authorized local government may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

(6) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

**Sec. 2.** RCW 60.28.051 and 1992 c 223 s 4 are each amended to read as follows:

Upon completion of a contract, the state, county, or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue of the completion of contracts over ~~((twenty))~~ thirty-five thousand dollars. Such officer shall not make any payment from the retained percentage fund or release any retained percentage escrow account to any person, until he or she has received from the department of revenue a certificate that all taxes, increases, and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

**Sec. 3.** RCW 39.08.010 and 1989 c 145 s 1 are each amended to read as follows:

Whenever any board, council, commission, trustees, or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county, or municipality, or other public body, city, town, or district, such board, council, commission, trustees, or body shall require the person or persons with whom such contract is made to make, execute, and deliver to such board, council, commission, trustees, or body a good and sufficient bond, with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, and subcontractors and materialmen, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond in cases of cities and towns shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services, or material was furnished to the original contractor: PROVIDED, HOWEVER, That the provisions of RCW 39.08.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: PROVIDED FURTHER, That on contracts of ~~((twenty-five))~~ thirty-five thousand dollars or less, at the option of the contractor the respective public entity may, in lieu of the bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the department of revenue and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later: PROVIDED FURTHER, That for contracts of one hundred thousand dollars or less, the public entity may accept a full payment and performance bond from an individual surety or sureties: AND PROVIDED FURTHER, That the surety must agree to be bound by the laws of the state of Washington and subjected to the jurisdiction of the state of Washington.

**Sec. 4.** RCW 39.12.040 and 1991 c 15 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a public works contract, it shall be the duty of the officer or person charged with the custody and disbursement of public funds to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer a "Statement of Intent to Pay Prevailing Wages". For a contract in excess of ten thousand dollars, the statement of intent to pay prevailing wages shall include:

(a) The contractor's registration certificate number; and

(b) The prevailing rate of wage for each classification of workers entitled to prevailing wages under RCW 39.12.020 and the estimated number of workers in each classification.

Each statement of intent to pay prevailing wages must be approved by the industrial statistician of the department of labor and industries before it is submitted to said officer. Unless otherwise authorized by the department of labor and industries, each voucher claim submitted by a contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the prefiled statement or statements of intent to pay prevailing wages on file with the public agency. Following the final acceptance of a public works project, it shall be the duty of the officer charged with the disbursement of public funds, to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer an "Affidavit of Wages Paid" before the funds retained according to the provisions of RCW 60.28.010 are released to the contractor. Each affidavit of wages paid must be certified by the industrial statistician of the department of labor and industries before it is submitted to said officer.

(2) As an alternate to the procedures provided for in subsection (1) of this section, for public works projects of two thousand five hundred dollars or less and for projects where the limited public works process under RCW 39.04.155(3) is followed:

(a) An awarding agency may authorize the contractor or subcontractor to submit the statement of intent to pay prevailing wages directly to the officer or person charged with the custody or disbursement of public funds in the awarding agency without approval by the industrial statistician of the department of labor and industries. The awarding agency shall retain such statement of intent to pay prevailing wages for a period of not less than three years.

(b) Upon final acceptance of the public works project, the awarding agency shall require the contractor or subcontractor to submit an affidavit of wages paid. Upon receipt of the affidavit of wages paid, the awarding agency may pay the contractor or subcontractor in full, including funds that would otherwise be retained according to the provisions of RCW 60.28.010. Within thirty days of receipt of the affidavit of wages paid, the awarding agency shall submit the affidavit of wages paid to the industrial statistician of the department of labor and industries for approval.

(c) A statement of intent to pay prevailing wages and an affidavit of wages paid shall be on forms approved by the department of labor and industries.

(d) In the event of a wage claim and a finding for the claimant by the department of labor and industries where the awarding agency has used the alternative process provided for in subsection (2) of this section, the awarding agency shall pay the wages due directly to the claimant. If the contractor or subcontractor did not pay the wages stated in the affidavit of wages paid, the awarding agency may take action at law to seek reimbursement from the contractor or subcontractor of wages paid to the claimant, and may prohibit the contractor or subcontractor from bidding on any public works contract of the awarding agency for up to one year.

(e) Nothing in this section shall be interpreted to allow an awarding agency to subdivide any public works project of more than two thousand five hundred dollars for the purpose of circumventing the procedures required by RCW 39.12.040(1)."

On page 1, line 1 of the title, after "procedures;" strike the remainder of the title and insert "and amending RCW 39.04.155, 60.28.051, 39.08.010, and 39.12.040."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1328 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Santos spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1328, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1328, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 1328, as amended by the Senate, having received the constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1331 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.92.015 and 2000 c 93 s 9 are each amended to read as follows:

~~((Unless the context clearly requires otherwise;))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~("Veterinary technician" means a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals or had five years' practical experience, acceptable to the board, with a licensed veterinarian.)~~

(1) "Board" means the Washington state veterinary board of governors.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of the department of health.

(4) "Veterinary medication clerk" means a person who has satisfactorily completed a board-approved training program developed in consultation with the board of pharmacy and designed to prepare persons to perform certain nondiscretionary functions defined by the board and used in the dispensing of legend and nonlegend drugs (except controlled substances as defined in or under chapter 69.50 RCW) associated with the practice of veterinary medicine.

(5) "Veterinary technician" means a person who is licensed by the board upon meeting the requirements of section 2 of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.92 RCW to read as follows:

(1) The board shall issue a veterinary technician license to an individual who has:

(a) Successfully passed an examination administered by the board; and

(b)(i) Successfully completed a posthigh school course approved by the board in the care and treatment of animals; or

(ii) Had five years' practical experience, acceptable to the board, with a licensed veterinarian.

(2) The board shall adopt rules under chapter 34.05 RCW identifying standard tasks and procedures that must be included in the experience of a person who qualifies to take the veterinarian technician examination through the period of practical experience required in subsection (1)(b)(ii) of this section, and requirements for the supervising veterinarian's attestation to completion of the practical experience and that training included the required tasks and procedures.

**Sec. 3.** RCW 18.92.021 and 1983 c 2 s 2 are each amended to read as follows:

(1) There is created a Washington state veterinary board of governors consisting of ~~((six))~~ seven members, five of whom shall be licensed veterinarians, one of whom shall be a licensed veterinary technician trained in both large and small animal medicine, and one of whom shall be a lay member.

(2)(a) The licensed members shall be appointed by the governor. At the time of their appointment the licensed members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery, and dentistry, or employed as a licensed veterinary technician, as applicable, and must be citizens of the United States. Not more than one licensed veterinary member shall be from the same congressional district. The board shall not be deemed to be unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

(b) The terms of the first licensed members of the board shall be as follows: One member for five, four, three, two, and one years respectively. Thereafter the terms shall be for five years and until their successors are appointed and qualified.

~~((c))~~ (c) The lay member shall be appointed by the governor for a five year term and until the lay member's successor is appointed.

~~((d))~~ (d) A member may be appointed to serve a second term, if that term does not run consecutively.

(e) Vacancies in the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

~~((f))~~ (3) The licensed veterinary technician member is a nonvoting member with respect to board decisions related to the discipline of a veterinarian involving standard of care.

(4) Officers of the board shall be a ~~((chairman))~~ chair and a secretary-treasurer to be chosen by the members of the board from among its members.

~~((g))~~ (5) Four members of the board shall constitute a quorum at meetings of the board.

**Sec. 4.** RCW 18.92.030 and 2000 c 93 s 10 are each amended to read as follows:

(1) The board shall develop and administer, or approve, or both, a licensure examination in the subjects determined by the board to be essential to the practice of veterinary medicine, surgery, and dentistry. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

(2) The board, under chapter 34.05 RCW, may adopt rules necessary to carry out the purposes of this chapter, including:

(a) Standards for the performance of the duties and responsibilities of veterinary technicians and veterinary medication clerks and fixing minimum standards of continuing education for veterinary technicians. The rules shall be adopted in the interest of good veterinary health care delivery to the consuming public and shall not prevent veterinary technicians from inoculating an animal ~~((The board also has the power to adopt by rule)); and~~

(b) Standards prescribing requirements for veterinary medical facilities and fixing minimum standards of continuing veterinary medical education.

(3) The department is the board's official office of record.

**Sec. 5.** RCW 18.92.013 and 2000 c 93 s 8 are each amended to read as follows:

(1) A veterinarian legally prescribing drugs may delegate to a registered veterinary medication clerk or a ~~((registered))~~ licensed veterinary technician, while under the veterinarian's direct supervision, certain nondiscretionary functions defined by the board and used in the dispensing of legend and nonlegend drugs (except controlled substances as defined in or under chapter 69.50 RCW) associated with the practice of veterinary medicine. Upon final approval of the packaged prescription following a direct physical inspection of the packaged prescription for proper formulation, packaging, and labeling by the veterinarian, the veterinarian may delegate the delivery of the prescription to a registered veterinary medication clerk or ~~((registered))~~ licensed veterinary technician, while under the veterinarian's indirect supervision. Dispensing of drugs by veterinarians, ~~((registered))~~ licensed veterinary technicians, and registered veterinary medication clerks shall meet the applicable requirements of chapters 18.64, 69.40, 69.41, and 69.50 RCW and is subject to inspection by the board of pharmacy investigators.

(2) For the purposes of this section:

(a) "Direct supervision" means the veterinarian is on the premises and is quickly and easily available; and

(b) "Indirect supervision" means the veterinarian is not on the premises but has given written or oral instructions for the delegated task.

**Sec. 6.** RCW 18.92.140 and 2000 c 93 s 13 are each amended to read as follows:

Each person now qualified to practice veterinary medicine, surgery, and dentistry, ~~((registered))~~ licensed as a veterinary technician, or registered as a veterinary medication clerk in this state or who becomes licensed or registered to engage in practice shall comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

**Sec. 7.** RCW 18.92.145 and 2000 c 93 s 14 are each amended to read as follows:

Administrative procedures, administrative requirements, and fees shall be established as provided in RCW 43.70.250 and 43.70.280 for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

(1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;

(2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;

(3) For a ~~((certificate of registration))~~ license as a veterinary technician;

(4) For a certificate of registration as a veterinary medication clerk;

(5) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee; and

(6) For a license to practice specialized veterinary medicine."

On page 1, line 1 of the title, after "technicians;" strike the remainder of the title and insert "amending RCW 18.92.015, 18.92.021, 18.92.030, 18.92.013, 18.92.140, and 18.92.145; and adding a new section to chapter 18.92 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1331 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Haigh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1331, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1331, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1331, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1371 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.073 and 2005 c 331 s 2 are each amended to read as follows:

(1) In the event a traffic infraction is based on a vehicle's identification, and the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction may be issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within thirty days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. ~~((2))~~ For the purpose of this ~~(section)~~ subsection, a "traffic infraction based on a vehicle's identification" includes, but is not limited to, parking infractions, high-occupancy toll lane violations, and violations recorded by automated traffic safety cameras.

(2) In the event a parking infraction is issued by a private parking facility and is based on a vehicle's identification, and the registered owner of the vehicle is a rental car business, the parking facility shall, before a notice of infraction may be issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within thirty days of receiving the written notice, provide to the parking facility by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft.

Timely mailing of this statement to the parking facility relieves a rental car business of any liability under this chapter for the notice of infraction. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. For the purpose of this subsection, a "parking infraction based on a vehicle's identification" is limited to parking infractions occurring on a private parking facility's premises.

**Sec. 2.** RCW 46.63.160 and 2004 c 231 s 6 are each amended to read as follows:

(1) This section applies only to traffic infractions issued under RCW 46.61.690 for toll collection evasion.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.

(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.

(6) The use of a toll collection system is subject to the following requirements:

(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

(7) The use of a photo enforcement system for issuance of notices of infraction is subject to the following requirements:

(a) Photo enforcement systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo enforcement system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the exclusive use of the tolling agency and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo enforcement system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by a photo enforcement system.

(8) Infractions detected through the use of photo enforcement systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(9) If the registered owner of the vehicle is a rental car business the department of transportation or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

**Sec. 3.** RCW 46.63.170 and 2005 c 167 s 1 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(d) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(e) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(f) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(g) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

(h) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car

business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device."

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.63.073, 46.63.160, and 46.63.170."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1371 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1371, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1371, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia,

Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1371, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 6, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1407 with the following amendment:

On page 10, after line 32, insert the following:

"NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

On page 1, line 3 of the title, after "50.16.010;" strike the remainder of the title and insert "creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1407 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1407, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1407, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt,

Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 1407, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1409 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.09.240 and 2002 c 121 s 2 are each amended to read as follows:

(1) ~~((By December 31, 2005, each county and each city shall adopt ordinances or promulgate regulations setting standards for those Class IV forest practices regulated by local government. The regulations shall: (a) Establish minimum standards for Class IV forest practices; (b) set forth necessary administrative provisions; and (c) establish procedures for the collection and administration of forest practices and recording fees as set forth in this chapter.~~

~~(2) Class IV forest practices regulations shall be administered and enforced by the counties and cities that promulgate them.~~

~~(3) The forest practices board shall continue to promulgate regulations and the department shall continue to administer and enforce the regulations promulgated by the board in each county and each city for all forest practices as provided in this chapter until such time as, in the opinion of the department, the county or city has promulgated forest practices regulations that meet the requirements as set forth in this section and that meet or exceed the standards set forth by the board in regulations in effect at the time the local regulations are adopted. Regulations promulgated by the county or city thereafter shall be reviewed in the usual manner set forth for county or city rules or ordinances. Amendments to local ordinances must meet or exceed the forest practices rules at the time the local ordinances are amended:~~

~~(a) Department review of the initial regulations promulgated by a county or city shall take place upon written request by the county or city. The department, in consultation with the department of ecology, may approve or disapprove the regulations in whole or in part.~~

~~(b) Until January 1, 2006, the department shall provide technical assistance to all counties or cities that have adopted forest practices regulations acceptable to the department and that have assumed regulatory authority over all Class IV forest practices within their jurisdiction:~~

~~(c) Decisions by the department approving or disapproving the initial regulations promulgated by a county or city may be appealed to the forest practices appeals board, which has exclusive jurisdiction to review the department's approval or disapproval of regulations promulgated by counties and cities:~~

~~(4)) On or before December 31, 2008:~~

~~(a) Counties planning under RCW 36.70A.040, and the cities and towns within those counties, where more than a total of twenty-five Class IV forest practices applications, as defined in RCW 76.09.050(1) Class IV (a) through (d), have been filed with the department between January 1, 2003, and December 31, 2005, shall adopt and enforce ordinances or regulations as provided in subsection (2) of this section for the following:~~

~~(i) Forest practices classified as Class I, II, III, and IV that are within urban growth areas designated under RCW 36.70A.110,~~

except for forest practices on ownerships of contiguous forest land equal to or greater than twenty acres where the forest landowner provides, to the department and the county, a written statement of intent, signed by the forest landowner, not to convert to a use other than growing commercial timber for ten years. This statement must be accompanied by either:

(A) A written forest management plan acceptable to the department; or

(B) Documentation that the land is enrolled as forest land of long-term commercial significance under the provisions of chapter 84.33 RCW; and

(ii) Forest practices classified as Class IV, outside urban growth areas designated under RCW 36.70A.110, involving either timber harvest or road construction, or both on:

(A) Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(B) Lands that have or are being converted to another use; or

(C) Lands which, under RCW 76.09.070, are not to be reforested because of the likelihood of future conversion to urban development;

(b) Counties planning under RCW 36.70A.040, and the cities and towns within those counties, not included in (a) of this subsection, may adopt and enforce ordinances or regulations as provided in (a) of this subsection; and

(c) Counties not planning under RCW 36.70A.040, and the cities and towns within those counties, may adopt and enforce ordinances or regulations as provided in subsection (2) of this section for forest practices classified as Class IV involving either timber harvest or road construction, or both on:

(i) Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(ii) Lands that have or are being converted to another use; or

(iii) Lands which, under RCW 76.09.070, are not to be reforested because of the likelihood of future conversion to urban development.

(2) Before a county, city, or town may regulate forest practices under subsection (1) of this section, it shall ensure that its critical areas and development regulations are in compliance with RCW 36.70A.130 and, if applicable, RCW 36.70A.215. The county, city, or town shall notify the department and the department of ecology in writing sixty days prior to adoption of the development regulations required in this section. The transfer of jurisdiction shall not occur until the county, city, or town has notified the department, the department of revenue, and the department of ecology in writing of the effective date of the regulations. Ordinances and regulations adopted under subsection (1) of this section and this subsection must be consistent with or supplement development regulations that protect critical areas pursuant to RCW 36.70A.060, and shall at a minimum include:

(a) Provisions that require appropriate approvals for all phases of the conversion of forest lands, including land clearing and grading; and

(b) Procedures for the collection and administration of permit and recording fees.

(3) Activities regulated by counties, cities, or towns as provided in subsections (1) and (2) of this section shall be administered and enforced by those counties, cities, or towns. The department shall not regulate these activities under this chapter.

(4) The board shall continue to adopt rules and the department shall continue to administer and enforce those rules in each county, city, or town for all forest practices as provided in this chapter until such a time as the county, city, or town has updated its development regulations as required by RCW 36.70A.130 and, if applicable, RCW 36.70A.215, and has adopted ordinances or regulations under subsections (1) and (2) of this section. However, counties, cities, and towns that have adopted ordinances or regulations regarding forest practices prior to the effective date of this section are not required to readopt their ordinances or regulations in order to satisfy the requirements of this section.

(5) Upon request, the department shall provide technical assistance to all counties, cities, and towns while they are in the process of adopting the regulations required by this section, and after the regulations become effective.

(6) For those forest practices over which the board and the department maintain regulatory authority no county, city, municipality, or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(a) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only: (i) Where the application submitted under RCW 76.09.060 as now or hereafter amended indicates that the lands have been or will be converted to a use other than commercial forest product production; or (ii) on lands which have been platted after January 1, 1960, as provided in chapter 58.17 RCW: PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations shall not be inconsistent with the forest practices regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(b) Taxing powers;

(c) Regulatory authority with respect to public health; and

(d) Authority granted by chapter 90.58 RCW, the "Shoreline Management Act of 1971".

(7) To improve the administration of the forest excise tax created in chapter 84.33 RCW, a county, city, or town that regulates forest practices under this section shall report permit information to the department of revenue for all approved forest practices permits. The permit information shall be reported to the department of revenue no later than sixty days after the date the permit was approved and shall be in a form and manner agreed to by the county, city, or town and the department of revenue. Permit information includes the landowner's legal name, address, telephone number, and parcel number.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Each county, city, and town assuming regulation of forest practices as provided in RCW 76.09.240 (1) and (2) shall adopt development regulations that:

(a) Protect public resources, as defined in RCW 76.09.020, from material damage or the potential for material damage;

(b) Require appropriate approvals for all phases of the conversion of forest lands, including clearing and grading;

(c) Are guided by the planning goals in RCW 36.70A.020 and by the purposes and policies of the forest practices act as set forth in RCW 76.09.010; and

(d) Are consistent with or supplement development regulations that protect critical areas pursuant to RCW 36.70A.060.

(2) If necessary, each county, city, or town that assumes regulation of forest practices under RCW 76.09.240 shall amend its comprehensive plan to ensure consistency between its comprehensive plan and development regulations.

(3) Before a county, city, or town may regulate forest practices under RCW 76.09.240 (1) and (2), it shall update its development regulations as required by RCW 36.70A.130 and, if applicable, RCW 36.70A.215. Forest practices regulations adopted under RCW 76.09.240 (1) and (2) may be adopted as part of the legislative action taken under RCW 36.70A.130 or 36.70A.215."

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "amending RCW 76.09.240; and adding a new section to chapter 36.70A RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1409 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL

#### AS SENATE AMENDED

Representatives B. Sullivan and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1409, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1409, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 1409, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes the significant impact on the lives and well-being of children and families when a parent is incarcerated. It is the intent of the legislature to support children and families, and maintain familial connections when appropriate, during the period a parent is incarcerated. Further, the legislature finds that there must be a greater emphasis placed on identifying state policies and programs impacting children with incarcerated parents. Additionally, greater effort must be made to ensure that the policies and programs of the state are supportive of the children, and meet their needs during the time the parent is incarcerated.

According to the final report of the children of incarcerated parents oversight committee, helping offenders build durable family relationships may reduce the likelihood that their children will go to prison later in life. Additionally, the report indicates that offenders who reconnect with their families in sustaining ways are less likely to reoffend. In all efforts to help offenders build these relationships with their children, the safety of the children will be paramount.

**NEW SECTION. Sec. 2.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary of corrections shall review current department policies and assess the following:

(a) The impact of existing policies on the ability of offenders to maintain familial contact and engagement between inmates and children; and

(b) The adequacy and availability of programs targeted at inmates with children.

(2) The secretary shall adopt policies that encourage familial contact and engagement between inmates and their children with the goal of reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent and the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed.

(3) The department shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the families of inmates, particularly the children of incarcerated parents;

(b) Evaluate data to determine the impact on recidivism and intergenerational incarceration; and

(c) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.04 RCW to read as follows:

(1)(a) The secretary of social and health services shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive services through the department who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The secretary shall adopt policies that encourage familial contact and engagement between inmates of the department of corrections facilities and their children with the goal of facilitating normal child development, while reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent, the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed. The programs and policies should also meet the needs of the child while the parent is incarcerated.

(2) The secretary shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of public assistance, or children in the care of the state under chapter 13.34 RCW, who are the children and families of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.215 RCW to read as follows:

(1)(a) The director of the department of early learning shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive assistance who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The director shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, while reducing intergenerational incarceration.

(2) The director shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of assistance who are the children and families of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) The superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.63A RCW to read as follows:

(1)(a) The department of community, trade, and economic development shall establish an advisory committee to monitor, guide, and report on recommendations relating to policies and programs for children and families with incarcerated parents.

(b) The advisory committee shall include representatives of the department of corrections, the department of social and health services, the department of early learning, the office of the superintendent of public instruction, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the administrative office of the courts, the Washington association of sheriffs and police chiefs, jail administrators, the office of the governor, and others who have an interest in these issues.

(c) The advisory committee shall:

(i) Gather the data collected by the departments as required in sections 2 through 5 of this act;

(ii) Monitor and provide consultation on the implementation of recommendations contained in the 2006 children of incarcerated parents report;

(iii) Identify areas of need and develop recommendations for the legislature, the department of social and health services, the department of corrections, the department of early learning, and the office of the superintendent of public instruction to better meet the needs of children and families of persons incarcerated in department of corrections facilities; and

(iv) Advise the department of community, trade, and economic development regarding community programs the department should fund with moneys appropriated for this purpose in the operating budget. The advisory committee shall provide recommendations to the department regarding the following:

(A) The goals for geographic distribution of programs and funding;

(B) The scope and purpose of eligible services and the priority of such services;

(C) Grant award funding limits;

(D) Entities eligible to apply for the funding;

(E) Whether the funding should be directed towards starting or supporting new programs, expanding existing programs, or whether the funding should be open to all eligible services and providers; and

(F) Other areas the advisory committee determines appropriate.

(d) The children of incarcerated parents advisory committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2008.

(2) The department of community, trade, and economic development shall select community programs or services to receive funding that focus on children and families of inmates incarcerated in a department of corrections facility and sustaining the family during the period of the inmate's incarceration.

(a) Programs or services which meet the needs of the children of incarcerated parents should be the greatest consideration in the programs that are identified by the department.

(b) The department shall consider the recommendations of the advisory committee regarding which services or programs the department should fund.

(c) The programs selected shall collaborate with an agency, or agencies, experienced in providing services to aid families and victims of sexual assault and domestic violence to ensure that the programs identify families who have a history of sexual assault or domestic violence and ensure the services provided are appropriate for the children and families.

**NEW SECTION. Sec. 7.** The children of incarcerated parents oversight committee shall expire on the effective date of this section.

**NEW SECTION. Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "parents;" strike the remainder of the title and insert "adding a new section to chapter 72.09 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.63A RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Roberts spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1422, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1422, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 6, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloschia, Moeller, Morrell, Morris,

Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Anderson, Buri, Chandler, DeBolt, Dunn and Kretz - 6.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 31, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that there are factors unique to the relationship between a manufactured/mobile home tenant and a manufactured/mobile home community landlord. Once occupancy has commenced, the difficulty and expense in moving and relocating a manufactured/mobile home can affect the operation of market forces and lead to an inequality of the bargaining position of the parties. Once occupancy has commenced, a tenant may be subject to violations of the manufactured/mobile home landlord-tenant act without an adequate remedy at law. This chapter is created for the purpose of protecting the public, fostering fair and honest competition, and regulating the factors unique to the relationship between the manufactured/mobile home tenant and the manufactured/mobile home community landlord.

(2) The legislature finds that taking legal action against a manufactured/mobile home community landlord for violations of the manufactured/mobile home landlord-tenant act can be a costly and lengthy process, and that many people cannot afford to pursue a court process to vindicate statutory rights. Manufactured/mobile home community landlords will also benefit by having access to a process that resolves disputes quickly and efficiently.

(3)(a) Therefore, it is the intent of the legislature to provide an equitable as well as a less costly and more efficient way for manufactured/mobile home tenants and manufactured/mobile home community landlords to resolve disputes, and to provide a mechanism for state authorities to quickly locate manufactured/mobile home community landlords.

(b) The legislature intends to authorize the department of licensing to register manufactured/mobile home communities and collect a registration fee.

(c) The legislature intends to authorize the attorney general to:

(i) Produce and distribute educational materials regarding the manufactured/mobile home landlord-tenant act and the manufactured/mobile home dispute resolution program created in section 3 of this act;

(ii) Administer the dispute resolution program by taking complaints, conducting investigations, making determinations, issuing fines and other penalties, and participating in administrative dispute resolutions, when necessary, when there are alleged violations of the manufactured/mobile home landlord-tenant act; and

(iii) Collect and annually report upon data related to disputes and violations, and make recommendations on modifying chapter 59.20 RCW, to the appropriate committees of the legislature.

**NEW SECTION. Sec. 2.** For purposes of this chapter:

(1) "Complainant" means a landlord, community owner, or tenant, who has a complaint alleging a violation of chapter 59.20 RCW;

(2) "Department" means the department of licensing;

(3) "Director" means the director of licensing;

(4) "Landlord" or "community owner" means the owner of a mobile home park or a manufactured housing community and includes the agents of a landlord;

(5) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

(6) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

(7) "Manufactured/mobile home" means either a manufactured home or a mobile home;

(8) "Manufactured/mobile home lot" means a portion of a manufactured/mobile home community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

(9) "Mobile home park," "manufactured housing community," or "manufactured/mobile home community" means any real property that is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, park models, or recreational vehicles for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purposes only and is not used for year-round occupancy;

(10) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or part of the legal title to the real property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the real property;

(11) "Park model" means a recreational vehicle intended for permanent or semi-permanent installation and is used as a permanent residence;

(12) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily used as a permanent residence located in a mobile home park or manufactured housing community;

(13) "Respondent" means a landlord, community owner, or tenant, alleged to have committed violation of chapter 59.20 RCW;

(14) "Tenant" means any person, except a transient as defined in RCW 59.20.030, who rents a mobile home lot.

**NEW SECTION. Sec. 3.** (1) The attorney general shall administer a manufactured/mobile home dispute resolution program.

(2) The purpose of the manufactured/mobile home dispute resolution program is to provide manufactured/mobile home community landlords and tenants with a cost-effective and time-efficient process to resolve disputes regarding alleged violations of the manufactured/mobile home landlord-tenant act.

(3) The attorney general under the manufactured/mobile home dispute resolution program shall:

(a) Produce educational materials regarding chapter 59.20 RCW and the manufactured/mobile home dispute resolution program, including a notice in a format that a landlord can reasonably post in a manufactured/mobile home community that summarizes tenant rights and responsibilities, includes information on how to file a complaint with the attorney general, and includes a toll-free telephone number and web site address that landlords and tenants can use to seek additional information and communicate complaints;

(b) Distribute the educational materials described in (a) of this subsection to all known landlords and information alerting landlords that:

(i) All landlords must post the notice provided by the attorney general that summarizes tenant rights and responsibilities and includes information on how to file complaints, in a clearly visible location in all common areas of manufactured/mobile home communities, including in each clubhouse;

(ii) The attorney general may visually confirm that the notice is appropriately posted; and

(iii) The attorney general may issue a fine or other penalty if the attorney general discovers that the landlord has not appropriately posted the notice or that the landlord has not maintained the posted notice so that it is clearly visible to tenants;

(c) Distribute the educational materials described in (a) of this subsection to any complainants and respondents, as requested;

(d) Perform dispute resolution activities, including investigations, negotiations, determinations of violations, and imposition of fines or other penalties as described in section 4 of this act;

(e) Create and maintain a database of manufactured/mobile home communities that have had complaints filed against them. For each manufactured/mobile home community in the database, the following information must be contained, at a minimum:

(i) The number of complaints received;

(ii) The nature and extent of the complaints received;

(iii) The violation of law complained of; and

(iv) The manufactured/mobile home dispute resolution program outcomes for each complaint;

(f) Provide an annual report to the appropriate committees of the legislature on the data collected under this section, including program performance measures and recommendations regarding how the manufactured/mobile home dispute resolution program may be improved, by December 31st, beginning in 2007.

(4) The manufactured/mobile home dispute resolution program, including all of the duties of the attorney general under the program as described in this section, shall be funded by the collection of fines, other penalties, and fees deposited into the manufactured/mobile home dispute resolution program account created in section 8 of this act, and all other sources directed to the manufactured/mobile home dispute resolution program.

**NEW SECTION. Sec. 4.** (1) An aggrieved party has the right to file a complaint with the attorney general alleging a violation of chapter 59.20 RCW.

(2) Upon receiving a complaint under this act, the attorney general must:

(a) Inform the complainant of any notification requirements under RCW 59.20.080 for tenant violations or RCW 59.20.200 for landlord violations and encourage the complainant to appropriately notify the respondent of the complaint; and

(b) If a statutory time period is applicable, inform the complainant of the time frame that the respondent has to remedy the complaint under RCW 59.20.080 for tenant violations or RCW 59.20.200 for landlord violations.

(3) After receiving a complaint under this act, the attorney general shall initiate the manufactured/mobile home dispute resolution program by investigating the alleged violations at its discretion and, if appropriate, facilitating negotiations between the complainant and the respondent.

(4)(a) Complainants and respondents shall cooperate with the attorney general in the course of an investigation by (i) responding to subpoenas issued by the attorney general, which may consist of providing access to papers or other documents, and (ii) providing access to the manufactured/mobile home facilities relevant to the investigation. Complainants and respondents must respond to attorney general subpoenas within thirty days.

(b) Failure to cooperate with the attorney general in the course of an investigation is a violation of this chapter.

(5) If after an investigation the attorney general determines that an agreement cannot be negotiated between the parties, the attorney general shall make a written determination on whether a violation of chapter 59.20 RCW has occurred.

(a) If the attorney general finds by a written determination that a violation of chapter 59.20 RCW has occurred, the attorney general shall deliver a written notice of violation to the respondent who committed the violation by certified mail. The notice of violation must specify the violation, the corrective action required, the time within which the corrective action must be taken, the penalties including fines, other penalties, and actions that will result if corrective action is not taken within the specified time period, and the process for contesting the determination, fines, penalties, and other actions included in the notice of violation through an administrative hearing. The attorney general must deliver to the complainant a copy of the notice of violation by certified mail.

(b) If the attorney general finds by a written determination that a violation of chapter 59.20 RCW has not occurred, the attorney general shall deliver a written notice of nonviolation to both the complainant and the respondent by certified mail. The notice of nonviolation must include the process for contesting the determination included in the notice of nonviolation through an administrative hearing.

(6) Corrective action must take place within fifteen business days of the respondent's receipt of a notice of violation, except as required otherwise by the attorney general, unless the respondent has submitted a timely request for an administrative hearing to contest the notice of violation as required under subsection (8) of this section. If a respondent, which includes either a landlord or a tenant, fails to take corrective action within the required time period and the attorney general has not received a timely request for an administrative hearing, the attorney general may impose a fine, up to a maximum of two hundred fifty dollars per violation per day, for each day that a violation remains uncorrected. The attorney general must consider the severity and duration of the violation and the violation's impact on other community residents when determining the appropriate amount of a fine or the appropriate penalty to impose on a respondent. If the respondent shows upon timely application to the attorney general that a good faith effort to comply with the corrective action requirements of the notice of violation has been made and that the corrective action has not been completed because of mitigating factors beyond the respondent's control, the attorney general may delay the imposition of a fine or penalty.

(7) The attorney general may issue an order requiring the respondent, or its assignee or agent, to cease and desist from an unlawful practice and take affirmative actions that in the judgment of the attorney general will carry out the purposes of this chapter. The affirmative actions may include, but are not limited to, the following:

(a) Refunds of rent increases, improper fees, charges, and assessments collected in violation of this chapter;

(b) Filing and utilization of documents that correct a statutory or rule violation; and

(c) Reasonable action necessary to correct a statutory or rule violation.

(8) A complainant or respondent may request an administrative hearing before an administrative law judge under chapter 34.05 RCW to contest:

(a) A notice of violation issued under subsection (5)(a) of this section or a notice of nonviolation issued under subsection (5)(b) of this section;

(b) A fine or other penalty imposed under subsection (6) of this section; or

(c) An order to cease and desist or an order to take affirmative actions under subsection (7) of this section.

The complainant or respondent must request an administrative hearing within fifteen business days of receipt of a notice of violation, notice of nonviolation, fine, other penalty, order, or action. If an administrative hearing is not requested within this time period, the notice of violation, notice of nonviolation, fine, other penalty, order, or action constitutes a final order of the attorney general and is not subject to review by any court or agency.

(9) If an administrative hearing is initiated, the respondent and complainant shall each bear the cost of his or her own legal expenses.

(10) The administrative law judge appointed under chapter 34.12 RCW shall:

(a) Hear and receive pertinent evidence and testimony;

(b) Decide whether the evidence supports the attorney general finding by a preponderance of the evidence; and

(c) Enter an appropriate order within thirty days after the close of the hearing and immediately mail copies of the order to the affected parties.

The order of the administrative law judge constitutes the final agency order of the attorney general and may be appealed to the superior court under chapter 34.05 RCW.

(11) When the attorney general imposes a fine, refund, or other penalty against a respondent, the respondent may not seek any recovery or reimbursement of the fine, refund, or other penalty from a complainant or from other manufactured/mobile home tenants.

(12) All receipts from the imposition of fines or other penalties collected under this section other than those due to a complainant must be deposited into the manufactured/mobile home dispute resolution program account created in section 8 of this act.

(13) This section is not exclusive and does not limit the right of landlords or tenants to take legal action against another party as provided in chapter 59.20 RCW or otherwise. Exhaustion of the administrative remedy provided in this chapter is not required before a landlord or tenants may bring a legal action. This section does not apply to unlawful detainer actions initiated under RCW 59.20.080 prior to the filing and service of an unlawful detainer court action; however, a tenant is not precluded from seeking relief under this chapter if the complaint claims the notice of termination violates RCW 59.20.080 prior to the filing and service of an unlawful detainer action.

**NEW SECTION. Sec. 5.** The attorney general, director, or individuals acting on behalf of the attorney general or director are immune from suit in any action, civil or criminal, based upon any disciplinary actions or other official acts performed in the course of their duties under this chapter, except their intentional or willful misconduct.

**NEW SECTION. Sec. 6.** (1) The department shall annually register all manufactured/mobile home communities. Each community must be registered separately. The department must deliver by certified mail registration notifications to all known manufactured/mobile home community landlords. Registration information packets must include:

(a) Registration forms; and

(b) Registration assessment information, including registration due dates and late fees, and the collections procedures, liens, and charging costs to tenants.

(2) To apply for registration, the landlord of a manufactured/mobile home community must file with the department an application for registration on a form provided by the department and must pay a registration fee as described in subsection (3) of this section. The department may require the submission of information necessary to assist in identifying and locating a manufactured/mobile home community and other information that may be useful to the state, which must include, at a minimum:

(a) The names and addresses of the owners of the manufactured/mobile home community;

(b) The name and address of the manufactured/mobile home community;

(c) The name and address of the landlord and manager of the manufactured/mobile home community;

(d) The number of lots within the manufactured/mobile home community that are subject to chapter 59.20 RCW; and

(e) The addresses of each manufactured/mobile home lot within the manufactured/mobile home community that is subject to chapter 59.20 RCW.

(3) Each manufactured/mobile home community landlord shall pay to the department:

(a) A one-time master application fee for the first year of registration and, in subsequent years, an annual master renewal application fee, as provided in RCW 19.02.075; and

(b) An annual registration assessment of ten dollars for each manufactured/mobile home that is subject to chapter 59.20 RCW within a manufactured/mobile home community. Manufactured/mobile home community landlords may charge a

maximum of five dollars of this assessment to tenants. Nine dollars of the registration assessment for each manufactured/mobile home shall be deposited into the manufactured/mobile home dispute resolution program account created in section 8 of this act to fund the costs associated with the manufactured/mobile home dispute resolution program. The remaining one dollar shall be deposited into the master license fund created in RCW 19.02.210. The annual registration assessment must be reviewed once each biennium by the department and the attorney general and may be adjusted to reasonably relate to the cost of administering this chapter. The registration assessment may not exceed ten dollars, but if the assessment is reduced, the portion allocated to the manufactured/mobile home dispute resolution program account and the master license fund shall be adjusted proportionately.

(4) Initial registrations of mobile/manufactured housing communities must be filed with the department before November 1, 2007, or within three months of the availability of mobile home lots for rent within the community. The manufactured/mobile home community is subject to a delinquency fee of two hundred fifty dollars for late initial registrations. The delinquency fee shall be deposited in the master license fund. Renewal registrations that are not renewed by the expiration date as assigned by the department are subject to delinquency fees under RCW 19.02.085.

(5) Thirty days after sending late fee notices to a noncomplying landlord, the department may refer the past due account to a collection agency. If there is no response from a noncomplying landlord after sixty days in collections, the department may file an action to enforce payment of unpaid registration assessments and late fees in the superior court for Thurston county or in the county in which the manufactured/mobile home community is located. If the department prevails, the manufactured/mobile home community landlord shall pay the department's costs, including reasonable attorneys' fees, for the enforcement proceedings.

(6) Registration is effective on the date determined by the department, and the department shall issue a registration number to each registered manufactured/mobile home community. The department must provide an expiration date, assigned by the department, to each manufactured/mobile home community who registers.

**NEW SECTION. Sec. 7.** The department must have the capability to compile, update, and maintain the most accurate database possible of all the manufactured/mobile home communities in the state, which must include all of the information collected under section 6 of this act, except for the addresses of each manufactured/mobile home lot within the manufactured/mobile home community that is subject to chapter 59.20 RCW, which must be made available to the attorney general and the department of community, trade, and economic development in a format to be determined by a collaborative agreement between the department of licensing and the attorney general.

**NEW SECTION. Sec. 8.** The manufactured/mobile home dispute resolution program account is created in the custody of the state treasurer. All receipts from sources directed to the manufactured/mobile home dispute resolution program must be deposited in the account. Expenditures from the account may be used only for the costs associated with administering the manufactured/mobile home dispute resolution program. Only the attorney general or the attorney general's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 9.** A new section is added to chapter 34.12 RCW to read as follows:

When requested by the attorney general, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under Title 59 RCW.

**Sec. 10.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department ~~((shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.~~

~~— This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to))~~ will provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The ~~((office))~~ department will keep records of its activities in this area.

(2) The ~~((office))~~ department shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

(3) The ~~((office))~~ department shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

**NEW SECTION. Sec. 11.** Sections 1 through 8 of this act constitute a new chapter in Title 59 RCW.

**NEW SECTION. Sec. 12.** The attorney general may take the necessary steps to ensure that this act is implemented on its effective date."

On page 1, line 2 of the title, after "resolution;" strike the remainder of the title and insert "amending RCW 59.22.050; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morrell spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1461, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1461, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy,

McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1472 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that one in five of Washington's one and one-half million children are children of color. Broken out by racial groups, approximately six percent of children are Asian/Pacific Islander, six percent are multiracial, four and one-half percent are African American, and two percent are Native American. Thirteen percent of Washington children are of Hispanic origin, but representation of this group increases in the lower age ranges. For example, seventeen percent of children birth to four years of age are Hispanic.

The legislature also finds that in counties such as Adams, Franklin, Yakima, and Grant, more than half of the births are of Hispanic origin. Three-quarters of the state's African American children and two-thirds of Asian/Pacific Islander children live in King and Pierce counties. The legislature finds further that despite some progress closing the achievement gap in recent years, children of color continue to lag behind their classmates on the Washington assessment of student learning. In 2005 children of color trailed in every category of the fourth-grade reading, writing, and math assessments. On the reading test alone, sixty-nine percent of African American students, sixty-four percent of native American students, and sixty-one percent of Hispanic students met the standards, compared with eighty-five percent of caucasian students. And, since 1993, the number of Washington students for which English is not their first language has doubled to more than seven percent of students statewide.

The legislature finds further that according to national research, African American children enter the child welfare system at far higher rates than caucasian children, despite no greater incidence of maltreatment in African American families compared to caucasian families. This trend holds true for Washington state, where African American children represent approximately nine and one-half percent of the children in out-of-home care even though they represent slightly more than four percent of the state's total child population. Native American children represent slightly over ten percent of the children in out-of-home care although they represent only two percent of the children in the state. In King county, African American and Native American children are over represented at nearly every decision point in the child welfare system. Although these two groups of children represent only eight percent of the child population in King county, they account for one-third of all children removed from their homes and one-half of children in foster care for more than four years.

The legislature finds also that children of immigrants are the fastest growing component of the United States' child population. While immigrants are eleven percent of the nation's total population, the children of immigrants make up twenty-two percent of the

nation's children under six years of age. These immigrant children are twice as likely as native-born children to be poor.

**NEW SECTION. Sec. 2.** (1) The secretary of the department of social and health services shall convene an advisory committee to analyze and make recommendations on the disproportionate representation of children of color in Washington's child welfare system. The department shall collaborate with the Washington institute for public policy and private sector entities to develop a methodology for the advisory committee to follow in conducting a baseline analysis of data from the child welfare system to determine whether racial disproportionality and racial disparity exist in this system. The Washington institute for public policy shall serve as technical staff for the advisory committee. In determining whether racial disproportionality or racial disparity exists, the committee shall utilize existing research and evaluations conducted within Washington state, nationally, and in other states and localities that have similarly analyzed the prevalence of racial disproportionality and disparity in child welfare.

(2) At a minimum, the advisory committee shall examine and analyze: (a) The level of involvement of children of color at each stage in the state's child welfare system, including the points of entry and exit, and each point at which a treatment decision is made; (b) the number of children of color in low-income or single-parent families involved in the state's child welfare system; (c) the family structures of families involved in the state's child welfare system; and (d) the outcomes for children in the existing child welfare system. This analysis shall be disaggregated by racial and ethnic group, and by geographic region.

(3) The committee of not more than fifteen individuals shall consist of experts in social work, law, child welfare, psychology, or related fields, at least two tribal representatives, a representative of the governor's juvenile justice advisory committee, a representative of a community-based organization involved with child welfare issues, a representative of the department of social and health services, a current or former foster care youth, a current or former foster care parent, and a parent previously involved with Washington's child welfare system. Committee members shall be selected as follows: (a) Five members selected by the senate majority leader; (b) five members selected by the speaker of the house of representatives; and (c) five members selected by the secretary of the department of social and health services. The secretary, the senate majority leader, and the speaker of the house of representatives shall coordinate appointments to ensure the representation specified in this subsection is achieved. After the advisory committee appointments are finalized, the committee shall select two individuals to serve as coarchs of the committee, one of whom shall be a representative from a nongovernmental entity.

(4) The secretary shall make reasonable efforts to seek public and private funding for the advisory committee.

(5) Not later than June 1, 2008, the advisory committee created in subsection (1) of this section shall report to the secretary of the department of social and health services on the results of the analysis. If the results of the analysis indicate disproportionality or disparity exists for any racial or ethnic group in any region of the state, the committee, in conjunction with the secretary of the department of social and health services, shall develop a plan for remedying the disproportionality or disparity. The remediation plan shall include: (a) Recommendations for administrative and legislative actions related to appropriate programs and services to reduce and eliminate disparities in the system and improve the long-term outcomes for children of color who are served by the system; and (b) performance measures for implementing the remediation plan. To the extent possible and appropriate, the remediation plan shall be developed to integrate the recommendations required in this subsection with the department's existing compliance plans, training efforts, and other practice improvement and reform initiatives in progress. The advisory committee shall be responsible for ongoing evaluation of current and prospective policies and procedures for their contribution to or effect on racial disproportionality and disparity.

(6) Not later than December 1, 2008, the secretary shall report the results of the analysis conducted under subsection (2) of this section and shall describe the remediation plan required under

subsection (5) of this section to the appropriate committees of the legislature with jurisdiction over policy and fiscal matters relating to children, families, and human services. Beginning January 1, 2010, the secretary shall report annually to the appropriate committees of the legislature on the implementation of the remediation plan, including any measurable progress made in reducing and eliminating racial disproportionality and disparity in the state's child welfare system.

**NEW SECTION. Sec. 3.** This act expires June 30, 2014."

On page 1, line 2 of the title, after "welfare;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1472 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Pettigrew spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1472, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1472, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 1472, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1488 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the state's oil spill prevention and response programs perform essential services in protecting the environment and natural resource economy of Washington. Due to increased demand for services, the legislature finds that these programs have been expanded several times in the twenty years since the funding mechanisms for these programs were authorized, but the funding mechanisms for these programs have remained unchanged. Without additional funding, these programs face a structural funding deficit beginning in the 2007-2009 biennium. The legislature further finds that the current source of funding for these programs is derived from only one segment of activities that present oil spill risks in the state, and that there is a need for a comprehensive assessment of the sources of oil spill risks and potential funding mechanisms by which all sectors that are a source of oil spill risks may contribute to ensuring adequate funding for programs that prevent as well as prepare for and respond to oil spills. (2) The legislature finds that the Strait of Juan de Fuca is a significant international avenue of waterborne commerce. Over five thousand transits by vessels greater than three hundred gross tons occur in the Strait each year. Reliable, safe vessel transits are vitally important to Washington state, the United States, and Canada. The legislature finds that comprehensive measures to prevent oil spills must be implemented in the Strait. The legislature further finds that stationing a response tug at the west entrance to the Strait is a critical component of such comprehensive measures, evidenced by the fact that the seasonal tug stationed at Neah Bay has conducted more than thirty assists since 1999. Because of the national significance of this waterway and the national interest in preventing oil spills there, the federal government should undertake to ensure that a year-round response tug is stationed at the west entrance to the Strait, either by providing sufficient federal funding for this purpose or to require through federal regulation that the commercial shipping interests benefiting from this service provide for a stationed tug. The legislature therefore directs the department of ecology to request that federal agencies with jurisdiction seek to require or fund the stationing of a response tug at such location, and seek reimbursement for the funding provided by the state for this purpose commencing with the fiscal year 2008 costs to the state.

**NEW SECTION. Sec. 2.** By September 1, 2008, the joint legislative audit and review committee shall examine the funding mechanism for the oil spill prevention and response programs. This study shall evaluate the state's oil spill prevention, preparedness, and response programs to compare the sources of oil spill risk with the funding mechanism. The study shall include:

(1) A review of existing oil spill risk evaluations and qualitative models, including:

(a) Evaluations or models for a risk evaluation framework, considering such factors as volume of oil, time at sea, proximity to water, organizational readiness, and damage done; and

(b) Evaluations or models for risk allocation, assessing how much of the risk goes with the product and how much with where and how the product is handled and who is handling it;

(2) A review of empirical data related to actual spill numbers, spill volumes, spill locations, and other circumstances related to individual spills;

(3) Comparisons of the risk allocation to the actual funding contributed by sector; and

(4) Options to allocate the state's costs to the major risk categories, by sector."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1488 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives B. Sullivan and Strow spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1488, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1488, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Alexander, Chandler, Crouse, DeBolt, Dunn, Ericksen, Hailey, Kretz, Newhouse, Orcutt, Ross, Schindler and Sump - 14.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1488, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 5, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1520 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 10.58 RCW to read as follows:

A law enforcement officer, prosecuting attorney, or other government official may not ask or require a victim of an alleged sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph examination or other truth telling device shall not by itself prevent

the investigation, charging, or prosecution of the offense. For the purposes of this section, "sex offense" is any offense under chapter 9A.44 RCW."

On page 1, line 2 of the title, after "victims;" strike the remainder of the title and insert "and adding a new section to chapter 10.58 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1520 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Williams spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1520, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1520, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1520, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 12, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.47A.010 and 2006 c 255 s 1 are each amended to read as follows:

(1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a ~~((small employer))~~ health insurance partnership program, to remove economic barriers to health insurance coverage for low-wage employees of small employers by building on the private sector health benefit plan system and encouraging employer and employee participation in employer-sponsored health benefit plan coverage.

**Sec. 2.** RCW 70.47A.020 and 2006 c 255 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Board" means the health insurance partnership board established in section 4 of this act.

(3) "Eligible ~~((employee))~~ partnership participant" means an individual who:

(a) Is a resident of the state of Washington;

(b) Has family income ~~((less than))~~ that does not exceed two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and

(c) Is employed by a participating small employer or is a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

~~((3))~~ (4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 ~~((or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended))~~.

~~((4))~~ "Program" (5) "Participating small employer" means a small employer that employs at least one eligible partnership participant and has entered into an agreement with the partnership for the partnership to offer and administer the small employer's group health benefit plan, as defined in federal law, Sec. 706 of ERISA (29 U.S.C. Sec. 1167), for enrollees in the plan.

(6) "Partnership" means the ~~((small employer))~~ health insurance partnership ~~((program))~~ established in RCW 70.47A.030.

~~((5))~~ (7) "Partnership participant" means an employee of a participating small employer, or a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

(8) "Small employer" has the same meaning as defined in RCW 48.43.005.

~~((6))~~ (9) "Subsidy" or "premium subsidy" means payment or reimbursement to an eligible ~~((employee))~~ partnership participant toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

**Sec. 3.** RCW 70.47A.030 and 2006 c 255 s 3 are each amended to read as follows:

(1) To the extent funding is appropriated in the operating budget for this purpose, the ~~((small employer))~~ health insurance partnership ~~((program))~~ is established. The administrator shall be responsible for the implementation and operation of the ~~((small employer))~~ health insurance partnership ~~((program))~~, directly or by contract. The administrator shall offer premium subsidies to eligible ~~((employees))~~ partnership participants under RCW 70.47A.040.

(2) Consistent with policies adopted by the board under section 4 of this act, the administrator shall, directly or by contract:

(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership.

Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;

(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;

(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;

(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;

(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under this act;

(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;

(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership. Employees shall not be eligible for premium assistance if they have immediately transitioned from employer-sponsored insurance, until they have fulfilled a six-month waiting period. During that time, the employee may participate in the program but not receive state-sponsored premium assistance.

(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board is hereby established. The governor shall appoint a seven-member health insurance partnership board by June 30, 2007. The board shall be composed of persons with expertise in the health insurance market and benefit design, and be chaired by the administrator.

(2) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Initial appointments shall be made on or before June 1, 2007. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board shall be at the call of the chair.

(3) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in this section.

(4) The board and employees of the board shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board shall:

(a) Develop policies for enrollment of small employers in the partnership, including minimum participation rules for small employer groups. The small employer shall determine the criteria for eligibility and enrollment in his or her plan and the terms and amounts of the employer's contributions to that plan, consistent with any minimum employer premium contribution level established by the board under (d) of this subsection;

(b) Designate health benefit plans that are currently offered in the small group market that will qualify for premium subsidy payments. At least four health benefit plans shall be chosen, with multiple deductible and point-of-service cost-sharing options. The health benefit plans shall range from catastrophic to comprehensive coverage, and one health benefit plan shall be a high deductible health plan. Every effort shall be made to include health benefit plans that include components to maximize the quality of care provided and result in improved health outcomes, such as preventive care, wellness incentives, chronic care management services, and provider network development and payment policies related to quality of care;

(c) Approve a mid-range benefit plan from those selected to be used as a benchmark plan for calculating premium subsidies;

(d) Determine whether there should be a minimum employer premium contribution on behalf of employees, and if so, how much;

(e) Determine appropriate health benefit plan rating methodologies. The methodologies shall be based on the small group adjusted community rate as defined in Title 48 RCW. The board shall evaluate the impact of applying the small group community rating with the partnership principle of allowing each employee to choose their health benefit plan, and consider options to reduce uncertainty for carriers and provide for efficient risk management of high-cost enrollees through risk adjustment, reinsurance, or other mechanisms;

(f) Conduct analyses and provide recommendations as requested by the legislature and the governor, with the assistance of staff from the health care authority and the office of the insurance commissioner.

(2) The board may authorize one or more limited health care service plans for dental care services to be offered by limited health care service contractors under RCW 48.44.035. However, such plan shall not qualify for subsidy payments.

(3) In fulfilling the requirements of this section, the board shall consult with small employers, the office of the insurance commissioner, members in good standing of the American academy of actuaries, health carriers, agents and brokers, and employees of small business.

**Sec. 6.** RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

~~((+))~~ Beginning ~~((July 1, 2007))~~ September 1, 2008, the administrator shall accept applications from eligible ~~((employees))~~ partnership participants, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the ~~((small employer))~~ health insurance partnership ~~((program))~~.

~~((2))~~ Premium subsidy payments may be provided to eligible employees if:

~~((a))~~ The eligible employee is employed by a small employer;

~~((b))~~ The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan

benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and

~~((c))~~ The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

~~((3))~~ The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.

~~((4))~~ After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

~~((5))~~ An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.)

**Sec. 7.** RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum

employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

**Sec. 8.** RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**Sec. 9.** RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall

preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment

of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**NEW SECTION. Sec. 10.** On or before December 1, 2008, the health insurance partnership board shall submit a preliminary report to the governor and the legislature that includes an implementation plan to incorporate the individual and small group health insurance markets into the partnership program. In preparing the report, the board shall examine at least the following issues:

(1) The impact of these markets being incorporated into the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(2) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(3) How the composition of the board should be modified to reflect the incorporation of the individual and small group markets in the partnership.

**NEW SECTION. Sec. 11.** On or before September 1, 2009, the health insurance partnership board shall submit a report and recommendations to the governor and the legislature regarding:

(1) The risks and benefits of additional markets participating in the partnership:

(a) The report shall examine the following markets:

(i) Washington state health insurance pool under chapter 48.41 RCW;

(ii) Basic health plan under chapter 70.47 RCW;

(iii) Public employees' benefits board enrollees under chapter 41.05 RCW;

(iv) Public school employees; and

(v) Any final recommendations for the individual and small group markets, relevant to the study outlined in section 10 of this act; and

(b) The report shall examine at least the following issues:

(i) The impact of these markets participating in the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(ii) Whether any distinction should be made in participation between active and retired employees enrolled in public employees' benefits board plans, giving consideration to the implicit subsidy that nonmedicare-eligible retirees currently benefit from by being pooled with active employees, and how medicare-eligible retirees would be affected;

(iii) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(iv) If the board recommends the inclusion of additional markets, how the composition of the board should be modified to reflect the participation of these markets; and

(2) The risks and benefits of establishing a requirement that residents of the state of Washington age eighteen and over obtain and maintain affordable creditable coverage, as defined in the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg(c)). The report shall address the question of how a requirement that residents maintain coverage could be enforced in the state of Washington.

**Sec. 12.** RCW 70.47A.050 and 2006 c 255 s 5 are each amended to read as follows:

Enrollment in the (~~small employer~~) health insurance partnership (~~program~~) is not an entitlement and shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the administrator may freeze new enrollment in the program and establish a waiting list of eligible employees who shall receive subsidies only when sufficient funds are available.

**Sec. 13.** RCW 70.47A.060 and 2006 c 255 s 6 are each amended to read as follows:

The administrator shall adopt all rules necessary for the implementation and operation of the (~~small employer~~) health insurance partnership (~~program~~). As part of the rule development process, the administrator shall consult with small employers, carriers, employee organizations, and the office of the insurance commissioner under Title 48 RCW to determine an effective and efficient method for the payment of subsidies under this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

**Sec. 14.** RCW 70.47A.080 and 2006 c 255 s 8 are each amended to read as follows:

The (~~small employer~~) health insurance partnership (~~program~~) account is hereby established in the custody of the state treasurer. Any nongeneral fund--state funds collected for the (~~small employer~~) health insurance partnership (~~program~~) shall be deposited in the (~~small employer~~) health insurance partnership (~~program~~) account. Moneys in the account shall be used exclusively for the purposes of administering the (~~small employer~~) health insurance partnership (~~program~~), including payments to (~~participating managed health care systems~~) insurance carriers on behalf of (~~small employer~~) health insurance partnership enrollees. Only the administrator of the health care authority or his or her designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 15.** (1) The office of the insurance commissioner shall contract for an independent study of health benefit mandates, rating requirements, and insurance statutes and rules to determine the impact on premiums and individuals' health if those statutes or rules were amended or repealed.

(2) The office of the insurance commissioner shall submit an interim report to the governor and appropriate committees of the legislature by December 1, 2007, and a final report by December 1, 2008.

**NEW SECTION. Sec. 16.** 2006 c 255 s 10 (uncodified) is repealed.

**NEW SECTION. Sec. 17.** Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007.

**NEW SECTION. Sec. 18.** If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

- (1) Section 5 (health insurance partnership board);
- (2) Section 15 (office of insurance commissioner independent study)."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "improving health insurance coverage by establishing a health insurance partnership for the purchase of small employer health insurance coverage, evaluating the inclusion of additional health insurance markets in the health insurance partnership, and studying the impact of health insurance mandates; amending RCW 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 48.21.045, 48.44.023, 48.46.066, 70.47A.050, 70.47A.060, and 70.47A.080; adding new sections to chapter 70.47A RCW; creating new sections; repealing 2006 c 255 s 10 (uncodified); providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Cody spoke in favor of the passage of the bill.

Representative Buri spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1569, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1569, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 61, Nays - 34, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloschia,

Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hurst, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump and Walsh - 34.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1644 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2006 c 308 s 1 (uncodified) is amended to read as follows:

Part-time academic employees at community and technical colleges are currently eligible for full health care benefits beginning the second consecutive quarter of employment, at half-time or more of an academic workload, as defined in RCW 28B.50.489. They are also eligible for health benefits through the summer even if they receive no work at all that quarter, if they have worked half-time or more of an academic workload in each of the three (~~of the four~~) preceding quarters. However, workload fluctuations below these thresholds may result in the loss of employer contributions for health care benefits. It is the intent of the legislature to provide for continuous health care eligibility for part-time academic employees based on averaging workload gained during the two preceding academic years.

**Sec. 2.** RCW 41.05.053 and 2006 c 308 s 2 are each amended to read as follows:

(1) Part-time academic employees, as defined in RCW 28B.50.489, who have established eligibility as determined from the payroll records of the employing community or technical college districts, for employer contributions for benefits under this chapter and who have worked an average of half-time or more in each of the two preceding academic years, through employment at one or more community or technical college districts, are eligible for continuation of employer contributions for the subsequent summer quarter period including the break between summer and fall quarters.

(2) Once a part-time academic employee meets the criteria in subsection (1) of this section, the employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least (~~three of the four~~) two quarters of the academic year with an average workload of half-time or more for three quarters of the academic year. Benefits provided under this section cease (~~at the end of the academic year~~) if this criteria is not met. Continuous benefits shall be reinstated once the employee reestablishes eligibility under subsection (1) of this section (~~and will be maintained as long as the employee works at least three of the four quarters of the academic year with an average academic workload of half-time or more~~).

(3) As used in this section, "academic year" means summer, fall, winter, and spring quarters.

(4) This section does not modify rules in existence on June 7, 2006, adopted under this chapter regarding the initial establishment of eligibility for benefits.

(5) This section does not preclude individuals from being eligible for benefits under other laws or rules that may apply or for which they may be eligible.

(6) The employer must notify part-time academic employees of their potential right to benefits under this section.

(7) To be eligible for maintenance of benefits through averaging, part-time academic employees must notify their employers of their potential eligibility. The state board for community and technical colleges shall report back to the legislature by November 15, 2009, on the feasibility of eliminating the self-reporting requirement for employees."

On page 1, line 2 of the title, after "colleges;" strike the remainder of the title and insert "amending RCW 41.05.053; and amending 2006 c 308 s 1 (uncodified)."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1644 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kenney spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1644, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1644, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1644, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1859 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 40.04.031 and 2006 c 46 s 3 are each amended to read as follows:

The statute law committee, after each legislative session, shall distribute, sell, or exchange session laws as required under this section.

(1) One set shall be given to the following: The United States supreme court library; each state adult correctional institution; each state mental institution; the state historical society; the state bar association; the Olympia press corps library; the University of Washington library; the library of each of the regional universities; The Evergreen State College library; the Washington State University library; each county law library; and the municipal reference branch of the Seattle public library.

(2) One set shall be given to the following upon their request: Each member of the legislature; each state agency and its divisions; each state commission, committee, board, and council; each community college; each assistant attorney general; each member of the United States senate and house of representatives from this state; each state official whose office is created by the Constitution; each prosecuting attorney; and each public library in cities of the first class.

(3) Two sets shall be given to the following: The administrator for the courts; the library of congress; the law libraries of any accredited law schools established in this state; and the governor.

(4) Two sets shall be given to the following upon their request: Each United States district court in the state; and each office and branch office of the United States district attorneys in this state.

(5) Three sets shall be given to the library of the circuit court of appeals of the ninth circuit, upon its request.

(6) The following may request, and receive at no charge, as many sets as are needed for their official business: The senate and house of representatives; each county auditor, who shall receive and distribute sets for use by his or her county's officials; the office of the code reviser; the secretary of the senate; the chief clerk of the house of representatives; the supreme court; each court of appeals in the state; the superior courts; the state library; and the state law library.

(7) Surplus copies of the session laws shall be sold and delivered by the statute law committee, in which case the price of the bound volumes shall be sufficient to cover costs. All money received from the sale of the session law sets shall be paid into the ~~((state treasury for the general fund))~~ statute law committee publications account.

(8) The statute law committee may exchange session law sets for similar laws or legal materials of other states, territories, and governments, and make such other distribution of the sets as in its judgment seems proper.

**Sec. 2.** RCW 1.08.110 and 1977 ex.s. c 240 s 2 are each amended to read as follows:

The statute law committee, in addition to the other responsibilities enumerated in this chapter, shall ~~((cause to be))~~ publish~~((ed))~~ the Washington State Register as created in RCW 34.08.020. The statute law committee ~~((and/or))~~ or the code reviser may adopt ~~((such))~~ rules as are necessary for the effective operation of ~~((such))~~ this service. The statute law committee, in its discretion, may publish the Washington State Register exclusively by electronic means on the code reviser web site if it determines that public access to the Washington State Register is not substantially diminished. If the statute law committee publishes the Washington State Register exclusively by electronic means on the code reviser web site, the electronic copy posted on the code reviser web site shall be considered the official copy of the Washington State Register.

The code reviser shall provide a paper copy of any issue of the register or any register filing upon request. The code reviser may charge a reasonable fee for printing and mailing the paper copy.

**Sec. 3.** RCW 34.05.210 and 1988 c 288 s 201 are each amended to read as follows:

(1) The code reviser shall cause the Washington Administrative Code to be compiled, indexed by subject, and published. All current, permanently effective rules of each agency shall be published in the Washington Administrative Code. Compilations shall be supplemented or revised as often as necessary and at least annually in a form compatible with the main compilation.

(2) Subject to the provisions of this chapter, the code reviser shall prescribe a uniform numbering system, form, and style for all proposed and adopted rules.

(3) The code reviser shall publish a register setting forth the text of all rules filed during the appropriate register publication period.

(4) The code reviser may omit from the register or the compilation, rules that would be unduly cumbersome, expensive, or otherwise inexpedient to publish, if such rules are made available in printed or processed form on application to the adopting agency, and if the register or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

(5) The code reviser may edit and revise rules for publication, codification, and compilation, without changing the meaning of any such rule.

(6) When a rule, in whole or in part, is declared invalid and unconstitutional by a court of final appeal, the adopting agency shall give notice to that effect in the register. With the consent of the attorney general, the code reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when:

(a) The rules are declared unconstitutional by a court of final appeal; or

(b) The adopting agency ceases to exist and the rules are not transferred by statute to a successor agency.

(7) ~~((Registers and))~~ Compilations shall be made available, in written form to (a) state elected officials whose offices are created by Article II or III of the state Constitution or by RCW 48.02.010, upon request, (b) ~~((to))~~ the secretary of the senate and the chief clerk of the house for committee use, as required, but not to exceed the number of standing committees in each body, (c) ~~((to))~~ county boards of law library trustees and to the Olympia ~~((representatives of the Associated Press and the United Press International without request, free of charge))~~ press corps library, and (d) ~~((to))~~ other persons at a price fixed by the code reviser.

(8) The board of law library trustees of each county shall keep and maintain a complete and current set of registers and compilations when required for use and inspection as provided in ((RCW 27.24.060)) chapter 27.24 RCW. If the register is published exclusively by electronic means on the code reviser web site, providing on-site access to the electronic version of the register shall satisfy the requirements of this subsection for access to the register.

(9) Registers shall be made available in written form to the same parties and under the same terms as those listed in subsection (7) of this section, unless the register is published exclusively by electronic means on the code reviser web site.

(10) Judicial notice shall be taken of rules filed and published as provided in RCW 34.05.380 and this section.

**Sec. 4.** RCW 34.05.312 and 2003 c 246 s 4 are each amended to read as follows:

Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible, proposed, or adopted rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and ~~((in the first issue of each calendar year))~~ maintained thereafter on the code reviser web site for the duration of the designation. The rules coordinator may be an employee of another agency.

**Sec. 5.** RCW 34.05.380 and 1989 c 175 s 11 are each amended to read as follows:

(1) Each agency shall file in the office of the code reviser a certified copy of all rules it adopts, except for rules contained in tariffs filed with or published by the Washington utilities and

transportation commission. The code reviser shall place upon each rule a notation of the time and date of filing and shall keep a permanent ~~((register))~~ written record of filed rules open to public inspection. In filing a rule, each agency shall use the standard form prescribed for this purpose by the code reviser.

(2) Emergency rules adopted under RCW 34.05.350 become effective upon filing unless a later date is specified in the order of adoption. All other rules become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the order of adoption.

(3) A rule may become effective immediately upon its filing with the code reviser or on any subsequent date earlier than that established by subsection (2) of this section, if the agency establishes that effective date in the adopting order and finds that:

(a) Such action is required by the state or federal Constitution, a statute, or court order;

(b) The rule only delays the effective date of another rule that is not yet effective; or

(c) The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

The finding and a brief statement of the reasons therefor required by this subsection shall be made a part of the order adopting the rule.

(4) With respect to a rule made effective pursuant to subsection (3) of this section, each agency shall make reasonable efforts to make the effective date known to persons who may be affected by it.

**Sec. 6.** RCW 42.56.580 and 2005 c 483 s 3 are each amended to read as follows:

(1) Each state and local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of this chapter. A state or local agency's public records officer may appoint an employee or official of another agency as its public records officer.

(2) For state agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance with the public records disclosure requirements of this chapter shall be published in the state register at the time of designation and ~~((annually every year))~~ maintained thereafter on the code reviser web site for the duration of the designation.

(3) For local agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance within the public records disclosure requirements of this chapter shall be made in a way reasonably calculated to provide notice to the public, including posting at the local agency's place of business, posting on its internet site, or including in its publications."

On page 1, line 1 of the title, after "committee;" strike the remainder of the title and insert "and amending RCW 40.04.031, 1.08.110, 34.05.210, 34.05.312, 34.05.380, and 42.56.580."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1859 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1859, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1859, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.465 and 1995 c 273 s 2 are each amended to read as follows:

(1) In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, ~~((#))~~ the panel shall ((take into consideration the following factors)) consider:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

~~(c)((i) For employees listed in RCW 41.56.030(7) (a) through (d), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;~~

~~(ii) For employees listed in RCW 41.56.030(7) (c) through (h), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered;~~

~~(d))~~ The average consumer prices for goods and services, commonly known as the cost of living;

~~((#))~~ (d) Changes in any of the circumstances under (a) through ~~((#))~~ (c) of this subsection during the pendency of the proceedings; and

~~((#))~~ (e) Such other factors, not confined to the factors under (a) through ~~((#))~~ (d) of this subsection, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)(a) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

(2) For employees listed in RCW 41.56.030(7) (a) through (d), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States.

(3) For employees listed in RCW 41.56.030(7) (e) through (h), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered.

(4) For employees listed in RCW 41.56.028:

(a) The panel shall also consider:

(i) A comparison of child care provider subsidy rates and reimbursement programs by public entities, including counties and municipalities, along the west coast of the United States; and

(ii) The financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) The public's interest in reducing turnover and increasing retention of child care providers;

(ii) The state's interest in promoting, through education and training, a stable child care workforce to provide quality and reliable child care from all providers throughout the state; and

(iii) In addition, for employees exempt from licensing under chapter 74.15 RCW, the state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

(5) For employees listed in RCW 74.39A.270:

(a) The panel shall consider:

(i) A comparison of wages, hours, and conditions of employment of publicly reimbursed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States; and

(ii) The financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) A comparison of wages, hours, and conditions of employment of publicly employed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States;

(ii) The state's interest in promoting a stable long-term care workforce to provide quality and reliable care to vulnerable elderly and disabled recipients;

(iii) The state's interest in ensuring access to affordable, quality health care for all state citizens; and

(iv) The state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

(6) Subsections ~~((#))~~ (2) and (3) of this section may not be construed to authorize the panel to require the employer to pay, directly or indirectly, the increased employee contributions resulting from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required under chapter 41.26 RCW.

**Sec. 2.** RCW 41.56.028 and 2006 c 54 s 1 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to family child care providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of family child care providers who, solely for the purposes of collective bargaining, are public employees. The public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW.

(2) This chapter governs the collective bargaining relationship between the governor and family child care providers, except as follows:

(a) A statewide unit of all family child care providers is the only unit appropriate for purposes of collective bargaining under RCW 41.56.060.

(b) The exclusive bargaining representative of family child care providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070, except that in the initial election conducted under chapter 54, Laws of 2006, if more than one labor organization is on the ballot and none of the choices receives a majority of the votes cast, a run-off election shall be held.

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for child care providers under this section shall be limited solely to: (i) Economic compensation, such as manner and rate of subsidy and reimbursement, including tiered reimbursements; (ii) health and welfare benefits; (iii) professional development and training; (iv) labor-management committees; (v) grievance procedures; and (vi) other economic matters. Retirement benefits shall not be subject to collective bargaining. By such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(d) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the exclusive bargaining representative of family child care providers, negotiations shall be commenced initially upon certification of an exclusive bargaining representative under (a) of this subsection and, thereafter, by February 1st of any even-numbered year; and

(ii) ~~(In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and~~

~~(iii))~~ The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, is not binding on the state.

(e) Family child care providers do not have the right to strike.

(3) Family child care providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any purpose. This section applies only to the governance of the collective bargaining relationship between the employer and family child care providers as provided in subsections (1) and (2) of this section.

(4) This section does not create or modify:

(a) The parents' or legal guardians' right to choose and terminate the services of any family child care provider that provides care for their child or children;

(b) The secretary of the department of social and health services' right to adopt requirements under RCW 74.15.030, except for requirements related to grievance procedures and collective negotiations on personnel matters as specified in subsection (2)(c) of this section;

(c) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and 74.15.130; and

(d) The legislature's right to make programmatic modifications to the delivery of state services through child care subsidy programs, including standards of eligibility of parents, legal guardians, and family child care providers participating in child care subsidy programs, and the nature of services provided. The governor shall

not enter into, extend, or renew any agreement under this section that does not expressly reserve the legislative rights described in this subsection (4)(d).

(5) Upon meeting the requirements of subsection (6) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement such agreement.

(6) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section shall not be submitted by the governor to the legislature unless such request has been:

(a) Submitted to the director of financial management by October 1st before the legislative session at which the request is to be considered, except that, for initial negotiations under this section, the request must be submitted by November 15, 2006; and

(b) Certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under this section.

(7) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any such agreement will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreement.

(8) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and benefit provisions of any collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement such agreement.

(9) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in subsection (4)(d) of this section.

(10) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care providers and their exclusive bargaining representative to the extent such activities are authorized by this chapter.

**Sec. 3.** RCW 74.39A.270 and 2006 c 106 s 1 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The governor or the governor's designee shall consult the authority on all issues for which the exclusive bargaining representative requests to engage in collective bargaining under subsection (6) of this section. The authority shall work with the developmental disabilities council, the governor's committee on disability issues and employment, the state

council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsection (6) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires; and

(ii) ~~((With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and~~

~~—(iii)))~~ The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter.

(8) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 41.56.465, 41.56.028, and 74.39A.270."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1916, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1916, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Anderson, Armstrong, Chandler, Condotta, Dunn, Kretz, McDonald, Newhouse, Orcutt, Ross, Schindler and Sump - 13.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1980 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** Rcw 28a.300.455 and 2005 c 277 s 2 are each amended to read as follows:

(1) by september 30, 2004, the financial literacy public-private partnership shall adopt a definition of financial literacy to be used in educational efforts.

(2) by june 30, ~~((2006))~~ 2009, the financial literacy public-private partnership shall identify strategies to increase the financial literacy of public school students in our state. To the extent funds are available, strategies to be considered by the partnership shall include, but not be limited to:

(A) identifying and making available to school districts:

(I) important financial literacy skills and knowledge;

(ii) ways in which teachers at different grade levels may integrate financial literacy in mathematics, social studies, and other course content areas;

(iii) instructional materials and programs, including schoolwide programs, that include the important financial literacy skills and knowledge;

(iv) assessments and other outcome measures that schools and communities may use to determine whether students are financially literate; and

(V) other strategies for expanding and increasing the quality of financial literacy instruction in public schools, including professional development for teachers;

(B) developing a structure and set of operating principles for the financial literacy public-private partnership to assist interested school districts in improving the financial literacy of their students by providing such things as financial literacy instructional materials and professional development; and

(C) providing a report to the governor, the house and senate financial institutions and education committees of the legislature, the superintendent of public instruction, the state board of education, and education stakeholder groups, on the results of work of the financial literacy public-private partnership. ~~((a final))~~ an interim report shall be submitted to the same parties by june 30, ~~2007~~, with a final report by june 30, 2009.

**Sec. 2.** Rcw 28a.300.460 and 2004 c 247 s 5 are each amended to read as follows:

the task of the financial literacy public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial literacy examined shall include, at a minimum, consumer financial education, personal finance, and personal credit. The partnership shall identify the types of outcome measures expected from participating districts and students, in accordance with the definitions and outcomes developed under rcw 28a.300.455.

New section. **Sec. 3.** A new section is added to chapter 28a.230 rcw to read as follows:

(1) to the extent funds are appropriated or are available for this purpose, the superintendent of public instruction and other members of the partnership created in rcw 28a.300.455 shall make available to school districts the list of identified financial literacy skills and knowledge, instructional materials, assessments, and other relevant information.

(2) each school district is encouraged to provide its students with an opportunity to master the financial literacy skills and knowledge developed under rcw 28a.300.460.

(3) for the purposes of rcw 28a.300.455, 28a.300.460, and this section, it is not necessary to evaluate and apply the office of the superintendent of public instruction essential academic learning requirements or to develop grade level expectations.

**Sec. 4.** Rcw 28a.300.470 and 2004 c 247 s 7 are each amended to read as follows:

the financial literacy public-private partnership expires june 30, ~~((2007))~~ 2009.

New section. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "partnership;" strike the remainder of the title and insert "amending rcw 28a.300.455, 28a.300.460, and 28a.300.470; adding a new section to chapter 28a.230 rcw; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1980 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kelley and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1980, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1980, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1980, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2261 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.473 and 2005 c 197 s 1 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. A first stage of impaired air quality is reached when:

(i) Fine particulates are at an ambient level of thirty-five micrograms per cubic meter measured on a twenty-four hour average; and

(ii) Forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below thirty-five micrograms per cubic meter for a period of forty-eight hours or more from the time that the fine particulates are measured at the trigger level; and

(c) Not burn wood in any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when:

(i) A first stage of impaired air quality has been in force and not been sufficient to reduce the increasing fine (~~(particle [particulate])~~) particulate pollution trend;

(ii) Fine particulates are at an ambient level of sixty micrograms per cubic meter measured on a twenty-four hour average; and

(iii) Forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below sixty micrograms

per cubic meter for a period of forty-eight hours or more from the time that the fine particulates are measured at the trigger level.

(2) Until June 30, 2009, an authority comprised of one county east of the crest of the Cascade mountains with a population of equal to or greater than four hundred thousand people, may determine by rule an alternative ambient air level of fine particulates that defines when a first stage and when a second stage of impaired air quality exists under subsection (1) of this section. All other criteria of subsection (1) of this section continue to apply to a county subject to this subsection.

(3) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by chapter 199, Laws of 1991.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.94 RCW to read as follows:

The legislature finds that there are some communities in the state in which the national ambient air quality standards for PM 2.5 are exceeded, primarily due to wood smoke emissions, and that current strategies are not sufficient to reduce wood smoke emissions to levels that comply with the federal standards or adequately protect public health. The legislature finds that it is in the state's interest and to the benefit of the people of the state to evaluate additional measures to reduce wood smoke emissions and update the state wood smoke control program.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.94 RCW to read as follows:

(1) The department shall convene and chair a work group to study the impacts of wood smoke from solid fuel burning devices on communities in Washington and make recommendations to the legislature on practical and cost-effective opportunities to reduce exposure to wood smoke from solid fuel burning devices and meet the new national air quality standards for fine particulates in Washington state. The work group shall be established by the director and include representatives from the department, the state department of health, regional air quality agencies, local health departments, related industry representatives, and nongovernmental health organizations. Recommendations may include statutory or regulatory changes, incentives, and other strategies that will reduce ambient PM 2.5 pollution. Recommendations should be presented to the governor and to the legislature by December 1, 2007.

(2) In carrying out its assignment the work group shall include, but not be limited to, the following considerations:

(a) Communities in the state that have elevated levels of PM 2.5 pollution;

(b) The contribution of pollution from solid fuel burning devices to potential violations of federal air quality standards;

(c) Strategies used in other states, regions, or cities to reduce wood smoke pollution levels and effectiveness of these strategies;

(d) State laws, rules, fees, utility regulations, and other policies that may affect the ability to reduce emissions from solid fuel burning devices or encourage the use of cleaner burning devices; and

(e) Potential financial incentives and sources of funding to change out older solid fuel burning devices to cleaner burning devices."

On page 1, line 2 of the title, after "program," strike the remainder of the title and insert "amending RCW 70.94.473; and adding new sections to chapter 70.94 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2261 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Campbell and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2261, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2261, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 67, Nays - 28, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Goodman, Hailey, Haler, Hankins, Kessler, Kretz, Kristiansen, Orcutt, Pearson, Roach, Roberts, Ross, Schindler, Skinner, Strow, Sump and Van De Wege - 28.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 2261, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 9, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2262 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares:

(1) The national board for professional teaching standards has established high and rigorous standards for what highly accomplished teachers should know and be able to do in order to increase student learning results;

(2) The national board certifies teachers who meet these standards through a rigorous, performance-based assessment process;

(3) A certificate awarded by the national board attests that a teacher has met high and rigorous standards and has demonstrated the ability to make sound professional judgments about how to best meet students' learning needs and effectively help students meet challenging academic standards; and

(4) Teachers who attain national board certification should be acknowledged and rewarded in order to encourage more teachers to pursue certification for the benefit of Washington students.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.405 RCW to read as follows:

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation.

(2) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

**Sec. 3.** RCW 41.32.010 and 2005 c 131 s 8 and 2005 c 23 s 1 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan 1 members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan 2 members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan 2 and plan 3 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan 1 members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan 1 members.

(10)(a) "Earnable compensation" for plan 1 members, means:  
(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) For an employee member of the retirement system teaching in an extended school year program, two consecutive extended school years, as defined by the employer school district, may be used as the annual period for determining earnable compensation in lieu of the two fiscal years.

(iii) "Earnable compensation" for plan 1 members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iv) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, a psychologist, a social worker, a nurse, a physical therapist, an occupational therapist, a speech language pathologist or audiologist, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(v) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041;

(C) Bonuses for certification from the national board for professional teaching standards authorized under section 2 of this act.

(b) "Earnable compensation" for plan 2 and plan 3 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, bonuses for certification from the national board for professional teaching standards authorized under section 2 of this act, or any form of severance pay.

"Earnable compensation" for plan 2 and plan 3 members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation

earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system who has not been removed from membership under RCW 41.32.878 or 41.32.768. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan 1 members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan 1 members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan 1 members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan 1 members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan 1 members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan 2 and plan 3 members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan 1 members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan 2 and plan 3 members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iv) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(v) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(vi) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(viii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan 2 and plan 3 members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan 2 members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan 2 and plan 3 on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan 1" means the teachers' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan 2" means the teachers' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and prior to July 1, 1996.

(40) "Plan 3" means the teachers' retirement system, plan 3 providing the benefits and funding provisions covering persons who first become members of the system on and after July 1, 1996, or who transfer under RCW 41.32.817.

(41) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

(42) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(43) "Index B" means the index for the year prior to index A.

(44) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(45) "Adjustment ratio" means the value of index A divided by index B.

(46) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

(47) "Member account" or "member's account" for purposes of plan 3 means the sum of the contributions and earnings on behalf of the member in the defined contribution portion of plan 3.

(48) "Separation from service or employment" occurs when a person has terminated all employment with an employer.

(49) "Employed" or "employee" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law."

On page 1, line 2 of the title, after "standards;" strike the remainder of the title and insert "reenacting and amending RCW 41.32.010; adding a new section to chapter 28A.405 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2262 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Barlow and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2262, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2262, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Orcutt and Santos - 2.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2262, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2281 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.04.665 and 2003 1st sp.s. c 12 s 3 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; ((☞))

(ii) The employee has been called to service in the uniformed services; or

(iii) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(b) The illness, injury, impairment, condition, ((☞)) call to service, or emergency volunteer service has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection; ((☞))

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

(iii) Annual leave if he or she qualifies under (a)(iii) of this subsection;

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an employee shall not receive a total of more than two hundred sixty-one days of leave.

(3) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (3)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(4) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(5) Transfers of leave made by an agency head under subsections (3) and (4) of this section shall not exceed the requested amount.

(6) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency. However, leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district.

(7) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(8) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(9) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Before the agency head makes a determination to return unused leave in connection with an illness or injury, or any other qualifying condition, he or she must receive from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(10) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used."

On page 1, line 1 of the title, after "leave;" strike the remainder of the title and insert "and amending RCW 41.04.665."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2281 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2281, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2281, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 2281, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1005 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.33A.040 and 1977 c 67 s 4 are each amended to read as follows:

Rates for the rental of equipment owned by the fund shall be set to cover all costs of maintenance and repair, material and supplies consumed in operating or maintaining the equipment, and the future replacement thereof. The rates shall be determined by the county engineer or other appointee of the county legislative body and shall be subject to annual review by the legislative body. This section does not restrict the ability of the county road administration board to directly inquire into the process of setting rental rates while performing its statutory oversight responsibility."

On page 1, line 1 of the title, after "equipment;" strike the remainder of the title and insert "and amending RCW 36.33A.040."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1005 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kessler and Schindler spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1005, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1005, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1005, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1366 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Except as provided in subsection (2) of this section, no judicial, legislative, administrative, or other body with the power to issue a subpoena or other compulsory process may compel the news media to testify, produce, or otherwise disclose:

(a) The identity of a source of any news or information or any information that would tend to identify the source where such source has a reasonable expectation of confidentiality; or

(b) Any news or information obtained or prepared by the news media in its capacity in gathering, receiving, or processing news or information for potential communication to the public, including, but not limited to, any notes, outtakes, photographs, video or sound tapes, film, or other data of whatever sort in any medium now known or hereafter devised. This does not include physical evidence of a crime.

(2) A court may compel disclosure of the news or information described in subsection (1)(b) of this section if the court finds that the party seeking such news or information established by clear and convincing evidence:

(a)(i) In a criminal investigation or prosecution, based on information other than that information being sought, that there are reasonable grounds to believe that a crime has occurred; or

(ii) In a civil action or proceeding, based on information other than that information being sought, that there is a prima facie cause of action; and

(b) In all matters, whether criminal or civil, that:

(i) The news or information is highly material and relevant;

(ii) The news or information is critical or necessary to the maintenance of a party's claim, defense, or proof of an issue material thereto;

(iii) The party seeking such news or information has exhausted all reasonable and available means to obtain it from alternative sources; and

(iv) There is a compelling public interest in the disclosure. A court may consider whether or not the news or information was obtained from a confidential source in evaluating the public interest in disclosure.

(3) The protection from compelled disclosure contained in subsection (1) of this section also applies to any subpoena issued to, or other compulsory process against, a nonnews media party where such subpoena or process seeks records, information, or other communications relating to business transactions between such nonnews media party and the news media for the purpose of discovering the identity of a source or obtaining news or information described in subsection (1) of this section. Whenever a subpoena is issued to, or other compulsory process is initiated against, a nonnews media party where such subpoena or process seeks information or communications on business transactions with the news media, the affected news media shall be given reasonable and timely notice of the subpoena or compulsory process before it is executed or initiated, as the case may be, and an opportunity to be heard. In the event that the subpoena to, or other compulsory process against, the nonnews media party is in connection with a criminal investigation in which the news media is the express target, and advance notice as provided in this section would pose a clear and substantial threat to the integrity of the investigation, the governmental authority shall so certify to such a threat in court and notification of the subpoena or compulsory process shall be given to the affected news media as soon thereafter as it is determined that such notification will no longer pose a clear and substantial threat to the integrity of the investigation.

(4) Publication or dissemination by the news media of news or information described in subsection (1) of this section, or a portion thereof, shall not constitute a waiver of the protection from compelled disclosure that is contained in subsection (1) of this section. In the event that the fact of publication of news or information must be proved in any proceeding, that fact and the contents of the publication may be established by judicial notice.

(5) The term "news media" means:

(a) Any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution;

(b) Any person who is or has been an employee, agent, or independent contractor of any entity listed in (a) of this subsection, who is or has been engaged in bona fide news gathering for such entity, and who obtained or prepared the news or information that is sought while serving in that capacity; or

(c) Any parent, subsidiary, or affiliate of the entities listed in (a) or (b) of this subsection to the extent that the subpoena or other compulsory process seeks news or information described in subsection (1) of this section.

(6) In all matters adjudicated pursuant to this section, a court of competent jurisdiction may exercise its inherent powers to conduct all appropriate proceedings required in order to make necessary findings of fact and enter conclusions of law.

**NEW SECTION. Sec. 2.** Section 1 of this act constitutes a new chapter in Title 5 RCW."

On page 1, line 2 of the title, after "media;" strike the remainder of the title and insert "and adding a new chapter to Title 5 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1366 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kessler and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1366, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1366, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Ahern - 1.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1366, as amended by the Senate, having received the constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 1366.

JOHN AHERN, 6<sup>th</sup> District

### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2275 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.16 RCW to read as follows:

(1) The department shall provide an opportunity for owners of vehicles registered under RCW 46.16.0621 and vehicles licensed

under RCW 46.16.070 with a declared gross weight of ten thousand pounds or less, to make a voluntary donation of five dollars at the time of initial or renewal registration. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(2) This section applies to registrations due or to become due on or after January 1, 2008.

**Sec. 2.** RCW 79A.05.215 and 1995 c 211 s 7 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under section 1 of this act, and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

**NEW SECTION. Sec. 3.** (1) The director of the department of general administration and the state parks and recreation commission shall jointly host a task force to study and develop recommendations as follows:

(a) Proposals concerning the best management structure for the capitol campus and all of the historical structures, office buildings, monuments, and parks that make up the campus. In determining the best management structure for the capitol campus, the task force must seek to provide the proper balance between managing for the best visitor services and maximum public enjoyment of the capitol campus against the need for maintaining the functionality of the working seat of state government and preservation of the historical structures and monuments on campus;

(b) Proposals to promote tourism at the Washington state capitol campus, including but not limited to: Concessionaire enhancements, audio-visual self-guided tour options, a central visitor center with souvenir/retail opportunities, transportation to and from capitol campus and parking enhancements, and clear and understandable way-finding guides;

(c) Proposals to enrich the educational experience including but not limited to both the present utilization and historical activities of the capitol campus as the seat of state government;

(d) Proposals to promote the unique architectural features, horticultural examples, and art collections of the capitol campus;

(e) Proposals to increase coordination and cooperation between agencies and entities involved in the management and care of the capitol campus and the local governments that are responsible for the buildings and areas near the campus; and

(f) Proposals to increase volunteer opportunities at the campus.

(2) The task force must include the following representatives:

(a) The governor or the governor's designee;

(b) The lieutenant governor or the lieutenant governor's designee;

(c) Four legislative members to be appointed as follows: One member from each major caucus of the senate, appointed by the president of the senate; and one member from each major caucus of the house of representatives, appointed by the speaker of the house of representatives;

(d) A representative of the supreme court;

(e) The superintendent of public instruction or the superintendent's designee;

(f) The director of the department of community, trade, and economic development, or the director's designee;

(g) An elected official from the city of Olympia chosen by the legislative body of the city; and

(h) Two citizens of the state of Washington. One citizen must be appointed by the president of the senate and one citizen must be appointed by the speaker of the house of representatives. The citizens should have knowledge of the capitol campus, visitor services, and the historical heritage of the capitol.

(3) The task force shall submit the proposals to the appropriate policy and fiscal committees of the legislature by November 1, 2007.

(4) This section expires July 1, 2008."

On page 1, line 1 of the title, after "parks;" strike the remainder of the title and insert "amending RCW 79A.05.215; adding a new section to chapter 46.16 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2275 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kessler spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2275, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2275, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Hankins, Kretz, Springer and Sump - 4.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 2275, as amended by the Senate, having received the constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2275.

SHIRLEY HANKINS, 8<sup>th</sup> District

The Speaker (Representative Lovick presiding) called upon Representative Moeller to preside.

### MESSAGE FROM THE SENATE

March 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1417 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.285 and 1996 c 226 s 2 are each amended to read as follows:

(1) A one hundred fifty thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2)(a) The benefit under this section shall be paid only where death occurs as a result of injuries sustained in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

(b) The retirement allowance paid to the spouse and dependent children of a member who is killed in the course of employment, as set forth in RCW 41.05.011(14), shall include reimbursement for any payments of premium rates to the Washington state health care authority under RCW 41.05.080.

**Sec. 2.** RCW 41.05.011 and 2005 c 143 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each

such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separate from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(14) "Emergency service personnel killed in the line of duty" means law enforcement officers and fire fighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and fire fighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(15) "Employer" means the state of Washington.

(16) "Employing agency" means a division, department, or separate agency of state government and a county, municipality, school district, educational service district, or other political subdivision, covered by this chapter.

**Sec. 3.** 2006 c 345 s 2 (uncodified) is amended to read as follows:

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and except for section 2 of this act takes effect immediately [May 7, 2001]. This act applies to all surviving spouses and dependent children of (1) emergency service personnel (~~and~~), (2) members of the law enforcement officers' and fire fighters' retirement system plan 2, and (3) members of the Washington state patrol retirement fund, killed in the line of duty.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.43 RCW to read as follows:

The legislature reserves the right to amend or repeal the reimbursement provisions of this act in the future and no member or beneficiary has a contractual right to receive any distribution not granted prior to that time.

**NEW SECTION. Sec. 5.** This act shall be known as "The Steve Frink's and Jim Saunder's Law" in honor of Steve Frink and Jim

Saunders, Washington state patrol officers who were killed in the line of duty."

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 43.43.285 and 41.05.011; amending 2006 c 345 s 2 (uncodified); adding a new section to chapter 43.43 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1417 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lovick and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be final passage of Substitute House Bill No. 1417, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1417, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

SUBSTITUTE HOUSE BILL NO. 1417, as amended by the Senate, having received the constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 12, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1457 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.28.060 and 1994 c 62 s 1 are each amended to read as follows:

(1) Every person who shall employ, and every parent, guardian or other person having the care, custody or control of such child, who shall permit to be employed, by another, any child under the age of fourteen years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or house work, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor.

(2) Subsection (1) of this section does not apply to children employed as:

(a) Actors or performers in film, video, audio, or theatrical productions; or

(b) Youth soccer referees who have been certified by a national referee certification program."

On page 1, line 1 of the title, after "referees;" strike the remainder of the title and insert "and amending RCW 26.28.060."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1457 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lovick and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be final passage of House Bill No. 1457, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1457, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Hinkle and Warnick - 3.

HOUSE BILL NO. 1457, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 17, 2007, the 100th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## ONE HUNDREDTH DAY

House Chamber, Olympia, Tuesday, April 17, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Drew Rickerson and Jisoo Yamada. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Lovick presiding) called upon Representative Moeller to preside.

**MESSAGES FROM THE SENATE**

April 16, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5551,  
 SUBSTITUTE SENATE BILL NO. 5634,  
 SUBSTITUTE SENATE BILL NO. 5639,  
 SECOND SUBSTITUTE SENATE BILL NO. 5652,  
 SUBSTITUTE SENATE BILL NO. 5653,  
 SUBSTITUTE SENATE BILL NO. 5674,  
 ENGROSSED SENATE BILL NO. 5675,  
 SUBSTITUTE SENATE BILL NO. 5702,  
 SUBSTITUTE SENATE BILL NO. 5718,  
 SUBSTITUTE SENATE BILL NO. 5721,  
 SUBSTITUTE SENATE BILL NO. 5731,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5774,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5836,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 16, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL NO. 5995,  
 SECOND SUBSTITUTE SENATE BILL NO. 6016,  
 SENATE BILL NO. 6119,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 16, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5915,  
 SENATE BILL NO. 5926,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 16, 2007  
 Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5503,  
 ENGROSSED SENATE BILL NO. 5508,  
 SUBSTITUTE SENATE BILL NO. 5533,  
 SUBSTITUTE SENATE BILL NO. 5534,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 16, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5002,  
 SENATE BILL NO. 5014,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5037,  
 SUBSTITUTE SENATE BILL NO. 5053,  
 SENATE BILL NO. 5084,  
 SENATE BILL NO. 5088,  
 SECOND SUBSTITUTE SENATE BILL NO. 5092,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098,  
 SUBSTITUTE SENATE BILL NO. 5101,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,  
 SECOND SUBSTITUTE SENATE BILL NO. 5188,  
 SUBSTITUTE SENATE BILL NO. 5243,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
 SUBSTITUTE SENATE BILL NO. 5321,  
 SENATE BILL NO. 5332,  
 SENATE BILL NO. 5402,  
 SENATE BILL NO. 5429,  
 SENATE BILL NO. 5512,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

**MESSAGE FROM THE SENATE**

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1141 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.50.050 and 2004 c 42 s 1 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or

when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall not grant any motion to seal records made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For gross misdemeanors and misdemeanors, since the last date of release from confinement,

including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For diversions, since completion of the diversion agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a) ~~(A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.)~~ (i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(A) The person who is the subject of the information or complaint is at least eighteen years of age;

(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after the effective date of this act;

(C) Two years have elapsed since completion of the agreement or counsel and release;

(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(E) There is no restitution owing in the case.

(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(b) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to the effective date of this act, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(c) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17)(b) or (c) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17)(b) or (c) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older ~~(, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement))~~ or pursuant to subsection (17)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "amending RCW 13.50.050; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1141 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that excessive dependence on fossil fuels jeopardizes Washington's economic security, environmental integrity, and public health. Accelerated development and use of clean fuels and clean vehicle technologies will reduce the drain on Washington's economy from importing fossil fuels. As fossil fuel prices rise, clean fuels and vehicles can save consumers money while promoting the development of a major, sustainable industry that provides good jobs and a new source of rural prosperity. In addition, clean fuels and vehicles protect public health by reducing toxic air and climate change emissions.

(2) The legislature also finds that climate change is expected to have significant impacts in the Pacific Northwest region in the near and long-term future. These impacts include: Increased temperatures, declining snowpack, more frequent heavy rainfall and flooding, receding glaciers, rising sea levels, increased risks to public health due to insect and rodent-borne diseases, declining salmon populations, and increased drought and risk of forest fires. The legislature recognizes the need at this time to continue to gather and analyze information related to climate protection. This analysis will allow prudent steps to be taken to avoid, mitigate, or respond to climate impacts and protect our communities.

(3) Finally, the legislature finds that to reduce fossil fuel dependence, build our clean energy economy, and reduce climate impacts, the state should develop policies and incentives that help businesses, consumers, and farmers gain greater access to affordable clean fuels and vehicles and to produce clean fuels in the state. These policies and incentives should include: Incentives for replacement of the most polluting diesel engines, especially in school buses; transitional incentives for development of the most promising in-state clean fuels and fuel feedstocks, including biodiesel crops, ethanol from plant waste, and liquid natural gas from landfill or wastewater treatment gases; reduced fossil fuel consumption by state fleets; development of promising new technologies for displacing petroleum with electricity, such as "plug-in hybrids"; and impact analysis and emission accounting procedures that prepare Washington to respond and prosper as climate change impacts occur, and as policies and markets to reduce climate pollution are developed.

#### PART 1 INVESTING IN CLEAN AIR

NEW SECTION. Sec. 101. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall implement a school bus replacement incentive program. As part of

the program, the office shall fund up to ten percent of the cost of a new 2007 or later model year school bus that meets the 2007 federal motor vehicle emission control standards and is purchased by a school district by no later than June 30, 2009, provided that the new bus is replacing a 1994 or older school bus in the school district's fleet. Replacement of the oldest buses must be given highest priority.

(2) The office of the superintendent of public instruction shall ensure that buses being replaced through this program are surplus under RCW 28A.335.180. As part of the surplus process, school districts must provide written documentation to the office of the superintendent of public instruction demonstrating that buses being replaced are scrapped and not purchased for road use. The documentation must include bus make, model, year, vehicle identification number, engine make, engine serial number, and salvage yard receipts; and must demonstrate that the engine and body of the bus being replaced has been rendered unusable.

(3) The office of the superintendent of public instruction may adopt any rules necessary for the implementation of this act.

**Sec. 102.** RCW 70.94.017 and 2005 c 295 s 5 are each amended to read as follows:

(1) Money deposited in the segregated subaccount of the air pollution control account under RCW 46.68.020(2) shall be distributed as follows:

(a) Eighty-five percent shall be distributed to air pollution control authorities created under this chapter. The money must be distributed in direct proportion with the amount of fees imposed under RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the boundaries of each authority. However, an amount in direct proportion with those fees collected in counties for which no air pollution control authority exists must be distributed to the department.

(b) The remaining fifteen percent shall be distributed to the department.

(2) Money distributed to air pollution control authorities and the department under subsection (1) of this section must be used as follows:

(a) Eighty-five percent of the money received by an air pollution control authority or the department is available on a priority basis to retrofit school buses with exhaust emission control devices or to provide funding for fueling infrastructure necessary to allow school bus fleets to use alternative, cleaner fuels. In addition, the director of ecology or the air pollution control officer may direct funding under this section for other publicly or privately owned diesel equipment if the director of ecology or the air pollution control officer finds that funding for other publicly or privately owned diesel equipment will provide public health benefits and further the purposes of this chapter.

(b) The remaining fifteen percent may be used by the air pollution control authority or department to reduce transportation-related air contaminant emissions and clean up air pollution, or reduce and monitor toxic air contaminants.

(3) Money in the air pollution control account may be spent by the department only after appropriation.

(4) This section expires July 1, 2020.

**Sec. 103.** RCW 53.08.040 and 1989 c 298 s 1 are each amended to read as follows:

(1) A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for industrial and commercial purposes. A district may also acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing

such other pollution control facilities(~~(= PROVIDED, That)~~), However, no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port(~~(= AND PROVIDED FURTHER, That)~~) and no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

(2) In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities(~~(= PROVIDED=)~~), However, (~~That~~) where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

(3) "Pollution control facility," as used in this section and RCW 53.08.041, does not include air quality improvement equipment that provides emission reductions for engines, vehicles, and vessels.

## PART 2 PUBLIC SECTOR FUEL USE

**Sec. 201.** RCW 43.19.642 and 2006 c 338 s 10 are each amended to read as follows:

(1) (~~All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.~~

~~(2))~~ Effective June 1, 2006, for agencies complying with the ultra- low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

~~(3))~~ (2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

~~(4))~~ (3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file (~~quarterly~~) biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

**NEW SECTION. Sec. 202.** A new section is added to chapter 43.19 RCW to read as follows:

(1) Effective June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to section 204 of this act, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

**NEW SECTION. Sec. 203.** A new section is added to chapter 43.19 RCW to read as follows:

(1) In order to allow the motor vehicle fuel needs of state and local government to be satisfied by Washington-produced biofuels as provided in this chapter, the department of general administration as well as local governments may contract in advance and execute contracts with public or private producers, suppliers, or other parties, for the purchase of appropriate biofuels, as that term is defined in RCW 15.110.010 (as recodified by this act), and biofuel blends. Contract provisions may address items including, but not limited to, fuel standards, price, and delivery date.

(2) The department of general administration may combine the needs of local government agencies, including ports, special districts, school districts, and municipal corporations, for the purposes of executing contracts for biofuels and to secure a sufficient and stable supply of alternative fuels.

**NEW SECTION. Sec. 204.** By June 1, 2010, the department shall adopt rules to define practicability and clarify how state agencies and local government subdivisions will be evaluated in determining whether they have met the goals set out in section 202(1) of this act. At a minimum, the rules must address:

(1) Criteria for determining how the goal in section 202(1) of this act will be met by June 1, 2015;

(2) Factors considered to determine compliance with the goal in section 202(1) of this act, including but not limited to: The regional availability of fuels; vehicle costs; differences between types of vehicles, vessels, or equipment; the cost of program implementation; and cost differentials in different parts of the state; and

(3) A schedule for phased-in progress towards meeting the goal in section 202(1) of this act that may include different schedules for different fuel applications or different quantities of biofuels.

**NEW SECTION. Sec. 205.** The director of the department shall appoint a coordinator that is responsible for:

(1) Managing, directing, inventorying, and coordinating state efforts to promote, develop, and encourage a biofuels market in Washington;

(2) Developing, coordinating, and overseeing the implementation of a plan, or series of plans, for the production, transport, distribution, and delivery of biofuels produced predominantly from recycled products or Washington feedstocks;

(3) Working with the departments of transportation and general administration, and other applicable state and local governmental entities and the private sector, to ensure the development of biofuel fueling stations for use by state and local governmental motor vehicle fleets, and to provide greater availability of public biofuel fueling stations for use by state and local governmental motor vehicle fleets;

(4) Coordinating with the Western Washington University alternative automobile program for opportunities to support new Washington state technology for conversion of fossil fuel fleets to biofuel, hybrid, or alternative fuel propulsion;

(5) Coordinating with the University of Washington's college of forest management and the Olympic natural resources center for the identification of barriers to using the state's forest resources for fuel production, including the economic and transportation barriers of physically bringing forest biomass to the market;

(6) Coordinating with the department of agriculture and Washington State University for the identification of other barriers for future biofuels development and development of strategies for furthering the penetration of the Washington state fossil fuel market with Washington produced biofuels, particularly among public entities.

**NEW SECTION. Sec. 206.** A new section is added to chapter 43.01 RCW to read as follows:

(1) It is in the state's interest and to the benefit of the people of the state to encourage the use of electrical vehicles in order to reduce emissions and provide the public with cleaner air. This section expressly authorizes the purchase of power at state expense to recharge privately and publicly owned plug-in electrical vehicles at state office locations where the vehicles are used for state business, are commute vehicles, or where the vehicles are at the state location for the purpose of conducting business with the state.

(2) The director of the department of general administration may report to the governor and the appropriate committees of the legislature, as deemed necessary by the director, on the estimated amount of state-purchased electricity consumed by plug-in electrical vehicles if the director of general administration determines that the use has a significant cost to the state, and on the number of plug-in electric vehicles using state office locations. The report may be combined with the report under section 401 of this act.

**NEW SECTION. Sec. 207.** A new section is added to chapter 89.08 RCW to read as follows:

In addition to any other authority provided by law, conservation districts are authorized to enter into crop purchase contracts for a dedicated energy crop for the purposes of producing, selling, and distributing biodiesel produced from Washington state feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels.

**NEW SECTION. Sec. 208.** A new section is added to chapter 35.21 RCW to read as follows:

In addition to any other authority provided by law, public development authorities are authorized to enter into crop purchase contracts for a dedicated energy crop for the purposes of producing, selling, and distributing biodiesel produced from Washington state feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels.

**NEW SECTION. Sec. 209.** A new section is added to chapter 35.92 RCW to read as follows:

In addition to any other authority provided by law, municipal utilities are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

**NEW SECTION. Sec. 210.** A new section is added to chapter 54.04 RCW to read as follows:

In addition to any other authority provided by law, public utility districts are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

### PART 3 ENERGY FREEDOM PROGRAM

**Sec. 301.** RCW 15.110.010 and 2006 c 171 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

~~((3))~~ (4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other cellulosic matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(7) "Coordinator" means the person appointed by the director of the department of community, trade, and economic development.

(8) "Department" means the department of ~~((agriculture))~~ community, trade, and economic development.

~~((4))~~ (9) "Director" means the director of the department of ~~((agriculture))~~ community, trade, and economic development.

~~((5))~~ (10) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

(11) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

~~((6))~~ (12) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

~~((7))~~ (13) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

(14) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

**Sec. 302.** RCW 15.110.020 and 2006 c 171 s 3 are each amended to read as follows:

(1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies and other public entities having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, ~~((the department of community, trade, and economic development,))~~ the department of natural resources, the department of agriculture, the department of general administration, local clean air authorities, and the Washington state conservation commission.

(3) Except as provided in subsection (4) of this section, the director, in cooperation with the department of ~~((community, trade, and economic development))~~ agriculture, may approve an application only if the director finds:

(a) The project will convert farm products ~~((or))~~ wastes, cellulose, or biogas directly into electricity or ~~((into gaseous or liquid fuels))~~ biofuel or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in RCW 15.110.010 (as recodified by this act) and the findings delivered to the director.

(4) When reviewing an application for a refueling project, the coordinator may award a grant or a loan to an applicant if the director finds:

(a) The project will offer alternative fuels to the motoring public;

(b) The project does not require continued state support;

(c) The project is located within a green highway zone as defined in RCW 15.110.010 (as recodified by this act);

(d) The project will contribute towards an efficient and adequately spaced alternative fuel refueling network along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

(e) The project will result in increased access to alternative fueling infrastructure for the motoring public along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

(5)(a) The director may approve ~~((am))~~ a project application for assistance under subsection (3) of this section up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

~~((5))~~ (b) The director may approve a refueling project application for a grant or a loan under subsection (4) of this section up to fifty thousand dollars. In no circumstances shall a grant or a loan award constitute more than fifty percent of the total project cost.

(6) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy or biofuel industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

~~((6))~~ (7) The director may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

**Sec. 303.** RCW 15.110.040 and 2006 c 171 s 5 are each amended to read as follows:

(1) If the total requested dollar amount of assistance awarded for projects under RCW 15.110.020(3) (as recodified by this act) exceeds the amount available in the energy freedom account created in RCW 15.110.050 (as recodified by this act), the applications must be prioritized based upon the following criteria:

~~((7))~~ (a) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

~~((2))~~ (b) The extent to which the project will reduce air and water pollution either directly or indirectly;

~~((3))~~ (c) The extent to which the project will establish a viable bioenergy or biofuel production capacity in Washington;

~~((4))~~ (d) The benefits to Washington's agricultural producers;

~~(and~~  
~~(5))~~ (e) The benefits to the health of Washington's forests;

(f) The beneficial uses of biogas; and

(g) The number and quality of jobs and economic benefits created by the project.

(2) This section does not apply to grants or loans awarded for refueling projects under RCW 15.110.020(4) (as recodified by this act).

**NEW SECTION. Sec. 304.** If the total requested dollar amount of funds for refueling projects under RCW 15.110.020(4) (as recodified by this act) exceeds the amount available for refueling projects in the energy freedom account created in RCW 15.110.050 (as recodified by this act), the applications must be prioritized based upon the following criteria:

(1) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(2) The extent to which the project will reduce air and water pollution either directly or indirectly;

(3) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(4) The extent to which the project will make biofuels more accessible to the motoring public;

(5) The benefits to Washington's agricultural producers; and

(6) The number and quality of jobs and economic benefits created by the project.

**Sec. 305.** RCW 15.110.050 and 2006 c 371 s 223 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature. ~~((Administrative costs of the department may not exceed three percent of the total funds available for this program.))~~

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in section 408 of this act; and

(c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

(4) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

(5) Subsections (2) through (4) of this section do not apply to assistance awarded for projects under RCW 15.110.020(3) (as recodified by this act).

**Sec. 306.** RCW 15.110.060 and 2006 c 171 s 7 are each amended to read as follows:

The director shall report to the legislature and governor on the status of the energy freedom program created under this chapter, on or before December 1, ~~((2006))~~ 2007, and annually thereafter. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits as well as an assessment of the availability of alternative fuels in the state and best estimates to indicate, by percentage, the types of biofuel feedstocks and sources that contribute to biofuels used in the state and the general geographic origination of such feedstocks and sources. Based on analysis of this information, the report must also recommend appropriate mechanisms, including but not limited to changes in state contracting practices, tax incentives, or renewable fuel standard provisions, that will help Washington farmers and businesses compete in an economically viable manner and will encourage environmentally sustainable development of an in-state biofuels industry based on feedstocks grown and produced in Washington.

**NEW SECTION. Sec. 307.** (1) Energy freedom program projects funded pursuant to RCW 15.110.050 (as recodified by this act) or by the legislature pursuant to sections 191 and 192, chapter 371, Laws of 2006 for which the department of agriculture has signed loan agreements and disbursed funds prior to June 30, 2007, shall continue to be serviced by the department of agriculture.

(2) Energy freedom program projects funded pursuant to RCW 15.110.050 (as recodified by this act) or by the legislature pursuant to sections 191 and 192, chapter 371, Laws of 2006 for which moneys have been appropriated but loan agreements or disbursements have not been completed must be transferred to the department for project management on July 1, 2007, subject to the ongoing requirements of the energy freedom program.

#### PART 4 PLANNING FOR THE FUTURE

**NEW SECTION. Sec. 401.** (1) The department of ecology and the department of community, trade, and economic development, in implementing executive order number 07-02 shall include an analysis of, and potential for, vehicle electrification. That analysis may include:

(a) Use by the state of plug-in hybrid vehicles and developing plug-in availability at state locations;

(b) Incentives to encourage the use of plug-in truck auxiliary power units and truck stop electrification;

(c) Use of plug-in shore power for cargo and cruise ship terminals, shipside technology, and use of electric power alternatives for port-related operations and equipment such as switching locomotives, vessels and harborcraft, and cargo-handling equipment;

(d) Potential uses for and availability of plug-in hybrid school buses;

(e) Potential environmental and electrical grid impacts on electrical power consumption of the conversion of a meaningful portion of the state's private and public fleet to plug-in electrical power;

(f) Tax and fee incentives to encourage individual and fleet purchases of plug-in hybrid vehicles;

(g) State laws, rules, tariffs, and policies that impact transportation electrification and plug-in adoption, including pricing with incentives for off-peak charging;

(h) Measures to encourage the use of plug-in vehicles by public fleets, and resulting cost savings, and whether state and local fleets should be required to purchase plug-in hybrid vehicles if it is determined that plug-in hybrid vehicles are commercially available at a reasonably comparable life-cycle cost;

(i) Explore the potential for the use of electrification of fixed transit routes for magnetic levitation propulsion systems;

(j) Actions by the state to help industries located in the state participate in developing and manufacturing plug-in vehicles and vehicle-to-grid technologies;

(k) Additional ways the state can promote transportation electrification in the private and public sectors, including cars and light-duty vehicles, and truck stop and port electrification; and

(l) Potential partners for vehicle-to-grid pilot projects that test the use of parked plug-in vehicles for power grid energy storage and support.

(2) The departments of ecology and community, trade, and economic development shall provide the appropriate committees of the legislature an analysis or report by March 1, 2008. The report may be included within the report produced for executive order number 07-02.

**NEW SECTION. Sec. 402.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Washington State University is directed to analyze the availability of biofuels in the state and to make best estimates to indicate, by percentage, the types and geographic origins of biofuel feedstock sources that contribute to biofuel production and use in the state, and to recommend models for possible implementation by the legislature or the executive office for at least the following potential biofuels incentive programs:

(a) Market incentives to encourage instate production of brassica-based biodiesel, and cellulosic ethanol, including such market methods as direct grants, production tax credits, contracting preferences, and the issuance by the state of advance guaranteed purchase contracts;

(b) Possible preferred research programs, grants, or other forms of assistance for accelerating the development of instate production of cellulosic ethanol and in-state biodiesel crops and their coproducts; and

(c) The following should be considered when evaluating potential biofuel incentive programs:

(i) Assisting Washington farmers and businesses in the development of economically viable, environmentally sustainable instate biofuel and biofuel feedstock production;

(ii) Leveraging and encouraging private investment in biofuel production and distribution and biofuel feedstock production; and

(iii) Assisting in the development of biofuel feedstocks and production techniques that deliver the greatest net reductions in petroleum dependence and carbon emissions.

(2) An interim report on the work required under this section must be provided to the legislature and governor by December 1, 2007. A final report must be provided to the legislature and governor by December 1, 2008. Washington State University shall work closely with the department of community, trade, and economic development on these reports. The reports may be produced in conjunction with the reporting requirements of RCW 15.110.060 (as redefined by this act).

**NEW SECTION. Sec. 403.** (1) The department of community, trade, and economic development and the department of ecology shall develop a framework for the state of Washington to participate in emerging regional, national, and to the extent possible, global markets to mitigate climate change, on a multisector basis. This framework must include, but not be limited to, credible, verifiable, replicable inventory and accounting methodologies for each sector involved, along with the completion of the stakeholder process identified in executive order number 07-02 creating the Washington state climate change challenge.

(2) The department of community, trade, and economic development and the department of ecology shall include the forestry sector and work closely with the department of natural resources on those recommendations.

(3) The department must provide a report to the legislature by December 1, 2008. The report may be included within the report produced for executive order number 07-02.

**NEW SECTION. Sec. 404.** (1) In preparing for the impacts of climate change consistent with executive order number 07-02, the departments of community, trade, and economic development and ecology shall work with the climate impacts group at the University of Washington to produce:

(a) A comprehensive state climate change assessment that includes the impacts of global warming, including impacts to public health, agriculture, the coast line, forestry, infrastructure, and water supply and management;

(b) An analysis of the potential human health impacts of climate change on the state of Washington.

(2) To ensure the appropriateness of these assessments for public agency planning and management, the departments and the climate impacts group shall consult with state and local public health resource planning and management agencies.

(3) If adequate funding is not made available for the completion of all elements required under this section, the departments and the climate impacts group shall list and prioritize which research projects have the greatest cost/benefit ratio in terms of providing information important for planning decisions.

(4) The work under this section that is completed by December 1, 2007, must be included in the final report of the Washington climate change challenge. Any further reports must be completed by December 15, 2008.

**Sec. 405.** RCW 47.17.020 and 1970 ex.s. c 51 s 5 are each amended to read as follows:

A state highway to be known as state route number 5, and designated as a Washington green highway, is established as follows:

Beginning at the Washington-Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county.

**Sec. 406.** RCW 47.17.135 and 1979 ex.s. c 33 s 3 are each amended to read as follows:

A state highway to be known as state route number 82, and designated as a Washington green highway, is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly and easterly by way of Yakima, Union Gap, Sunnyside, Prosser, Kiona, and Goose Gap west of Richland, thence southeasterly near Kennewick and southwesterly by way of the vicinity of Plymouth to a crossing of the Columbia river at the Washington-Oregon boundary line.

**Sec. 407.** RCW 47.17.140 and 1991 c 56 s 2 are each amended to read as follows:

A state highway to be known as state route number 90, and designated as the American Veterans Memorial Highway as well as a Washington green highway, is established as follows:

Beginning at a junction with state route number 5, thence, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line.

**NEW SECTION. Sec. 408.** (1) The vehicle electrification demonstration grant program is established within the department of community, trade, and economic development. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) The director may approve an application for a vehicle electrification demonstration project only if the director finds:

(a) The applicant is a state agency, public school district, public utility district, or a political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations or a state institution of higher education;

(b) The project partially funds the purchase of or conversion of existing vehicles to plug-in hybrid electric vehicles or battery electric vehicles for use in the applicant's fleet or operations;

(c) The project partners with an electric utility and demonstrates technologies to allow controlled vehicle charging, including the use of power electronics or wireless technologies, to regulate time-of-day and duration of charging;

(d) The project provides matching resources; and

(e) The project provides evaluation of fuel savings, greenhouse gas reductions, battery capabilities, energy management system, charge controlling technologies, and other relevant information determined on the advice of the vehicle electrification work group.

(3) The director may approve an application for a vehicle electrification demonstration project if the project, in addition to meeting the requirements of subsection (2) of this section, also demonstrates charging using on-site renewable resources or vehicle-to-grid capabilities that enable the vehicle to discharge electricity into the grid.

#### PART 5 MISCELLANEOUS

**NEW SECTION. Sec. 501.** Part headings used in this act are not any part of the law.

**NEW SECTION. Sec. 502.** The following sections are codified and recodified as a new chapter in Title 43 RCW entitled "Energy Freedom Program":

RCW 15.110.005;  
RCW 15.110.010;  
RCW 15.110.020;  
RCW 15.110.030;  
RCW 15.110.040;  
RCW 15.110.050;  
RCW 15.110.060;  
RCW 15.110.900;  
RCW 15.110.901;  
Section 204 of this act;  
Section 205 of this act;  
Section 304 of this act;  
Section 307 of this act; and  
Section 403 of this act.

**NEW SECTION. Sec. 503.** Sections 205 and 301 through 307 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007."

On page 1, line 3 of the title, after "emissions;" strike the remainder of the title and insert "amending RCW 70.94.017, 53.08.040, 43.19.642, 15.110.010, 15.110.020, 15.110.040, 15.110.050, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 35.21 RCW; adding new sections to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 28B.30 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 15.110.005, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 15.110.900, and 15.110.901; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1333 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(ii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

~~((+))~~ (d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(3) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(4) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

**Sec. 2.** RCW 13.34.025 and 2002 c 52 s 2 are each amended to read as follows:

(1) The department of social and health services shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department must:

~~((+))~~ (a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

~~((2))~~ (b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

~~((3))~~ (c) Access training for department staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers, to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 26.44 RCW to read as follows:

(1) Each county shall revise and expand its existing child sexual abuse investigation protocol to address investigations of child fatality, child physical abuse, and criminal child neglect cases and to incorporate the statewide guidelines for first responders to child fatalities developed by the criminal justice training commission. The protocols shall address the coordination of child fatality, child physical abuse, and criminal child neglect investigations between the county and city prosecutor's offices, law enforcement, children's protective services, local advocacy groups, emergency medical services, and any other local agency involved in the investigation of such cases. The protocol revision and expansion shall be developed by the prosecuting attorney in collaboration with the agencies referenced in this section.

(2) Revised and expanded protocols under this section shall be adopted and in place by July 1, 2008. Thereafter, the protocols shall be reviewed every two years to determine whether modifications are needed.

NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW to read as follows:

(1) The commission, in consultation with the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys, shall develop a curriculum related to child abuse and neglect to be included in the basic law enforcement training that must be successfully completed within the first fifteen months of employment of all law enforcement personnel.

(2) The curriculum must be incorporated into the basic law enforcement training program by July 1, 2008.

**NEW SECTION. Sec. 5.** (1) The joint legislative audit and review committee shall analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as it existed on the effective date of this section.

(2) The joint legislative audit and review committee shall submit to appropriate committees of the legislature a report and recommendations by December 1, 2007.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts, in consultation with the attorney general's office and the department of social and health services, shall compile an annual report, providing information about cases that fail to meet statutory guidelines to achieve permanency for dependent children.

(2) The administrative office of the courts shall submit the annual report required by this section to appropriate committees of the legislature by December 1st of each year, beginning on December 1, 2007.

**Sec. 7.** RCW 74.13.330 and 1990 c 284 s 23 are each amended to read as follows:

Foster parents are responsible for the protection, care, supervision, and nurturing of the child in placement. As an integral part of the foster care team, foster parents shall, if appropriate and they desire to: Participate in the development of the service plan for the child and the child's family; assist in family visitation, including monitoring; ~~(and)~~ model effective parenting behavior for the natural family; and be available to help with the child's transition back to the natural family.

**Sec. 8.** RCW 71.24.035 and 2006 c 333 s 201 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are defendants in dependency cases, in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, ~~(and)~~ low-income persons, and parents who are defendants in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics,

schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(14) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter

71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 9. This act may be known and cited as Sirita's law."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.138, 13.34.025, 74.13.330, and 71.24.035; adding a new section to chapter 26.44 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 13.34 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1333 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1334 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in order to allow courts to make well-informed placement decisions for children in the care of the state, the courts must have accurate information, including documentation supporting assertions or recommendations made by social workers, when appropriate.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

In any proceeding under this chapter, if the department submits a report to the court in which the department is recommending a particular placement, the department shall include the documents listed in subsections (1) through (4) of this section to the report. The department shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department relating to visitation with a child, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department relating to the psychological status of a person, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department relating to injuries to a child, the

department shall attach a summary of the physician's report relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department relating to the appropriateness or qualifications of a proposed placement, the department shall attach the document or documents upon which that recommendation, opinion, or assertion is based, including a home study or background check information, if applicable.

**NEW SECTION. Sec. 3.** This act shall be known and cited as the Rafael Gomez act.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "proceedings;" strike the remainder of the title and insert "adding a new section to chapter 13.34 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1334 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.61.150 and 2002 c 88 s 6 are each amended to read as follows:

Metropolitan park commissioners selected by election according to RCW 35.61.050(2) shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ~~((seventy))~~ ninety dollars for each day or portion of a day ~~((devoted to the business))~~ spent in actual attendance at official meetings or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars per year.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar

threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 2.** RCW 52.14.010 and 1998 c 121 s 2 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three registered voters residing in the district except as provided in RCW 52.14.015 and 52.14.020. Each member shall each receive ~~((seventy))~~ ninety dollars per day or portion thereof, not to exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars per year, for time spent in actual attendance at official meetings of the board ~~((meetings and for))~~ or in performance of other services ~~((m))~~ or duties on behalf of the district.

In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firefighters of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firefighters without compensation. A commissioner actually serving as a volunteer firefighter may enjoy the rights and benefits of a volunteer firefighter.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 3.** RCW 53.12.260 and 1998 c 121 s 3 are each amended to read as follows:

(1) Each commissioner of a port district shall receive ~~((seventy))~~ ninety dollars per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in

performance of other official services ~~((m))~~ or duties on behalf of the district. The total per diem compensation of a port commissioner shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in a year, or ~~((eight))~~ ten thousand ~~((four))~~ eight hundred dollars in any year for a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive a salary of five hundred dollars per month; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month.

(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners.

(4) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(9): PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of RCW 53.12.260 and 53.12.265.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 4.** RCW 54.12.080 and 1998 c 121 s 4 are each amended to read as follows:

(1) Commissioners of public utility districts are eligible to receive salaries as follows:

(a) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand dollars per month during a calendar year if the district received total gross revenue of over fifteen million dollars during the fiscal year ending June 30th before the calendar year. However, the board of commissioners of such a public utility district may pass a resolution increasing the rate of salary up to thirteen hundred dollars per month.

(b) Each public utility district commissioner of a district operating utility properties shall receive a salary of seven hundred dollars per month during a calendar year if the district received total gross revenue of from two million dollars to fifteen million dollars during the fiscal year ending June 30th before the calendar year. However, the board of commissioners of such a public utility district may pass a resolution increasing the rate of salary up to nine hundred dollars per month.

(c) Commissioners of other districts shall serve without salary. However, the board of commissioners of such a public utility district may pass a resolution providing for salaries not exceeding four hundred dollars per month for each commissioner.

(2) In addition to salary, all districts may provide by resolution for the payment of per diem compensation to each commissioner at a rate not exceeding ~~((seventy))~~ ninety dollars for each day or ~~((major part thereof devoted to the business of the district, and days upon which he or she attends))~~ portion thereof spent in actual attendance at official meetings of the district commission or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such compensation paid during any one year to a commissioner shall not exceed ~~((nine thousand eight))~~ twelve thousand six hundred dollars. Per diem compensation shall not be paid for services of a ministerial or professional nature.

(3) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence.

(5) Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioner with the same coverage.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 5.** RCW 57.12.010 and 2001 c 63 s 1 are each amended to read as follows:

The governing body of a district shall be a board of commissioners consisting of three members, or five or seven members as provided in RCW 57.12.015. The board shall annually elect one of its members as president and another as secretary.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate of ~~((seventy))~~ ninety dollars for each day or portion thereof ~~((devoted to the business))~~ spent in actual attendance at official meetings of the district commission, or in performance of other official services or

duties on behalf of the district. However the compensation for each commissioner shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during the commissioner's term of office, by a written waiver filed with the district at any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. A commissioner shall be reimbursed for reasonable expenses actually incurred in connection with district business, including subsistence and lodging while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle at the mileage rate authorized in RCW 43.03.060.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 6.** RCW 68.52.220 and 1998 c 121 s 6 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three members. ~~((Members of the board shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business.))~~ The board may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ~~((seventy))~~ ninety dollars for each day or portion of a day ~~((devoted to the business))~~ spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars per year.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. The board shall fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17 RCW.

The initial cemetery district commissioners shall assume office immediately upon their election and qualification. Staggering of terms of office shall be accomplished as follows: (1) The person elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year

or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall assume office immediately after they are elected and qualified but their terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office as provided in RCW ~~((29-04-170))~~ 29A.20.040.

The polling places for a cemetery district election may be located inside or outside the boundaries of the district, as determined by the auditor of the county in which the cemetery district is located, and no such election shall be held irregular or void on that account.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 7.** RCW 70.44.050 and 1998 c 121 s 7 are each amended to read as follows:

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate of ~~((seventy))~~ ninety dollars for each day or portion thereof ~~((devoted to the business of the district, and days upon which he or she attends))~~ spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars. The commissioners may not be compensated for services performed of a ministerial or professional nature.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or

her place of residence. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 8.** RCW 85.05.410 and 1998 c 121 s 8 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ~~((seventy))~~ ninety dollars for actual attendance at official meetings of the district and for each day or ~~((major))~~ part thereof ~~((for all necessary services actually performed in connection with their duties as commissioners)), or in performance of other official services or duties on behalf of the district~~ and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops

more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 9.** RCW 85.06.380 and 1998 c 121 s 9 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners may receive as compensation up to ~~((seventy))~~ ninety dollars ~~((for))~~ per day or portion thereof spent in actual attendance at official meetings of the district ~~((and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners)), or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed ((six)) eight thousand ((seven)) six hundred ((twenty)) forty dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.~~

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 10.** RCW 85.08.320 and 1998 c 121 s 10 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ~~((seventy))~~ ninety dollars ~~((for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors))~~ per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the supervisor's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 11.** RCW 85.24.080 and 1998 c 121 s 11 are each amended to read as follows:

The members of the board may receive as compensation up to ~~((seventy))~~ ninety dollars ~~((for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners))~~ per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in one calendar year: PROVIDED

FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 12.** RCW 86.09.283 and 1998 c 121 s 13 are each amended to read as follows:

The board of directors may each receive up to ~~((seventy))~~ ninety dollars ~~((for attendance at official meetings of the board and for each day or major part thereof for all necessary services actually performed in connection with their duties as director))~~ per day or portion thereof spent in actual attendance at official meetings of the board, or in performance of other official services or duties on behalf of the board. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. Compensation for the directors shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price

index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 13.** RCW 87.03.460 and 1998 c 121 s 14 are each amended to read as follows:

In addition to their reasonable expenses in accordance with chapter 42.24 RCW, the directors shall each receive an amount for attending meetings and while performing other services for the district. The amount shall be fixed by resolution and entered in the minutes of the proceedings of the board. It shall not exceed (~~seventy~~) ninety dollars for each day or portion thereof spent by a director for such actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district. The total amount of such additional compensation received by a director may not exceed (~~six~~) eight thousand (~~seven~~) six hundred (~~twenty~~) forty dollars in a calendar year. The board shall fix the compensation of the secretary and all other employees.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 14.** RCW 36.57A.050 and 1998 c 121 s 15 are each amended to read as follows:

Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county

legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county legislative authority of each county within the area. If at the time a public transportation benefit area authority assumes the public transportation functions previously provided under the Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

Within such sixty-day period, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine members and in the case of a multicounty area, fifteen members. Those cities within the transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chairman of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from forty-four dollars up to (~~seventy~~) ninety dollars per day or portion of a day for actual attendance at board meetings (and) or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chairman who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 15.** RCW 85.38.075 and 1998 c 121 s 12 are each amended to read as follows:

The members of the governing body may each receive up to ~~((seventy))~~ ninety dollars ~~((for))~~ per day or portion thereof spent in actual attendance at official meetings of the governing body ~~((and for each day or major part thereof for all necessary services actually performed in connection with their duties as a member))~~ or in performance of other official services or duties on behalf of the district. The governing body shall fix the compensation to be paid to the members, secretary, and all other agents and employees of the district. Compensation for the members shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in one calendar year. A member is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the member's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any member may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions."

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "and amending RCW 35.61.150, 52.14.010, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 86.09.283, 87.03.460, 36.57A.050, and 85.38.075."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1377 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 2006 c 265 s 401, 2006 c 90 s 1, and 2006 c 54 s 7 are each reenacted and amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by

the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; ((or))

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**Sec. 2.** RCW 13.34.130 and 2003 c 227 s 3 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for ((placement)) supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or ((in a home not required to be licensed pursuant to chapter 74.15 RCW)) (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or

supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: ~~((+))~~ (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and ~~((+))~~ (B) willing and available to care for the child.

(2) ~~((Placement of the child with a relative under this subsection shall be given preference by the court.))~~ An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(5) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.130; and reenacting and amending RCW 74.15.020."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to HOUSE BILL NO. 1377 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432 with the following amendment:

On page 2, line 16, strike "five" and insert "two"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2220 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.20 RCW to read as follows:

(1) The sea grant program at the University of Washington shall, consistent with this section, commission a series of scientific research studies that examines the possible effects, including the cumulative effects, of the current prevalent geoduck aquaculture techniques and practices on the natural environment in and around Puget Sound, including the Strait of Juan de Fuca. The sea grant program shall use funding provided from the geoduck aquaculture research account created in section 2 of this act to review existing literature, directly perform research identified as needed, or to enter into and manage contracts with scientific organizations or institutions to accomplish these results.

(2) Prior to entering into a contract with a scientific organization or institution, the sea grant program must:

(a) Analyze, through peer review, the credibility of the proposed party to the contract, including whether the party has credible experience and knowledge and has access to the facilities necessary to fully execute the research required by the contract; and

(b) Require that all proposed parties to a contract fully disclose any past, present, or planned future personal or professional connections with the shellfish industry or public interest groups.

(3) All research commissioned under this section must be subjected to a rigorous peer review process prior to being accepted and reported by the sea grant program.

(4) In prioritizing and directing research under this section, the sea grant program shall meet with the department of ecology at least annually and rely on guidance submitted by the department of ecology. The department of ecology shall convene the shellfish aquaculture regulatory committee created in section 4 of this act as necessary to serve as an oversight committee to formulate the guidance provided to the sea grant program. The objective of the oversight committee, and the resulting guidance provided to the sea grant program, is to ensure that the research required under this section satisfies the planning, permitting, and data management needs of the state, to assist in the prioritization of research given limited funding, and to help identify any research that is beneficial to complete other than what is listed in subsection (5) of this section.

(5) To satisfy the minimum requirements of subsection (1) of this section, the sea grant program shall review all scientific research that is existing or in progress that examines the possible effect of currently prevalent geoduck practices, on the natural environment, and prioritize and conduct new studies as needed, to measure and assess the following:

(a) The environmental effects of structures commonly used in the aquaculture industry to protect juvenile geoducks from predation;

(b) The environmental effects of commercial harvesting of geoducks from intertidal geoduck beds, focusing on current prevalent harvesting techniques, including a review of the recovery rates for benthic communities after harvest;

(c) The extent to which geoducks in standard aquaculture tracts alter the ecological characteristics of overlying waters while the tracts are submerged, including impacts on species diversity, and the abundance of other benthic organisms;

(d) Baseline information regarding naturally existing parasites and diseases in wild and cultured geoducks, including whether and to what extent commercial intertidal geoduck aquaculture practices impact the baseline;

(e) Genetic interactions between cultured and wild geoduck, including measurements of differences between cultured geoducks and wild geoducks in terms of genetics and reproductive status; and

(f) The impact of the use of sterile triploid geoducks and whether triploid animals diminish the genetic interactions between wild and cultured geoducks.

(6) If adequate funding is not made available for the completion of all research required under this section, the sea grant program shall consult with the shellfish aquaculture regulatory committee, via the department of ecology, to prioritize which of the enumerated research projects have the greatest cost/benefit ratio in terms of providing information important for regulatory decisions. The prioritization process may include the addition of any new studies that may be appropriate in addition to, or in place of, studies listed in this section.

(7) When appropriate, all research commissioned under this section must address localized and cumulative effects of geoduck aquaculture.

(8) The sea grant program and the University of Washington are prohibited from retaining greater than fifteen percent of any funding provided to implement this section for administrative overhead or other deductions not directly associated with conducting the research required by this section.

(9) Individual commissioned contracts under this section may address single or multiple components listed for study under this section.

(10) All research commissioned under this section must be completed and the results reported to the appropriate committees of the legislature by December 1, 2013. In addition, the sea grant program shall provide the appropriate committees of the legislature with annual reports updating the status and progress of the ongoing studies that are completed in advance of the 2013 deadline.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.20 RCW to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by section 1 of

this act. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 3.** RCW 79.135.100 and 1984 c 221 s 10 are each amended to read as follows:

(1) If state-owned aquatic lands are used for aquaculture production or harvesting, rents and fees shall be established through competitive bidding or negotiation.

(2) The department is prohibited from offering leases that would permit the intertidal commercial aquaculture of geoducks on more than a total of twenty-three acres of state-owned aquatic lands until:

(a) The department of ecology and the shellfish aquaculture regulatory committee have submitted a final report containing recommendations as required under section 4 of this act; and (b) the legislature has had at least one full legislative session to consider and act upon the recommendations. If the legislature does not take action limiting the department's authority to lease state-owned aquatic lands for geoduck aquaculture under (b) of this subsection, then the department may resume leasing property consistent with any applicable federal, state, and local guidelines or regulations.

(3) All rents and fees collected from leases of state-owned aquatic lands for purposes of geoduck aquaculture must be deposited into the geoduck aquaculture research account created under section 2 of this act.

(4) Any intertidal leases entered into by the department for geoduck aquaculture must be conditioned in such a way that: (a) The department can engage in monitoring of the environmental impacts of the lease's execution, without unreasonably diminishing the economic viability of the lease, and that the lease tracts are eligible to be made part of the studies conducted under section 1 of this act; and (b) any aquaculture equipment and materials used in the cultivation, protection, or harvest of geoducks be marked with the registration number of the aquatic farmer as required under RCW 77.115.040. The department must notify all abutting landowners of the intent of the department to lease the tidal and subtidal lands for the purposes of geoduck aquaculture. An intertidal lease entered into by the department for the purpose of geoduck aquaculture may not contain an automatic right of renewal.

**NEW SECTION. Sec. 4.** (1) The shellfish aquaculture regulatory committee is established to, consistent with this section, serve as an advisory body to the department of ecology on regulatory processes and approvals for all current and new shellfish aquaculture activities, and the activities conducted pursuant to RCW 90.58.060, as the activities relate to shellfish. The shellfish aquaculture regulatory committee is advisory in nature, and no vote or action of the committee may overrule existing statutes, regulations, or local ordinances.

(2) The shellfish aquaculture regulatory committee shall develop recommendations as to:

(a) A regulatory system or permit process for all current and new shellfish aquaculture projects and activities that integrates all applicable existing local, state, and federal regulations and is efficient both for the regulators and the regulated; and

(b) Appropriate guidelines for geoduck aquaculture operations to be included in shoreline master programs under section 5 of this act.

(3)(a) The members of the shellfish aquaculture regulatory committee shall be appointed by the director of the department of ecology as follows:

(i) Two representatives of county government, one from a county located on the Puget Sound, and one from a county located on the Pacific Ocean;

(ii) Two individuals who are professionally engaged in the commercial aquaculture of shellfish, one who owns or operates an aquatic farm in Puget Sound, and one who owns or operates an aquatic farm in state waters other than the Puget Sound;

(iii) Two representatives of organizations representing the environmental community;

(iv) Two individuals who own shoreline property, one of which does not have a commercial geoduck operation on his or her property

and one of which who does have a commercial geoduck operation on his or her property; and

(v) One representative each from the following state agencies: The department of ecology, the department of fish and wildlife, the department of agriculture, and the department of natural resources.

(b) In addition to the other participants listed in this subsection, the governor shall invite the full participation of two tribal governments, at least one of which is located within the drainage of the Puget Sound.

(4) The department of ecology shall provide administrative and clerical assistance to the shellfish aquaculture regulatory committee and all agencies listed in subsection (3) of this section shall provide technical assistance.

(5) Nonagency members of the shellfish aquaculture regulatory committee will not be compensated, but are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) Any participation by a Native American tribe on the shellfish aquaculture regulatory committee shall not, under any circumstances, be viewed as an admission by the tribe that any of its activities, or those of its members, are subject to any of the statutes, regulations, ordinances, standards, or permit systems reviewed, considered, or proposed by the committee.

(7) The shellfish aquaculture regulatory committee is authorized to form technical advisory panels as needed and appoint to them members not on the shellfish aquaculture regulatory committee.

(8) The department of ecology shall report the recommendations and findings of the shellfish aquaculture regulatory committee to the appropriate committees of the legislature by December 1, 2007, with a further report, if necessary, by December 1, 2008.

**NEW SECTION. Sec. 5.** (1) The department of ecology shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under this section. The guidelines adopted under this section must be prepared with the advice of the shellfish aquaculture regulatory committee created in section 4 of this act, which shall serve as the advisory committee for the development of the guidelines. The guidelines must include abutting landowner notification of proposed tidal and subtidal aquaculture activities.

(2) The guidelines required under this section must be filed for public review and comment no later than six months after the delivery of the final report by the shellfish aquaculture regulatory committee created in section 4 of this act.

(3) The department of ecology shall update the guidelines required under this section, as necessary, after the completion of the geoduck research by the sea grant program at the University of Washington required under section 1 of this act.

**Sec. 6.** RCW 77.115.040 and 1993 sp.s. c 2 s 58 are each amended to read as follows:

(1) All aquatic farmers as defined in RCW 15.85.020 shall register with the department. The director shall develop and maintain a registration list of all aquaculture farms and assign each farm a registration number. The department shall periodically update the list to ensure accuracy. The department shall coordinate with the department of health using shellfish growing area certification data when updating the registration list.

(2) Registered aquaculture farms shall provide the department ((production statistical data)) with the following information: (a) The name of the aquatic farmer; (b) the address of the aquatic farmer; (c) contact information such as telephone, fax, web site, and email address, if available; (d) the number of acres under cultivation; (e) the name of the landowner of the property being cultivated or otherwise used in the aquatic farming operation; (f) the private sector cultured aquatic product being propagated, farmed, or cultivated; and (g) production statistical data. As a condition of registration, all aquatic farmers shall provide the department with proof of abutting landowner notification of geoduck farming activities.

(3) The department shall require a registered aquatic farmer who commercially farms and manages the cultivation of geoduck to mark any aquaculture equipment and materials used in the cultivation, protection, or harvest of geoducks with the registration number.

(4) The department must publish the contact information of a staff person responsible for managing the registration list who is available to answer questions from the public regarding aquatic farms that cultivate geoducks.

(5) The state veterinarian shall be provided with registration and statistical data by the department.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "shellfish;" strike the remainder of the title and insert "amending RCW 79.135.100 and 77.115.040; adding new sections to chapter 28B.20 RCW; and creating new sections."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2220 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Automobiles are an essential part of our everyday lives. The west coast is the only region of the United States with an increase of over three percent in motor vehicle thefts over the last several years. The family car is a priority of most individuals and families. The family car is typically the second largest investment a person has next to the home, so when a car is stolen, it causes a significant loss and inconvenience to people, imposes financial hardship, and negatively impacts their work, school, and personal activities. Appropriate and meaningful penalties that are proportionate to the crime committed must be imposed on those who steal motor vehicles;

(b) In Washington, more than one car is stolen every eleven minutes, one hundred thirty-eight cars are stolen every day, someone's car has a one in one hundred seventy-nine chance of being stolen, and more vehicles were stolen in 2005 than in any other previous year. Since 1994, auto theft has increased over fifty-five percent, while other property crimes like burglary are on the decline or holding steady. The national crime insurance bureau reports that Seattle and Tacoma ranked in the top ten places for the most auto thefts, ninth and tenth respectively, in 2004. In 2005, over fifty thousand auto thefts were reported costing Washington citizens more than three hundred twenty-five million dollars in higher insurance rates and lost vehicles. Nearly eighty percent of these crimes occurred in the central Puget Sound region consisting of the heavily populated areas of King, Pierce, and Snohomish counties;

(c) Law enforcement has determined that auto theft, along with all the grief it causes the immediate victims, is linked more and more to offenders engaged in other crimes. Many stolen vehicles are used by criminals involved in such crimes as robbery, burglary, and assault. In addition, many people who are stopped in stolen vehicles are found to possess the personal identification of other persons, or to possess methamphetamine, precursors to methamphetamine, or equipment used to cook methamphetamine;

(d) Juveniles account for over half of the reported auto thefts with many of these thefts being their first criminal offense. It is critical that they, along with first time adult offenders, are appropriately punished for their crimes. However, it is also important that first time offenders who qualify receive appropriate counseling treatment for associated problems that may have contributed to the commission of the crime, such as drugs, alcohol, and anger management; and

(e) A coordinated and concentrated enforcement mechanism is critical to an effective statewide offensive against motor vehicle theft. Such a system provides for better communications between and among law enforcement agencies, more efficient implementation of efforts to discover, track, and arrest auto thieves, quicker recovery, and the return of stolen vehicles, saving millions of dollars in potential loss to victims and their insurers.

(2) It is the intent of this act to deter motor vehicle theft through a statewide cooperative effort by combating motor vehicle theft through tough laws, supporting law enforcement activities, improving enforcement and administration, effective prosecution, public awareness, and meaningful treatment for first time offenders where appropriate. It is also the intent of the legislature to ensure that adequate funding is provided to implement this act in order for real, observable reductions in the number of auto thefts in Washington state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of a motor vehicle if he or she commits theft of a motor vehicle.

(2) Theft of a motor vehicle is a class B felony.

**Sec. 3.** RCW 9A.56.030 and 2005 c 212 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) one thousand five hundred dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another; or

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty.

(2) Theft in the first degree is a class B felony.

**Sec. 4.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred ~~((and))~~ fifty dollars in value ~~((other than a firearm as defined in RCW 9.41.010;))~~ but does not exceed one thousand five hundred dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) An access device(~~or~~

~~(d) A motor vehicle, of a value less than one thousand five hundred dollars).~~

(2) Theft in the second degree is a class C felony.

**NEW SECTION. Sec. 5.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of possession of a stolen vehicle if he or she possess a stolen motor vehicle.

(2) Possession of a stolen motor vehicle is a class B felony.

**Sec. 6.** RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the first degree if he or she possesses stolen property<sub>2</sub> other than a firearm as

defined in RCW 9.41.010 or a motor vehicle, which exceeds one thousand five hundred dollars in value.

(2) Possessing stolen property in the first degree is a class B felony.

**Sec. 7.** RCW 9A.56.160 and 1995 c 129 s 15 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property<sub>2</sub> other than a firearm as defined in RCW 9.41.010 or a motor vehicle, which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

(b) He or she possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) He or she possesses a stolen access device(~~or~~

~~(d) He or she possesses a stolen motor vehicle of a value less than one thousand five hundred dollars).~~

(2) Possessing stolen property in the second degree is a class C felony.

**Sec. 8.** RCW 9.94A.525 and 2006 c 128 s 6 and 2006 c 73 s 7 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if: (i) The prior convictions were committed within five years since the last date of release from confinement (including full-time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within ten years" as defined in RCW 46.61.5055.

(f) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall

be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130(10), count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130(10), which shall count as one point.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

(19) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(20) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Accordingly, prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions.

**Sec. 9.** RCW 9.94A.734 and 2003 c 53 s 62 are each amended to read as follows:

(1) Home detention may not be imposed for offenders convicted of:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;
- (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
- (e) Assault in the third degree as defined in RCW 9A.36.031;
- (f) Assault of a child in the third degree;
- (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- (h) Harassment as defined in RCW 9A.46.020.

Home detention may be imposed for offenders convicted of possession of a controlled substance under RCW 69.50.4013 or forged prescription for a controlled substance under RCW 69.50.403 if the offender fulfills the participation conditions set forth in this

section and is monitored for drug use by a treatment alternatives to street crime program or a comparable court or agency-referred program.

(2) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender:

(a) Successfully completing twenty-one days in a work release program;

(b) Having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary;

(c) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;

(d) Having no prior charges of escape; and

(e) Fulfilling the other conditions of the home detention program.

(3) Home detention may be imposed for offenders convicted of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, theft of a motor vehicle as defined under section 2 of this act, or possession of a stolen motor vehicle as defined under section 5 of this act conditioned upon the offender:

(a) Having no convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle during the preceding five years and not more than two prior convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle;

(b) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;

(c) Having no prior charges of escape; and

(d) Fulfilling the other conditions of the home detention program.

(4) Participation in a home detention program shall be conditioned upon:

(a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender;

(b) Abiding by the rules of the home detention program; and

(c) Compliance with court-ordered legal financial obligations.

The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

**Sec. 10.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN  
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run--Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020)
	Child Molestation 2 (RCW 9A.44.086)

- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- ~~((Retail))~~ Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(10)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))

Possession of Stolen Property 1 (RCW 9A.56.150)

Possession of a Stolen Vehicle (section 5 of this act)

~~((Retail))~~ Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle (section 2 of this act)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 11.** RCW 13.40.0357 and 2006 c 73 s 14 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY		JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and (c))	E
E	Malicious Mischief 3 (9A.48.090(2)(b))	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B +

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B +
B +	Assault 2 (9A.36.021)	C +
C +	Assault 3 (9A.36.031)	D +
D +	Assault 4 (9A.36.041)	E
B +	Drive-By Shooting (9A.36.045)	C +
D +	Reckless Endangerment (9A.36.050)	E
C +	Promoting Suicide Attempt (9A.36.060)	D +
D +	Coercion (9A.36.070)	E
C +	Custodial Assault (9A.36.100)	D +

**Burglary and Trespass**

B +	Burglary 1 (9A.52.020)	C +	D +	Possession of Dangerous Weapon (9.41.250)	E
B	Residential Burglary (9A.52.025)	C	D	Intimidating Another Person by use of Weapon (9.41.270)	E
B	Burglary 2 (9A.52.030)	C			
D	Burglary Tools (Possession of) (9A.52.060)	E			
D	Criminal Trespass 1 (9A.52.070)	E		<b>Homicide</b>	
E	Criminal Trespass 2 (9A.52.080)	E	A +	Murder 1 (9A.32.030)	A
C	Mineral Trespass (78.44.330)	C	A +	Murder 2 (9A.32.050)	B +
C	Vehicle Prowling 1 (9A.52.095)	D	B +	Manslaughter 1 (9A.32.060)	C +
D	Vehicle Prowling 2 (9A.52.100)	E	C +	Manslaughter 2 (9A.32.070)	D +
			B +	Vehicle Homicide (46.61.520)	C +
	<b>Drugs</b>				
E	Possession/Consumption of Alcohol (66.44.270)	E		<b>Kidnapping</b>	
C	Illegally Obtaining Legend Drug (69.41.020)	D	A	Kidnap 1 (9A.40.020)	B +
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D +	B +	Kidnap 2 (9A.40.030)	C +
E	Possession of Legend Drug (69.41.030(2)(b))		C +	Unlawful Imprisonment (9A.40.040)	D +
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B +		<b>Obstructing Governmental Operation</b>	
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Possession of Marihuana <40 grams (69.50.4014)	E	E	Resisting Arrest (9A.76.040)	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C	B	Introducing Contraband 1 (9A.76.140)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +	C	Introducing Contraband 2 (9A.76.150)	D
E	Unlawful Inhalation (9.47A.020)	E	E	Introducing Contraband 3 (9A.76.160)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	B +	Intimidating a Public Servant (9A.76.180)	C +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C	B +	Intimidating a Witness (9A.72.110)	C +
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C		<b>Public Disturbance</b>	
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C	C +	Riot with Weapon (9A.84.010(2)(b))	D +
	<b>Firearms and Weapons</b>		D +	Riot Without Weapon (9A.84.010(2)(a))	E
B	Theft of Firearm (9A.56.300)	C	E	Failure to Disperse (9A.84.020)	E
B	Possession of Stolen Firearm (9A.56.310)	C	E	Disorderly Conduct (9A.84.030)	E
E	Carrying Loaded Pistol Without Permit (9.41.050)	E		<b>Sex Crimes</b>	
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C	A	Rape 1 (9A.44.040)	B +
			A-	Rape 2 (9A.44.050)	B +
			C +	Rape 3 (9A.44.060)	D +
			A-	Rape of a Child 1 (9A.44.073)	B +
			B +	Rape of a Child 2 (9A.44.076)	C +
			B	Incest 1 (9A.64.020(1))	C
			C	Incest 2 (9A.64.020(2))	D
			D +	Indecent Exposure (Victim <14) (9A.88.010)	E
			E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
			B +	Promoting Prostitution 1 (9A.88.070)	C +
			C +	Promoting Prostitution 2 (9A.88.080)	D +
			E	O & A (Prostitution) (9A.88.030)	E

B +	Indecent Liberties (9A.44.100)	C +		<b>Other</b>	
A-	Child Molestation 1 (9A.44.083)	B +	B	Animal Cruelty 1 (16.52.205)	C
B	Child Molestation 2 (9A.44.086)	C +	B	Bomb Threat (9.61.160)	C
			C	Escape 1 <sup>1</sup> (9A.76.110)	C
	<b>Theft, Robbery, Extortion, and Forgery</b>		C	Escape 2 <sup>1</sup> (9A.76.120)	C
B	Theft 1 (9A.56.030)	C	D	Escape 3 (9A.76.130)	E
C	Theft 2 (9A.56.040)	D	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
D	Theft 3 (9A.56.050)	E	A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	B	Other Offense Equivalent to an Adult Class B Felony	C
C	Forgery (9A.60.020)	D	C	Other Offense Equivalent to an Adult Class C Felony	D
A	Robbery 1 (9A.56.200)	B +	D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
B +	Robbery 2 (9A.56.210)	C +	E	Other Offense Equivalent to an Adult Misdemeanor	E
B +	Extortion 1 (9A.56.120)	C +	V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V
C +	Extortion 2 (9A.56.130)	D +			
C	Identity Theft 1 (9.35.020(2))	D			
D	Identity Theft 2 (9.35.020(3))	E			
D	Improperly Obtaining Financial Information (9.35.010)	E			
<u>B</u>	<u>Possession of a Stolen Vehicle (section 5 of this act)</u>	<u>C</u>			
B	Possession of Stolen Property 1 (9A.56.150)	C			
C	Possession of Stolen Property 2 (9A.56.160)	D			
D	Possession of Stolen Property 3 (9A.56.170)	E			
((€))	Taking Motor Vehicle Without Permission 1 ((and 2)) (9A.56.070 ((and 9A.56.075)))	((Ⓓ))			
<u>B</u>	<u>Taking Motor Vehicle Without Permission 2 (9A.56.075)</u>	<u>C</u>			
<u>C</u>	<u>Theft of a Motor Vehicle (section 2 of this act)</u>	<u>D</u>			
<u>B</u>	<u>Theft of a Motor Vehicle (section 2 of this act)</u>	<u>C</u>			
	<b>Motor Vehicle Related Crimes</b>				
E	Driving Without a License (46.20.005)	E			
B +	Hit and Run - Death (46.52.020(4)(a))	C +			
C	Hit and Run - Injury (46.52.020(4)(b))	D			
D	Hit and Run-Attended (46.52.020(5))	E			
E	Hit and Run-Unattended (46.52.010)	E			
C	Vehicular Assault (46.61.522)	D			
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D			
E	Reckless Driving (46.61.500)	E			
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E			
B +	Felony Driving While Under the Influence (46.61.502(6))	B			
B +	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B			

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.

**OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE**

A+	180 WEEKS TO AGE 21 YEARS					
A	103 WEEKS TO 129 WEEKS					
A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS		
Current Offense Category	B+ 15-36 WEEKS		52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
	B LOCAL SANCTIONS (LS)		15-36 WEEKS		52-65 WEEKS	
	C+			15-36 WEEKS		
	C				15-36 WEEKS	
		Local Sanctions: 0 to 30 Days				
	D+	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution				
	D	\$0 to \$500 Fine				
	E	LS				
		0	1	2	3	
					4 or more	
		PRIOR ADJUDICATIONS				

NOTE: References in the grid to days or weeks mean periods of confinement.

- (1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.
- (2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.
- (3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.
- (4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.
- (5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR  
OPTION B  
SUSPENDED DISPOSITION ALTERNATIVE**

- (1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.
- (2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.
- (3) An offender is ineligible for the suspended disposition option under this section if the offender is:
  - (a) Adjudicated of an A + offense;
  - (b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:
    - (i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;
    - (ii) Manslaughter in the first degree (RCW 9A.32.060); or
    - (iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;
  - (c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or
  - (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR  
OPTION C  
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR  
OPTION D  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**NEW SECTION. Sec. 12.** A new section is added to chapter 13.40 RCW to read as follows:

If a juvenile is adjudicated of theft of a motor vehicle under section 2 of this act, possession of a stolen vehicle under section 5 of this act, taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070(1), or taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075(1) and is sentenced to local sanctions, the juvenile's disposition shall include an evaluation to determine whether the juvenile is in need of community-based rehabilitation services and to complete any treatment recommended by the evaluation.

**Sec. 13.** RCW 13.40.210 and 2002 c 175 s 27 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence of theft of a motor vehicle 1, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii)

pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

**Sec. 14.** RCW 13.40.160 and 2004 c 120 s 4 and 2004 c 38 s 11 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall

not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender shall not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9A.41.040(2)(a)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) Section 15 of this act shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under section 2 of this act, possession of a stolen motor vehicle as defined under section 5 of this act, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((9))~~ (10) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

~~((10))~~ (11) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**NEW SECTION. Sec. 15.** A new section is added to chapter 13.40 RCW to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than five days of home detention, forty-five hours of community restitution, and a two hundred dollar fine;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to standard range sentence that includes no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks of confinement, seven days of home detention, four months of supervision, ninety hours of community restitution, and a four hundred dollar fine.

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under section 2 of this act, or possession of a stolen vehicle as defined under section 5 of this act, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes either: (i) No less than five days of home detention and forty-five hours of community restitution; or (ii) no home detention and ninety hours of community restitution;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to standard range sentence that includes no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks of confinement, seven days of home detention, four months of supervision, ninety hours of community restitution, and a four hundred dollar fine.

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes either: (i) No less than one day of home detention, one month of supervision, and fifteen hours of community restitution; or (ii) no home detention, one month of supervision, and thirty hours of community restitution;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, two days of home detention, two months of supervision, thirty hours of community restitution, and a one hundred fifty dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, seven days of home detention, three months of supervision, forty-five hours of community restitution, and a one hundred fifty dollar fine.

**Sec. 16.** RCW 9A.56.070 and 2003 c 53 s 72 are each amended to read as follows:

(1) A person is guilty of taking a motor vehicle without permission in the first degree if he or she, without the permission of the owner or person entitled to possession, intentionally takes or drives away an automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, that is the property of another, and he or she:

(a) Alters the motor vehicle for the purpose of changing its appearance or primary identification, including obscuring, removing, or changing the manufacturer's serial number or the vehicle identification number plates;

(b) Removes, or participates in the removal of, parts from the motor vehicle with the intent to sell the parts;

(c) Exports, or attempts to export, the motor vehicle across state lines or out of the United States for profit;

(d) Intends to sell the motor vehicle; or

(e) Is engaged in a conspiracy and the central object of the conspiratorial agreement is the theft of motor vehicles for sale to others for profit or is engaged in a conspiracy and has solicited a juvenile to participate in the theft of a motor vehicle.

(2) Taking a motor vehicle without permission in the first degree is a class B felony.

**Sec. 17.** RCW 9A.56.096 and 2003 c 53 s 77 are each amended to read as follows:

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented ~~((or))~~, leased, or loaned by written agreement to the person, is guilty of theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, ~~((or))~~ lease-purchase, or loan agreement; or

(b) That the renter ~~((or))~~, lessee, or borrower presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, ~~((or))~~ lease-purchase, or loan period, mailed by certified or registered mail to the renter ~~((or))~~, lessee, or borrower at: (a) The address the renter ~~((or))~~, lessee, or borrower gave when the contract was made; or (b) the renter ~~((or))~~, lessee ~~((s))~~, or borrower's last known address if later furnished in writing by the renter, lessee, or borrower, or the agent of the renter ~~((or))~~, lessee, or borrower.

(4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property.

(5)(a) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property is a class B felony if the rental, leased, ~~((or))~~ lease-purchased, or loaned property is valued at one thousand five hundred dollars or more.

(b) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property is a class C felony if the rental, leased, ~~((or))~~ lease-purchased, or loaned property is valued at two hundred fifty dollars or more but less than one thousand five hundred dollars.

(c) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property is a gross misdemeanor if the rental, leased, ~~((or))~~ lease-purchased, or loaned property is valued at less than two hundred fifty dollars.

(6) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, ~~((and))~~ to lease-purchase agreements as defined under RCW 63.19.010, and to vehicles loaned to prospective purchasers borrowing a vehicle by written agreement from a motor vehicle dealer licensed under chapter 46.70 RCW. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

**NEW SECTION. Sec. 18.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) Any person who makes or mends, or causes to be made or mended, uses, or has in his or her possession any motor vehicle theft tool, that is adapted, designed, or commonly used for the commission of motor vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of motor vehicle theft, or knowing that the same is intended to be so used, is guilty of making or having motor vehicle theft tools.

(2) For the purpose of this section, motor vehicle theft tool includes, but is not limited to, the following: Slim jim, false master key, master purpose key, altered or shaved key, trial or jiggle key, slide hammer, lock puller, picklock, bit, nipper, any other implement shown by facts and circumstances that is intended to be used in the commission of a motor vehicle related theft, or knowing that the same is intended to be so used.

(3) For the purposes of this section, the following definitions apply:

(a) "False master" or "master key" is any key or other device made or altered to fit locks or ignitions of multiple vehicles, or vehicles other than that for which the key was originally manufactured.

(b) "Altered or shaved key" is any key so altered, by cutting, filing, or other means, to fit multiple vehicles or vehicles other than the vehicles for which the key was originally manufactured.

(c) "Trial keys" or "jiggler keys" are keys or sets designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(4) Making or having motor vehicle theft tools is a gross misdemeanor.

**NEW SECTION. Sec. 19.** A new section is added to chapter 36.28A RCW to read as follows:

There is hereby created in the Washington association of sheriffs and police chiefs the Washington auto theft prevention authority which shall be under the direction of the executive director of the Washington association of sheriffs and police chiefs.

**NEW SECTION. Sec. 20.** (1) The Washington auto theft prevention authority is established. The authority shall consist of the following members, appointed by the governor:

(a) The executive director of the Washington association of sheriffs and police chiefs, or the executive director's designee;

(b) The chief of the Washington state patrol, or the chief's designee;

(c) Two police chiefs;

(d) Two sheriffs;

(e) One prosecuting attorney;

(f) A representative from the insurance industry who is responsible for writing property and casualty liability insurance in the state of Washington;

(g) A representative from the automobile industry; and

(h) One member of the general public.

(2) In addition, the authority may, where feasible, consult with other governmental entities or individuals from the public and private sector in carrying out its duties under this section.

**NEW SECTION. Sec. 21.** (1) The Washington auto theft prevention authority shall initially convene at the call of the executive director of the Washington association of sheriffs and police chiefs, or the executive director's designee, no later than the third Monday in January 2008. Subsequent meetings of the authority shall be at the call of the chair or seven members.

(2) The authority shall annually elect a chairperson and other such officers as it deems appropriate from its membership.

(3) Members of the authority shall serve terms of four years each on a staggered schedule to be established by the first authority. For purposes

of initiating a staggered schedule of terms, some members of the first authority may initially serve two years and some members may initially serve four years.

**NEW SECTION. Sec. 22.** (1) The Washington auto theft prevention authority may obtain or contract for staff services, including an executive director, and any facilities and equipment as the authority requires to carry out its duties.

(2) The director may enter into contracts with any public or private organization to carry out the purposes of this section and sections 20, 21, and 23 through 27 of this act.

(3) The authority shall review and make recommendations to the legislature and the governor regarding motor vehicle theft in Washington state. In preparing the recommendations, the authority shall, at a minimum, review the following issues:

(a) Determine the scope of the problem of motor vehicle theft, including:

(i) Particular areas of the state where the problem is the greatest;

(ii) Annual data reported by local law enforcement regarding the number of reported thefts, investigations, recovered vehicles, arrests, and convictions; and

(iii) An assessment of estimated funds needed to hire sufficient investigators to respond to all reported thefts.

(b) Analyze the various methods of combating the problem of motor vehicle theft;

(c) Develop and implement a plan of operation; and

(d) Develop and implement a financial plan.

(4) The authority is not a law enforcement agency and may not gather, collect, or disseminate intelligence information for the purpose of investigating specific crimes or pursuing or capturing specific perpetrators. Members of the authority may not exercise general authority peace officer powers while acting in their capacity as members of the authority, unless the exercise of peace officer powers is necessary to prevent an imminent threat to persons or property.

(5) The authority shall annually report its activities, findings, and recommendations during the preceding year to the legislature by December 31st.

**NEW SECTION. Sec. 23.** The Washington auto theft prevention authority may solicit and accept gifts, grants, bequests, devises, or other funds from public and private sources to support its activities.

**NEW SECTION. Sec. 24.** The governor may remove any member of the Washington auto theft prevention authority for cause including but not limited to neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the members of the authority under this chapter. Upon the death, resignation, or removal of a member, the governor shall appoint a replacement to fill the remainder of the unexpired term.

**NEW SECTION. Sec. 25.** Members of the Washington auto theft prevention authority who are not public employees shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses incurred in carrying out the duties of the authority in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 26.** Any member serving in their official capacity on the Washington auto theft prevention authority, or either their employer or employers, or other entity that selected the members to serve, are immune from a civil action based upon an act performed in good faith.

**NEW SECTION. Sec. 27.** (1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement.

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and

supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

**Sec. 28.** RCW 46.63.110 and 2005 c 413 s 2, 2005 c 320 s 2, and 2005 c 288 s 8 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment

plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the department has been notified that the court has entered into a new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040; and

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

**NEW SECTION. Sec. 29.** This act shall be known as the Elizabeth Nowak-Washington auto theft prevention act.

**NEW SECTION. Sec. 30.** Sections 20 through 27 of this act constitute a new chapter in Title 46 RCW."

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 9A.56.030, 9A.56.040, 9A.56.150, 9A.56.160, 9.94A.734, 13.40.0357, 13.40.210, 9A.56.070, and 9A.56.096; reenacting and amending RCW 9.94A.525, 9.94A.515, 13.40.160, and 46.63.110; adding new sections to chapter 9A.56 RCW; adding new sections to chapter 13.40 RCW; adding a new section to chapter 36.28A RCW; adding a new chapter to Title 46 RCW; creating new sections; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lovick, Pearson, Chandler, Ahern and Priest spoke in favor of the passage of the bill.

Representatives Dickerson, Appleton, Kagi and Eickmeyer spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be final passage of Engrossed Third Substitute House Bill No. 1001, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1001, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, and Mr. Speaker - 83.

Voting nay: Representatives Appleton, Darneille, Dickerson, Eickmeyer, Flannigan, Hasegawa, Kagi, Kenney, McCoy,

McDermott, Ormsby, Pedersen, Roberts, Schual-Berke, and Wood - 15.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 17, 2007

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1073, and passed the bill without said amendments, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 17, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5063,  
SUBSTITUTE SENATE BILL NO. 5074,  
SUBSTITUTE SENATE BILL NO. 5202,  
SUBSTITUTE SENATE BILL NO. 5227,  
SUBSTITUTE SENATE BILL NO. 5320,  
SUBSTITUTE SENATE BILL NO. 5435,  
SENATE BILL NO. 5572,  
SUBSTITUTE SENATE BILL NO. 5647,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,  
SUBSTITUTE SENATE BILL NO. 5881,  
SUBSTITUTE SENATE BILL NO. 5937,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958,  
SUBSTITUTE SENATE BILL NO. 5987,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6099,  
SUBSTITUTE SENATE BILL NO. 6100,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117,  
ENGROSSED SENATE BILL NO. 6128,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 17, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5002,  
SENATE BILL NO. 5014,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5037,  
SUBSTITUTE SENATE BILL NO. 5053,  
SENATE BILL NO. 5084,  
SENATE BILL NO. 5088,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098,  
SUBSTITUTE SENATE BILL NO. 5101,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,  
SECOND SUBSTITUTE SENATE BILL NO. 5188,  
SUBSTITUTE SENATE BILL NO. 5243,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
SUBSTITUTE SENATE BILL NO. 5321,  
SENATE BILL NO. 5332,  
SENATE BILL NO. 5402,  
SENATE BILL NO. 5429,  
SUBSTITUTE SENATE BILL NO. 5503,  
ENGROSSED SENATE BILL NO. 5508,  
SENATE BILL NO. 5512,  
SUBSTITUTE SENATE BILL NO. 5533,  
SUBSTITUTE SENATE BILL NO. 5534,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

April 16, 2007

**HB 2398** Prime Sponsor, Representative Cody: Rebasing direct care, therapy care, support services, and operations component rate allocations under the nursing facility medicaid payment system based upon calendar year 2005 cost report data, excluding costs related to the quality maintenance fee repealed by chapter 241, Laws of 2006. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Conway; Priest and P. Sullivan.

Passed to Committee on Rules for second reading.

April 16, 2007

**SSB 5085** Prime Sponsor, Senate Committee On Transportation: Providing that transportation accounts receive one hundred percent of their proportionate share of earnings. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

((~~(a)~~)) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's

average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond

retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

~~((b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.))~~

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 2. This act takes effect July 1, 2009."

Correct the title.

Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and McIntire.

Passed to Committee on Rules for second reading.

April 16, 2007

2SSB 5164 Prime Sponsor, Senate Committee On Ways & Means: Expanding the veterans conservation corps program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

April 16, 2007

ESSB 5311 Prime Sponsor, Senate Committee On Ways & Means: Creating the budget stabilization account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority

Member; Anderson; Buri; Chandler; Conway; Ericks; Fromhold; Grant; Haler; Hunter; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Priest; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Chairman; Cody; Darneille; Dunn; Haigh; Hunt; Kagi; McDermott; Pettigrew and Schual-Berke.

April 16, 2007

SB 6167 Prime Sponsor, Senator Pridemore: Clarifying the director's authority to determine interest in certain public retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Hunter; Kagi; Kenney; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

April 16, 2007

ESSJR 8206 Prime Sponsor, Senate Committee On Ways & Means: Creating the budget stabilization account in the state Constitution. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Buri; Chandler; Conway; Ericks; Fromhold; Grant; Hunter; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Priest; Seaquist; P. Sullivan and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Sommers, Chairman; Anderson; Cody; Darneille; Dunn; Haigh; Hunt; Kagi; McDermott; Pettigrew and Schual-Berke.

There being no objection, the bills and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of the following bills and resolution which were placed on the Second Reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5164,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5311,  
ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206,

**MESSAGE FROM THE SENATE**

April 11, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.34.020 and 2006 c 339 s 109 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage other than for the vulnerable adult's profit or advantage.

(7) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

(8) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

~~((8))~~ (9) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(10) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

~~((9))~~ (11) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and

present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

~~((10))~~ (12) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

~~((11))~~ (13) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

~~((12))~~ (14) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

~~((13))~~ (15) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider.

**Sec. 2.** RCW 74.34.067 and 1999 c 176 s 9 are each amended to read as follows:

(1) Where appropriate, an investigation by the department may include a private interview with the vulnerable adult regarding the alleged abandonment, abuse, financial exploitation, neglect, or self-neglect.

(2) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults harmed, and, consistent with the protection of the vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

(3) The department may conduct ongoing case planning and consultation with: (a) Those persons or agencies required to report under this chapter or submit a report under this chapter; (b) consultants designated by the department; and (c) designated representatives of Washington Indian tribes if client information exchanged is pertinent to cases under investigation or the provision of protective services. Information considered privileged by statute and not directly related to reports required by this chapter must not be divulged without a valid written waiver of the privilege.

(4) The department shall prepare and keep on file a report of each investigation conducted by the department for a period of time in accordance with policies established by the department.

(5) If the department ~~((determines))~~ has reason to believe that the vulnerable adult has suffered from abuse, neglect, self-neglect, abandonment, or financial exploitation, and lacks the ability or capacity to consent, and needs the protection of a guardian, the department may bring a guardianship action under chapter 11.88 RCW ~~((as an interested person))~~.

(6) When the investigation is completed and the department determines that an incident of abandonment, abuse, financial exploitation, neglect, or self-neglect has occurred, the department shall inform the vulnerable adult of their right to refuse protective services, and ensure that, if necessary, appropriate protective services are provided to the vulnerable adult, with the consent of the vulnerable adult. The vulnerable adult has the right to withdraw or refuse protective services.

(7) The department may photograph a vulnerable adult or their environment for the purpose of providing documentary evidence of the physical condition of the vulnerable adult or his or her environment. When photographing the vulnerable adult, the department shall obtain permission from the vulnerable adult or his or her legal representative unless

immediate photographing is necessary to preserve evidence. However, if the legal representative is alleged to have abused, neglected, abandoned, or exploited the vulnerable adult, consent from the legal representative is not necessary. No such consent is necessary when photographing the physical environment.

(8) When the investigation is complete and the department determines that the incident of abandonment, abuse, financial exploitation, or neglect has occurred, the department shall inform the facility in which the incident occurred, consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants.

**Sec. 3.** RCW 74.34.110 and 1999 c 176 s 12 are each amended to read as follows:

An action known as a petition for an order for protection of a vulnerable adult in cases of abandonment, abuse, financial exploitation, or neglect is created.

(1) A vulnerable adult, or interested person on behalf of the vulnerable adult, may seek relief from abandonment, abuse, financial exploitation, or neglect, or the threat thereof, by filing a petition for an order for protection in superior court.

(2) A petition shall allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by respondent.

(3) A petition shall be accompanied by affidavit made under oath, or a declaration signed under penalty of perjury, stating the specific facts and circumstances which demonstrate the need for the relief sought. If the petition is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

(4) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action (~~between the parties~~) pending that relates to the issues presented in the petition for an order for protection.

(5) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms and instructions required by section 4 of this act.

(6) Any assistance or information provided by any person, including, but not limited to, court clerks, employees of the department, and other court facilitators, to another to complete the forms provided by the court in subsection (5) of this section does not constitute the practice of law.

(7) A petitioner is not required to post bond to obtain relief in any proceeding under this section.

~~((6))~~ (8) An action under this section shall be filed in the county where the ~~((petitioner))~~ vulnerable adult resides; except that if the ~~((petitioner))~~ vulnerable adult has left or been removed from the residence as a result of abandonment, abuse, financial exploitation, or neglect, or in order to avoid abandonment, abuse, financial exploitation, or neglect, the petitioner may bring an action in the county of either the vulnerable adult's previous or new residence.

~~((7))~~ The filing fee for the petition may be waived at the discretion of the court.

(9) No filing fee may be charged to the petitioner for proceedings under this section. Standard forms and written instructions shall be provided free of charge.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.34 RCW to read as follows:

(1) The administrative office of the courts shall develop and prepare standard petition, temporary order for protection, and permanent order for protection forms, a standard notice form to provide notice to the vulnerable adult if the vulnerable adult is not the petitioner, instructions, and a court staff handbook on the protection order process. The standard petition and order for protection forms must be used after October 1, 2007, for all petitions filed and orders issued under this chapter. The administrative office of the courts, in preparing the instructions, forms, notice, and handbook, may consult with attorneys from the elder law section of the Washington state bar association, judges, the department, the Washington protection and advocacy system, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of the standard petition and order for protection forms.

(b) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order.

(c) The standard notice form shall be designed to explain to the vulnerable adult in clear, plain language the purpose and nature of the petition and that the vulnerable adult has the right to participate in the hearing and to either support or object to the petition.

(2) The administrative office of the courts shall distribute a master copy of the standard forms, instructions, and court staff handbook to all court clerks and shall distribute a master copy of the standard forms to all superior, district, and municipal courts.

(3) The administrative office of the courts shall determine the significant non-English-speaking or limited-English-speaking populations in the state. The administrator shall then arrange for translation of the instructions required by this section, which shall contain a sample of the standard forms, into the languages spoken by those significant non-English-speaking populations, and shall distribute a master copy of the translated instructions to all court clerks by December 31, 2007.

(4) The administrative office of the courts shall update the instructions, standard forms, and court staff handbook when changes in the law make an update necessary. The updates may be made in consultation with the persons and entities specified in subsection (1) of this section.

(5) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

**Sec. 5.** RCW 74.34.120 and 1986 c 187 s 6 are each amended to read as follows:

(1) The court shall order a hearing on a petition under RCW 74.34.110 not later than fourteen days from the date of filing the petition.

(2) Personal service shall be made upon the respondent not less than ~~((five))~~ six court days before the hearing. When good faith attempts to personally serve the respondent have been unsuccessful, the court shall permit service by mail or by publication.

(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult not less than six court days before the hearing. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under section 4 of this act. When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.

(4) If timely service under subsections (2) and (3) of this section cannot be made, the court ~~((may set a new hearing date))~~ shall continue the hearing date until the substitute service approved by the court has been satisfied.

(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.

(b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required.

**Sec. 6.** RCW 74.34.130 and 2000 c 119 s 27 and 2000 c 51 s 2 are each reenacted and amended to read as follows:

The court may order relief as it deems necessary for the protection of the ~~((petitioner))~~ vulnerable adult, including, but not limited to the following:

(1) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against the vulnerable adult;

(2) Excluding the respondent from ~~((petitioner's))~~ the vulnerable adult's residence for a specified period or until further order of the court;

(3) Prohibiting contact with the vulnerable adult by respondent for a specified period or until further order of the court;

(4) Prohibiting the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(5) Requiring an accounting by respondent of the disposition of ~~((petitioner's))~~ the vulnerable adult's income or other resources;

(6) Restraining the transfer of the respondent's and/or vulnerable adult's property for a specified period not exceeding ninety days; and

(7) Requiring the respondent to pay ~~((the))~~ a filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed ~~((one year))~~ five years. The clerk of the court shall enter any order for protection issued under this section into the judicial information system.

**Sec. 7.** RCW 74.34.145 and 2000 c 119 s 2 are each amended to read as follows:

(1) An order for protection of a vulnerable adult issued under this chapter which restrains the respondent or another person from committing acts of abuse, prohibits contact with the ~~((petitioner))~~ vulnerable adult, excludes the person from any specified location, or prohibits the person from coming within a specified distance from a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(2) Whenever an order for protection of a vulnerable adult is issued under this chapter, and the respondent or person to be restrained knows of the order, a violation of a provision restraining the person from committing acts of abuse, prohibiting contact with the ~~((petitioner))~~ vulnerable adult, excluding the person from any specified location, or prohibiting the person from coming within a specified distance of a location, shall be punishable under RCW 26.50.110, regardless of whether the person is a family or household member as defined in RCW 26.50.010.

**Sec. 8.** RCW 74.34.150 and 1986 c 187 s 9 are each amended to read as follows:

The department of social and health services, in its discretion, may seek relief under RCW 74.34.110 through 74.34.140 on behalf of and with the consent of any vulnerable adult. When the department has reason to believe a vulnerable adult lacks the ability or capacity to consent, the department, in its discretion, may seek relief under RCW 74.34.110 through 74.34.140 on behalf of the vulnerable adult. Neither the department of social and health services nor the state of Washington shall be liable for ~~((failure))~~ seeking or failing to seek relief on behalf of any persons under this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 74.34 RCW to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's full guardian over either the person or the estate, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not

enter a temporary order for protection, the evidentiary hearing shall be held within fourteen days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than six court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be fully incapacitated over either the person or the estate, or both, under the guardianship laws, chapter 11.88 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

**NEW SECTION. Sec. 10.** A new section is added to chapter 74.34 RCW to read as follows:

Any vulnerable adult who has not been adjudicated fully incapacitated under chapter 11.88 RCW, or the vulnerable adult's guardian, at any time subsequent to entry of a permanent protection order under this chapter, may apply to the court for an order to modify or vacate the order. In a hearing on an application to dismiss or modify the protection order, the court shall grant such relief consistent with RCW 74.34.110 as it deems necessary for the protection of the vulnerable adult, including dismissal or modification of the protection order.

**Sec. 11.** RCW 74.34.210 and 1995 1st sp.s. c 18 s 86 are each amended to read as follows:

A petition for an order for protection ~~((or))~~ may be brought by the vulnerable adult, the vulnerable adult's guardian or legal fiduciary, the department, or any interested person as defined in RCW 74.34.020. An action for damages under this chapter may be brought by the ~~((plaintiff))~~ vulnerable adult, or where necessary, by his or her family members and/or guardian or legal fiduciary ~~((, or as otherwise provided under this chapter)).~~ The death of the ~~((plaintiff))~~ vulnerable adult shall not deprive the court of jurisdiction over a petition or claim brought under this chapter. Upon petition, after the death of the vulnerable ~~((person))~~ adult, the right to initiate or maintain the action shall be transferred to the executor or administrator of the deceased, for recovery of all damages for the benefit of the ((surviving spouse, child or children, or other heirs)) deceased person's beneficiaries set forth in chapter 4.20 RCW or if there are no beneficiaries, then for recovery of all economic losses sustained by the deceased person's estate."

On page 1, line 1 of the title, after "adults," strike the remainder of the title and insert "amending RCW 74.34.020, 74.34.067, 74.34.110, 74.34.120, 74.34.145, 74.34.150, and 74.34.210; reenacting and amending RCW 74.34.130; and adding new sections to chapter 74.34 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO.

1008 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Moeller spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1008, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1008, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1037 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 80.50.020 and 2006 c 205 s 1 and 2006 c 196 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(4) "Site" means any proposed or approved location of an energy facility, alternative energy resource, or electrical transmission facility.

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages (~~(in excess)~~) of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission(??).

~~((8))~~ (8) "Electrical transmission facilities" ((in excess of 115,000 volts in national interest electric transmission corridors as designated by the United States secretary of the department of energy or the federal energy regulatory commission pursuant to section 1221 of the national energy policy act, and such rules and regulations as the secretary or the federal energy regulatory commission adopts to implement the act)) means electrical power lines and related equipment.

~~((9))~~ (9) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

~~((10))~~ (10) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities.

~~((11))~~ (11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

~~((12))~~ (12) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

~~((13))~~ (13) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

~~((14))~~ (14) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

~~((15))~~ (15) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is suspended on the surface of water by means of a barge, vessel, or other floating platform;

(b) Facilities which will have the capacity to receive liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine

waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products.

~~((+5))~~ (16) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by this act.

~~((+6))~~ (17) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by this act.

~~((+7))~~ (18) "Alternative energy resource" means: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

~~((+8))~~ (19) "Secretary" means the secretary of the United States department of energy.

(20) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with cities, towns, and counties prior to accepting applications for all transmission facilities.

(21) "Preapplicant" means a person considering applying for a site certificate agreement for any transmission facility.

**Sec. 2.** RCW 80.50.060 and 2006 c 196 s 4 are each amended to read as follows:

(1) The provisions of this chapter (~~shall~~) apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and ~~((+4))~~ (15). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

~~((new))~~ (3)(a) The provisions of this chapter apply to the construction ~~((of new)), reconstruction, or modification of electrical transmission facilities ((or the modification of existing electrical transmission facilities in a national interest electric transmission corridor designated by the secretary))~~ when:

(i) The facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045;

(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or

(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3).

(b) For the purposes of this subsection, "modify" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors,

supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and ~~((+4))~~ (15).

(5) Applications for certification of energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

(6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

**NEW SECTION. Sec. 3.** A new section is added to chapter 80.50 RCW to read as follows:

(1) For applications to site electrical transmission facilities, the council shall conduct a preapplication process pursuant to rules adopted by the council to govern such process, receive applications as prescribed in RCW 80.50.071, and conduct public meetings pursuant to RCW 80.50.090.

(2) The council shall consider and may recommend certification of electrical transmission facilities in corridors designated for this purpose by affected cities, towns, or counties:

(a) Where the jurisdictions have identified electrical transmission facility corridors as part of their land use plans and zoning maps based on policies adopted in their plans;

(b) Where the proposed electrical transmission facility is consistent with any adopted development regulations that govern the siting of electrical transmission facilities in such corridors; and

(c) Where contiguous jurisdictions and jurisdictions in which related regional electrical transmission facilities are located have either prior to or during the preapplication process undertaken good faith efforts to coordinate the locations of their corridors consistent with RCW 36.70A.100.

(3)(a) In the absence of a corridor designation in the manner prescribed in subsection (2) of this section, the council shall as part of the preapplication process require the preapplicant to negotiate, as provided by rule adopted by the council, for a reasonable time with affected cities, towns, and counties to attempt to reach agreement about a corridor plan. The application for certification shall identify only the corridor agreed to by the applicant and cities, towns, and counties within the proposed corridor pursuant to the preapplication process.

(b) If no corridor plan is agreed to by the applicant and cities, towns, and counties pursuant to (a) of this subsection, the applicant shall propose a recommended corridor and electrical transmission facilities to be included within the proposed corridor.

(c) The council shall consider the applicant's proposed corridor and electrical transmission facilities as provided in RCW 80.50.090 (2) and (4), and shall make a recommendation consistent with RCW 80.50.090 and 80.50.100.

**NEW SECTION. Sec. 4.** A new section is added to chapter 80.50 RCW to read as follows:

(1) A preapplicant shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within sixty days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to section 3 of this act.

**NEW SECTION. Sec. 5.** 2006 c 196 s 2 (uncodified) is repealed."

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 80.50.060; reenacting and amending RCW 80.50.020; adding new sections to chapter 80.50 RCW; and repealing 2006 c 196 s 2 (uncodified)."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1037 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1037, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1037, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1037, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1038 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** It is the intent of the legislature to create a regional process for the siting of new electric transmission lines related to the national energy policy act of 2005. This regional process will facilitate the siting of new cross borders electric transmission lines by providing a "one stop" licensing process. This act calls for the creation of a legislative task force to establish an interstate compact to assert jurisdiction over national interest electric transmission corridors.

**NEW SECTION. Sec. 2.** A new section is added to chapter 80.50 RCW to read as follows:

(1)(a) A legislative task force on national interest electric transmission corridors is established, with members as provided in this subsection.

(i) The chair and the ranking minority member from the senate water, energy and telecommunications committee or their designees;

(ii) The chair and the ranking minority member from the house of representatives technology, energy and communications committee or their designees;

(iii) The governor shall appoint five members representing the energy facility site evaluation council, local governments, resource agencies, or other persons with appropriate expertise.

(b) The task force shall choose its cochairs representing the senate and house of representatives from among its legislative membership.

(2)(a) The task force shall negotiate the terms of an interstate compact that establishes a regional process for siting national interest electric transmission corridors satisfactory to the national energy policy act of 2005.

(b) In negotiating the terms of the compact, the task force shall ensure that the compact reflects as close as possible the Washington state energy facility site evaluation council model under this chapter and its procedures to ensure appropriate adjudicative proceedings and mitigation of environmental impacts.

(c) The task force shall negotiate the terms of the compact through processes established and supported by the Pacific Northwest economic region for which the state of Washington is a party as referenced in RCW 43.147.010.

(3) Staff support for the task force members shall be provided from respective committees and appropriate agencies appointed by the governor.

(4) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The task force shall report its preliminary recommendations on the compact to the appropriate committees of the legislature by January 1, 2008.

(6) The task force shall report its final recommendations on the compact to the appropriate committees of the legislature by September 1, 2008.

(7) This section expires July 1, 2009."

On page 1, line 2 of the title, after "lines;" strike the remainder of the title and insert "adding a new section to chapter 80.50 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1038 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1038, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1038, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 1038, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1079 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.08.010 and 2005 c 104 s 1 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.
- (6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.
- (10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.
- (11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not

otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

~~(27) ("Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.~~

~~(28))~~ (28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

~~((29))~~ (28) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((30))~~ (29) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

~~((31))~~ (30) "Senior" means a person seventy years old or older.

~~((32))~~ (31) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((33))~~ (32) "Saltwater" means those marine waters seaward of river mouths.

~~((34))~~ (33) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((35))~~ (34) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((36))~~ (35) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((37))~~ (36) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

~~((38))~~ (37) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

~~((39))~~ (38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((40))~~ (39) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((41))~~ (40) "Commercial" means related to or connected with buying, selling, or bartering.

~~((42))~~ (41) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((43))~~ (42) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((44))~~ (43) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

~~((45))~~ (44) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((46))~~ (45) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((47))~~ (46) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((48))~~ (47) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((49))~~ (48) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

~~((50))~~ (49) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((51))~~ (50) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((52))~~ (51) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((53))~~ (52) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

~~((54))~~ (53) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

~~((55))~~ (54) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

**Sec. 2.** RCW 77.32.400 and 1998 c 191 s 1 are each amended to read as follows:

(1) The commission shall authorize the director to issue designated harvester cards to persons ~~((of))~~ with a disability. The commission shall adopt rules defining who is a person with a disability and rules governing the conduct of persons ~~((of))~~ with a disability who fish and harvest shellfish and their designated harvesters.

(2) It is lawful for a designated harvester to fish for, take, or possess the personal-use daily bag limit of fish or shellfish ~~((, game fish, or food fish))~~ for a ~~((disabled))~~ person with a disability if the harvester is licensed and has a designated harvester card, and if the ~~((disabled))~~ person with a disability is present on site and in possession of ~~((a combination))~~ the appropriate fishing license issued under ~~((RCW 77.32.490))~~ this chapter. Except as provided in subsection (4) of this section, the person with a disability must be present and participating in the fishing activity.

(3) A designated harvester card will be issued to such a ~~((licensee))~~ person with a disability upon written application to the director. The application must be submitted on a department official form and must be accompanied by a licensed medical doctor's certification of disability.

(4) A person with a ~~((combination fishing license issued under RCW 77.32.490))~~ disability utilizing the services of a designated harvester is not required to be present at the location where the designated harvester is harvesting shellfish for the ~~((disabled))~~ person with a disability. The ~~((licensee))~~ person with a disability is required to be in the direct line of sight of the designated harvester who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the ~~((licensee))~~ person with a disability is required to be within one-quarter mile of the designated harvester who is harvesting shellfish for him or her.

~~((5) Except as provided in subsection (4) of this section, the disabled person needs to be present and participating in the fishing activity.)~~

**Sec. 3.** RCW 77.32.480 and 1998 c 191 s 18 are each amended to read as follows:

Upon written application, a combination fishing license shall be issued at the reduced rate of five dollars, and all hunting licenses shall, ~~((upon written application,))~~ be issued at the reduced rate of a youth hunting license fee for the following individuals:

(1) A resident sixty-five years old or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability;

(2) ~~((Residents who are honorably discharged veterans of the United States armed forces))~~ A resident who is an honorably discharged veteran of the United States armed forces with a thirty percent or more service-connected disability; ~~((and))~~

(3) ~~((An honorably discharged veteran of the United States armed forces who is))~~ A resident ~~((and is confined to))~~ with a disability who permanently uses a wheelchair;

(4) A resident who is blind or visually impaired; and

(5) A resident with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability certified by a physician licensed to practice in this state.

**Sec. 4.** RCW 77.32.550 and 2006 c 16 s 1 are each amended to read as follows:

(1) A group fishing permit allows a group of individuals to fish, and harvest shellfish, without individual licenses or the payment of individual license fees.

(2) The director must issue a group fishing permit on a seasonal basis to a state-operated facility or state-licensed nonprofit facility or program for ~~((physically or mentally disabled))~~ persons ~~((, mentally ill persons))~~ with physical or mental disabilities, hospital patients, ~~((handicapped persons;))~~ seriously or terminally ill persons, persons who are dependent on the state because of emotional or physical developmental disabilities, or senior citizens who are in the care of the facility. The permit is valid only for use during open season.

(3) The director may set conditions and issue a group fishing permit to groups working in partnership with and participating in department outdoor education programs. At the discretion of the director, a processing fee may be applied.

(4) The commission may adopt rules that provide the conditions under which a group fishing permit is issued.

**Sec. 5.** RCW 77.32.238 and 1989 c 297 s 2 are each amended to read as follows:

(1) The commission shall adopt rules defining who is a person with a disability and governing the conduct of persons with a disability who hunt and their designated licensed hunters. It is unlawful for any person to possess a loaded firearm in or on a motor vehicle except a ((disabled hunter)) person with a disability who possesses a disabled hunter permit and all appropriate hunting licenses may ((possess a loaded firearm or other legal hunting device in and may)) discharge a firearm or other legal hunting device from a nonmoving motor vehicle that has the engine turned off. ((Disabled hunters)) A person with a disability who possesses a disabled hunter permit shall not be exempt from permit requirements for carrying concealed weapons, or from rules, laws, or ordinances concerning the discharge of these weapons. No hunting shall be permitted from a motor vehicle that is parked on or beside the maintained portion of a public road, except as authorized by the commission by rule.

(2) A person ((of)) with a disability holding a disabled hunter permit may be accompanied by one ((nondisabled)) licensed hunter who may assist the ((disabled hunter)) person with a disability by killing game wounded by the ((disabled hunter)) person with a disability, and by tagging and retrieving game killed by the ((disabled hunter)) person with a disability or the designated licensed hunter. A nondisabled hunter shall not possess a loaded gun in, or shoot from, a motor vehicle.

**Sec. 6.** RCW 77.32.237 and 1989 c 297 s 1 are each amended to read as follows:

The commission shall attempt to enhance the hunting opportunities ((of)) for persons ((of)) with a disability. The commission shall authorize the director to issue disabled hunter permits to persons ((of)) with a disability. The commission shall adopt rules governing the conduct of ((disabled hunters)) persons with a disability who hunt and their ((nondisabled companions)) designated licensed hunter.

**NEW SECTION.** **Sec. 7.** RCW 77.32.490 (Reduced rate combination fishing license) and 1998 c 191 s 19 are each repealed."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 77.08.010, 77.32.400, 77.32.480, 77.32.550, 77.32.238, and 77.32.237; and repealing RCW 77.32.490."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1079 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1079, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1079, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman,

Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1079, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1140 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 80.60.010 and 2006 c 201 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Customer-generator" means a user of a net metering system.

(3) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(5) "Electric utility" means any electrical company, public utility district, irrigation district, port district, electric cooperative, or municipal electric utility that is engaged in the business of distributing electricity to retail electric customers in the state.

(6) "Irrigation district" means an irrigation district under chapter 87.03 RCW.

(7) "Meter aggregation" means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located within the service territory of a single electric utility.

(8) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

((8)) (9) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.

((9)) (10) "Net metering system" means a fuel cell, a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:

(a) Has an electrical generating capacity of not more than one hundred kilowatts;

(b) Is located on the customer-generator's premises;

(c) Operates in parallel with the electric utility's transmission and distribution facilities; and

(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

((10)) (11) "Premises" means any residential property, commercial real estate, or lands, owned or leased by a customer-generator within the service area of a single electric utility.

(12) "Port district" means a port district within which an industrial development district has been established as authorized by Title 53 RCW.

((11)) (13) "Public utility district" means a district authorized by chapter 54.04 RCW.

((12)) (14) "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

**Sec. 2.** RCW 80.60.020 and 2006 c 201 s 2 are each amended to read as follows:

(1) An electric utility:

~~((+))~~ (a) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals 0.25 percent of the utility's peak demand during 1996. On January 1, 2014, the cumulative generating capacity available to net metering systems will equal 0.5 percent of the utility's peak demand during 1996. Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy;

~~((=))~~ (b) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

~~((+))~~ (i) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

~~((+))~~ (ii) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

~~((+))~~ (c) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

~~((+))~~ (i) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

~~((+))~~ (ii) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

(2) If a production meter and software is required by the electric utility to provide meter aggregation under RCW 80.60.030(4), the customer-generator is responsible for the purchase of the production meter and software.

**Sec. 3.** RCW 80.60.030 and 2006 c 201 s 3 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

(4) If a customer-generator requests, an electric utility shall provide meter aggregation.

(a) For customer-generators participating in meter aggregation, kilowatt-hours credits earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility.

(b) Not more than a total of one hundred kilowatts shall be aggregated among all customer-generators participating in a generating facility under this subsection.

(c) Excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be credited equally by the electric

utility to remaining meters located on all premises of a customer-generator at the designated rate of each meter.

(d) Meters so aggregated shall not change rate classes due to meter aggregation under this section.

(5) On April 30th of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility, without any compensation to the customer-generator."

On page 1, line 1 of the title, after "electricity;" strike the remainder of the title and insert "and amending RCW 80.60.010, 80.60.020, and 80.60.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1140 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative McCoy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1140, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1140, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Armstrong, Condotta, Newhouse and Ross - 4.

SUBSTITUTE HOUSE BILL NO. 1140, as amended by the Senate, having received the constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1214 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.61 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a person operating a moving motor vehicle who, by means of an electronic wireless communications device, other than a voice-activated global positioning or navigation system that is permanently affixed to the vehicle, sends, reads, or writes a text message, is guilty of a traffic infraction. A person does not send, read, or write a text message when he or she reads, selects, or enters a phone number or name in a wireless communications device for the purpose of making a phone call.

(2) Subsection (1) of this section does not apply to a person operating:

(a) An authorized emergency vehicle; or

(b) A moving motor vehicle while using an electronic wireless communications device to:

(i) Report illegal activity;

(ii) Summon medical or other emergency help;

(iii) Prevent injury to a person or property; or

(iv) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

(3) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(4) Infractions under this act shall not become part of the driver's record under RCW 46.52.101 and 46.52.120. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers.

**NEW SECTION. Sec. 2.** This act takes effect January 1, 2008."

On page 1, line 2 of the title, after "messages;" strike the remainder of the title and insert "adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1214 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1214, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1214, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby,

Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Appleton, Ericksen, Goodman, Haigh, Linville, Morris, Upthegrove and Van De Wege - 8.

ENGROSSED HOUSE BILL NO. 1214, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1220 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.95.003 and 1997 c 350 s 2 are each amended to read as follows:

The board shall consist of a chairman and ~~((two))~~ four other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor with the consent of the senate. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure. The appointed chairman shall serve as a fully participating board member and as the director of the agency.

The members of the board and its officers and employees shall not engage in any other business or profession or hold any other public office without the prior approval of the executive ethics board indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a ~~((secretary))~~ senior administrative officer and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment."

On page 1, line 2 of the title, after "members;" strike the remainder of the title and insert "and amending RCW 9.95.003."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1220 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1220, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1220, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 1220, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1255 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.23.030 and 2006 c 121 s 1 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality for unskilled day labor at wages not exceeding two hundred dollars in any calendar month. The exception provided in this subsection does not apply to a county with a population of one hundred twenty-five thousand or more, a city with a population of more than one thousand five hundred, an irrigation district encompassing more than fifty thousand acres, or a first class school district;

(6)(a) The letting of any other contract in which the total amount received under the contract or contracts by the municipal officer or the municipal officer's business does not exceed one thousand five hundred dollars in any calendar month.

(b) However, in the case of a particular officer of a second class city or town, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total amount of such contract

or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month but shall not exceed eighteen thousand dollars in any calendar year.

(c)(i) In the case of a particular officer of a rural public hospital district, as defined in RCW 70.44.460, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month, but shall not exceed twenty-four thousand dollars in any calendar year.

(ii) At the beginning of each calendar year, beginning with the 2006 calendar year, the legislative authority of the rural public hospital district shall increase the calendar year limitation described in this subsection (6)(c) by an amount equal to the dollar amount for the previous calendar year multiplied by the change in the consumer price index as of the close of the twelve-month period ending December 31st of that previous calendar year. If the new dollar amount established under this subsection is not a multiple of ten dollars, the increase shall be rounded to the next lowest multiple of ten dollars. As used in this subsection, "consumer price index" means the consumer price index compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used.

(d) The exceptions provided in this subsection (6) do not apply to:

(i) A sale or lease by the municipality as the seller or lessor (~~The exceptions provided in this subsection (6) also do not apply to~~);

(ii) The letting of any contract by a county with a population of one hundred twenty-five thousand or more, a city with a population of ten thousand or more, or an irrigation district encompassing more than fifty thousand acres; or

(iii) Contracts for legal services, except for reimbursement of expenditures.

(e) The municipality shall maintain a list of all contracts that are awarded under this subsection (6). The list must be made available for public inspection and copying;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers and the superior court in the county where the property is situated finds that all terms and conditions of such lease are fair to the port district and are in the public interest. The appraisers must be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court;

(8) The letting of any employment contract for the driving of a school bus in a second class school district if the terms of such contract are commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of an employment contract as a substitute teacher or substitute educational aide to an officer of a second class school district that has two hundred or fewer full-time equivalent students, if the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district;

(10) The letting of any employment contract to the spouse of an officer of a school district, when such contract is solely for employment as a substitute teacher for the school district. This exception applies only if the terms of the contract are commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district;

(11) The letting of any employment contract to the spouse of an officer of a school district if the spouse was under contract as a certificated or classified employee with the school district before the date in which the officer assumes office and the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district. However, in a second class school district that has less than two hundred full-time equivalent students enrolled at the start of the school year as defined in RCW 28A.150.040, the spouse is not required to be under contract as a certificated or classified employee before the date on which the officer assumes office;

(12) The authorization, approval, or ratification of any employment contract with the spouse of a public hospital district commissioner if: (a) The spouse was employed by the public hospital district before the date the commissioner was initially elected; (b) the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district for similar employees; (c) the interest of the commissioner is disclosed to the board of commissioners and noted in the official minutes or similar records of the public hospital district prior to the letting or continuation of the contract; and (d) and the commissioner does not vote on the authorization, approval, or ratification of the contract or any conditions in the contract.

A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract."

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "and amending RCW 42.23.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1255 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Curtis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1255, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1255, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1255, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 6, 2007]

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.45.0631 and 2006 c 94 s 2 are each amended to read as follows:

(1) The allocation of costs between the employer and members of the Washington state patrol retirement system shall be made only after the application of any minimum total contribution rate that may be in effect for the system under subsection (4) of this section. For benefit improvements effective on or after July 1, 2007, costs shall be shared equally by members and the employer, and any cap on member contributions shall be adjusted accordingly. The member contribution rate shall be based on the adjusted total contribution rate described in subsection (2) of this section. Beginning July 1, ((2004)) 2007, the required member contribution rate for members of the Washington state patrol retirement system shall be ((two percent or equal to the employer rate adopted under RCW 41.45.060 and 41.45.070 for the Washington state patrol retirement system, whichever is greater. The employee contribution rate shall not, however, include any increase as a result of)) the lesser of the following: (a) One-half of the adjusted total contribution rate for the system; or (b) seven percent, plus fifty percent of the contribution rate increase caused by any benefit improvements effective on or after July 1, 2007.

(2) The employer shall continue to pay for all costs attributable to distributions under RCW 43.43.270(2) for survivors of members who became disabled under RCW 43.43.040(2) prior to July 1, 2006, until such costs are fully paid. In order to avoid charging members for these costs, the total required contribution rate shall be adjusted to exclude these costs. The result of the adjustment shall be the adjusted total contribution rate that is to be used to calculate the required member contribution rate.

(3) The employer rate shall be the contribution rate required to cover all total system costs that are not covered by the member contribution rate.

(4) Beginning July 1, 2009, a minimum total contribution rate is established for the Washington state patrol retirement system. The total Washington state patrol retirement system contribution rate as adopted by the pension funding council and subject to revision by the legislature may exceed, but may not drop below, the established minimum total contribution rate. The minimum total contribution rate shall equal the total contribution rate required to fund seventy percent of the Washington state patrol retirement system's normal cost as calculated under the entry age normal cost method. Upon completion of each biennial actuarial valuation, the state actuary shall review the appropriateness of this minimum total contribution rate and recommend to the legislature any adjustments as may be needed.

NEW SECTION. Sec. 2. If both Senate Bill No. 6129 and Substitute Senate Bill No. 5937 are not enacted by June 30, 2007, this act is null and void.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.45.0631; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL

**AS SENATE AMENDED**

Representative Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1260, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1260, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 3, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1343 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.030 and 2005 c 173 s 1 are each amended to read as follows:

(1) The application for a certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(a) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(c) Such other information as the department may require.

(2) The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

(3)(a) A physical examination of the vehicle is mandatory if (i) it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss and (ii) it is not retained by the registered owner at the time of the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the title and registration certificate. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

(b)(i) A physical examination of the vehicle is mandatory if the vehicle was declared totaled or salvage under the laws of this state, or the vehicle is presented with documents from another state showing the vehicle was totaled or salvage and has not been reissued a valid registration from that state after the declaration of total loss or salvage.

(ii) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the original documents supporting the vehicle purchase or ownership.

(iii) A Washington state patrol VIN specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuildable vehicle were obtained legally. Original invoices for new and used parts must be from a vendor that is registered with the department of revenue for the collection of retail sales or use taxes or comparable agency in the jurisdiction where the major component parts were purchased. The invoices must include the name and address of the business, a description of the part or parts sold, the date of sale, and the amount of sale to include all taxes paid unless exempted by the department of revenue or comparable agency in the jurisdiction where the major component parts were purchased. Original invoices for used parts must be from a vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased. If the parts or components were purchased from a private individual, the private individual must have title to the vehicle the parts were taken from, except as provided by RCW 46.04.3815, and the bill of sale for the parts must be notarized. The bills of sale must include the names and addresses of the sellers and purchasers, a description of the vehicle, the part or parts being sold, including the make, model, year, and identification or serial number, that date of sale, and the purchase price of the vehicle or part or parts. If the presenter is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described above, an inspection must be completed for ownership-in-doubt purposes as prescribed by WAC 308-56A-210.

(iv) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet RCW and WAC requirements before inspection of the salvage vehicle by the Washington state patrol.

(4) To the extent that the Washington state patrol has a backlog of vehicle inspections that it is to perform under this section, this act shall not be construed to reduce the vehicle inspection workload of the Washington state patrol.

(5) Rebuilt or salvage vehicles licensed in Washington must meet the requirements found under chapter 46.37 RCW to be driven upon public roadways.

~~((5))~~ (6) The application shall be subscribed by the person applying to be the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.

**Sec. 2.** RCW 46.12.040 and 2004 c 200 s 1 are each amended to read as follows:

(1) The application for an original certificate of ownership accompanied by a draft, money order, certified bank check, or cash for five dollars, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

(2) The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

(3) In addition to the application fee and any other fee for the license registration of a vehicle, the department shall collect from the applicant a fee of fifteen dollars for vehicles previously registered in any other state or country. The proceeds from the fee shall be deposited in accordance with RCW 46.68.020. For vehicles requiring a physical examination, the inspection fee shall be ~~((fifty dollars and))~~ sixty-five dollars, fifteen dollars of which shall be deposited into the state patrol highway account created under RCW 46.68.030, and the remainder of which shall be deposited in accordance with RCW 46.68.020."

On page 1, line 2 of the title, after "46.12.030" insert "and 46.12.040" and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

Representative Takko moved that the House concur in the Senate amendment to HOUSE BILL NO. 1343 and advance the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Takko spoke in favor of the motion to concur in the Senate amendment.

Representative Jarrett spoke against the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of the motion to concur in the Senate amendment to House Bill No. 1343.

**ROLL CALL**

The Clerk called the roll on the motion to concur in the Senate amendment to House Bill No. 1343, and the motion was adopted by the following vote: Yeas - 51, Nays - 47, Absent - 0, Excused - 0.

Voting yea: Representatives Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Goodman, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Linville, McCune, McDonald, Morrell, Morris, Newhouse, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Seaquist, Skinner, Strow, Sump, Van De Wege, Walsh and Warnick - 47.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Takko and Jarrett spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1343, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1343, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers,

Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Walsh, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Anderson, Appleton, Armstrong, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Eickmeyer, Ericksen, Green, Haler, Hinkle, Kelley, Kretz, Kristiansen, Linville, McCune, Morris, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Seaquist, Springer, Sump, Van De Wege, Wallace and Warnick - 36.

HOUSE BILL NO. 1343, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 9, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1449 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Independent auditors' reports and financial statements of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW;

(c) Financial or proprietary information supplied to the liquor control board including the amount of beer or wine sold by a domestic winery, brewery, microbrewery, or certificate of approval holder under RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or wine purchased by a retail licensee in connection with a retail licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of shipments of beer or wine(-);

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; and

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit.

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW 42.56.610 and 90.64.190.

**Sec. 2.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW

47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Independent auditors' reports and financial statements of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed,

would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; and

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit.

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190.

**NEW SECTION. Sec. 3.** Section 1 of this act expires June 30, 2008.

**NEW SECTION. Sec. 4.** Section 2 of this act takes effect June 30, 2008."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.270 and 42.56.270; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1449 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1449, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1449, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 1449, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1525 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy;

(2) Small businesses bear a disproportionate share of regulatory costs and burdens;

(3) Fundamental changes that are needed in the regulatory and enforcement culture of state agencies to make them more responsive to small business can be made without compromising the statutory missions of the agencies;

(4) When adopting rules to protect the health, safety, and economic welfare of Washington, state agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens on small employers;

(5) Uniform regulatory and reporting requirements can impose unnecessary and disproportionately burdensome demands including legal, accounting, and consulting costs upon small businesses with limited resources;

(6) The failure to recognize differences in the scale and resources of regulated businesses can adversely affect competition in the marketplace, discourage innovation, and restrict improvements in productivity;

(7) Unnecessary regulations create entry barriers in many industries and discourage potential entrepreneurs from introducing beneficial products and processes;

(8) The practice of treating all regulated businesses the same leads to inefficient use of regulatory agency resources, enforcement problems, and, in some cases, to actions inconsistent with the legislative intent of health, safety, environmental, and economic welfare legislation;

(9) Alternative regulatory approaches which do not conflict with the state objective of applicable statutes may be available to minimize the significant economic impact of rules on small businesses; and

(10) The process by which state rules are developed and adopted should be reformed to require agencies to solicit the ideas and comments of small businesses, to examine the impact of proposed and existing rules on such businesses, and to review the continued need for existing rules.

**Sec. 2.** RCW 19.85.020 and 2003 c 166 s 1 are each amended to read as follows:

~~((Unless the context clearly indicates otherwise,))~~ The definitions in this section apply through this chapter unless the context clearly requires otherwise.

(1) "Industry" means all of the businesses in this state in any one four-digit standard industrial classification as published by the United States department of commerce, or the North American industry classification system as published by the executive office of the president and the office of management and budget. However, if the use of a four-digit standard industrial classification or North American industry classification system would result in the release of data that would violate state confidentiality laws, "industry" means all businesses in a three-digit standard industrial classification or the North American industry classification system.

(2) "Minor cost" means a cost per business that is less than three-tenths of one percent of annual revenue or income, or one hundred dollars, whichever is greater, or one percent of annual payroll. However, for the rules of the department of social and health services "minor cost" means cost per business that is less than fifty dollars of annual cost per client or other appropriate unit of service.

(3) "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees.

~~((2))~~ (4) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

~~((3))~~ "Industry" means all of the businesses in this state in any one four-digit standard industrial classification as published by the United

~~States department of commerce. However, if the use of a four-digit standard industrial classification would result in the release of data that would violate state confidentiality laws, "industry" means all businesses in a three-digit standard industrial classification.))~~

**Sec. 3.** RCW 19.85.030 and 2000 c 171 s 60 are each amended to read as follows:

(1) In the adoption of a rule under chapter 34.05 RCW, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320. However, if the agency has completed the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule, the agency is not required to prepare a small business economic impact statement.

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.

(2) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques.

(3) If the agency determines it cannot reduce the costs imposed by the rule on small businesses, the agency shall provide a clear explanation of why it has made that determination and include that statement with its filing of the proposed rule pursuant to RCW 34.05.320.

(4)(a) All small business economic impact statements are subject to selective review by the joint administrative rules review committee pursuant to RCW 34.05.630.

(b) Any person affected by a proposed rule where there is small business economic impact statement may petition the joint administrative rules review committee for review pursuant to the procedure in RCW 34.05.655.

**Sec. 4.** RCW 19.85.040 and 1995 c 403 s 403 are each amended to read as follows:

(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. It shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, professional services, and increased administrative costs. It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. To determine whether the proposed rule will have a disproportionate cost impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales.

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030(~~(3))~~ (2),

or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030(~~(3))~~ (2);

(b) A description of how the agency will involve small businesses in the development of the rule; (~~and~~)

(c) A list of industries that will be required to comply with the rule. However, this subsection (2)(c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply; and

(d) An estimate of the number of jobs that will be created or lost as the result of compliance with the proposed rule.

(3) To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business."

On page 1, line 1 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 19.85.020, 19.85.030, and 19.85.040; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1525 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Chase spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1525, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1525, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative McCoy - 1.

ENGROSSED HOUSE BILL NO. 1525, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1651 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 79A.60 RCW to read as follows:

The boating activities account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as authorized under sections 2 and 3 of this act.

Grants, gifts, or other financial assistance received by the interagency committee for outdoor recreation from state and nonstate sources for purposes of boating activities may be deposited into the account.

**NEW SECTION. Sec. 2.** A new section is added to chapter 79A.60 RCW to read as follows:

(1) The boating activities program is created in the interagency committee for outdoor recreation.

(2) The interagency committee for outdoor recreation shall distribute moneys appropriated from the boating activities account created in section 1 of this act as follows, or as otherwise appropriated by the legislature, after deduction for the committee's expenses in administering the boating activities grant program and for related studies:

(a) To the commission for boater safety, boater education, boating-related law enforcement activities, activities included in RCW 88.02.040, related administrative expenses, and boating-related environmental programs, such as pumpout stations, to enhance clean waters for boating;

(b) For grants to state agencies, counties, municipalities, port districts, federal agencies, nonprofit organizations, and Indian tribes to improve boating access to water and marine parks, enhance the boater experience, boater safety, boater education, and boating-related law enforcement activities, and to provide funds for boating-related environmental programs, such as pumpout stations, to enhance clean waters for boating; and

(c) If the amount available for distribution from the boating activities account is equal to or less than two million five hundred thousand dollars per fiscal year, then eighty percent of the amount available must be distributed to the commission for the purposes of (a) of this subsection and twenty percent for grants in (b) of this subsection. Amounts available for distribution in excess of two million five hundred thousand dollars per fiscal year shall be distributed by the committee for purposes of (a) and (b) of this subsection.

(3) The interagency committee for outdoor recreation shall establish an application process for boating activities grants.

(4) Agencies receiving grants for capital purposes from the boating activities account shall consider the possibility of contracting with the commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(5) To solicit input on the boating activities grant application process, criteria for grant awards, and use of grant moneys, and to determine the interests of the boating community, the interagency committee for outdoor recreation shall solicit input from a boating activities advisory committee. The interagency committee for outdoor recreation may utilize a currently established boating issues committee that has similar responsibility for input on recreational boating-related funding issues. Members of the boating activities advisory committee are not eligible for compensation but may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The interagency committee for outdoor recreation may adopt rules to implement this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 79A.60 RCW to read as follows:

(1) By December 1, 2007, the interagency committee for outdoor recreation shall complete an initial study of boater needs and make recommendations to the appropriate committees of the legislature on the initial amount of funding that should be provided to the commission for boating-related law enforcement purposes under section 2(2)(a) of this act.

(2) The interagency committee for outdoor recreation shall periodically update its study of boater needs as necessary and shall make recommendations to the governor and the appropriate committees of the

legislature concerning funding allocations to state parks and other grant applicants."

On page 1, line 1 of the title, after "activities;" strike the remainder of the title and insert "and adding new sections to chapter 79A.60 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1651 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative B. Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1651, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1651, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Hasegawa, and Van De Wege - 2.

SUBSTITUTE HOUSE BILL NO. 1651, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1656 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Although research about conditions in Puget Sound have been studied during the past several decades, the legislature finds that there is no coordinated, focused, comprehensive Puget Sound science program capable of setting research priorities for Puget Sound science. The legislature finds that environmental problems in Puget Sound are complex and that research is needed to provide information that can guide protective and restorative actions, and to explore and understand

the impacts of a changing environment. The legislature also finds that there is no predictable funding process for Puget Sound research projects, including the aquatic rehabilitation zone one. The legislature declares that the state needs a process to focus the scientific effort on the Puget Sound ecosystem and to distribute research funds.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.71 RCW to read as follows:

The Puget Sound leadership council created pursuant to chapter . . . , Laws of 2007 (House Bill No. 1374 or Senate Bill No. 5374) shall:

- (1) Work with the science panel to identify gaps in scientific research related to restoring Puget Sound, including the aquatic rehabilitation zone one created in RCW 90.88.010;
- (2) Develop a competitive process for soliciting research addressing those gaps;
- (3) Solicit and strategically prioritize research programs and projects in accordance with recommendations from the science panel;
- (4) Select and fund the highest priority research programs and projects; and
- (5) Develop and implement an appropriate peer review process to review results from such programs and projects.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.71 RCW to read as follows:

The Puget Sound scientific research account is created in the state treasury. All gifts, grants, federal moneys, or appropriations made to the account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for research programs and projects selected pursuant to section 2 of this act."

On page 1, line 2 of the title, after "account;" strike the remainder of the title and insert "adding new sections to chapter 90.71 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1656 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Rolfes spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1656, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1656, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson,

Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1656, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1679 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.26.715 and 2003 c 2 s 4 are each amended to read as follows:

(1) An eleven member board of trustees is hereby created.

(a) Before January 1, 2007, three of the board members shall be active law enforcement officers who are participants in the plan. Beginning with the first vacancy on or after January 1, 2007, two board members shall be active law enforcement officers who are participants in the plan and one board member shall be either an active or a retired law enforcement officer who is a ((member)) participant of the plan. The law enforcement officer board members shall be appointed by the governor from a list provided by a recognized statewide council whose membership consists exclusively of guilds, associations, and unions representing state and local government police officers, deputies, and sheriffs and excludes federal law enforcement officers.

(b) Before January 1, 2007, three of the board members shall be active firefighters who are participants in the plan. Beginning with the first vacancy on or after January 1, 2007, two board members shall be active firefighters who are participants in the plan and one board member shall be either an active or a retired firefighter who is a ((member)) participant of the plan. The firefighter board members shall be appointed by the governor from a list provided by a recognized statewide council, affiliated with an international association representing the interests of firefighters.

(c) Three of the board members shall be representatives of employers and shall be appointed by the governor.

(d) One board member shall be a member of the house of representatives who is appointed by the governor based on the recommendation of the speaker of the house of representatives.

(e) One board member shall be a member of the senate who is appointed by the governor based on the recommendation of the majority leader of the senate.

(f) After January 1, 2008, at least one board member must be a retired participant of the law enforcement officers' and firefighters' retirement system plan 2. This member may be appointed under (a) through (e) of this subsection.

(2) The initial law enforcement officer and firefighter board members shall serve terms of six, four, and two years, respectively. Thereafter, law enforcement officer and firefighter board members serve terms of six years. ~~((The remaining board members serve terms of four years.))~~ The initial employer representative board members shall serve terms of four, five, and six years, respectively. Thereafter, employer representative board members serve terms of four years. The initial legislative board members shall serve terms of five years and six months. Thereafter, legislative board members serve terms of two years, which begin on January 1st of odd-numbered years. Board members may be reappointed to succeeding terms without limitation. Board members shall serve until their successors are appointed and seated.

(3) In the event of a vacancy on the board, the vacancy shall be filled in the same manner as prescribed for an initial appointment.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.26 RCW to read as follows:

The legislative board members appointed under RCW 41.26.715 must include one member from the two largest political parties. The speaker of

the house of representatives shall request a recommendation from the minority leader of the house of representatives if a member from the opposite party must be recommended for appointment. The majority leader of the senate shall request a recommendation from the minority leader of the senate if a member from the opposite party must be recommended for appointment."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "amending RCW 41.26.715; and adding a new section to chapter 41.26 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1679 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Ericks spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1679, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1679, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1679, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1722 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.28 RCW to read as follows:

The department shall accept the signature of a physician assistant on any certificate, card, form, or other documentation required by the

department that the physician assistant's supervising physician or physicians may sign, provided that it is within the physician assistant's scope of practice, and is consistent with the terms of the physician assistant's practice arrangement plan as required by chapters 18.57A and 18.71A RCW. Consistent with the terms of this section, the authority of a physician assistant to sign such certificates, cards, forms, or other documentation includes, but is not limited to, the execution of the certificate required in RCW 51.28.020. A physician assistant may not rate a worker's permanent partial disability under RCW 51.32.055.

NEW SECTION. Sec. 2. By December 1, 2008, the department of labor and industries shall report to the legislature on implementation of this act, including but not limited to the effects of this act on injured worker outcomes, claim costs, and disputed claims.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

On page 1, line 2 of the title, after "industries;" strike the remainder of the title and insert "adding a new section to chapter 51.28 RCW; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1722 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Conway spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1722, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1722, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 1722, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1805 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 6.13.030 and 1999 c 403 s 4 are each amended to read as follows:

A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, manufactured homes, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of ~~((forty))~~ one hundred twenty-five thousand dollars in the case of lands, manufactured homes, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, in which event there shall be no dollar limit on the value of the exemption.

Sec. 2. RCW 6.13.080 and 2005 c 292 s 4 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, materialmen's or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured (a) by security agreements describing as collateral the property that is claimed as a homestead or (b) by mortgages or deeds of trust on the premises that have been executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance;

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p; ~~((or))~~

(6) On debts secured by a condominium's or homeowner association's lien. In order for an association to be exempt under this provision, the association must have provided a homeowner with notice that nonpayment of the association's assessment may result in foreclosure of the association lien and that the homestead protection under this chapter shall not apply. An association has complied with this notice requirement by mailing the notice, by first class mail, to the address of the owner's lot or unit. The notice required in this subsection shall be given within thirty days from the date the association learns of a new owner, but in all cases the notice must be given prior to the initiation of a foreclosure. The phrase "learns of a new owner" in this subsection means actual knowledge of the identity of a homeowner acquiring title after June 9, 1988, and does not require that an association affirmatively ascertain the identity of a homeowner. Failure to give the notice specified in this subsection affects an association's lien only for debts accrued up to the time an association complies with the notice provisions under this subsection; or

(7) On debts owed for taxes collected under chapters 82.08, 82.12, and 82.14 RCW but not remitted to the department of revenue.

Sec. 3. RCW 6.13.090 and 1988 c 231 s 4 are each amended to read as follows:

A judgment against the owner of a homestead shall become a lien on the value of the homestead property in excess of the homestead exemption from the time the judgment creditor records the judgment with the recording officer of the county where the property is located. However, if a judgment of a district court of this state has been transferred to a superior

court, the judgment becomes a lien from the time of recording with such recording officer a duly certified abstract of the record of such judgment as it appears in the office of the clerk in which the transfer was originally filed. A department of revenue tax warrant filed pursuant to RCW 82.32.210 shall become a lien on the value of the homestead property in excess of the homestead exemption from the time of filing in superior court."

On page 1, line 1 of the title, after "amount;" strike the remainder of the title and insert "and amending RCW 6.13.030, 6.13.080, and 6.13.090."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1805 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morrell spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1805, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1805, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Uptegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 85.

Voting nay: Representatives Ahern, Anderson, Buri, Chandler, Condotta, DeBolt, Ericksen, Hailey, Hinkle, Kretz, Newhouse, Schindler and Warnick - 13.

SUBSTITUTE HOUSE BILL NO. 1805, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1906 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.305 RCW to read as follows:

**MATHEMATICS AND SCIENCE STANDARDS AND CURRICULUM.** (1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3) and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under section 2 of this act, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4) By January 31, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2008 legislative session.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) By May 15, 2008, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) By June 30, 2008, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By May 15, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary, middle, and high school grade spans.

(d) By June 30, 2009, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under section 2 of this act, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.305 RCW to read as follows:

**ADVISORY PANELS.** (1) The state board of education shall appoint a mathematics advisory panel and a science advisory panel to advise the board regarding essential academic learning requirements, grade level expectations, and recommended curricula in mathematics and science and to monitor implementation of these activities. In conducting their work, the panels shall provide objective reviews of materials and information provided by any expert national consultants retained by the board and shall provide a public and transparent forum for consideration of mathematics and science learning standards and curricula.

(2) Each panel shall include no more than sixteen members with representation from individuals from academia in mathematics and science-related fields, individuals from business and industry in mathematics and science-related fields, mathematics and science educators, parents, and other individuals who could contribute to the work of the panel based on their experiences.

(3) Each member of each panel shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. School districts shall be reimbursed for the cost of substitutes for the mathematics and science educators on the panels as required under RCW 28A.300.035. Members of the panels who are employed by a public institution of higher education shall be provided sufficient time away from their regular duties, without loss of benefits or privileges, to fulfill the responsibilities of being a panel member.

(4) Panel members shall not have conflicts of interest with regard to association with any publisher, distributor, or provider of curriculum, assessment, or test materials and services purchased by or contracted through the office of the superintendent of public instruction, educational service districts, or school districts.

(5) This section expires June 30, 2012.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

**AFTER-SCHOOL MATHEMATICS SUPPORT PROGRAM.** (1) The after-school mathematics support program is created to study the

effects of intentional, skilled mathematics support included as part of an existing after-school activity program.

(2) The office of the superintendent of public instruction shall provide grants to selected community-based, nonprofit organizations that provide after-school programs and include support for students to learn mathematics.

(3) Grant applicants must demonstrate the capacity to provide assistance in mathematics learning in the following ways:

(a) Identifying the mathematics content and instructional skill of the staff or volunteers assisting students;

(b) Identifying proposed learning strategies to be used, which could include computer-based instructional and skill practice programs and tutoring by adults or other students;

(c) Articulating the plan for connection with school mathematics teachers to coordinate student assistance; and

(d) Articulating the plan for assessing student and program success.

(4) Priority will be given to applicants that propose programs to serve middle school and junior high school students.

(5) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program continuation, program modification, and issues related to program sustainability and possible program expansion. An interim report is due November 1, 2008. The final report is due December 1, 2009.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.415 RCW to read as follows:

**MATHEMATICS AND SCIENCE INSTRUCTIONAL COACH PROGRAM.** (1) A mathematics and science instructional coach program is authorized, which shall consist of a coach development institute, coaching seminars, coaching activities in schools, and program evaluation.

(2) The office of the superintendent of public instruction shall develop a mathematics and science instructional coach program that includes an initial coach development experience for new coaches provided through an institute setting, coaching support seminars, and additional coach development services. The office shall draw upon the experiences of coaches in federally supported elementary literacy programs and other successful programs, research and policy briefs on adult professional development, and research that specifically addresses the instructional environments of middle, junior high, and high schools as well as the unique aspects of the fields of mathematics and science.

(3) The office of the superintendent of public instruction shall design the application process and select the program participants.

(4) Schools and school districts participating in the program shall carefully select the individuals to perform the role of mathematics or science instructional coach. Characteristics to be considered for a successful coach include:

(a) Expertise in content area;

(b) Expertise in various instructional methodologies and personalizing learning;

(c) Personal skills that include skilled listening, questioning, trust-building, and problem-solving;

(d) Understanding and appreciation for the differences in adult learners and student learners; and

(e) Capacity for strategic planning and quality program implementation.

(5) The role of the mathematics or science instructional coach is focused on supporting teachers as they apply knowledge, develop skills, polish techniques, and deepen their understanding of content and instructional practices. This work takes a number of forms including: Individualized professional development, department-wide and school-wide professional development, guidance in student data interpretation, and using assessment to guide instruction. Each coach shall be assigned to two schools as part of the program.

(6) Program participants have the following responsibilities:

(a) Mathematics and science coaches shall participate in the coach development institute as well as in coaching support seminars that take place throughout the school year, practice coaching activities as guided by those articulated in the role of the coach in subsection (5) of this section, collect data, and participate in program evaluation activities as requested by the institute pursuant to subsection (7) of this section.

(b) School and district administrators in districts in which the mathematics and science coaches are practicing shall participate in program evaluation activities.

(7)(a) The Washington State University social and economic sciences research center shall conduct an evaluation of the mathematics and science instructional coach program in this section. Data shall be collected through various instruments including surveys, program and activity reports, student performance measures, observations, interviews, and other processes. Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators.

(b) The Washington State University social and economic sciences research center shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

**Sec. 5.** RCW 28A.660.005 and 2001 c 158 s 1 are each amended to read as follows:

(1) The legislature finds and declares:

~~((+))~~ (a) Teacher qualifications and effectiveness are the most important influences on student learning in schools(-);

~~((2))~~ (b) Preparation of individuals to become well-qualified, effective teachers must be high quality(-);

~~((3))~~ (c) Teachers who complete high-quality alternative route programs with intensive field-based experience, adequate coursework, and strong mentorship do as well or better than teachers who complete traditional preparation programs(-);

~~((4))~~ (d) High-quality alternative route programs can provide more flexibility and expedience for individuals to transition from their current career to teaching(-);

~~((5))~~ (e) High-quality alternative route programs can help school districts fill subject matter shortage areas and areas with shortages due to geographic location(-);

~~((6))~~ (f) Regardless of route, all candidates for residency teacher certification must meet the high standards required by the state; and

(g) Teachers need an adequate background in subject matter content if they are to teach it well, and should hold full, appropriate credentials in those subject areas.

(2) The legislature recognizes widespread concerns about the potential for teacher shortages and finds that classified instructional staff in public schools, current certificated staff, and unemployed certificate holders represent a great untapped resource for recruiting ~~((the))~~ more teachers ~~((of the future))~~ in critical shortage areas.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.660 RCW to read as follows:

(1) The pipeline for paraeducators conditional scholarship program is created. Participation is limited to paraeducators without a college degree who have at least three years of classroom experience. It is anticipated that candidates enrolled in this program will complete their associate of arts degree at a community and technical college in two years or less and become eligible for a mathematics, special education, or English as a second language endorsement via route one in the alternative routes to teacher certification program provided in this chapter.

(2) Entry requirements for candidates include district or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.660 RCW to read as follows:

(1) The retooling to teach mathematics and science conditional scholarship program is created. Participation is limited to current K-12 teachers and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate. It is anticipated that candidates enrolled in this program will complete the requirements for a mathematics or science endorsement, or both, in two years or less.

(2) Entry requirements for candidates include:

(a) Current K-12 teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement.

(b) Individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate shall pursue an endorsement in middle level mathematics or science only.

**Sec. 8.** RCW 28A.660.050 and 2004 c 23 s 5 are each amended to read as follows:

The ~~((alternative route))~~ conditional scholarship programs ~~((is))~~ in this chapter are created under the following guidelines:

(1) The programs shall be administered by the higher education coordinating board. In administering the programs, the higher education coordinating board has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the ~~((alternative route))~~ conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of the partnership grant programs under RCW 28A.660.040. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through the partnership grant program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by section 6 of this act. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The board may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The retooling to teach mathematics and science conditional scholarship program is limited to current K-12 teachers and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate as provided by section 7 of this act. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement; or

(ii) Individuals who are certificated with an elementary education endorsement, but not employed in positions requiring an elementary education certificate, shall pursue an endorsement in middle level mathematics or science, or both; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive a mathematics or science endorsement, or both, which shall include passing a mathematics or science endorsement test, or both tests, plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition,

test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

~~(3) The Washington professional educator standards board shall select ~~((interns))~~ individuals to receive conditional scholarships.~~

~~((3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in RCW 28A.660.040. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.))~~

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients ~~((that))~~ who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferrals.

~~(6) ~~((To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled, not to exceed eight thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.~~~~

~~(7))~~ The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the ~~((student loan))~~ future teachers conditional scholarship account authorized in RCW ~~((28B.102.060))~~ 28B.102.080.

**Sec. 9.** RCW 28B.102.080 and 2004 c 58 s 9 are each amended to read as follows:

(1) The future teachers conditional scholarship account is created in the custody of the state treasurer. An appropriation is not required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The board shall deposit in the account all moneys received for the future teachers conditional scholarship and loan repayment program and for conditional loan programs under chapter 28A.660 RCW. The account shall be self-sustaining and consist of funds appropriated by the legislature for the future teachers conditional scholarship and loan repayment program, private contributions to the program, ~~((and))~~ receipts from participant repayments from the future teachers conditional scholarship and loan repayment program, and conditional loan programs established under chapter 28A.660 RCW. Beginning July 1, 2004, the board shall also deposit into the account: (a) All funds from the institution of higher education loan account that are traceable to any conditional scholarship program for teachers or prospective teachers established by the legislature before June 10, 2004; and (b) all amounts repaid by individuals under any such program.

(3) Expenditures from the account may be used solely for conditional loans and loan repayments to participants in the future teachers conditional scholarship and loan repayment program established by this chapter, conditional scholarships for participants in programs established in chapter 28A.660 RCW, and costs associated with program administration by the board.

(4) Disbursements from the account may be made only on the authorization of the board.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) By September 1, 2008, the state board for community and technical colleges, the council of presidents, the higher education coordinating board, and the office of the superintendent of public instruction, under the leadership of the transition math project and in collaboration with representatives of public two and four-year institutions of higher education, shall jointly revise the Washington mathematics

placement test to serve as a common college readiness test for all two and four-year institutions of higher education.

(2) The revised mathematics college readiness test shall be implemented by all public two and four-year institutions of higher education by September 1, 2009. All public two and four-year institutions of higher education must use a common performance standard on the mathematics placement test for purposes of determining college readiness in mathematics. The performance standard must be publicized to all high schools in the state.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under section 10 of this act once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

**NEW SECTION. Sec. 12.** The legislature finds that knowledge, skills, and opportunities in mathematics, science, and technology should be increased for all students in Washington. The legislature intends to foster capacity between and among the educational sectors to enable continuous and sustainable growth of the learning and teaching of mathematics, science, and technologies. The legislature intends to foster high quality mathematics, science, and technology programs to increase the number of students in the kindergarten through twelfth grade pipeline who are prepared and aspire to continue in the areas of mathematics, science, and technology, whether it be at a college, university, or in the workforce.

**Sec. 13.** RCW 28A.230.130 and 2003 c 49 s 2 are each amended to read as follows:

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

(3) Within funds specifically appropriated therefor, a middle school that receives approval from the office of the superintendent of public instruction to provide a career and technical program directly to students shall receive funding at the same rate as a high school operating a similar program. Additionally, a middle school that provides a hands-on experience in math and science with an integrated curriculum of academic content and career and technical education, and includes a career and technical education exploratory component shall also qualify for the career and technical education funding.

(4) The state board of education, upon request from local school districts, may grant waivers from the requirements to provide the program described in subsections (1) and (2) of this section for reasons relating to school district size and the availability of staff authorized to teach subjects which must be provided. In considering waiver requests related to programs in subsection (2) of this section, the state board of education shall consider the extent to which the school district has offered such programs before the 2003-04 school year.

**Sec. 14.** RCW 28A.230.130 and 2006 c 263 s 407 are each amended to read as follows:

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

(3) Within funds specifically appropriated therefor, a middle school that receives approval from the office of the superintendent of public instruction to provide a career and technical program directly to students shall receive funding at the same rate as a high school operating a similar program. Additionally, a middle school that provides a hands-on experience in math and science with an integrated curriculum of academic content and career and technical education, and includes a career and technical education exploratory component shall also qualify for the career and technical education funding.

**NEW SECTION. Sec. 15.** A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide support for statewide coordination for math, science, and technology, including employing a statewide director for math, science, and technology. The duties of the director shall include, but not be limited to:

(1) Within funds specifically appropriated therefor, obtain a statewide license, or otherwise obtain and disseminate, an interactive, project-based high school and middle school technology curriculum that includes a comprehensive professional development component for teachers and, if possible, counselors, and also includes a systematic program evaluation. The curriculum must be distributed to all school districts, or as many as feasible, by the 2007-08 school year;

(2) Within funds specifically appropriated therefor, supporting a public-private partnership to assist school districts with implementing an ongoing, inquiry-based science program that is based on a research-based model of systemic reform and aligned with the Washington state science grade level expectations;

(3) Within funds specifically appropriated therefor, supporting a public-private partnership to provide enriching opportunities in mathematics, engineering, and science for underrepresented students in grades kindergarten through twelve using exemplary materials and instructional approaches;

(4) In an effort to increase precollege and prework interest in math, science, and technology fields, in collaboration with the community and technical colleges, the four-year institutions of higher education, and the workforce training and education coordinating board, conducting outreach efforts to attract middle and high school students to careers in math, science, and technology and to educate students about the coursework that is necessary to be adequately prepared to succeed in these fields;

(5) Coordinating youth opportunities in math, science, and technology, including facilitating student participation in school clubs, state-level fairs, national competitions, and encouraging partnerships between students and university faculty or industry to facilitate such student participation;

(6) Developing and maintaining public-private partnerships to generate business and industry assistance to accomplish the following:

(a) Increasing student engagement and career awareness, including increasing student participation in the youth opportunities in subsection (5) of this section;

(b) Creation and promotion of student scholarships, internships, and apprenticeships;

(c) Provision of relevant teacher experience and training, including on-the-job professional development opportunities;

(d) Upgrading kindergarten through twelfth grade school equipment and facilities to support high quality math, science, and technology programs;

(7) Assembling a cadre of inspiring speakers employed or experienced in the relevant fields to speak to kindergarten through twelfth grade students to demonstrate the breadth of the opportunities in the relevant fields as well as share the types of coursework that is necessary for someone to be successful in the relevant field;

(8) Providing technical assistance to schools and school districts, including working with counselors in support of the math, science, and technology programs; and

(9) Reporting annually to the legislature about the actions taken to provide statewide coordination for math, science, and technology.

**NEW SECTION. Sec. 16.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

**NEW SECTION. Sec. 17.** A new section is added to chapter 28B.76 RCW to read as follows:

As part of the state needs assessment process conducted by the board in accordance with RCW 28B.76.230, the board shall assess the need for additional baccalaureate degree programs in Washington that specialize in teacher preparation in mathematics, science, and technology. If the board determines that there is a need for additional programs, then the board shall encourage the appropriate institutions of higher education or institutional sectors to create such a program.

**NEW SECTION. Sec. 18.** Beginning September 1, 2007, through December 1, 2008, the state board of education shall provide a status report at the beginning of each calendar quarter on the activities and progress in completing the requirements under section 1 of this act. The

report shall be provided to the governor and the members of the education committees of the senate and the house of representatives.

**NEW SECTION. Sec. 19.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 20.** Section 13 of this act expires September 1, 2009.

**NEW SECTION. Sec. 21.** Section 14 of this act takes effect September 1, 2009.

**NEW SECTION. Sec. 22.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.660.005, 28A.660.050, 28B.102.080, 28A.230.130, and 28A.230.130; adding new sections to chapter 28A.305 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.660 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28B.76 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1906 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1906, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1906, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Moeller and Schindler - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1906, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 13, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1949 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.12.100 and 1991 c 88 s 3 are each amended to read as follows:

(1) Except as otherwise provided in this section, the provisions of this title shall not apply to a master or member of a crew of any vessel, or to employers and workers for whom a right or obligation exists under the maritime laws or federal employees' compensation act for personal injuries or death of such workers.

(2) If an accurate segregation of payrolls of workers for whom such a right or obligation exists under the maritime laws cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the payrolls of employees to cover the part of their work for which no right or obligation exists under the maritime laws for injuries or death occurring in such work, and the employer, if not a self-insurer, shall pay premiums on that basis for the time such workers are engaged in their work.

(3) Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workers, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

(4) In the event payments are made both under this title (~~(prior to the final determination)~~) and under the maritime laws or federal employees' compensation act, such benefits paid under this title shall be repaid by the worker or beneficiary (~~(if recovery is subsequently made under the maritime laws or federal employees' compensation act)~~). For any claims made under the Jones Act, the employer is deemed a third party, and the injured worker's cause of action is subject to RCW 51.24.030 through 51.24.120.

(5) Commercial divers harvesting geoduck clams under an agreement made pursuant to RCW 79.135.210, workers tending to such divers, and the employers of such divers and tenders shall be subject to the provisions of this title whether or not such work is performed from a vessel."

On page 1, line 2 of the title, after "clams;" strike the remainder of the title and insert "and amending RCW 51.12.100."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1949 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Upthegrove spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1949, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1949, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 1949, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1988 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.170.010 and 2004 c 50 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Armed private security guard" means a private security guard who has a current firearms certificate issued by the commission and is licensed as an armed private security guard under this chapter.

(2) "Armored vehicle guard" means a person who transports in an armored vehicle under armed guard, from one place to another place, valuables, jewelry, currency, documents, or any other item that requires secure delivery.

(3) "Burglar alarm response runner" means a person employed by a private security company to respond to burglar alarm system signals.

(4) "Burglar alarm system" means a device or an assembly of equipment and devices used to detect or signal unauthorized intrusion, movement, or exit at a protected premises, other than in a vehicle, to which police or private security guards are expected to respond.

(5) "Chief law enforcement officer" means the elected or appointed police administrator of a municipal, county, or state police or sheriff's department that has full law enforcement powers in its jurisdiction.

(6) "Classroom instruction" means (~~(instruction)~~) training that takes place in a setting where individuals receiving training are assembled together and learn through lectures, study papers, class discussion, textbook study, or other means of organized formal education techniques, such as video, closed circuit, or other forms of electronic means, and as distinguished from (~~(on-the-job education or training)~~) individual instruction.

(7) "Commission" means the criminal justice training commission established in chapter 43.101 RCW.

(8) "Department" means the department of licensing.

(9) "Department-certified trainer" means any person who has been approved by the department by receiving a passing score on a department-administered examination, to administer department-provided examinations and attest that training or testing requirements have been met.

(10) "Director" means the director of the department of licensing.

~~((+0))~~ (11) "Employer" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the foregoing that employs or seeks to enter into an arrangement to employ any person as a private security guard.

~~((+1))~~ (12) "Firearms certificate" means the certificate issued by the commission.

~~((+2))~~ (13) "Individual instruction" means training that takes place either on-the-job or through formal education techniques, such as video, closed circuit, internet, or other forms of electronic means, and as distinguished from classroom instruction.

(14) "Licensee" means a person granted a license required by this chapter.

~~((+3))~~ (15) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

~~((+4))~~ "Postassignment or on-the-job training" means training that occurs in either an assisted field environment or in a classroom instruction setting, or both.

~~((+5))~~ "Preassignment training" means the classroom training completed prior to being assigned to work independently.)

(16) "Principal corporate officer" means the president, vice-president, treasurer, secretary, comptroller, or any other person who performs the same functions for the corporation as performed by these officers.

(17) "Private security company" means a person or entity licensed under this chapter and engaged in the business of providing the services of private security guards on a contractual basis.

(18) "Private security guard" means an individual who is licensed under this chapter and principally employed as or typically referred to as one of the following:

- (a) Security officer or guard;
- (b) Patrol or merchant patrol service officer or guard;
- (c) Armed escort or bodyguard;
- (d) Armored vehicle guard;
- (e) Burglar alarm response runner; or
- (f) Crowd control officer or guard.

(19) "Qualifying agent" means an officer or manager of a corporation who meets the requirements set forth in this chapter for obtaining a license to own or operate a private security company.

(20) "Sworn peace officer" means a person who is an employee of the federal government, the state, a political subdivision, agency, or department branch of a municipality, or other unit of local government, and has law enforcement powers.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.170 RCW to read as follows:

(1) To promote the safety of persons and the security of property, the director shall meet with interested parties to develop lists of suggested preassignment, postassignment, and postassignment refresher training by rule.

(2) All security guards licensed on or after July 1, 2005, must complete at least eight hours of preassignment training, comprised of at least four hours of classroom instruction and an additional four hours of classroom instruction or individual instruction, or both. The preassignment training may be waived for any individual who was most recently employed full time as a sworn peace officer not more than five years prior to applying to become licensed as a private security guard and who passes the examination typically administered to applicants at the conclusion of the preassignment training.

(3)(a) All security guards licensed on or after July 1, 2005, must complete at least eight hours of initial postassignment training that shall be administered to each security guard. The initial postassignment training must be in the topic areas established by the director and may be classroom instruction or individual instruction, or both. A company may waive the initial postassignment training for security guards already licensed who transfer from another company, if the security guard presents appropriate training records signed by a department-certified trainer from the previous company, or a signed affidavit that the individual has already completed the required initial postassignment training provided by his or her previous company.

(b) Security guards who received their temporary security guard registration card on or before the effective date of this act must receive

their initial postassignment training before June 30, 2008. Security guards who received their temporary security guard registration card after the effective date of this act must receive their initial postassignment training as specified in (c) and (d) of this subsection.

(c) Security guards licensed between January 1st and June 30th of any calendar year may receive eight hours of initial postassignment training any time between the day following the issuance of a temporary security guard registration card with their company and June 30th of the year following initial issuance of their license by the department.

(d) Security guards initially licensed between July 1st and December 31st of any calendar year may receive eight hours of initial postassignment training at any time between the day following the issuance of a temporary security guard registration card with their company and December 31st of the year following initial issuance of their license by the department.

(4) Following completion of the preassignment and postassignment training, at least four total hours of annual refresher training shall be administered to security guards each subsequent year. The subsequent year begins, for refresher training purposes, the day following the last date the security guard is required to receive the eight hours of initial postassignment training. No more than one hour per year of annual refresher training may focus directly on customer service related skills or topics and the remaining three hours per year of annual refresher training must focus on emergency response concepts, skills, or topics including but not limited to knowledge of site post orders or life safety.

(5) Companies must maintain records regarding the training hours completed by each employee. All such records are subject to inspection by the department. The training requirements and test results must be recorded and attested to by a department-certified trainer. Training records must contain a description of the topics covered, the name and signature of the trainer, and the name and signature of the security guard.

**NEW SECTION. Sec. 3.** RCW 18.170.100 (Training and testing requirements) and 2004 c 50 s 2, 1995 c 277 s 7, & 1991 c 334 s 10 are each repealed."

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 18.170.010; adding a new section to chapter 18.170 RCW; and repealing RCW 18.170.100."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1988 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morrell spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1988, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1988, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney,

Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1988, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1811 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.27.500 and 2005 c 148 s 1 are each amended to read as follows:

(1) The building code council shall adopt rules ~~((by December 1, 2005))~~ requiring that all nightclubs be provided with an automatic sprinkler system. Rules adopted by the council shall consider applicable nationally recognized fire and building code standards and local conditions and require that the automatic sprinkler systems be installed by December 1, 2009.

~~((By December 15, 2005;))~~ (2) The council shall transmit to the fire protection policy board copies of the rules as adopted. The fire protection policy board shall respond to the council ~~((by February 15, 2006))~~ within sixty days after receipt of the rules. If changes are recommended by the fire protection policy board the council shall immediately consider those changes to the rules through its rule-making procedures. ~~((The rules shall be effective December 1, 2007;))~~

**Sec. 2.** RCW 19.27.510 and 2005 c 148 s 2 are each amended to read as follows:

As used in this chapter:

"Nightclub" means an ~~(establishment, other than a theater with fixed seating, which is characterized by all of the following:~~

~~(1) Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;~~  
~~(2) Has as its primary source of revenue (a) the sale of beverages of any kind for consumption on the premises, (b) cover charges, or (c) both; and~~

~~(3) Has an occupant load of one hundred or more where the occupant load for any portion of the occupancy is calculated at one person per ten square feet or less, excluding the entry foyer))~~ A-2 occupancy use under the 2006 international building code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

**Sec. 3.** RCW 84.36.660 and 2005 c 148 s 4 are each amended to read as follows:

(1) Prior to installation of an automatic sprinkler system under RCW 19.27.500 through 19.27.520, an owner or lessee of property who meets the requirements of this section may apply to the assessor of the county in which the property is located for a special property tax exemption. This application shall be made upon forms prescribed by the department of revenue and supplied by the county assessor.

(a)(i) If a lessee of the property has paid for all expenses associated with the installation and purchase of the automatic sprinkler system, then the benefit of the exemption must inure to the lessee.

(ii) A lessee, otherwise eligible to receive the benefit of the exemption under this section, is entitled to receive such benefit only to the

extent that the lessee maintains a valid lease agreement with the property owner for the property in which the automatic sprinkler system was installed pursuant to RCW 19.27.500.

(b) An exemption may be granted under this section only to the property owner or lessee that pays for all expenses associated with the installation and purchase of the automatic sprinkler system. In no event may both the property owner and the lessee receive an exemption under this section in the same calendar year for the installation and purchase of the same automatic sprinkler system.

(c) After December 31, 2009, no new application for a special tax exemption under this section may be: Made by a property owner or lessee; or accepted by the county assessor.

(2) As used in this chapter, "special property tax exemption" means the determination of the assessed value of the property subtracting, for ten years, the increase in value attributable to the installation of an automatic sprinkler system under RCW 19.27.500 through 19.27.520.

(3) The county assessor shall, for ten consecutive assessment years following the calendar year in which application is made, place a special property tax exemption on property classified as eligible.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

On page 1, line 2 of the title, after "nightclubs;" strike the remainder of the title and insert "amending RCW 19.27.500, 19.27.510, and 84.36.660; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

Representative Simpson moved that the House concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1811 and advance the bill as amended by the Senate to final passage.

Representative Simpson spoke in favor of the motion to concur in the Senate amendment.

Representative Orcutt spoke against the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be the motion to concur in the Senate amendment to Second Substitute House Bill No. 1811.

### ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to Second Substitute House Bill No. 1811, and the motion was adopted by the following vote: Yeas - 59, Nays - 39, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Eickmeyer, Erickson, Hailey, Haler,

Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 39.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Simpson and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1811, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1811, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1811, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 11, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2004 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.80.060 and 2005 c 334 s 1 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, ~~((and))~~ the four largest public port districts within the region as determined by gross operating revenues, any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and any incorporated city within the region with a population in excess of eighty thousand. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards or on a regional transit authority."

On page 1, line 3 of the title, after "organizations;" strike the remainder of the title and insert "and amending RCW 47.80.060."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2004 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Rolfes spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2004, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2004, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 2004, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 10, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2055 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The center for disease control estimates that at least five million three hundred thousand Americans, approximately two percent of the United States population, currently have a long-term or lifelong need for help to perform activities of daily living as a result of a traumatic brain injury. Each year approximately one million four hundred thousand people in this country, including children, sustain traumatic brain injuries as a result of a variety of causes including falls, motor vehicle injuries, being struck by an object, or as a result of an assault and other violent crimes, including domestic violence. Additionally, there are significant numbers of veterans who sustain traumatic brain injuries as a result of their service in the military.

Traumatic brain injury can cause a wide range of functional changes affecting thinking, sensation, language, or emotions. It can also cause epilepsy and increase the risk for conditions such as Alzheimer's disease, Parkinson's disease, and other brain disorders that become more prevalent with age. The impact of a traumatic brain injury on the individual and family can be devastating.

The legislature recognizes that current programs and services are not funded or designed to address the diverse needs of this population. It is the intent of the legislature to develop a comprehensive plan to help individuals with traumatic brain injuries meet their needs. The legislature also recognizes the efforts of many in the private sector who are providing services and assistance to individuals with traumatic brain injuries. The legislature intends to bring together those in both the public and private sectors with expertise in this area to address the needs of this growing population.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of social and health services.

(2) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(3) "Secretary" means the secretary of social and health services.

(4) "Traumatic brain injury" means injury to the brain caused by physical trauma resulting from, but not limited to, incidents involving motor vehicles, sporting events, falls, and physical assaults. Documentation of traumatic brain injury shall be based on adequate medical history, neurological examination, mental status testing, or neuropsychological evaluation. A traumatic brain injury shall be of sufficient severity to result in impairments in one or more of the following areas: Cognition; language memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; or information processing. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

(5) "Traumatic brain injury account" means the account established under section 7 of this act.

(6) "Council" means the Washington traumatic brain injury strategic partnership advisory council created under section 3 of this act.

**NEW SECTION. Sec. 3.** (1) The Washington traumatic brain injury strategic partnership advisory council is established as an advisory council to the governor, the legislature, and the secretary of the department of social and health services.

(2) The council shall be composed of the following members who shall be appointed by the governor:

(a) The secretary or the secretary's designee, and representatives from the following: Children's administration, mental health division, aging and disability services administration, and vocational rehabilitation;

(b) The executive director of a state brain injury association;

(c) A representative from a nonprofit organization serving individuals with traumatic brain injury;

(d) The secretary of the department of health or the secretary's designee;

(e) The secretary of the department of corrections or the secretary's designee;

(f) A representative of the department of community, trade, and economic development;

(g) A representative from an organization serving veterans;

(h) A representative from the national guard;

(i) A representative of a Native American tribe located in Washington;

(j) The executive director of the Washington protection and advocacy system;

(k) A neurologist who has experience working with individuals with traumatic brain injuries;

(l) A neuropsychologist who has experience working with persons with traumatic brain injuries;

(m) A social worker or clinical psychologist who has experience in working with persons who have sustained traumatic brain injuries;

(n) A rehabilitation specialist, such as a speech pathologist, vocational rehabilitation counselor, occupational therapist, or physical therapist who has experience working with persons with traumatic brain injuries;

(o) Two persons who are individuals with a traumatic brain injury;

(p) Two persons who are family members of individuals with traumatic brain injuries; and

(q) Two members of the public who have experience with issues related to the causes of traumatic brain injuries.

(3) Council members shall not be compensated for serving on the council, but may be reimbursed for all reasonable expenses related to costs incurred in participating in meetings for the council.

(4) Initial appointments to the council shall be made by July 30, 2007. The terms of appointed council members shall be three years, except that the terms of the appointed members who are initially appointed shall be staggered by the governor to end as follows:

(a) Four members on June 30, 2008;

(b) Three members on June 30, 2009; and

(c) Three members on June 30, 2010.

(5) No member may serve more than two consecutive terms.

(6) The appointed members of the council shall, to the extent possible, represent rural and urban areas of the state.

(7) A chairperson shall be elected every two years by majority vote from among the council members. The chairperson shall act as the presiding officer of the council.

(8) The duties of the council include:

(a) Collaborating with the department to develop a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries;

(b) By November 1, 2007, providing recommendations to the department on criteria to be used to select programs facilitating support groups for individuals with traumatic brain injuries and their families under section 6 of this act;

(c) By December 1, 2007, submitting a report to the legislature and the governor on the following:

(i) The development of a comprehensive statewide information and referral network for individuals with traumatic brain injuries;

(ii) The development of a statewide registry to collect data regarding individuals with traumatic brain injuries, including the potential to utilize the department of information services to develop the registry;

(iii) The efforts of the department to provide services for individuals with traumatic brain injuries;

(d) By December 30, 2007, reviewing the preliminary comprehensive statewide plan developed by the department to meet the needs of individuals with traumatic brain injuries as required in section 4 of this act and submitting a report to the legislature and the governor containing comments and recommendations regarding the plan.

(9) The council may utilize the advice or services of a nationally recognized expert, or other individuals as the council deems appropriate, to assist the council in carrying out its duties under this section.

**NEW SECTION. Sec. 4.** (1) By July 30, 2007, the department shall designate a staff person who shall be responsible for the following:

(a) Coordinating policies, programs, and services for individuals with traumatic brain injuries; and

(b) Providing staff support to the council created in section 3 of this act.

(2) The department shall provide data and information to the council established under section 3 of this act that is requested by the council and is in the possession or control of the department.

(3) By December 1, 2007, the department shall provide a preliminary report to the legislature and the governor, and shall provide a final report by December 1, 2008, containing recommendations for a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries, including the use of public-private partnerships and a public awareness campaign. The comprehensive plan should be created in collaboration with the council and should consider the following:

(a) Building provider capacity and provider training;

(b) Improving the coordination of services;

(c) The feasibility of establishing agreements with private sector agencies to develop services for individuals with traumatic brain injuries; and

(d) Other areas the council deems appropriate.

(4) By December 1, 2007, the department shall:

(a) Provide information and referral services to individuals with traumatic brain injuries until the statewide referral and information network is developed. The referral services may be funded from the traumatic brain injury account established under section 7 of this act; and

(b) Encourage and facilitate the following:

(i) Collaboration among state agencies that provide services to individuals with traumatic brain injuries;

(ii) Collaboration among organizations and entities that provide services to individuals with traumatic brain injuries; and

(iii) Community participation in program implementation.

(5) By December 1, 2007, and by December 1st each year thereafter, the department shall issue a report to the governor and the legislature containing the following:

(a) A summary of action taken by the department to meet the needs of individuals with traumatic brain injuries; and

(b) Recommendations for improvements in services to address the needs of individuals with traumatic brain injuries.

**NEW SECTION. Sec. 5.** By December 1, 2007, in collaboration with the council, the department shall institute a public awareness campaign that utilizes funding from the traumatic brain injury account to leverage a private advertising campaign to persuade Washington residents to be aware and concerned about the issues facing individuals with traumatic brain injuries through all forms of media including television, radio, and print.

**NEW SECTION. Sec. 6.** (1) By March 1, 2008, the department shall provide funding to programs that facilitate support groups to individuals with traumatic brain injuries and their families.

(2) The department shall use a request for proposal process to select the programs to receive funding. The council shall provide recommendations to the department on the criteria to be used in selecting the programs.

(3) The programs shall be funded solely from the traumatic brain injury account established in section 7 of this act, to the extent that funds are available.

**NEW SECTION. Sec. 7.** A new section is added to chapter 46.20 RCW to read as follows:

The traumatic brain injury account is created in the state treasury. Two dollars of the fee imposed under RCW 46.63.110(7)(b) must be deposited into the account. Moneys in the account may be spent only after appropriation, and may be used only to provide a public awareness campaign and services relating to traumatic brain injury under sections 5 and 6 of this act, for information and referral services, and for costs of required department staff who are providing support for the council and information and referral services under sections 3 and 4 of this act. The secretary of the department of social and health services has the authority to administer the funds.

**Sec. 8.** RCW 46.63.110 and 2005 c 413 s 2 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the department has been notified that the court has entered into a new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040; and

(b) A fee of two dollars per infraction. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in section 7 of this act.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

**Sec. 9.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account,

the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 10.** Sections 1 through 6 of this act constitute a new chapter in Title 74 RCW.

**NEW SECTION. Sec. 11.** This act may be known and cited as the Tommy Manning act."

On page 1, line 1 of the title, after "injury;" strike the remainder of the title and insert "amending RCW 46.63.110; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.20 RCW; adding a new chapter to Title 74 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2055 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Flannigan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2055, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2055, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Anderson and Springer - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2055, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2115 with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that historic barns are essential symbols of Washington's heritage representing a pioneering spirit of industriousness. Important for their association with broad patterns of agricultural history and community development and as examples of distinct architectural styles and methods of construction, historic barns

serve as highly visible icons for local residents and visitors alike. The legislature acknowledges that factors such as changes in the agricultural economy and farming technologies, prohibitive rehabilitation costs, development pressures, and regulations restricting new uses, collectively work to endanger historic barns statewide and contribute to their falling into decay or being demolished altogether.

As historic barns represent irreplaceable resources, and recognizing that barn preservation will work to retain these structures as functional and economically viable elements of working lands, the purpose of this act is to create a system acknowledging heritage barns statewide that provides emergency assistance to heritage barn owners through matching grants, assesses the need for long-term barn preservation, and considers additional incentives and regulatory revisions that work toward the preservation of heritage barns as integral components of Washington's historic landscapes.

**NEW SECTION. Sec. 2.** (1) The Washington state heritage barn preservation program is created in the department.

(2) The director, in consultation with the heritage barn preservation advisory board, shall conduct a thematic study of Washington state's barns. The study shall include a determination of types, an assessment of the most unique and significant barns in the state, and a condition and needs assessment of historic barns in the state.

(3)(a) The department, in consultation with the heritage barn preservation advisory board, shall establish a heritage barn recognition program. To apply for recognition as a heritage barn, the barn owner shall supply to the department photos of the barn, photos of the farm and surrounding landscape, a brief history of the farm, and a construction date for the barn.

(b) Three times a year, the governor's advisory council on historic places shall review the list of barns submitted by the department for formal recognition as a heritage barn.

(4) Eligible applicants for heritage barn preservation fund awards include property owners, nonprofit organizations, and local governments.

(5) To apply for support from the heritage barn preservation fund, an applicant must submit an application to the department in a form prescribed by the department. Applicants must provide at least fifty percent of the cost of the project through in-kind labor, the applicant's own moneys, or other funding sources.

(6) The following types of projects are eligible for funding:

(a) Stabilization of endangered heritage barns and related agricultural buildings, including but not limited to repairs to foundations, sills, windows, walls, structural framework, and the repair and replacement of roofs; and

(b) Work that preserves the historic character, features, and materials of a historic barn.

(7) In making awards, the advisory board shall consider the following criteria:

(a) Relative historical and cultural significance of the barn;

(b) Urgency of the threat and need for repair;

(c) Extent to which the project preserves historic character and extends the useful life of the barn or associated agricultural building;

(d) Visibility of the barn from a state designated scenic byway or other publicly traveled way;

(e) Extent to which the project leverages other sources of financial assistance;

(f) Provision for long-term preservation;

(g) Readiness of the applicant to initiate and complete the project; and

(h) Extent to which the project contributes to the equitable geographic distribution of heritage barn preservation fund awards across the state.

(8) In awarding funds, special consideration shall be given to barns that are:

(a) Still in agricultural use;

(b) Listed on the national register of historic places; or

(c) Outstanding examples of their type or era.

(9) The conditions in this subsection must be met by recipients of funding in order to satisfy the public benefit requirements of the heritage barn preservation program.

(a) Recipients must execute a contract with the department before commencing work. The contract must include a historic preservation easement for between five to fifteen years depending on the amount of the award. The contract must specify public benefit and minimum maintenance requirements.

(b) Recipients must proactively maintain their historic barn for a minimum of ten years.

(c) Public access to the exterior of properties that are not visible from a public right-of-way must be provided under reasonable terms and circumstances, including the requirement that visits by nonprofit organizations or school groups must be offered at least one day per year.

(10) All work must comply with the United States secretary of the interior's standards for the rehabilitation of historic properties; however, exceptions may be made for the retention or installation of metal roofs on a case-by-case basis.

(11) The heritage barn preservation fund shall be acknowledged on any materials produced and in publicity for the project. A sign acknowledging the fund shall be posted at the worksite for the duration of the preservation agreement.

(12) Projects must be initiated within one year of funding approval and completed within two years, unless an extension is provided by the department in writing.

(13) If a recipient of a heritage barn preservation fund award, or subsequent owner of a property that was assisted by the fund, takes any action within ten years of the funding award with respect to the assisted property such as dismantlement, removal, or substantial alteration, which causes it to be no longer eligible for listing in the Washington heritage register, the fund shall be repaid in full within one year.

**NEW SECTION. Sec. 3.** (1) The director shall establish a Washington state heritage barn preservation advisory board that includes:

(a) Two members representing owners of heritage barns nominated by recognized agricultural organizations;

(b) The chair of the advisory council, or the chair's designee;

(c) A representative of a statewide historic preservation organization;

(d) A representative of a county heritage commission that is recognized by the department as a certified local government;

(e) Two elected county officials, one appointed by the Washington state association of counties and one appointed by the Washington association of county officials;

(f) A representative of a private foundation with an interest in the preservation of barns;

(g) A representative of a land trust that is experienced with easements; and

(h) At least one at-large member with appropriate expertise in barn architecture, architectural history, construction, engineering, or a related field.

(2) The director may invite representatives of federal agencies that have barn preservation programs or expertise to participate on the advisory board, who shall serve as ex-officio members.

(3) The director shall work to assure that the advisory board members are from diverse geographic regions of the state. The director may serve as chair, or appoint a person to serve as chair.

(4) The advisory board shall provide advice to the director regarding:

(a) The criteria for designation of heritage barns;

(b) The criteria for determining eligibility for grant funds including contracting provisions between the department and grant recipients. In developing this criteria, the department and the advisory board shall consult with the state attorney general; and

(c) The criteria for awarding grants for barn rehabilitation.

(5) The advisory board shall examine regulatory issues that impose constraints on the ability to use heritage barns for contemporary economically productive purposes including building and land use codes.

(6) By December 1, 2010, the department shall provide a final report to appropriate committees of the legislature that summarizes the accomplishments of the program, addresses regulatory issues examined under subsection (5) of this section, and makes final recommendations.

(7) This section expires December 31, 2010.

**NEW SECTION. Sec. 4.** (1) The heritage barn preservation fund is created as an account in the state treasury. All receipts from appropriations and private sources must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to provide assistance to owners of heritage barns in Washington state in the stabilization and restoration of their barns so that these historic properties may continue to serve the community.

(2) The department shall minimize the amount of funds that are used for program administration, which shall include consultation with the department of general administration's barrier-free facilities program for input regarding accessibility for people with disabilities where public access to historic barns is permitted.

(3) The primary public benefit of funding through the heritage barn preservation program is the preservation and enhancement of significant historic properties that provide economic benefit to the state's citizens and enrich communities throughout the state.

**Sec. 5.** RCW 27.34.020 and 2005 c 333 s 13 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory council" means the advisory council on historic preservation.

(2) "Department" means the department of archaeology and historic preservation.

(3) "Director" means the director of the department of archaeology and historic preservation.

(4) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).

(5) "Heritage barn" means any large agricultural outbuilding used to house animals, crops, or farm equipment, that is over fifty years old and has been determined by the department to: (a) Be eligible for listing on the Washington heritage register or the national register of historic places; or (b) have been listed on a local historic register and approved by the advisory council. In addition to barns, "heritage barn" includes agricultural resources such as milk houses, sheds, silos, or other outbuildings, that are historically associated with the working life of the farm or ranch, if these outbuildings are on the same property as a heritage barn.

(6) "Heritage council" means the Washington state heritage council.

~~((7))~~ (7) "Historic preservation" includes the protection, rehabilitation, restoration, identification, scientific excavation, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington state history, architecture, archaeology, or culture.

~~((7))~~ (8) "Preservation officer" means the state historic preservation officer as provided for in RCW 43.334.020.

~~((8))~~ (9) "Project" means programs leading to the preservation for public benefit of historical properties, whether by state and local governments or other public bodies, or private organizations or individuals, including the acquisition of title or interests in, and the development of, any district, site, building, structure, or object that is significant in American and Washington state history, architecture, archaeology, or culture, and property used in connection therewith, or for its development.

~~((9))~~ (10) "State historical agencies" means the state historical societies and the department.

~~((10))~~ (11) "State historical societies" means the Washington state historical society and the eastern Washington state historical society.

~~((11))~~ (12) "Cultural resource management plan" means a comprehensive plan which identifies and organizes information on the state of Washington's historic, archaeological, and architectural resources into a set of management criteria, and which is to be used for producing reliable decisions, recommendations, and advice relative to the identification, evaluation, and protection of these resources.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 7.** Sections 2 through 4 of this act are each added to chapter 27.34 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2115 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Newhouse and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2115, as amended by the Senate.

**MOTION**

On motion of Representative Santos, Representative Williams was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2115, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 97.

Excused: Representative Williams - 1.

SUBSTITUTE HOUSE BILL NO. 2115, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 11, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2118 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.63A.460 and 1993 c 280 s 76 are each amended to read as follows:

Beginning on July 1, ~~((1994))~~ 2007, the department ~~((of community, trade, and economic development))~~ shall ~~((be responsible for performing))~~ perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department ~~((of community, trade, and economic development))~~ may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of ~~((labor and industries))~~ community, trade, and economic development shall transfer all records, files, books, and documents necessary for the department ~~((of community, trade, and economic development))~~ to assume these new functions.

The directors of community, trade, and economic development and ~~((the department))~~ of labor and industries shall immediately take such steps as are necessary to ensure that ~~((chapter 176, Laws of 1990))~~ this act is implemented on ~~((June 7, 1990))~~ July 1, 2007.

**Sec. 2.** RCW 43.63A.465 and 1995 c 399 s 74 are each amended to read as follows:

The director ~~((of the department of community, trade, and economic development))~~ shall enforce manufactured housing safety and construction standards adopted by the secretary of housing and urban development under the national manufactured housing construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government, state agencies, or private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national manufactured housing construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) regarding the state administrative agency program.

**Sec. 3.** RCW 43.63B.010 and 1998 c 124 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Authorized representative" means an employee of a state agency, city, or county acting on behalf of the department.

(2) "Certified manufactured home installer" means a person who is in the business of installing mobile or manufactured homes and who has been issued a certificate by the department as provided in this chapter.

(3) "Department" means the department of ~~((community, trade, and economic development))~~ labor and industries.

(4) "Director" means the director of ~~((community, trade, and economic development))~~ labor and industries.

(5) "Manufactured home" means a single-family dwelling built in accordance with the department of housing and urban development manufactured home construction and safety standards act, which is a national, preemptive building code.

(6) "Mobile or manufactured home installation" means all on-site work necessary for the installation of a manufactured home, including:

- (a) Construction of the foundation system;
- (b) Installation of the support piers and earthquake resistant bracing system;

- (c) Required connection to foundation system and support piers;

- (d) Skirting;

- (e) Connections to the on-site water and sewer systems that are necessary for the normal operation of the home; and

- (f) Extension of the pressure relief valve for the water heater.

(7) "Manufactured home standards" means the manufactured home construction and safety standards as promulgated by the United States department of housing and urban development (HUD).

(8) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD manufactured home construction and safety standards act.

(9) "Training course" means the education program administered by the department, or the education course administered by an approved educational provider, as a prerequisite to taking the examination for certification.

(10) "Approved educational provider" means an organization approved by the department to provide education and training of manufactured home installers and local inspectors.

**Sec. 4.** RCW 43.63B.150 and 1994 c 284 s 29 are each amended to read as follows:

~~((All violations designated as an infraction shall be adjudicated in accordance with the administrative procedure act, chapter 34.05 RCW.))~~ If a party desires to contest a notice of infraction and civil penalty issued under this chapter, the party must file a notice of appeal with the

department within twenty days of the department mailing the notice of civil penalty. An administrative law judge of the office of administrative hearings shall hear and determine the appeal. Appeal proceedings must be conducted under chapter 34.05 RCW. An appeal of the administrative law judge's determination or order must be to the superior court. The superior court's decision is subject only to discretionary review under the rules of appellate procedure.

**Sec. 5.** RCW 43.63B.170 and 1994 c 284 s 31 are each amended to read as follows:

(1) A person found to have committed an infraction under this chapter shall be assessed a monetary penalty of one thousand dollars.

(2) The administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) Monetary penalties collected under this chapter shall be ~~((remitted as provided in chapter 3.62 RCW))~~ deposited into the manufactured home installation training account created in RCW 43.63B.080 (as recodified by this act) for the purposes specified in this chapter.

**Sec. 6.** RCW 43.22.431 and 2001 c 335 s 3 are each amended to read as follows:

The director of the department of labor and industries may enforce manufactured home safety and construction standards adopted by the secretary of housing and urban development under the national manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government and private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Any fees or contract moneys collected under these agreements shall be deposited into the manufactured home installation training account created in RCW 43.63B.080 (as recodified by this act).

**Sec. 7.** RCW 43.22.495 and 1995 c 399 s 69 are each amended to read as follows:

Beginning on July 1, ~~((1991))~~ 2007, the department ~~((of community, trade, and economic development))~~ of labor and industries shall ~~((be responsible for performing))~~ perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department ~~((of community, trade, and economic development))~~ of labor and industries may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The directors of the department of community, trade, and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that ~~((chapter 176, Laws of 1990))~~ this act is implemented on ~~((June 7, 1990))~~ July 1, 2007.

**Sec. 8.** RCW 46.70.136 and 1994 c 284 s 12 are each amended to read as follows:

The department may mediate disputes that arise regarding any warranty required in chapter 46.70 RCW pertaining to the purchase or installation of a manufactured home. The department may charge reasonable fees for this service and shall deposit the moneys collected in accordance with RCW 43.63B.080 (as recodified by this act).

**Sec. 9.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs ~~((which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing)).~~

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes

between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

~~((The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.~~

~~((3))~~ The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

**Sec. 10.** RCW 59.22.070 and 1995 c 399 s 156 are each amended to read as follows:

There is created in the custody of the state treasurer a special account known as the ~~((mobile home affairs))~~ manufactured housing account.

Disbursements from this special account shall be as follows:

(1) For the two-year period beginning July 1, 1988, forty thousand dollars, or so much thereof as may be necessary for costs incurred in registering landlords and collecting fees, and thereafter five thousand dollars per year for that purpose.

(2) All remaining amounts shall be remitted to the department for the purpose of implementing RCW 59.22.050 ~~((and 59.22.060)), except those funds needed to implement the state administrative agency function and manufactured home installation training and certification program under chapter 43.-- RCW (as created in section 13 of this act), as well as all appropriated and nonappropriated funds related to department of labor and industries functions.~~

**Sec. 11.** RCW 43.63B.070 and 1994 c 284 s 22 are each amended to read as follows:

(1) The department shall charge reasonable fees to cover the costs to administer the certification program which shall include but not be limited to the issuance, renewal, and reinstatement of all certificates, training courses, and examinations required under this chapter. All fees collected under this chapter shall be deposited in the manufactured home installation training account created in RCW 43.63B.080 and used only for the purposes specified in this chapter.

The fees shall be limited to covering the direct cost of issuing the certificates, administering the examinations, and administering and enforcing this chapter. The costs shall include only essential travel, per diem, and administrative support costs.

(2) For the purposes of implementing this act, until July 1, 2008, the department may increase fees for the certification program in excess of the fiscal growth factor under chapter 43.135 RCW.

**NEW SECTION. Sec. 12.** (1) All powers, duties, and functions of the department of community, trade, and economic development pertaining to mobile and manufactured home installation are transferred to the department of labor and industries.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of labor and industries. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the department of labor and industries. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of labor and industries.

(b) Any appropriations made to the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of labor and industries.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of labor and industries. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of labor and industries to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of labor and industries. All existing contracts and obligations shall remain in full force and shall be performed by the department of labor and industries.

(5) The transfer of the powers, duties, functions, and personnel of the department of community, trade, and economic development shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

**NEW SECTION. Sec. 13.** The following sections are each recodified as a new chapter in Title 43 RCW: RCW 43.63B.005, 43.63B.010, 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060, 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120, 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800, 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136.

**NEW SECTION. Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 15.** Section 2 of this act expires if the contingency in RCW 43.63A.490 occurs."

On page 1, line 4 of the title, after "industries;" strike the remainder of the title and insert "amending RCW 43.63A.460, 43.63A.465, 43.63B.010, 43.63B.150, 43.63B.170, 43.22.431, 43.22.495, 46.70.136, 59.22.050, 59.22.070, and 43.63B.070; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.63B.005, 43.63B.010, 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060, 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120, 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800, 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136; providing a contingent expiration date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2118 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Conway spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2118, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2118, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 95.

Voting nay: Representatives Dunn and Springer - 2.

Excused: Representative Williams - 1.

SUBSTITUTE HOUSE BILL NO. 2118, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2129 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 78.60.070 and 1974 ex.s. c 43 s 7 are each amended to read as follows:

(1) Any person proposing to drill a well or redrill an abandoned well for geothermal resources shall file with the department a written application for a permit to commence such drilling or redrilling on a form prescribed by the department accompanied by a permit fee of two hundred dollars. The department shall forward a duplicate copy to the department of ecology within ten days of filing.

(2) Upon receipt of a proper application relating to drilling or redrilling the department shall set a date, time, and place for a public hearing on the application, which hearing shall be in the county in which the drilling or redrilling is proposed to be made, and shall instruct the applicant to publish notices of such application and hearing by such means and within such time as the department shall prescribe. The department shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within the county in which the drilling or redrilling is proposed to be made and in such other appropriate information media as the department may direct.

(3) Any person proposing to drill a core hole for the purpose of gathering geothermal data, including but not restricted to heat flow, temperature gradients, and rock conductivity, shall be required to obtain a single permit for each ~~((geothermal area))~~ core hole according to subsection (1) of this section, ~~((except that no))~~ including a permit fee ~~((shall be required))~~ for each core hole, but no notice need be published, and no hearing need be held. Such core holes that penetrate more than

seven hundred and fifty feet into bedrock shall be deemed geothermal test wells and subject to the payment of a permit fee and to the requirement in subsection (2) of this section for public notices and hearing. In the event geothermal energy is discovered in a core hole, the hole shall be deemed a geothermal well and subject to the permit fee, notices, and hearing. Such core holes as described by this subsection are subject to all other provisions of this chapter, including a bond or other security as specified in RCW ~~((79.76.130))~~ 78.60.130.

(4) All moneys paid to the department under this section shall be deposited with the state treasurer for credit to the general fund.

**Sec. 2.** RCW 78.60.100 and 1974 ex.s. c 43 s 10 are each amended to read as follows:

Any well or core hole drilled under authority of this chapter from which:

(1) It is not technologically practical to derive the energy to produce electricity commercially, or the owner or operator has no intention of deriving energy to produce electricity commercially, and

(2) Usable minerals cannot be derived, or the owner or operator has no intention of deriving usable minerals, shall be plugged and abandoned as provided in this chapter or, upon the owner's or operator's written application to the department of natural resources and with the concurrence and approval of the department of ecology, jurisdiction over the well may be transferred to the department of ecology and, in such case, the well shall no longer be subject to the provisions of this chapter but shall be subject to any applicable laws and ~~((regulations))~~ rules relating to wells drilled for appropriation and use of ground waters. If an application is made to transfer jurisdiction, a copy of all logs, records, histories, and descriptions shall be provided to the department of ecology by the applicant.

**Sec. 3.** RCW 78.60.130 and 1974 ex.s. c 43 s 13 are each amended to read as follows:

Every operator who engages in the drilling, redrilling, or deepening of any well or core hole shall file with the department a reasonable bond or bonds with good and sufficient surety, or the equivalent thereof, acceptable to the department, conditioned on compliance with the provisions of this chapter and all rules and ~~((regulations and))~~ permit conditions adopted pursuant to this chapter. This performance bond shall be executed in favor of and approved by the department.

In lieu of a bond the operator may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account in a Washington bank on an assignment form prescribed by the department. The department, in its discretion, may accept a single surety or security arrangement covering more than one well or core hole.

**Sec. 4.** RCW 78.60.200 and 1974 ex.s. c 43 s 20 are each amended to read as follows:

(1) The owner or operator of any well or core hole shall keep or cause to be kept careful and accurate logs, including but not restricted to heat flow, temperature gradients, and rock conductivity logs, records, descriptions, and histories of the drilling, redrilling, or deepening of the well.

(2) All logs, including but not restricted to heat flow, temperature gradients, and rock conductivity logs, records, histories, and descriptions referred to in subsection (1) of this section shall be kept in the local office of the owner or operator, and together with other reports of the owner or operator shall be subject during business hours to inspection by the department. Each owner or operator, upon written request from the department, shall file with the department ~~((a))~~ one paper and one electronic copy of the logs, including but not restricted to heat flow, temperature gradients, and rock conductivity logs, records, histories, descriptions, or other records or portions thereof pertaining to the geothermal drilling or operation underway or suspended.

**Sec. 5.** RCW 78.60.210 and 1974 ex.s. c 43 s 21 are each amended to read as follows:

Upon completion or plugging and abandonment of any well or core hole or upon the suspension of operations conducted with respect to any well or core hole for a period of at least six months, one paper and one electronic copy of ~~((the))~~ logs, including but not restricted to heat flow, temperature gradients, and rock conductivity logs, core ~~((record))~~, electric

log, history, and all other logs and surveys that may have been run on the well, shall be filed with the department within thirty days after such completion, plugging and abandonment, or six months' suspension.

**Sec. 6.** RCW 78.60.230 and 1974 ex.s. c 43 s 23 are each amended to read as follows:

(1) The records of any owner or operator, when filed with the department as provided in this chapter, shall be confidential and shall be open to inspection only to personnel of the department for the purpose of carrying out the provisions of this chapter and to those authorized in writing by such owner or operator, until the expiration of a twenty-four month confidential period to begin at the date of commencement of production or of abandonment of the well or core hole. After expiration of the twenty-four month confidential period, the department shall ensure all logs and surveys that may have been run on the well or core hole are preserved in an electronic data system and made available to the public.

(2) Such records shall in no case, except as provided in this chapter, be available as evidence in court proceedings. No officer, employee, or member of the department shall be allowed to give testimony as to the contents of such records, except as provided in this chapter for the review of a decision of the department or in any proceeding initiated for the enforcement of an order of the department, for the enforcement of a lien created by the enforcement of this chapter, or for use as evidence in criminal proceedings arising out of such records or the statements upon which they are based.

**Sec. 7.** RCW 43.30.490 and 2003 c 70 s 2 are each amended to read as follows:

(1) The department may enter into a written cost-reimbursement agreement with a permit or lease applicant or project proponent to recover from the applicant or proponent the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, ~~((and))~~ permit or lease processing, and monitoring for permit compliance. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. ~~((An applicant for a lease issued under chapter 79.90 RCW may not enter into a cost-reimbursement agreement under this section for projects conducted under the lease.))~~

(2) The written cost-reimbursement agreement shall be negotiated with the permit or lease applicant or project proponent. Under the provisions of a cost-reimbursement agreement, funds from the applicant or proponent shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit or lease. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits or leases, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits or leases not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

~~((3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2007. The department may continue to administer any cost-reimbursement agreement that was entered into before July 1, 2007, until the project is completed.))~~

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "and amending RCW 78.60.070, 78.60.100, 78.60.130, 78.60.200, 78.60.210, 78.60.230, and 43.30.490."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2129 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2129, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2129, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 97.

Excused: Representative Williams - 1.

SUBSTITUTE HOUSE BILL NO. 2129, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2240 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their

subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered as a 501(c)(3) under the internal revenue

code and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g)(i) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from ~~(jointly)~~ producing jointly or together with regional, state, or local wine industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.

(ii) Nothing in this section prohibits: (A) Domestic wineries, domestic breweries, microbreweries, and certificate of approval holders licensed under this chapter from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and (B) retailers licensed under this chapter from listing on their internet web sites information related to domestic wineries, domestic breweries, microbreweries, and certificate of approval holders whose products those retailers sell or promote, including direct links to the domestic wineries', domestic breweries', microbreweries', and certificate of approval holders' web sites.

(h) Nothing in this section prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder licensed under RCW 66.24.206(1)(a) for or on behalf of a licensed retail business when the personal services are (i) conducted at a licensed premises, and (ii) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, or a speciality wine shop license; bottle signings; and other similar informational or educational activities. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor. Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsections (1)(g) and (h) and (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

**Sec. 2.** RCW 66.28.150 and 2004 c 160 s 14 are each amended to read as follows:

A domestic brewery, microbrewery, domestic winery, distillery, distributor, certificate of approval holder, or its licensed agent may, without charge, instruct licensees and their employees, or conduct courses of instruction for licensees and their employees, including chefs, on the subject of beer, wine, or spirituous liquor, including but not limited to, the history, nature, values, and characteristics of beer, wine, or spirituous liquor, the use of wine lists, and the methods of presenting, serving, storing, and handling beer, wine, or spirituous liquor, and what wines go well with different types of food. The domestic brewery, microbrewery, domestic winery, distillery, distributor, certificate of approval holder, or its licensed agent may furnish beer, wine, or spirituous liquor and such other equipment, materials, and utensils as may be required for use in connection with the instruction or courses of instruction. The instruction or courses of instruction may be given at the premises of the domestic brewery, microbrewery, domestic winery, distillery, or authorized representative holding a certificate of approval, at the premises of a retail licensee, or elsewhere within the state of Washington."

On page 1, line 3 of the title, after "wine;" strike the remainder of the title and insert "amending RCW 66.28.150; and reenacting and amending RCW 66.28.010."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2240 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Conway spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2240, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2240, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes,

Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 97.

Excused: Representative Williams - 1.

HOUSE BILL NO. 2240, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2357 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.64.110 and 2003 c 334 s 207 are each amended to read as follows:

Any moneys derived from the lease of state forest lands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, must be distributed as follows:

(1) State forest lands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(a) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account in the state general fund.

(b) Any balance remaining must be paid to the county in which the land is located to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

(c) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(d) With regard to moneys remaining under this subsection (1), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(2) State forest lands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(a) Fifty percent shall be placed in the forest development account.

(b) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(3) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 2.** RCW 28A.320.330 and 2002 c 275 s 2 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, ~~((and))~~ earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and on-line applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forest land revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW."

On page 1, line 1 of the title after "revenues;" strike the remainder of the title and insert "and amending RCW 79.64.110 and 28A.320.330."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2357 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative McIntire spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2357, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2357, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 97.

Excused: Representative Williams - 1.

HOUSE BILL NO. 2357, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5224 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 5224 was returned to second reading for purpose of amendment.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5224, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Rockefeller and Kilmer; by request of Office of Financial Management)**

**Concerning the governor's salmon recovery office.**

Representative B. Sullivan moved the adoption of amendment (865) to the amendment by the Committee on Appropriations:

On page 11, after line 37 of the amendment, insert the following:

**"NEW SECTION. Sec. 9.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2007."

Representative B. Sullivan spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5224, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5224, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 97.

Excused: Representative Williams - 1.

SUBSTITUTE SENATE BILL NO. 5224, as amended by the House, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Darneille: "Mr. Speaker, we are learning more today the terrible tragedy at Virginia Tech. In fact, our flags are being held at half mast. This is a terrible tragedy on a college campus and affects all campuses across the country. The first shootings yesterday morning took place in a dormitory and the first victims included a resident assistant in that dorm who went to help a young woman on his floor. Our hearts go out to everyone associated with Virginia Tech and to students, faculty, administrators and family members across our country.

Particularly today I would like the indulgence, Mr. Speaker of acknowledging the special work that is done by resident assistants in dorms on campuses in Washington State. My first work out of college was with staff in resident halls at Western Washington University. Many of you may have served as resident advisors during your college careers. They are chosen for leadership, personality, problem solving ability and dependability. They often work in exchange for room or board, and are not considered real State employees but we should be proud of them.

In the case of Ryan Clark who was called Stack at Virginia Tech it is said he would do anything for the people on his dorm. We cannot help but think about our campuses in Washington today and we thank the students in Washington who serve as residence advisors in our dorms and the administrators who work with them. Today and everyday they will do anything for the people on their floor, their dorm, their campus. Thank you, Mr. Speaker"

#### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1091 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that Washington is home to some of the world's most innovative companies, researchers, entrepreneurs, and workers. Talent and creativity exist in all areas of Washington. The legislature further finds that economic potential can be enhanced when the state facilitates partnerships between talented leaders from research institutions, industry, and local economic development and workforce development organizations to attract additional talent and build on the strengths found in existing industry clusters. Washington is a national leader in economic strategy based on clusters of industries, promoting the connections among firms, suppliers, customers, and public resources. It is the intent of the legislature that Washington support innovation partnerships and partnership zones around the state that will become globally recognized as hubs of expertise, innovation, and commercialization and advance Washington's position in the world economy.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The department of community, trade, and economic development shall administer, with the advice of the Washington economic development commission, an innovation partnership zone program.

(2) On October 1st of each year, the director shall designate innovation partnership zones. Applications for state designation of an area as an innovation partnership zone may be submitted by associate development organizations, port districts, workforce development councils, cities, or counties. Applicants must demonstrate:

(a) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(b) Evidence of planning for the innovation partnership zone;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The presence within the proposed innovation partnership zone of research capacity, including research teams focused on emerging technologies and their commercialization or faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance;

(e) Using labor market information from the employment security department and local labor markets as well as data on revenue growth rates, wage levels, and other factors, a concentration of firms within the proposed innovation partnership zone that are important to the economic prosperity of the state and have comparative competitive advantage or the potential for comparative competitive advantage;

(f) Training capacity either within the zone or readily accessible to the zone.

(3) An innovation partnership zone shall be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.330 RCW to read as follows:

The director shall disburse innovation partnership zone grants. Innovation partnership zone grants must be used to improve the commercialization facilities within an area designated as an innovation partnership zone and be used to facilitate the collaboration between research teams, industry, and workforce training providers that will lead to the formation and financing of new innovative firms, the commercialization of research results, and the movement of firms and industry clusters into globally competitive niches. The grants will be awarded only to applicants operating within a designated innovation partnership zone consistent with the following criteria and such other criteria as the director develops in consultation with the Washington state economic development commission:

(1) Each grant must be matched by a commitment of financial support from the private sector equal to or greater than fifty percent of the requested grant amount;

(2) Eligible grant applicants may include associate development organizations, port districts, workforce development councils, educational or research institutions, and local jurisdictions;

(3) During the biennium ending June 30, 2009, no more than two partnership zone grants shall be awarded to recipients in the central Puget Sound region, a minimum of two such grants shall be awarded in eastern Washington and a minimum of one such grant shall be awarded in western Washington outside the central Puget Sound region;

(4) Applicants for innovation partnership zone grants must:

(a) Disclose the service delivery mechanisms to be used to allow industry associations, cluster associations, and businesses to access the technical assistance, advisory, research, and commercialization capabilities of research teams within the zone;

(b) Detail how training services will be coordinated and delivered to industry associations, cluster associations, and businesses within the zone; and

(c) Describe the methods by which the applicant will facilitate the competitiveness of firms, the commercialization of research, and the upgrading of worker skills within the zone.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones.

The report shall include recommendations for modifications of this act and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.330 RCW to read as follows:

The innovation partnership fund is created in the custody of the state treasurer. Only the state economic development commission, with the concurrence of the higher education coordinating board, may authorize expenditures from the fund. Expenditures from the fund may be made only for the purposes of section 4 of this act. Revenues to the fund consist of transfers or appropriations made by the legislature, transfers made by state research institutions, and private donations.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.330 RCW to read as follows:

For the purposes of this act, "commercialization" means a sequence of steps, including technology transfer, technical assistance in product development, production process design, and technical skills development, necessary to achieve market entry and general market competitiveness of innovative technologies, processes, and products."

On page 1, line 1 of the title, after "zones," strike the remainder of the title and insert "adding new sections to chapter 43.330 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1091 and asked the Senate to recede therefrom.

## MESSAGE FROM THE SENATE

April 6, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1777 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.09.010 and 1986 c 230 s 1 are each amended to read as follows:

The purpose of this chapter is to:

(1) Provide citizens of the state of Washington with information relating to persons and organizations who solicit funds from the public for public charitable purposes in order to prevent ~~((+))~~ (a) deceptive and dishonest practices in the conduct of soliciting funds for or in the name of charity; and ~~((2))~~ (b) improper use of contributions intended for charitable purposes;

(2) Improve the transparency and accountability of organizations that solicit funds from the public for charitable purposes; and

(3) Develop and operate educational programs or partnerships for charitable organizations, board members, and the general public that help build public confidence and trust in organizations that solicit funds from the public for charitable purposes.

**Sec. 2.** RCW 19.09.020 and 2002 c 74 s 1 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of an independent contractor in his or her relation with the organization; and (c) whose compensation is not computed on funds raised or to be raised.

(2) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable ~~((activity))~~ purpose, but does not include any commercial fund raiser ~~((or))~~ commercial fund-raising entity, commercial coventurer, or any fund-raising counsel, as defined in this section. ~~((("Charitable" (a) is not limited to its common law meaning unless the context clearly requires a narrower meaning; (b) does not include religious or political activities; and (c) includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.))~~ Churches and their integrated auxiliaries are not charitable organizations, but are subject to RCW 19.09.100 (12), (15), and (18).

(3) "Charitable purpose" means any religious, charitable, scientific, testing for public safety, literary, or educational purpose or any other purpose that is beneficial to the community, including environmental, humanitarian, patriotic, or civic purposes, the support of national or international amateur sports competition, the prevention of cruelty to children or animals, the advancement of social welfare, or the benefit of law enforcement personnel, firefighters, and other persons who protect public safety. The term "charitable" is used in its generally accepted legal

sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.

(4) "Commercial coventurer" means any individual or corporation, partnership, sole proprietorship, limited liability company, limited partnership, limited liability partnership, or any other legal entity, that:

(a) Is regularly and primarily engaged in making sales of goods or services for profit directly to the general public;

(b) Is not otherwise regularly or primarily engaged in making charitable solicitations in this state or otherwise raising funds in this state for one or more charitable organizations;

(c) Represents to prospective purchasers that, if they purchase a good or service from the commercial coventurer, a portion of the sales price or a sum of money or some other specified thing of value will be donated to a named charitable organization; and

(d) Does not ask purchasers to make checks or other instruments payable to a named charitable organization or any entity other than the commercial coventurer itself under its regular commercial name.

(5) "Commercial fund raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits or receives contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, a commercial coventurer, fund-raising counsel, or consultant is not a commercial fund raiser or commercial fund-raising entity.

(6) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

((+)) (7) "Contribution" means the payment, donation, promise, or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights ((less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose)).

((+)) (8) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation. ((Cost of solicitation does not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

(+)) (9) "Entity" means an individual, organization, group, association, partnership, corporation, agency or unit of state government, or any combination thereof.

((7)) "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

(8) "Commercial fund raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits or receives contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, the following shall not be deemed a commercial fund raiser or "commercial fund-raising entity": (a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives any contribution for or on behalf of any such charitable organization; and (b) a bona fide officer or other employee of a charitable organization.

(9)) (10) "Fund-raising counsel" or "consultant" means any entity or individual who is retained by a charitable organization, for a fixed fee or rate, that is not computed on a percentage of funds raised, or to be raised, under a written agreement only to plan, advise, consult, or prepare

materials for a solicitation of contributions in this state, but who does not manage, conduct, or carry on a fund-raising campaign and who does not solicit contributions or employ, procure, or engage any compensated person to solicit contributions, and who does not at any time have custody or control of contributions. A volunteer, employee, or salaried officer of a charitable organization maintaining a permanent establishment or office in this state is not a fund-raising counsel. An attorney, investment counselor, or banker who advises an individual, corporation, or association to make a charitable contribution is not a fund-raising counsel as a result of the advice.

(11) "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

(12) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

((+)) (13) "Other employee" of a charitable organization means any person (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of any independent contractor in his or her relation with the organization; and (c) who is not engaged in the business of or held out to persons in this state as independently engaged in the business of soliciting contributions for charitable purposes or religious ((purposes)) activities.

((+)) "Parent organization" means that part of a charitable organization that coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more related foundations, supporting organizations, chapters, branches, or affiliates of such organization in the state of Washington.

(+)) (14) "Political ((activities)) organization" means those organizations whose activities are subject to chapter 42.17 RCW or the Federal Elections Campaign Act of 1971, as amended.

((+)) "Religious activities" means those religious, evangelical, or missionary activities under the direction of a religious organization duly organized and operating in good faith that are entitled to receive a declaration of current tax-exempt status for religious purposes from the United States government and the duly organized branches or chapters of those organizations.

(+)) (15) "Religious organization" means those entities that are not churches or integrated auxiliaries and includes nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, speakers' organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

(16) "Secretary" means the secretary of state.

((+)) (17) "Signed" means hand-written, or, if the secretary adopts rules facilitating electronic filing that pertain to this chapter, in the manner prescribed by those rules.

((+)) (18)(a) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

((+)) (i) Any appeal is made for any charitable purpose; ((or

(b)) (ii) The name of any charitable organization is used as an inducement for consummating the sale; or

((+)) (iii) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

(b) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(c) "Solicitation" does not include bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission ((are specifically excluded and shall not be deemed a solicitation under this chapter)).

Sec. 3. RCW 19.09.075 and 2002 c 74 s 2 are each amended to read as follows:

An application for registration as a charitable organization shall be submitted in the form prescribed by rule by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the charitable organization;

(2) The name(s) under which the organization will solicit contributions;

(3) The name, address, and telephone number of the officers of or persons accepting responsibility for the organization;

(4) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(5) The purpose of the organization;

(6)(a) Whether the organization is exempt from federal income tax; and if so the organization shall attach to its application a copy of the letter by which the internal revenue service granted such status; and

(b) The name and address of the entity that prepares, reviews, or audits the financial statement of the organization;

(7) A solicitation report of the organization for the preceding accounting year including:

(a) The ~~((number and))~~ types of solicitations conducted;

(b) The total dollar value of ~~((support))~~ contributions received from solicitations and from all other sources received on behalf of the charitable purpose of the charitable organization;

(c) The total amount of money applied to charitable purposes, fund raising costs, and other expenses; and

(d) The name, address, and telephone number of any commercial fund raiser used by the organization;

(8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305; and

(9) The total revenue of the preceding fiscal year.

The solicitation report required to be submitted under subsection (7) of this section shall be in the form prescribed by rule by the secretary, or as agreed to by the secretary and a charitable organization ~~((or a group of charitable organizations. A consolidated application for registration may, at the option of the charitable organization, be submitted by a parent organization for itself and any or all of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington. —The application shall be signed by)).~~ The president, treasurer, or comparable officer of the organization must sign and date the application. The application shall be submitted with a nonrefundable filing fee which shall be in an amount to be established by the secretary by rule. In determining the amount of this application fee, the secretary may consider factors such as the entity's annual budget and its federal income tax status. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

~~((The secretary shall notify the director of veterans' affairs upon receipt of an application for registration as a charitable organization from an entity that purports to raise funds to benefit veterans of the United States military services. The director of veterans' affairs may advise the secretary and the attorney general of any information, reports, or complaints regarding such an organization.))~~

**Sec. 4.** RCW 19.09.076 and 1994 c 287 s 1 are each amended to read as follows:

(1) The application requirements of RCW 19.09.075 do not apply to ~~((the following))~~:

~~((+)) (a) Any charitable organization raising less than an amount as set by rule adopted by the secretary in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;~~

~~((2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:~~

~~—(a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;~~

~~—(b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and~~

~~—(c) Such federal income tax forms as may be required by rule of the secretary.))~~

(b) Political organizations; or

(c) Appeals for funds on behalf of a specific individual named in the solicitation, but only if all of the proceeds of the solicitation are given to or expended for the direct benefit of that individual.

(2) All entities soliciting ~~((charitable donations))~~ contributions for charitable purposes shall comply with the requirements of RCW 19.09.100.

**Sec. 5.** RCW 19.09.079 and 1993 c 471 s 5 are each amended to read as follows:

An application for registration as a commercial fund raiser shall be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the commercial fund-raising entity;

(2) The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the commercial fund-raising entity;

(3) The name, address, and telephone number of the individual responsible for the activities of the commercial fund-raising entity in Washington;

~~((A list of states and Canadian provinces in which fund raising has been performed;~~

~~—(5))~~ The names of the three officers or employees receiving the greatest amount of compensation from the commercial fund-raising entity;

~~((6))~~ (5) The name and address of the entity that prepares, reviews, or audits the financial statement of the organization;

~~((7))~~ (6) A solicitation report of the commercial fund-raising entity for the preceding accounting year, including:

(a) The ~~((number and))~~ types of fund raising services conducted;

(b) The names of charitable organizations required to register under RCW 19.09.065 for whom fund raising services have been performed;

(c) The total value of contributions received on behalf of charitable organizations required to register under RCW 19.09.065 by the commercial fund raiser, affiliate of the commercial fund raiser, or any entity retained by the commercial fund raiser; and

(d) The amount of money disbursed to charitable organizations for charitable purposes, net of fund raising costs paid by the charitable organization as stipulated in any agreement between charitable organizations and the commercial fund raiser;

~~((8))~~ (7) The name, address, and telephone number of any commercial fund raiser that was retained in the conduct of providing fund raising services; and

~~((9))~~ (8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The application shall be signed by an officer or owner of the commercial fund raiser and shall be submitted with a nonrefundable fee in an amount to be established by rule of the secretary. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

**Sec. 6.** RCW 19.09.085 and 1993 c 471 s 6 are each amended to read as follows:

(1) Registration under this chapter shall be effective for one year or longer, as established by the secretary.

(2) Reregistration required under RCW 19.09.075 or 19.09.079 shall be submitted to the secretary no later than the date established by the secretary by rule.

(3) Entities required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1) through ~~((6))~~ (9) or 19.09.079 (1) through ~~((6))~~ (7).

(4) The secretary shall notify entities registered under this chapter of the need to reregister upon the expiration of their current registration. The notification shall be by mail, sent at least sixty days prior to the expiration of their current registration. Failure to register shall not be excused by a failure of the secretary to mail the notice or by an entity's failure to receive the notice.

**Sec. 7.** RCW 19.09.097 and 1993 c 471 s 7 are each amended to read as follows:

(1) No charitable organization may contract with a commercial fund raiser for any fund raising service or activity unless its contract requires that both parties comply with the law and permits officers of the charity reasonable access to: (a) The fund raisers' financial records relating to that charitable organization; ~~((and))~~ (b) the fund raisers' operations including without limitation the right to be present during any telephone solicitation; and (c) the names of all of the fund raisers' employees or staff who are

conducting fund raising or charitable solicitations on behalf of the charitable organization. In addition, the contract shall specify the amount of raised funds that the charitable organization will receive or the method of computing that amount, the amount of compensation of the commercial fund raiser or the method of computing that amount, and whether the compensation is fixed or contingent.

(2) Before a charitable organization may contract with a commercial fund raiser for any fund raising service or activity, the charitable organization and commercial fund raiser shall complete and file a registration form with the secretary. The registration shall be filed by the charitable organization ~~((with the secretary,))~~ in the form prescribed by the secretary ~~((- within five working days of the execution of the contract containing,))~~. The registration shall contain, but not be limited to, the following information:

- (a) The name and registration number of the commercial fund raiser;
- (b) The name of the surety or sureties issuing the bond required by RCW 19.09.190, the aggregate amount of such bond or bonds, the bond number(s), original effective date(s), and termination date(s);
- (c) The name and registration number of the charitable organization;
- (d) The name of the representative of the commercial fund raiser who will be responsible for the conduct of the fund raising;
- (e) The type(s) of service(s) to be provided by the commercial fund raiser;
- (f) The dates such service(s) will begin and end;
- (g) The terms of the agreement between the charitable organization and commercial fund raiser relating to:
  - (i) Amount or percentages of amounts to inure to the charitable organization;
  - (ii) Limitations placed on the maximum amount to be raised by the fund raiser, if the amount to inure to the charitable organization is not stated as a percentage of the amount raised;
  - (iii) Costs of fund raising that will be the responsibility of the charitable organization, regardless of whether paid as a direct expense, deducted from the amounts disbursed, or otherwise; and
  - (iv) The manner in which contributions received directly by the charitable organization, not the result of services provided by the commercial fund raiser, will be identified and used in computing the fee owed to the commercial fund raiser; and
- (h) The names of any entity to which more than ten percent of the total anticipated fund raising cost is to be paid, and whether any principal officer or owner of the commercial fund raiser or relative by blood or marriage thereof is an owner or officer of any such entity.

(3) A correct copy of the contract shall be filed with the secretary before the commencement of any campaign.

(4) The registration form shall be submitted with a nonrefundable filing fee in an amount to be established by rule of the secretary and shall be signed by an owner or principal officer of the commercial fund raiser and the president, treasurer, or comparable officer of the charitable organization.

**Sec. 8.** RCW 19.09.100 and 1994 c 287 s 2 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) A charitable organization, whether or not required to register pursuant to this chapter, that directly solicits contributions from the public in this state shall make the following clear and conspicuous disclosures at the point of solicitation:

- (a) The name of the individual making the solicitation;
- (b) The identity of the charitable organization and the city of the principal place of business of the charitable organization;
- (c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary.

(2) A commercial fund raiser shall clearly and conspicuously disclose at the point of solicitation:

- (a) The name of the individual making the solicitation;
- (b) The name of the entity for which the fund raiser is an agent or employee and the name and city of the charitable organization for which the solicitation is being conducted; and
- (c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary. The disclosure must be made

during an oral solicitation of a contribution, and at the same time at which a written request for a contribution is made.

(3) A person or organization soliciting charitable contributions by telephone shall make the disclosures required under subsection (1) or (2) of this section in the course of the solicitation but prior to asking for a commitment for a contribution from the solicitee, and in writing to any solicitee that makes a pledge within five working days of making the pledge. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in subsection (1) or (2) of this section, whichever is applicable.

(4) In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it shall be clearly and conspicuously disclosed in the body of the solicitation material that:

- (a) The solicitation is conducted by a named commercial fund raiser, if it is;
- (b) The notice of solicitation required by the charitable solicitation act is on file with the secretary's office; and

(c) The potential donor can obtain additional financial disclosure information at a published number in the office of the secretary.

(5) A container or vending machine displaying a solicitation must also display in a clear and conspicuous manner the name of the charitable organization for which funds are solicited, the name, business address, and telephone number of the individual and any commercial fund raiser responsible for collecting funds placed in the containers or vending machines, and the following statement: "This charity is currently registered with the secretary's office under the charitable solicitation act, registration number . . . ."

(6) A commercial fund raiser shall not represent that tickets to any fund raising event will be donated for use by another person unless all the following requirements are met:

- (a) The commercial fund raiser prior to conducting a solicitation has written commitments from persons stating that they will accept donated tickets and specifying the number of tickets they will accept;
- (b) The written commitments are kept on file by the commercial fund raiser for three years and are made available to the secretary, attorney general, or county prosecutor on demand;
- (c) The contributions solicited for donated tickets may not be more than the amount representing the number of ticket commitments received from persons and kept on file under (a) of this subsection; and

(d) Not later than seven calendar days prior to the date of the event for which ticket donations are solicited, the commercial fund raiser shall give all donated tickets to the persons who made the written commitments to accept them.

(7) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

- (a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by a commercial fund raiser.

(8) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government. This subsection does not apply to a foundation or other charitable organization that is organized, operated, or controlled by or in connection with a registered public charity, including any governmental agency or unit, from which it derives its name.

(9) No person may, in conducting any solicitation, use the name "police," "sheriff," "firefighter," "firemen," or a similar name unless properly authorized by a bona fide police, sheriff, or firefighter

organization or police, sheriff, or fire department. A proper authorization shall be in writing and signed by two authorized officials of the organization or department and shall be filed with the secretary.

(10) A person may not, in conducting any solicitation, use the name of a federally chartered or nationally recognized military veterans' service organization as determined by the United States veterans' administration unless authorized in writing by the highest ranking official of that organization in this state.

(11) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

~~(12) ((The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure)) An entity soliciting contributions for a charitable purpose shall not include in any solicitation, or in any advertising material for a solicitation, or in any promotional plan for a solicitation, any statement that is false, misleading, or deceptive. All solicitations, advertising material, and promotional plans must fully and fairly disclose the identity of the entity on whose behalf the solicitation is made.~~

(13) Solicitations shall not be conducted by a charitable organization or commercial fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

(14) No charitable organization or commercial fund raiser subject to this chapter may use or exploit the fact of registration under this chapter so as to lead the public to believe that registration constitutes an endorsement or approval by the state, but the use of the following is not deemed prohibited: "Currently registered with the Washington state secretary of state as required by law. Registration number . . ."

(15) No entity may engage in any solicitation for contributions for or on behalf of any charitable organization or commercial fund raiser unless the charitable organization or commercial fund raiser is currently registered with the secretary.

(16) No ~~((entity))~~ charitable organization or commercial fundraiser may engage in any solicitation for contributions unless it complies with all provisions of this chapter.

~~((17))~~ No entity may place a telephone call to a donor or potential donor for the purpose of charitable solicitation ~~((that will be received by the solicitee))~~ before eight o'clock a.m. or after nine o'clock p.m. pacific time.

~~((18))~~ (18) No entity may, ~~((while placing a telephone call))~~ when contacting a donor or potential donor for the purpose of charitable solicitation, engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the ~~((telephone call))~~ contact.

~~((19))~~ (19) Failure to comply with subsections (1) through ~~((17))~~ (18) of this section is a violation of this chapter.

**Sec. 9.** RCW 19.09.210 and 1993 c 471 s 12 are each amended to read as follows:

Upon the request of the attorney general or the county prosecutor, a charitable organization or commercial fund raiser shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to commercial fund raisers or charitable organizations.

(5) Copies of any annual or periodic reports furnished by the charitable organization~~((;))~~ of its activities during or for the same fiscal period~~((, to its parent organization, subsidiaries, or affiliates, if any)).~~

**Sec. 10.** RCW 19.09.440 and 1993 c 471 s 42 are each amended to read as follows:

(1) Annually, the secretary of state shall publish a report indicating:

(a) For each charitable organization registered under RCW ~~((19.09.065))~~ 19.09.075 the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of ~~((support received from solicitations and received from all other sources on behalf of the charitable purpose of the organization))~~ total expenditures, including the total amount of money applied to charitable purposes, fund raising costs, and administrative expenses;

(b) For each commercial fund raiser registered under RCW ~~((19.09.065))~~ 19.09.079 the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the commercial fund raiser; and

(c) Such other information as the secretary of state deems appropriate.

(2) The secretary of state may use the latest information obtained pursuant to RCW 19.09.075, 19.09.079, or otherwise under chapter 19.09 RCW to prepare the report.

**NEW SECTION. Sec. 11.** A new section is added to chapter 19.09 RCW to read as follows:

Charitable organizations must ensure that their boards, or a committee thereof, have reviewed and accepted any financial report that the organization may be required to file with the office of the secretary. Charitable organizations must also ensure that the financial information included in the filing fairly represents, in all material respects, the financial condition and results of operations of the organization as of, and for, the periods presented to the secretary for filing. If the financial information submitted to the secretary is incorrect in any material way, the charitable organization may be subject to penalties as provided under RCW 19.09.279.

**NEW SECTION. Sec. 12.** A new section is added to chapter 19.09 RCW to read as follows:

The secretary may, in conjunction with the attorney general, develop and operate an education program for charitable organizations, their board members, and the general public. To the extent practicable, the secretary shall consult with the nonprofit and charitable sector and the charitable advisory council created in section 16 of this act to develop curriculum and other materials intended to educate charitable organizations, their board members, and the general public.

**NEW SECTION. Sec. 13.** A new section is added to chapter 19.09 RCW to read as follows:

(1) To provide for a charitable organization education program as authorized in section 12 of this act, the secretary may establish fees on registrations for entities filing with the secretary as organizations pursuant to this chapter.

(2) The fees authorized in this section are in addition to the existing fees established by the secretary in rule for organizations required to register under this chapter.

**NEW SECTION. Sec. 14.** A new section is added to chapter 19.09 RCW to read as follows:

The charitable organization education account is created in state treasury. All receipts from the fees authorized in section 13(1) of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the charitable organization education program authorized in section 12 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 19.09 RCW to read as follows:

The secretary is authorized to adopt rules, in accordance with chapter 34.05 RCW, that establish a set of tiered independent financial reporting requirements for charitable organizations required to register with the secretary pursuant to this chapter. Rules adopted under this section shall include, but not be limited to, substantially the following:

(1) An initial filing requirement for all charitable organizations as currently required in this chapter;

(2) A financial reporting requirement for charitable organizations that have more than one million dollars in annual gross revenue averaged over

the last three fiscal years. The secretary may require charitable organizations that meet this threshold to have the federal financial reporting forms the organization normally files to be completed or reviewed by a third party who normally prepares or reviews the forms in the ordinary course of their business. These forms must be submitted to the secretary; and

(3) A financial reporting requirement for charitable organizations with more than three million dollars in annual gross revenue averaged over the last three fiscal years. The secretary may require charitable organizations that meet this threshold to submit to the secretary audited financial statements prepared by an independent certified public accountant.

**NEW SECTION. Sec. 16.** A new section is added to chapter 19.09 RCW to read as follows:

(1) The secretary is authorized to create a charitable advisory council to consist of at least eleven, but not more than twenty-one, members. Members of a charitable advisory council shall:

(a) Be appointed by the secretary, with all members serving at the pleasure of the secretary and all terms expiring no later than the term of the appointing secretary;

(b) Represent a broad range of charities by size, purpose, geographic region of the state, and general expertise in the management and leadership of charitable organizations; and

(c) Annually vote to elect one of its members to serve as chairperson.

(2) The secretary shall not compensate members of the charitable advisory council but may provide reimbursement to members for expenses that are incurred in the conduct of their official duties.

(3) The charitable advisory council shall advise the secretary in determining training and educational needs of charitable organizations and model policies related to governance and administration of charitable organizations in accordance with fiduciary principles, assist the secretary in identifying emerging issues and trends affecting charitable organizations, and advise the secretary on other related issues at the request of the secretary.

**NEW SECTION. Sec. 17.** A new section is added to chapter 19.09 RCW to read as follows:

(1) The secretary may enter into reciprocal agreements with the appropriate authority of any other state for the purpose of exchanging information with respect to charitable organizations and commercial fund raisers.

(2) Pursuant to such agreements the secretary may:

(a) Accept information filed by a charitable organization or commercial fund raisers with the appropriate authority of another state in lieu of the information required to be filed in accordance with this chapter, if the information is substantially similar to the information required under this chapter; and

(b) Grant exemptions from the requirements for the filing of annual registration statements with the office to charitable organizations organized under the laws of another state having their principal place of business outside this state whose funds are derived principally from sources outside this state and that have been exempted from the filing of registration statements by the statute under whose laws they are organized if such a state has a statute similar in substance to this chapter.

(3) The secretary may adopt rules relating to reciprocal agreements consistent with this section.

**NEW SECTION. Sec. 18.** RCW 19.09.095 (Subsidiary organizations--Requirement to register--Exemptions) and 1986 c 230 s 9 & 1983 c 265 s 6 are each repealed."

On page 1, line 2 of the title, after "public;" strike the remainder of the title and insert "amending RCW 19.09.010, 19.09.020, 19.09.075, 19.09.076, 19.09.079, 19.09.085, 19.09.097, 19.09.100, 19.09.210, and 19.09.440; adding new sections to chapter 19.09 RCW; prescribing penalties; and repealing RCW 19.09.095."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1777 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1777, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1777, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1777, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1413 with the following amendment:

On page 4, line 10, after "indicators of" strike "past flooding" and insert "flooding that occurs with reasonable regularity, although not necessarily annually"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1413 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Eddy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1413, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1413, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED HOUSE BILL NO. 1413, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 12, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1476 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Seven rockfish stocks, including canary and yelloweye rockfish, have been designated under federal law by the national marine fisheries services as overfished on the west coast.

(b) The department of fish and wildlife has classified certain rockfish species within Puget Sound as critically depressed. These common species of rockfish have undergone dramatic declines in Puget Sound and the coast during the past three decades.

(c) The Pacific fishery management council and the department of fish and wildlife have eliminated the directed commercial fisheries and greatly reduced the recreational fishing opportunity for these species.

(d) Due to the interactions of these depleted stocks with the healthier ones, commercial and recreational fisheries have been severely constrained in recent years in order to rebuild the populations of these overfished rockfish. For many of these stocks there have been no recent stock assessments, or the current assessments are based on poor data. Improved survey information is essential for assessing abundance and to monitor progress toward rebuilding efforts on the coast and in Puget Sound.

(e) Department of fish and wildlife staff have been developing underwater robot technology or remote operated vehicles to scientifically estimate the abundance of rockfish populations in both the nearshore and in deep waters. These new assessment techniques, coupled with existing bottom trawl surveys, will be used to estimate current abundance and future recovery of rockfish populations along the coast of Washington and in Puget Sound.

(2) Therefore, the legislature intends to implement a targeted surcharge on commercial licenses issued by the department of fish and wildlife that provides for the retention or landing of ground fish, and a targeted surcharge on recreational saltwater fishing licenses. Funds

derived from the surcharge will be used by the department of fish and wildlife solely for the purpose of conducting rockfish research and stock assessments.

**NEW SECTION. Sec. 2.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The department is directed to develop and implement a rockfish research and stock assessment program. Using funds from the rockfish research account created in subsection (2) of this section, the department must conduct Puget Sound basin and coastal surveys with new and existing technology to estimate the current abundance and future recovery of rockfish populations and other groundfish species. The stock assessment must include an evaluation of the potential for marine fish enhancement. Beginning December 2008, and every two years thereafter, the department shall report to the appropriate committees of the legislature on the status of the stock assessment program.

(2) The rockfish research account is created in the custody of the state treasurer. All receipts from surcharges assessed on commercial and recreational fishing licenses for the purposes of rockfish research must be deposited into the account. Expenditures from the account may be used only for rockfish research, including stock assessments. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 3.** RCW 77.65.150 and 2006 c 186 s 1 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

License or Permit	Annual Fee (RCW 77.95.090 Surcharge) (Section 2 of this act Surcharge)		Governing Section
	Resident	Nonresident	
(a) Nonsalm on charter	\$225 (plus \$35 for section 2 of this act Surcharge)	\$375 (plus \$35 for section 2 of this act Surcharge)	
(b) Salmon charter	\$380 (plus \$100) (plus \$35 for section 2 of this act Surcharge)	\$685 (plus \$100) (plus \$35 for section 2 of this act Surcharge)	RCW 77.70.050
(c) Salmon angler	\$ 0	\$ 0	RCW 77.70.060
(d) Salmon roe	\$ 95	\$ 95	RCW 77.65.350

(2) A salmon charter license designating a vessel is required to operate a charter boat from which persons may, for a fee, fish for salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 77.70.050.

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat from which persons may, for a fee, fish for food fish other than salmon, albacore tuna, and shellfish.

(4)(a) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use in those state waters set forth in (b) of this subsection. "Charter boat" also means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use in offshore waters or in the waters of other states. The director may specify by rule when a vessel is a "charter boat" within this definition.

(b) A person may not operate a vessel from which persons may, for a fee, fish for food fish or shellfish in Puget Sound, Grays Harbor, Willapa Bay, Pacific Ocean waters, Lake Washington, or the Columbia river below

the bridge at Longview unless the vessel is designated on a charter boat license.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not take on or discharge passengers for any purpose from any Washington port, the Washington shore, or a dock, landing, or other point in Washington. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge and a thirty-five dollar surcharge to be deposited in the rockfish research account created in section 2 of this act, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

**Sec. 4.** RCW 77.65.210 and 2005 c 20 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person may not use a commercial fishing vessel to deliver food fish or shellfish taken for commercial purposes in offshore waters to a port in the state without a nonlimited entry delivery license. As used in this section, "deliver" and "delivery" mean arrival at a place or port, and include arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp, coastal crab, or fish or shellfish taken under an emerging commercial fisheries license if taken from off-shore waters. The annual license fee for a nonlimited entry delivery license is one hundred ten dollars for residents and two hundred dollars for nonresidents, and an additional thirty-five dollar surcharge for both residents and nonresidents to be deposited in the rockfish research account created in section 2 of this act.

(2) Holders of salmon troll fishery licenses issued under RCW 77.65.160, salmon delivery licenses issued under RCW 77.65.170, crab pot fishery licenses issued under RCW 77.65.220, food fish trawl--Non-Puget Sound fishery licenses, and emerging commercial fishery licenses issued under RCW 77.65.200, Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, shrimp trawl--Non-Puget Sound fishery licenses, and emerging commercial fishery licenses issued under RCW 77.65.220 may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license.

(3) A nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

**Sec. 5.** RCW 77.32.470 and 2005 c 192 s 1 are each amended to read as follows:

(1) A personal use saltwater, freshwater, combination, temporary, or family fishing weekend license is required for all persons fifteen years of age or older to fish for or possess fish taken for personal use from state waters or offshore waters.

(2) The fees for annual personal use saltwater, freshwater, or combination licenses are as follows:

(a) A combination license allows the holder to fish for or possess fish, shellfish, and seaweed from state waters or offshore waters. The fee for this license is thirty-six dollars for residents, seventy-two dollars for nonresidents, and five dollars for youth. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created section 2 of this act.

(b) A saltwater license allows the holder to fish for or possess fish taken from saltwater areas. The fee for this license is eighteen dollars for residents, thirty-six dollars for nonresidents, and five dollars for resident seniors. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created section 2 of this act.

(c) A freshwater license allows the holder to fish for, take, or possess food fish or game fish species in all freshwater areas. The fee for this license is twenty dollars for residents, forty dollars for nonresidents, and five dollars for resident seniors.

(3)(a) A temporary combination fishing license is valid for one to five consecutive days and allows the holder to fish for or possess fish, shellfish,

and seaweed taken from state waters or offshore waters. The fee for this temporary fishing license is:

(i) One day - Seven dollars for residents and fourteen dollars for nonresidents;

(ii) Two days - Ten dollars for residents and twenty dollars for nonresidents;

(iii) Three days - Thirteen dollars for residents and twenty-six dollars for nonresidents;

(iv) Four days - Fifteen dollars for residents and thirty dollars for nonresidents; and

(v) Five days - Seventeen dollars for residents and thirty-four dollars for nonresidents.

(b) The fee for a charter stamp is seven dollars for a one-day temporary combination fishing license for residents and nonresidents for use on a charter boat as defined in RCW 77.65.150.

(c) A transaction fee to support the automated licensing system will be taken from the amounts set forth in this subsection for temporary licenses.

(d) Except for active duty military personnel serving in any branch of the United States armed forces, the temporary combination fishing license is not valid on game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season.

(e) There is an additional fifty-cent surcharge on the temporary combination fishing license and the associated charter stamp, to be deposited in the rockfish research account created in section 2 of this act.

(4) A family fishing weekend license allows for a maximum of six anglers: One resident and five youth; two residents and four youth; or one resident, one nonresident, and four youth. This license allows the holders to fish for or possess fish taken from state waters or offshore waters. The fee for this license is twenty dollars. This license is only valid during periods as specified by rule of the department.

(5) The commission may adopt rules to create and sell combination licenses for all hunting and fishing activities at or below a fee equal to the total cost of the individual license contained within any combination.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 77.65.150, 77.65.210, and 77.32.470; adding a new section to chapter 77.12 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1476 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Blake and Kretz spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1476, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1476, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Bailey, DeBolt, Dunn, Ericksen, Hinkle, Roach and Strow - 7.

HOUSE BILL NO. 1476, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 9, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2135 with the following amendment:

On page 5, beginning on line 17, strike all of section 2

On page 1, line 2 of the title, after "consumers;" strike the remainder of the title and insert "and amending RCW 19.118.021."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2135 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Wood spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2135, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2135, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson,

Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 2135, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2209 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 68.50.105 and 1987 c 331 s 58 are each amended to read as follows:

Reports and records of autopsies or post mortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, or to the department of labor and industries in cases in which it has an interest under RCW 68.50.103.

The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or post mortem. For the purposes of this section, the term "family" means the surviving spouse, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death."

On page 1, line 2 of the title, after "records;" strike the remainder of the title and insert "and amending RCW 68.50.105."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2209 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2209, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2209, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney,

Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2209, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1506 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.10.010 and 1994 c 132 s 1 are each amended to read as follows:

The legislature finds that the traditional process of awarding public works contracts in lump sum to the lowest responsible bidder is a fair and objective method of selecting a contractor. However, under certain circumstances, alternative public works contracting procedures may best serve the public interest if such procedures are implemented in an open and fair process based on objective and equitable criteria. The purpose of this chapter is to authorize the use of certain supplemental alternative public works contracting procedures (~~(by state agencies and large municipalities under limited circumstances)~~), to prescribe appropriate requirements to ensure that such contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures.

### PART 1 GENERAL PROVISIONS

**Sec. 101.** RCW 39.10.020 and 2005 c 469 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build (~~and the~~) general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.051 (~~and~~) 39.10.061, and 39.10.130 (as recodified by this act), respectively. (~~Public bodies eligible to enter into agreements with service providers for the furnishing of services in connection with water pollution control facilities under the authority of chapter 70.150 RCW may elect to use either RCW 39.10.051 and 39.10.061 or chapter 70.150 RCW as their method of procurement for such services.~~)

(2) (~~"Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public hospital district with total revenues greater than fifteen million dollars per year utilizing the design-build procedure authorized by RCW 39.10.051 and every public hospital district, regardless of total revenues, proposing projects that are considered and approved by the public hospital district project review board under RCW 39.10.117; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115; and the state ferry system.~~) "Board" means the capital projects advisory review board.

(3) (~~"Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.~~) "Committee" means the project review committee.

(4) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(5) "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.

(6) "General contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to provide services during the design phase and to act as construction manager and general contractor during the construction phase.

(7) "Job order contract" means a contract (~~(between a public body or any school district and a registered or licensed contractor)~~) in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

~~((5))~~ (8) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

~~((6))~~ (9) "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.

(10) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal.

(11) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.

(12) "Public body" means any general or special purpose government, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts.

(13) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under section 107 of this act.

(14) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.

(15) "Total project cost" means the cost of the project less financing and land acquisition costs.

(16) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

~~((7))~~ (17) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

**Sec. 102.** RCW 39.10.800 and 2005 c 377 s 1 are each amended to read as follows:

(1) The (~~capital projects advisory review~~) board is created in the department of general administration to provide an evaluation of public capital projects construction processes, including the impact of contracting methods on project outcomes, and to advise the legislature on policies related to (~~alternative~~) public works delivery methods.

(2)(a) The (~~capital projects advisory review~~) board shall consist of the following members appointed by the governor: (~~One~~) Two representatives from construction general contracting; one representative from the (~~design industries~~) architectural profession; one representative from the engineering profession; two representatives from construction specialty subcontracting; (~~one~~) two representatives from (a) construction trades labor organizations; one representative from the office of minority and women's business enterprises; one representative from a higher education institution; one representative from the department of general administration; two representatives from private industry; and one representative of a domestic insurer authorized to write surety bonds for contractors in Washington state. All appointed members must be (~~actively engaged in or authorized to use alternative~~) knowledgeable about public works contracting procedures.

~~(b) (Two) Three members shall be ((at large)) positions representing different local public owners ((The two at large positions shall serve on a rotating basis to be determined and appointed)), selected by the association of Washington cities, the Washington state association of counties, and the Washington public ports association, respectively.~~

~~(c) One member shall be a ((member of)) representative from the public hospital districts ((project review board)), selected by ((that board, who shall be nonvoting)) the association of Washington public hospital districts.~~

~~(d) One member shall be a ((member of the)) representative from school districts ((project review board)), selected by ((that board, who shall be nonvoting)) the Washington state school directors' association.~~

~~(e) The ((advisory review)) board shall include two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives, and two members of the senate, one from each major caucus, appointed by the president of the senate. Legislative members are nonvoting.~~

~~(3) Members selected under subsection (2)(a) of this section shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. ((However, in the case of the initial members, four members shall serve four-year terms, four members shall serve three-year terms, and three members shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.))~~

~~(4) The ((capital projects advisory review)) board chair is selected from among the appointed members by the majority vote of the voting members.~~

~~(5) Legislative members of the ((capital projects advisory review)) board shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the ((capital projects advisory review)) board, ((including any subcommittee members, except those representing an employer or organization,)) project review committee members, and subcommittee chairs shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

~~(6) If a vacancy occurs of the appointive members of the board, the governor shall fill the vacancy for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.~~

~~(7) The ((capital projects advisory review)) board shall ((convene as soon as practical after July 1, 2005, and may)) meet as often as necessary ((thereafter)).~~

~~(8) ((Capital projects advisory review)) Board members are expected to consistently attend ((review)) board meetings. The chair of the ((capital projects advisory review)) board may ask the governor to remove any member who misses more than two meetings in any calendar year without cause.~~

~~(9) The department of general administration shall provide staff support as may be required for the proper discharge of the function of the ((capital projects advisory review)) board.~~

~~(10) The ((capital projects advisory review)) board may establish subcommittees as it desires and may invite nonmembers of the ((capital projects advisory review)) board to serve as committee members.~~

~~(11) The board shall encourage participation from persons and entities not represented on the ((capital projects advisory review)) board.~~

**Sec. 103.** RCW 39.10.810 and 2005 c 377 s 2 are each amended to read as follows:

The ((capital projects advisory review)) board has the following powers and duties:

~~(1) ((Develop and recommend to the legislature criteria that may be used to determine effective and feasible use of alternative contracting procedures;~~

~~—(2) Develop and recommend to the legislature qualification standards for general contractors bidding on alternative public works projects;~~

~~—(3)) Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;~~

~~((4)) (2) Evaluate the use of existing contracting procedures and potential future use of other alternative contracting procedures including competitive negotiation contracts;~~

~~(3) Appoint members of the committee; and~~

~~(4) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.~~

**NEW SECTION. Sec. 104. PROJECT REVIEW COMMITTEE--CREATED.** (1) The board shall establish a project review committee to review and approve public works projects using the design-build and general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061 (as recodified by this act) and to certify public bodies as provided in section 107 of this act.

(2) The board shall, by a majority vote of the board, appoint persons to the committee who are knowledgeable in the use of the design-build and general contractor/construction manager contracting procedures. Appointments must represent a balance among the industries and public owners on the board listed in RCW 39.10.800 (as recodified by this act).

(a) When making initial appointments to the committee, the board shall consider for appointment former members of the school district project review board and the public hospital district project review board.

(b) Each member of the committee shall be appointed for a term of three years. However, for initial appointments, the board shall stagger the appointment of committee members so that the first members are appointed to serve terms of one, two, or three years from the date of appointment. Appointees may be reappointed to serve more than one term.

(c) The committee shall, by a majority vote, elect a chair and vice-chair for the committee.

(d) The committee chair may select a person or persons on a temporary basis as a nonvoting member if project specific expertise is needed to assist in a review.

(3) The chair of the committee, in consultation with the vice-chair, may appoint one or more panels of at least six committee members to carry out the duties of the committee. Each panel shall have balanced representation of the private and public sector representatives serving on the committee.

(4) Any member of the committee directly or indirectly affiliated with a submittal before the committee must recuse himself or herself from the committee consideration of that submittal.

(5) Any person who sits on the committee or panel is not precluded from subsequently bidding on or participating in projects that have been reviewed by the committee.

(6) The committee shall meet as often as necessary to ensure that certification and approvals are completed in a timely manner.

**NEW SECTION. Sec. 105. PROJECT REVIEW COMMITTEE DUTIES.** The committee shall:

(1) Certify, or recertify, public bodies for a period of three years to use the design-build or general contractor/construction manager, or both, contracting procedures for projects with a total project cost of ten million dollars or more;

(2) Review and approve the use of the design-build or general contractor/construction manager contracting procedures on a project by project basis for public bodies that are not certified under section 107 of this act; and

(3) Review and approve the use of the general contractor/construction manager contracting procedure by certified public bodies for projects with a total project cost under ten million dollars.

**NEW SECTION. Sec. 106. PROJECT REVIEW COMMITTEE MEETINGS--OPEN AND PUBLIC.** (1) The committee shall hold regular public meetings to carry out its duties as described in section 105 of this act. Committee meetings are subject to chapter 42.30 RCW.

(2) The committee shall publish notice of its public meetings at least twenty days before the meeting in a legal newspaper circulated in the area where the public body seeking certification is located, or where each of the proposed projects under consideration will be constructed. All meeting notices must be posted on the committee's web site.

(3) The meeting notice must identify the public body that is seeking certification or project approval, and where applicable, a description of projects to be considered at the meeting. The notice must indicate when, where, and how the public may present comments regarding the committee's certification of a public body or approval of a project. Information submitted by a public body to be reviewed at the meeting shall be available on the committee's web site at the time the notice is published.

(4) The committee must allow for public comment on the appropriateness of certification of a public body or on the appropriateness of the use of the proposed contracting procedure and the qualifications of a public body to use the contracting procedure. The committee shall receive and record both written and oral comments at the public hearing.

**NEW SECTION. Sec. 107. PROJECT REVIEW COMMITTEE--CERTIFICATION OF PUBLIC BODIES.** (1) A public body may apply for certification to use the design-build or general contractor/construction manager contracting procedure, or both. Once certified, a public body may use the contracting procedure for which it is certified on individual projects with a total project cost over ten million dollars without seeking committee approval. The certification period is three years. A public body seeking certification must submit to the committee an application in a format and manner as prescribed by the committee. The application must include a description of the public body's qualifications, its capital plan during the certification period, and its intended use of alternative contracting procedures.

(2) To certify a public body, the committee shall determine that the public body:

(a) Has the necessary experience and qualifications to determine which projects are appropriate for using alternative contracting procedures;

(b) Has the necessary experience and qualifications to carry out the alternative contracting procedure including, but not limited to: (i) Project delivery knowledge and experience; (ii) personnel with appropriate construction experience; (iii) a management plan and rationale for its alternative public works projects; (iv) demonstrated success in managing public works projects; (v) demonstrated success in managing at least one general contractor/construction manager or design-build project within the previous five years; (vi) the ability to properly manage its capital facilities plan including, but not limited to, appropriate project planning and budgeting experience; and (vii) the ability to meet requirements of this chapter; and

(c) Has resolved any audit findings on previous public works projects in a manner satisfactory to the committee.

(3) The committee shall, if practicable, make its determination at the public meeting during which an application for certification is reviewed. Public comments must be considered before a determination is made. Within ten business days of the public meeting, the committee shall provide a written determination to the public body, and make its determination available to the public on the committee's web site.

(4) The committee may revoke any public body's certification upon a finding, after a public hearing, that its use of design-build or general contractor/construction manager contracting procedures no longer serves the public interest.

(5) The committee may renew the certification of a public body for one additional three-year period. The public body must submit an application for recertification at least three months before the initial certification expires. The application shall include updated information on the public body's capital plan for the next three years, its intended use of the procedures, and any other information requested by the committee. The committee must review the application for recertification at a meeting held before expiration of the applicant's initial certification period. A public body must reapply for certification under the process described in subsection (1) of this section once the period of recertification expires.

(6) Certified public bodies must submit project data information as required in RCW 39.10.070 (as recodified by this act) and section 302 of this act.

**NEW SECTION. Sec. 108. PROJECT REVIEW COMMITTEE--PROJECT APPROVAL PROCESS.** (1) A public body not certified under section 107 of this act must apply for approval from the committee to use the design-build or general contractor/construction manager contracting procedure on a project. A public body seeking approval must submit to the committee an application in a format and manner as prescribed by the committee. The application must include a description of the public body's qualifications, a description of the project, and its intended use of alternative contracting procedures.

(2) To approve a proposed project, the committee shall determine that:

(a) The alternative contracting procedure will provide a substantial fiscal benefit or the use of the traditional method of awarding contracts in

lump sum to the low responsive bidder is not practical for meeting desired quality standards or delivery schedules;

(b) The proposed project meets the requirements for using the alternative contracting procedure as described in section 201 or 301 of this act;

(c) The public body has the necessary experience or qualified team to carry out the alternative contracting procedure including, but not limited to: (i) Project delivery knowledge and experience; (ii) sufficient personnel with construction experience to administer the contract; (iii) a written management plan that shows clear and logical lines of authority; (iv) the necessary and appropriate funding and time to properly manage the job and complete the project; (v) continuity of project management team, including personnel with experience managing projects of similar scope and size to the project being proposed; and (vi) necessary and appropriate construction budget;

(d) For design-build projects, construction personnel independent of the design-build team are knowledgeable in the design-build process and are able to oversee and administer the contract; and

(e) The public body has resolved any audit findings related to previous public works projects in a manner satisfactory to the committee.

(3) The committee shall, if practicable, make its determination at the public meeting during which a submittal is reviewed. Public comments must be considered before a determination is made.

(4) Within ten business days after the public meeting, the committee shall provide a written determination to the public body, and make its determination available to the public on the committee's web site. If the committee fails to make a written determination within ten business days of the public meeting, the request of the public body to use the alternative contracting procedure on the requested project shall be deemed approved.

(5) The requirements of subsection (1) of this section also apply to certified public bodies seeking to use the general contractor/construction manager contracting procedure on projects with a total project cost of less than ten million dollars.

(6) Failure of the committee to meet within sixty calendar days of a public body's application to use an alternative contracting procedure on a project shall be deemed an approval of the application.

**NEW SECTION. Sec. 109. APPEAL PROCESS.** Final determinations by the committee may be appealed to the board within seven days by the public body or by an interested party. A written notice of an appeal must be provided to the committee and, as applicable, to the public body. The board shall resolve an appeal within forty-five days of receipt of the appeal and shall send a written determination of its decision to the party making the appeal and to the appropriate public body, as applicable. The public body shall comply with the determination of the board.

## PART 2 DESIGN-BUILD

**Sec. 201.** RCW 39.10.051 and 2003 c 352 s 2 and 2003 c 300 s 4 are each reenacted and amended to read as follows:

(1) ~~(Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the state ferry system; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; every public hospital district with total revenues greater than fifteen million dollars per year; and every port district with total revenues greater than fifteen million dollars per year. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.~~

~~(2) Public bodies authorized under this section)) Subject to the process in section 107 or 108 of this act, public bodies may utilize the~~

design-build procedure for public works projects (~~(valued)~~) in which the total project cost is over ten million dollars and where:

(a) The design and construction activities (~~(or)~~) technologies, or schedule to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or

(b) The project design is repetitive in nature and is an incidental part of the installation or construction; or

(c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.

(2) Subject to the process in section 107 or 108 of this act, public bodies may use the design-build procedure for parking garages, regardless of cost.

(3) ~~((Public bodies authorized under this section may also use))~~ The design-build procedure also may be used for the ~~((following projects that meet the criteria in subsection (2)(b) and (c) of this section:~~

~~(a) The))~~ construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost~~((or~~

~~(b) The construction of new student housing projects valued over five million dollars.~~

~~(4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and location of the request for proposal documents. The request for proposal documents shall include:~~

~~(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings;~~

~~(b) The reasons for using the design-build procedure;~~

~~(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;~~

~~(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal;~~

~~(e) The form of the contract to be awarded;~~

~~(f) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and~~

~~(g) Other information relevant to the project.~~

(5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.

(a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. The public body shall initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project

requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.

(6) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects.

(7) The authority provided to the state ferry system in this section is limited to projects concerning construction, renovation, preservation, demolition, and reconstruction of ferry terminals and associated land-based facilities) and is not subject to approval by the committee.

(4) Except for utility projects, the design-build procedure may not be used to procure operations and maintenance services for a period longer than three years. State agency projects that propose to use the design-build-operate-maintain procedure shall submit cost estimates for the construction portion of the project consistent with the office of financial management's capital budget requirements. Operations and maintenance costs must be shown separately and must not be included as part of the capital budget request.

**Sec. 202.** RCW 39.10.080 and 1994 c 132 s 8 are each amended to read as follows:

Notwithstanding the provisions of RCW 39.04.015, a public body using the design-build contracting procedure is authorized to negotiate an adjustment to the lowest bid or proposal price for a public works project ((awarded under RCW 39.10.050 and 39.10.060)) based upon agreed changes to the contract plans and specifications under the following conditions:

(1) All responsive bids or proposal prices exceed the available funds, as certified by an appropriate fiscal officer;

(2) The apparent low-responsive bid or proposal does not exceed the available funds by the greater of one hundred twenty-five thousand dollars or two percent for projects valued over ten million dollars; and

(3) The negotiated adjustment will bring the bid or proposal price within the amount of available funds.

**Sec. 203.** RCW 39.10.070 and 1994 c 132 s 7 are each amended to read as follows:

(1) A public body utilizing the ~~((alternative public works))~~ design-build contracting procedure~~((s authorized under RCW 39.10.050 and 39.10.060))~~ shall provide for:

(a) ~~((The preparation of appropriate, complete, and coordinated design documents consistent with the procedure utilized;~~

~~(b) To the extent appropriate, an independent review of the contract documents through value engineering or constructability studies prior to bid or proposal solicitation;~~

~~(c))~~ Reasonable budget contingencies totaling not less than five percent of the anticipated contract value;

~~((d) To the extent appropriate, on-site architectural or engineering representatives during major construction or installation phases;~~

~~(e))~~ (b) Employment of staff or consultants with expertise and prior experience in the management of comparable projects; ~~((and~~

~~(f))~~ (c) Contract documents that include alternative dispute resolution procedures to be attempted prior to the initiation of litigation;

(d) Submission of project information, as required by the board; and

(e) Contract documents that require the contractor, subcontractors, and designers to submit project information required by the board.

(2) A public body utilizing the ~~((alternative public works))~~ design-build contracting procedure~~((s under RCW 39.10.050 and 39.10.060))~~ may provide incentive payments to contractors for early completion, cost savings, or other goals if such payments are identified in the request for proposals.

**NEW SECTION. Sec. 204.** DESIGN-BUILD CONTRACT AWARD. (1) Contracts for design-build services shall be awarded through a competitive process using public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be done, a notice of its request for qualifications from proposers for design-build services, and the availability and location of the request for proposal documents. The request for qualifications documents shall include:

(a) A general description of the project that provides sufficient information for proposers to submit qualifications;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and finalists' proposals, including evaluation factors and the relative weight of factors and any specific forms to be used by the proposers;

(i) Evaluation factors for request for qualifications shall include, but not be limited to, technical qualifications, such as specialized experience and technical competence; capability to perform; past performance of the proposers' team, including the architect-engineer and construction members; and other appropriate factors. Cost or price-related factors are not permitted in the request for qualifications phase;

(ii) Evaluation factors for finalists' proposals shall include, but not be limited to, the factors listed in (d)(i) of this subsection, as well as technical approach design concept; proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; and location. Alternatively, if the public body determines that all finalists will be capable of producing a design that adequately meets project requirements, the public body may award the contract to the firm that submits the responsive proposal with the lowest price;

(e) The form of the contract to be awarded;

(f) The amount to be paid to finalists submitting responsive proposals and who are not awarded a design-build contract;

(g) The schedule for the procurement process and the project; and

(h) Other information relevant to the project.

(2) The public body shall establish an evaluation committee to evaluate the responses to the request for qualifications based on the factors, weighting, and process identified in the request for qualifications. Based on the evaluation committee's findings, the public body shall select not more than five responsive and responsible finalists to submit proposals. The public body may, in its sole discretion, reject all proposals and shall provide its reasons for rejection in writing to all proposers.

(3) Upon selection of the finalists, the public body shall issue a request for proposals to the finalists, which shall provide the following information:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications; functional and operational elements; minimum and maximum net and gross areas of any building; and, at the discretion of the public body, preliminary engineering and architectural drawings; and

(b) The target budget for the design-build portion of the project.

(4) The public body shall establish an evaluation committee to evaluate the proposals submitted by the finalists. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection. The public body must identify in the request for qualifications which procedure will be used.

(a) The finalists' proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for qualifications and in any addenda published by the public body. Public bodies may request best and final proposals from finalists. The public body shall initiate negotiations with the firm submitting the highest scored proposal. If the public body is unable to execute a contract with the firm submitting the highest scored proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing a design that adequately meets project requirements, the public body may award the contract to the firm that submits the responsive proposal with the lowest price.

(5) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals that are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects. In determining the amount

of the honorarium, the public body shall consider the level of effort required to meet the selection criteria.

### PART 3 GENERAL CONTRACTOR/CONSTRUCTION MANAGER

**Sec. 301.** RCW 39.10.061 and 2003 c 352 s 3 and 2003 c 300 s 5 are each reenacted and amended to read as follows:

~~((1))~~ Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

~~(2)~~ Except those school districts proposing projects that are considered and approved by the school district project review board and those public hospital districts proposing projects that are considered and approved by the public hospital district project review board) Subject to the process in section 107 or 108 of this act, public bodies ~~((authorized under this section))~~ may utilize the general contractor/construction manager procedure for public works projects ~~((valued over ten million dollars))~~ where:

~~((a))~~ (1) Implementation of the project involves complex scheduling ~~((requirements)), phasing, or coordination; ((or~~

~~((b))~~ (2) The project involves construction at an ~~((existing))~~ occupied facility which must continue to operate during construction; ~~((or~~

~~((c))~~ (3) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project~~((:~~

~~(3)~~ Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

~~(4)~~ Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

~~(5)~~ The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated

maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

(a) Adequate financial resources or the ability to secure such resources;

(b) History of successful completion of a contract of similar type and scope;

(c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;

(d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;

(e) Ability to accurately estimate the subcontract bid package scope of work;

(f) Ability to meet subcontract bid package shop drawing and other coordination procedures;

(g) Eligibility to receive an award under applicable laws and regulations; and

(h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. If a general contractor/construction manager receives a written protest from a subcontractor bidder, the general contractor/construction manager shall not execute a contract for the subcontract bid package with anyone other than the protesting bidder without first providing at least two full business days' written notice of the general contractor/construction manager's intent to execute a contract for the subcontract bid package; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:

(a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;

(b) The bid opening is managed by the public body; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

(9) The authority provided to the state ferry system in this section is limited to projects concerning construction, renovation, preservation, demolition, and reconstruction of ferry terminals and associated land-based facilities);

(4) The project encompasses a complex or technical work environment; or

(5) The project requires specialized work on a building that has historic significance.

**NEW SECTION. Sec. 302. PROJECT MANAGEMENT AND CONTRACTING REQUIREMENTS.** (1) A public body using the general contractor/construction manager contracting procedure shall provide for:

(a) The preparation of appropriate, complete, and coordinated design documents;

(b) Confirmation that a constructability analysis of the design documents has been performed prior to solicitation of a subcontract bid package;

(c) Reasonable budget contingencies totaling not less than five percent of the anticipated contract value;

(d) To the extent appropriate, on-site architectural or engineering representatives during major construction or installation phases;

(e) Employment of staff or consultants with expertise and prior experience in the management of comparable projects, critical path method schedule review and analysis, and the administration, pricing, and negotiation of change orders;

(f) Contract documents that include alternative dispute resolution procedures to be attempted before the initiation of litigation;

(g) Contract documents that: (i) Obligate the public owner to accept or reject a request for equitable adjustment, change order, or claim within a specified time period but no later than sixty calendar days after the receipt by the public body of related documentation; and (ii) provide that if the public owner does not respond in writing to a request for equitable adjustment, change order, or claim within the specified time period, the request is deemed denied;

(h) Submission of project information, as required by the board; and

(i) Contract documents that require the contractor, subcontractors, and designers to submit project information required by the board.

(2) A public body using the general contractor/construction manager contracting procedure may include an incentive clause for early completion, cost savings, or other performance goals if such incentives are identified in the request for proposals. No incentives granted may exceed five percent of the maximum allowable construction cost. No incentives may be paid from any contingency fund established for coordination of the construction documents or coordination of the work.

(3) If the construction is completed for less than the maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the construction is completed for more than the maximum allowable construction cost, the additional cost is the responsibility of the general contractor/construction manager.

(4) If the public body and the general contractor/construction manager agree, in writing, on a price for additional work, the public body must issue

a change order within thirty days of the written agreement. If the public body does not issue a change order within the thirty days, interest shall accrue on the dollar amount of the additional work satisfactorily completed until a change order is issued. The public body shall pay this interest at a rate of one percent per month.

**NEW SECTION. Sec. 303. CONTRACT AWARD.** (1) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(2) Contracts for the services of a general contractor/ construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include:

(a) A description of the project, including programmatic, performance, and technical requirements and specifications when available;

(b) The reasons for using the general contractor/construction manager procedure;

(c) A description of the qualifications to be required of the firm, including submission of the firm's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors;

(e) The form of the contract, including any contract for preconstruction services, to be awarded;

(f) The estimated maximum allowable construction cost; and

(g) The bid instructions to be used by the general contractor/ construction manager finalists.

(3) Evaluation factors for selection of the general contractor/construction shall include, but not be limited to:

(a) Ability of the firm's professional personnel;

(b) The firm's past performance in negotiated and complex projects;

(c) The firm's ability to meet time and budget requirements;

(d) The scope of work the firm proposes to self-perform and its ability to perform that work;

(e) The firm's proximity to the project location;

(f) Recent, current, and projected work loads of the firm; and

(g) The firm's approach to executing the project.

(4) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee on the estimated maximum allowable construction cost and the fixed amount for the general conditions work specified in the request for proposal. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals. A public body shall not evaluate or disqualify a proposal based on the terms of a collective bargaining agreement.

(5) Public bodies may contract with the selected firm to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

**NEW SECTION. Sec. 304. MAXIMUM ALLOWABLE CONSTRUCTION COST.** (1) The maximum allowable construction cost shall be used to establish a total contract cost for which the general contractor/construction manager shall provide a performance and payment bond. The maximum allowable construction cost shall be negotiated between the public body and the selected firm when the construction documents and specifications are at least ninety percent complete.

(2) Major bid packages may be bid in accordance with section 305 of this act before agreement on the maximum allowable construction cost between the public body and the selected general contractor/construction manager. The general contractor/construction manager may issue an intent to award to the responsible bidder submitting the lowest responsive bid.

(3) The public body may, at its option, authorize the general contractor/construction manager to proceed with the bidding and award of bid packages and construction before receipt of complete project plans and

specifications. Any contracts awarded under this subsection shall be incorporated in the negotiated maximum allowable construction cost.

(4) The total contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the negotiated support services, and the percent fee on the negotiated maximum allowable construction cost. Negotiated support services may be included in the specified general conditions at the discretion of the public body.

(5) If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated.

(6) If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

**NEW SECTION. Sec. 305. SUBCONTRACT BIDDING PROCEDURE.** (1) All subcontract work and equipment and material purchases shall be competitively bid with public bid openings. Subcontract bid packages and equipment and materials purchases shall be awarded to the responsible bidder submitting the lowest responsive bid. In preparing subcontract bid packages, the general contractor/construction manager shall not be required to violate or waive terms of a collective bargaining agreement.

(2) All subcontract bid packages in which bidder eligibility was not determined in advance shall include the specific objective criteria that will be used by the general contractor/construction manager and the public body to evaluate bidder responsibility. If the lowest bidder submitting a responsive bid is determined by the general contractor/construction manager and the public body not to be responsible, the general contractor/construction manager and the public body must provide written documentation to that bidder explaining their intent to reject the bidder as not responsible and afford the bidder the opportunity to establish that it is a responsible bidder. Responsibility shall be determined in accordance with criteria listed in the bid documents. Protests concerning bidder responsibility determination by the general contractor/construction manager and the public body shall be in accordance with subsection (4) of this section.

(3) All subcontractors who bid work over three hundred thousand dollars shall post a bid bond. All subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for the contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager.

(4) If the general contractor/construction manager receives a written protest from a subcontractor bidder or an equipment or material supplier, the general contractor/construction manager shall not execute a contract for the subcontract bid package or equipment or material purchase order with anyone other than the protesting bidder without first providing at least two full business days' written notice to all bidders of the intent to execute a contract for the subcontract bid package. The protesting bidder must submit written notice of its protest no later than two full business days following the bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

(5) A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(6) The general contractor/construction manager may negotiate with the lowest responsible and responsive bidder to negotiate an adjustment to the lowest bid or proposal price based upon agreed changes to the contract plans and specifications under the following conditions:

(a) All responsive bids or proposal prices exceed the available funds, as certified by an appropriate fiscal officer;

(b) The apparent low responsive bid or proposal does not exceed the available funds by the greater of one hundred twenty-five thousand dollars or two percent for projects valued over ten million dollars; and

(c) The negotiated adjustment will bring the bid or proposal price within the amount of available funds.

(7) If the negotiation is unsuccessful, the subcontract work or equipment or material purchases must be rebid.

(8) The general contractor/construction manager must provide a written explanation if all bids are rejected.

**NEW SECTION. Sec. 306. GENERAL CONTRACTOR/CONSTRUCTION MANAGER SELF PERFORMANCE OF SUBCONTRACT WORK.** (1) Except as provided in this section, bidding on subcontract work or for the supply of equipment or materials by the general contractor/construction manager or its subsidiaries is prohibited.

(2) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work or for the supply of equipment or materials if:

(a) The work within the subcontract bid package or equipment or materials is customarily performed or supplied by the general contractor/construction manager;

(b) The bid opening is managed by the public body and is in compliance with section 305 of this act; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package or for the equipment or materials.

(3) In no event may the general contractor/construction manager or its subsidiaries purchase equipment or materials for assignment to subcontract bid package bidders for installation or warranty. The value of subcontract work performed and equipment and materials supplied by the general contractor/construction manager may not exceed thirty percent of the negotiated maximum allowable construction cost. Negotiated support services performed by the general contractor/construction manager shall not be considered subcontract work for purposes of this subsection.

**NEW SECTION. Sec. 307. PREBID DETERMINATION OF SUBCONTRACTOR ELIGIBILITY.** (1) If determination of subcontractor eligibility prior to seeking bids is in the best interest of the project and critical to the successful completion of a subcontract bid package, the general contractor/construction manager and the public body may determine subcontractor eligibility to bid. The general contractor/construction manager and the public body must:

(a) Conduct a hearing and provide an opportunity for any interested party to submit written and verbal comments regarding the justification for conducting bidder eligibility, the evaluation criteria, and weights for each criteria and subcriteria;

(b) Publish a notice of intent to evaluate and determine bidder eligibility in a legal newspaper published in or as near as possible to that part of the county where the public work will be constructed at least fourteen calendar days before conducting a public hearing;

(c) Ensure the public hearing notice includes the date, time, and location of the hearing, a statement justifying the basis and need for performing eligibility analysis before bid opening, and specific eligibility criteria and applicable weights given to each criteria and subcriteria that will be used during evaluation;

(d) After the public hearing, consider written and verbal comments received and determine if establishing bidder eligibility in advance of seeking bids is in the best interests of the project and critical to the successful completion of a subcontract bid package; and

(e) Issue a written final determination to all interested parties. All protests of the decision to establish bidder eligibility before issuing a subcontractor bid package must be filed with the superior court within seven calendar days of the final determination. Any modifications to the eligibility criteria and weights shall be based on comments received during the public hearing process and shall be included in the final determination.

(2) Determinations of bidder eligibility shall be in accordance with the evaluation criteria and weights for each criteria established in the final determination and shall be provided to interested persons upon request. Any potential bidder determined not to meet eligibility criteria must be afforded the opportunity to establish its eligibility. Protests concerning bidder eligibility determinations shall be in accordance with subsection (1) of this section.

**NEW SECTION. Sec. 308. SUBCONTRACT AGREEMENTS.** Subcontract agreements used by the general contractor/construction manager shall not:

(1) Delegate, restrict, or assign the general contractor/construction manager's implied duty not to hinder or delay the subcontractor. Nothing in this subsection (1) prohibits the general contractor/construction

manager from requiring subcontractors not to hinder or delay the work of the general contractor/construction manager or other subcontractors and to hold subcontractors responsible for such damages;

(2) Delegate, restrict, or assign the general contractor/construction manager's authority to resolve subcontractor conflicts. The general contractor/construction manager may delegate or assign coordination of specific elements of the work, including: (a) The coordination of shop drawings among subcontractors; (b) the coordination among subcontractors in ceiling spaces and mechanical rooms; and (c) the coordination of a subcontractor's lower tier subcontractors. Nothing in this subsection prohibits the general contractor/construction manager from imposing a duty on its subcontractors to cooperate with the general contractor/construction manager and other subcontractors in the coordination of the work;

(3) Restrict the subcontractor's right to damages for changes to the construction schedule or work to the extent that the delay or disruption is caused by the general contractor/construction manager or entities acting for it. The general contractor/construction manager may require the subcontractor to provide notice that rescheduling or resequencing will result in delays or additional costs;

(4) Require the subcontractor to bear the cost of trade damage repair except to the extent the subcontractor is responsible for the damage. Nothing in this subsection (4) precludes the general contractor/construction manager from requiring the subcontractor to take reasonable steps to protect the subcontractor's work from trade damage; or

(5) Require the subcontractor to execute progress payment applications that waive claims for additional time or compensation or bond or retainage rights as a condition of receipt of progress payment, except to the extent the subcontractor has received or will receive payment. Nothing in this section precludes the general contractor/construction manager from requiring the subcontractor to provide notice of claims for additional time or compensation as a condition precedent to right of recovery or to execute a full and final release, including a waiver of bond and retainage rights, as a condition of final payment.

#### **PART 4 JOB ORDER CONTRACTING**

**Sec. 401.** RCW 39.10.130 and 2003 c 301 s 1 are each amended to read as follows:

(1) The following public bodies are authorized to use the job order contracting procedure:

(a) The department of general administration;

(b) The University of Washington;

(c) Washington State University;

(d) Every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755;

(e) Every county with a population greater than four hundred fifty thousand;

(f) Every port district with total revenues greater than fifteen million dollars per year;

(g) Every public utility district with revenues from energy sales greater than twenty-three million dollars per year;

(h) Every school district; and

(i) The state ferry system.

(2) The department of general administration may issue job order contract work orders for Washington state parks department projects.

(3) Public bodies may use a job order contract for public works projects when(:

~~(a) A public body has made~~) a determination is made that the use of job order contracts will benefit the public by providing an effective means of reducing the total lead-time and cost for the construction of public works projects ~~((or))~~ for repair and renovation required at public facilities through the use of unit price books and work orders by eliminating time-consuming, costly aspects of the traditional public works process, which require separate contracting actions for each small project(;

~~(b) The work order to be issued for a particular project does not exceed two hundred thousand dollars;~~

~~(c) Less than twenty percent of the dollar value of the work order consists of items of work not contained in the unit price book; and~~

~~(d) At least eighty percent of the job order contract must be subcontracted to entities other than the job order contractor.~~

—(2) Public bodies shall award job order contracts through a competitive process utilizing public requests for proposals. Public bodies shall make an effort to solicit proposals from a certified minority or certified woman-owned contractor to the extent permitted by the Washington state civil rights act, RCW 49.60.400. The public body shall publish, at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public works will be done, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body shall ensure that the request for proposal documents at a minimum includes:

—(a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications; functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;

—(b) The reasons for using job order contracts;

—(c) A description of the qualifications required of the proposer;

—(d) The identity of the specific unit price book to be used;

—(e) The minimum contracted amount committed to the selected job order contractor;

—(f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, proposal price and the ability of the proposer to perform the job order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on similar contracts; ability to meet time and budget requirements; ability to provide a performance and payment bond for the job order contract; recent, current, and projected work loads of the proposer; location; and the concept of the proposal;

—(g) The form of the contract to be awarded;

—(h) The method for pricing renewals of or extensions to the job order contract;

—(i) A notice that the proposals are subject to the provisions of RCW 39.10.100; and

—(j) Other information relevant to the project.

—(3) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit final proposals, including sealed bids based upon the identified unit price book. Such bids may be in the form of coefficient markups from listed price book costs. The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals.

—(4) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

—(5) The public body shall issue no work orders until it has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the job order contractor that equitably spreads certified women and minority business enterprise subcontracting opportunities, to the extent permitted by the Washington state civil rights act, RCW 49.60.400, among the various subcontract disciplines.

—(6) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

—(7) The maximum total dollar amount that may be awarded under a job order contract shall not exceed three million dollars in the first year of the job order contract, five million dollars over the first two years of the job order contract, and, if extended or renewed, eight million dollars over the three years of the job order contract.

—(8) For each job order contract, public bodies shall not issue more than two work orders equal to or greater than one hundred fifty thousand dollars in a twelve-month contract performance period.

—(9) All work orders issued for the same project shall be treated as a single work order for purposes of the one hundred fifty thousand dollar limit on work orders in subsection (8) of this section and the two hundred thousand dollar limit on work orders in subsection (1)(b) of this section.

—(10) Any new permanent, enclosed building space constructed under a work order shall not exceed two thousand gross square feet.

—(11) Each public body may have no more than two job order contracts in effect at any one time.

—(12) For purposes of chapters 39.08, 39.12, 39.76, and 60.28 RCW, each work order issued shall be treated as a separate contract. The alternate filing provisions of RCW 39.12.040(2) shall apply to each work order that otherwise meets the eligibility requirements of RCW 39.12.040(2).

—(13) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

—(14) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

—(15) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the general conditions for Washington state facility construction. This will be the contractor's sole remedy.

—(16) All job order contracts awarded under this section must be executed before July 1, 2007, however the job order contract may be extended or renewed as provided for in this section.

—(17) For purposes of this section, "public body" includes any school district).

**NEW SECTION. Sec. 402. CONTRACT AWARD.** (1) Job order contracts shall be awarded through a competitive process using public requests for proposals.

(2) The public body shall make an effort to solicit proposals from certified minority or certified woman-owned contractors to the extent permitted by the Washington state civil rights act, RCW 49.60.400.

(3) The public body shall publish, at least once in a statewide publication and legal newspaper of general circulation published in every county in which the public works project is anticipated, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body shall ensure that the request for proposal documents at a minimum includes:

(a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications, functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;

(b) The reasons for using job order contracts;

(c) A description of the qualifications required of the proposer;

(d) The identity of the specific unit price book to be used;

(e) The minimum contracted amount committed to the selected job order contractor;

(f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, proposal price and the ability of the proposer to perform the job order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on similar contracts; ability to meet time and budget requirements; ability to provide a performance and payment bond for the job order contract; recent, current, and projected work loads of the proposer; location; and the concept of the proposal;

(g) The form of the contract to be awarded;

(h) The method for pricing renewals of or extensions to the job order contract;

(i) A notice that the proposals are subject to RCW 39.10.100 (as recodified by this act); and

(j) Other information relevant to the project.

(4) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit final proposals, including sealed bids based upon the identified unit price book. Such bids may be in the form of coefficient markups from listed price book costs. The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals and will notify the board of the award of the contract.

(5) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

(6) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

**NEW SECTION. Sec. 403. JOB ORDER CONTRACT REQUIREMENTS.** (1) The maximum total dollar amount that may be awarded under a job order contract is four million dollars per year for a maximum of three years.

(2) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(3) A public body may have no more than two job order contracts in effect at any one time, with the exception of the department of general administration, which may have four job order contracts in effect at any one time.

(4) At least ninety percent of work contained in a job order contract must be subcontracted to entities other than the job order contractor. The job order contractor must distribute contracts as equitably as possible among qualified and available subcontractors including minority and woman-owned subcontractors to the extent permitted by law.

(5) The job order contractor shall publish notification of intent to perform public works projects at the beginning of each contract year in a statewide publication and in a legal newspaper of general circulation in every county in which the public works projects are anticipated.

(6) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

(7) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the contract award coefficient for services as specified in the request for proposals. This is the contractor's sole remedy.

(8) All job order contracts awarded under this section must be signed before July 1, 2013; however the job order contract may be extended or renewed as provided for in this section.

(9) Public bodies may amend job order contracts awarded prior to July 1, 2007, in accordance with this chapter.

**NEW SECTION. Sec. 404. WORK ORDERS.** (1) The maximum dollar amount for a work order is three hundred fifty thousand dollars. For each job order contract, public bodies shall not issue more than two work orders equal to or greater than three hundred thousand dollars in a twelve-month contract period.

(2) All work orders issued for the same project shall be treated as a single work order for purposes of the dollar limit on work orders.

(3) No more than twenty percent of the dollar value of a work order may consist of items of work not contained in the unit price book.

(4) Any new permanent, enclosed building space constructed under a work order shall not exceed two thousand gross square feet.

(5) A public body may issue no work orders under a job order contract until it has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the job order contractor that equitably spreads certified women and minority business enterprise subcontracting opportunities, to the extent permitted by the Washington state civil rights act, RCW 49.60.400, among the various subcontract disciplines.

(6) For purposes of chapters 39.08, 39.12, 39.76, and 60.28 RCW, each work order issued shall be treated as a separate contract. The alternate filing provisions of RCW 39.12.040(2) apply to each work order that otherwise meets the eligibility requirements of RCW 39.12.040(2).

(7) The job order contract shall not be used for the procurement of architectural or engineering services not associated with specific work orders. Architectural and engineering services shall be procured in accordance with RCW 39.80.040.

**NEW SECTION. Sec. 405.** A public body shall provide to the board the following information for each job order contract at the end of each contract year:

(1) A list of work orders issued;

(2) The cost of each work order;

(3) A list of subcontractors hired under each work order;

(4) If requested by the board, a copy of the intent to pay prevailing wage and the affidavit of wages paid for each work order subcontract; and

(5) Any other information requested by the board.

## PART 5 OTHER PROVISIONS

**Sec. 501.** RCW 39.10.120 and 2001 c 328 s 5 are each amended to read as follows:

~~((1) Except as provided in subsections (2) and (3) of this section,))~~  
The alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, ~~((2007))~~ 2013. Methods of public works contracting authorized ~~((by RCW 39.10.050 and 39.10.060 or 39.10.051 and 39.10.061))~~ under this chapter shall remain in full force and effect until completion of contracts signed before July 1, ~~((2007))~~ 2013.

~~((2) For the purposes of a baseball stadium as defined in RCW 82.14.0485, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997.~~

~~—(3) For the purposes of a stadium and exhibition center, as defined in RCW 36.102.010, the design-build contracting procedures under RCW 39.10.050 or 39.10.051 shall remain in full force and effect until completion of contracts signed before December 31, 2002.~~

~~—(4) A public authority chartered by a city that is a public body may utilize an alternative public works contracting procedure under this chapter only after receiving specific authorization on a project-by-project basis from the governing body of the city. For purposes of public authorities authorized to use alternative public works contracting procedures under this chapter, the city chartering any such public authority shall itself comply with RCW 39.10.030 on behalf of the public authority.))~~

**NEW SECTION. Sec. 502.** Projects approved by the school district project review board established under RCW 39.10.115, and the hospital district project review board established under RCW 39.10.117 before July 1, 2007, may proceed without the approval of the committee established in section 104 of this act. The board may grant an exemption from any provision of this act for projects advertised before the effective date of this section. A public body seeking an exemption must submit a request in writing to the board no later than December 31, 2007. The board must respond to the request within sixty calendar days.

**NEW SECTION. Sec. 503.** Projects using the design-build or general contractor/construction manager contracting procedures in which advertising for selection of a contractor has begun by the effective date of this section but no contract has been awarded may proceed without seeking approval of the committee under the processes in sections 107 and 108 of this act.

**Sec. 504.** RCW 60.28.011 and 2003 c 301 s 7 are each amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a

period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the materialmen and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW (~~(39.10.061)~~) 39.10.020 (as recodified by this act). If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or materialperson who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.020 (as recodified by this act).

**Sec. 505.** RCW 70.150.070 and 2005 c 469 s 2 are each amended to read as follows:

RCW 70.150.030 through 70.150.060 shall be deemed to provide an additional method for the provision of services from and in connection with facilities and shall be regarded as supplemental and additional to powers conferred by other state laws and by federal laws. (~~A public body that is also eligible to enter into agreements with service providers under the alternative public works contracting procedures in chapter 39.10 RCW may elect to use either RCW 39.10.051 and 39.10.061 or this chapter as its method of procurement for such services.~~)

**NEW SECTION. Sec. 506.** A new section is added to chapter 43.131 RCW to read as follows:

The alternative works contracting procedures under chapter 39.10 RCW shall be terminated June 30, 2013, as provided in section 507 of this act.

**NEW SECTION. Sec. 507.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2014:

(6) RCW 39.10.010 (as recodified by this act) and section 1 of this act & 1994 c 132 s 1;

(7) RCW 39.10.020 (as recodified by this act) and section 101 of this act & 2005 c 469 s 3;

(8) RCW 39.10.800 (as recodified by this act) and section 102 of this act & 2005 c 377 s 1;

(9) RCW 39.10.810 (as recodified by this act) and section 103 of this act & 2005 c 377 s 2;

(10) RCW 39.10.--- and section 104 of this act;

(11) RCW 39.10.--- and section 105 of this act;

(12) RCW 39.10.--- and section 106 of this act;

(13) RCW 39.10.--- and section 107 of this act;

(14) RCW 39.10.--- and section 108 of this act;

(15) RCW 39.10.--- and section 109 of this act;

(16) RCW 39.10.051 (as recodified by this act) and section 201 of this act, 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;

(17) RCW 39.10.080 (as recodified by this act) and section 202 of this act & 1994 c 132 s 8;

(18) RCW 39.10.070 (as recodified by this act) and section 203 of this act & 1994 c 132 s 7;

(19) RCW 39.10.--- and section 204 of this act;

(20) RCW 39.10.061 (as recodified by this act) and section 301 of this act, 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;

(21) RCW 39.10.--- and section 302 of this act;

(22) RCW 39.10.--- and section 303 of this act;

(23) RCW 39.10.--- and section 304 of this act;

(24) RCW 39.10.--- and section 305 of this act;

(25) RCW 39.10.--- and section 306 of this act;

(26) RCW 39.10.--- and section 307 of this act;

(27) RCW 39.10.--- and section 308 of this act;

(28) RCW 39.10.130 (as recodified by this act) and section 401 of this act & 2003 c 301 s 1;

(29) RCW 39.10.--- and section 402 of this act;

(30) RCW 39.10.--- and section 403 of this act;

(31) RCW 39.10.--- and section 404 of this act;

(32) RCW 39.10.--- and section 405 of this act;

(33) RCW 39.10.100 (as recodified by this act) and 2005 c 274 s 275 & 1994 c 132 s 10;

(34) RCW 39.10.090 (as recodified by this act) and 1994 c 132 s 9;

(35) RCW 39.10.120 (as recodified by this act) and section 501 of this act & 2001 c 328 s 5;

(36) RCW 39.10.--- and section 502 of this act;

(37) RCW 39.10.--- and section 503 of this act;

(38) RCW 39.10.900 (as recodified by this act) and 1994 c 132 s 13;

(39) RCW 39.10.901 (as recodified by this act) and 1994 c 132 s 14;

and

(40) RCW 39.10.--- and section 510 of this act.

**NEW SECTION. Sec. 508.** RCW 39.10.902 (Repealer) and 2006 c 261 s 3 & 2005 c 469 s 5 are each repealed.

**NEW SECTION. Sec. 509.** The following acts or parts of acts are each repealed:

(41) RCW 39.10.030 (Public notification and review process) and 1997 c 376 s 2 & 1994 c 132 s 3;

(42) RCW 39.10.040 (Baseball stadium project--Alternative procedure may be used) and 1994 c 132 s 4;

(43) RCW 39.10.063 (City demonstration projects--Conditions--Contract deadline) and 2005 c 377 s 3;

(44) RCW 39.10.065 (Demonstration projects--Contract deadline--Transfer of authority to other public body) and 1997 c 376 s 5;

(45) RCW 39.10.067 (School district capital demonstration projects--Conditions) and 2006 c 261 s 1, 2003 c 301 s 3, 2002 c 46 s 3, & 2000 c 209 s 3;

(46) RCW 39.10.068 (Public hospital district capital demonstration projects--Conditions) and 2003 c 300 s 6;

(47) RCW 39.10.115 (School district project review board--Established--Procedures) and 2006 c 261 s 2, 2001 c 328 s 4, & 2000 c 209 s 4; and

(48) RCW 39.10.117 (Public hospital district project review board--Established--Procedures) and 2003 c 300 s 7.

**NEW SECTION. Sec. 510. PART HEADINGS AND CAPTIONS NOT LAW.** Part headings and captions used in this act are not any part of the law.

**NEW SECTION. Sec. 511.** The following sections are codified or recodified in chapter 39.10 RCW in the following order:

RCW 39.10.010

RCW 39.10.020

RCW 39.10.800

RCW 39.10.810

Section 104 of this act

Section 105 of this act

Section 106 of this act

Section 107 of this act

Section 108 of this act

Section 109 of this act

RCW 39.10.051

RCW 39.10.080

RCW 39.10.070

Section 204 of this act

RCW 39.10.061

Section 302 of this act

Section 303 of this act

Section 304 of this act

Section 305 of this act

Section 306 of this act

Section 307 of this act

Section 308 of this act

RCW 39.10.130

Section 402 of this act

Section 403 of this act

Section 404 of this act

Section 405 of this act

RCW 39.10.100

RCW 39.10.090

RCW 39.10.120

Section 502 of this act

Section 503 of this act

RCW 39.10.900

RCW 39.10.901

Section 510 of this act

**NEW SECTION. Sec. 512.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007, except for section 104 of this act, which takes effect immediately, and section 508 of this act, which takes effect June 30, 2007.

**NEW SECTION. Sec. 513.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "works;" strike the remainder of the title and insert "amending RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.080, 39.10.070, 39.10.130, 39.10.120, 60.28.011, and 70.150.070; reenacting and amending RCW 39.10.051 and 39.10.061; adding new sections to chapter 43.131 RCW; adding new sections to chapter 39.10 RCW; recodifying RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.051, 39.10.080, 39.10.070, 39.10.061, 39.10.130, 39.10.100, 39.10.090, 39.10.120, 39.10.900, and 39.10.901; repealing RCW 39.10.902, 39.10.030, 39.10.040, 39.10.063, 39.10.065, 39.10.067, 39.10.068, 39.10.115, and 39.10.117; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1506 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Haigh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1506, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1506, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1506, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5412 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 5412 was returned to second reading for purpose of amendment.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5412, by Senate Committee on Transportation (originally sponsored by Senators Murray, Swecker, Marr, Clements and Haugen)**

**Clarifying goals, objectives, and responsibilities of certain transportation agencies.**

Representative Jarrett moved the adoption of amendment (868):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that the citizens of the state expect clear and concise goals, objectives, and responsibilities regarding the operation of the statewide transportation system. Furthermore, the state's citizens expect that the state periodically receive clear and streamlined information that measures whether the goals and objectives are being satisfied. Therefore, it is the intent of the legislature that this act serve to clarify existing goals, objectives, and responsibilities related to the operation of an efficient statewide transportation system.

Sec. 2. RCW 47.01.011 and 1977 ex.s. c 151 s 1 are each amended to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a statewide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state, and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency. The powers, duties, and functions of the department of transportation must be performed in a manner consistent with the policy goals set forth in RCW 47.01.012 (as recodified by this act).

Sec. 3. RCW 47.01.012 and 2002 c 5 s 101 are each amended to read as follows:

(1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals ((shall consist of, but not be limited to, the following)) established under this section are deemed consistent with the benchmark categories((;)) adopted by the state's blue ribbon commission on transportation on November 30, 2000. ((In addition to improving safety;)) Public investments in transportation ((shall)) should support achievement of these ((and other priority)) policy goals:

((No interstate highways, state routes, and local arterials shall be in poor condition; no bridges shall be structurally deficient, and safety retrofits shall be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean; delay per driver shall be significantly reduced and no worse than the national mean; per capita vehicle miles traveled shall be maintained at 2000 levels; the nonauto share of commuter trips shall be increased in urban areas; administrative costs as a percentage of transportation spending shall achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living;))

(a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;

(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section.

(3) These policy goals (~~shall~~) are intended to be the basis for (~~establishment of~~) establishing detailed and measurable objectives and related performance (~~benchmarks~~) measures.

(4) It is the intent of the legislature that the (~~transportation commission~~) office of financial management establish objectives and performance measures for the department of transportation and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels (~~and the transportation commission should work with appropriate government entities to accomplish this~~) progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The office of financial management shall submit initial objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during the 2008 legislative session. The office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) This section does not create a private right of action.

**Sec. 4.** RCW 47.01.071 and 2006 c 334 s 3 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems (to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy). The policies must be aligned with the goals established in RCW 47.01.012 (as recodified by this act). To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) (Propose a transportation policy for the state;  
~~(d))~~ Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(~~(e) To~~) (d) Integrate the statewide transportation plan with the needs of the elderly and (~~handicapped~~) persons with disabilities, and (~~to~~) coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan (which shall be) consistent with the state's growth management goals and based on the transportation policy (~~adopted by the governor and the legislature~~), goals provided under RCW 47.01.012 (as recodified by this act) and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The

plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation (~~and prior to each regular session of the legislature during an even-numbered year thereafter. The plan shall be subject to the approval of the legislature in the biennial transportation budget act~~).

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining the policy goals under RCW 47.01.012 (as recodified by this act) in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter, the office of financial management shall submit to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.01.012 (as recodified by this act), as measured by the objectives and performance measures established by the office of financial management under RCW 47.01.012 (as recodified by this act);

(6) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(~~(6)) (7) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;~~

(~~(7)) (8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;~~

(~~(8)) (9) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and~~

(~~(9)) (10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.~~

**Sec. 5.** RCW 47.01.075 and 2006 c 334 s 4 are each amended to read as follows:

(1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. (It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry.) At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues. The commission shall consider the input gathered at the forums as it establishes the statewide transportation plan under RCW 47.01.071(4).

(2) (Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report and propose to the office of financial management transportation priorities for the ensuing biennium. The report must:

(a) Consider the citizen input gathered at the forums;

(b) Be developed with the assistance of state transportation-related agencies and organizations;

(c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, key transportation stakeholders, and the office of financial management;

(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;

~~— (e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year for consideration by the governor.~~

~~— ((3)) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.~~

~~— ((4)) (3) In order to promote a better transportation system, the commission ~~(shall)~~ may offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:~~

- ~~(a) Transportation finance;~~
- ~~(b) Preserving, maintaining, and operating the statewide transportation system;~~
- ~~(c) Transportation infrastructure needs;~~
- ~~(d) Promoting best practices for adoption and use by transportation-related agencies and programs;~~
- ~~(e) Transportation efficiencies that will improve service delivery and/or coordination;~~
- ~~(f) Improved planning and coordination among transportation agencies and providers; and~~
- ~~(g) Use of intelligent transportation systems and other technology-based solutions~~(, and~~~~
- ~~(h) Reporting of performance against goals, targets, and benchmarks).~~

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.01 RCW to read as follows:

To support achievement of the policy goals described in RCW 47.01.012, the department shall:

- (1) Maintain an inventory of the condition of structures and corridors in most urgent need of retrofit or rehabilitation;
- (2) Develop long-term financing tools that reliably provide ongoing maintenance and preservation of the transportation infrastructure;
- (3) Balance system safety and convenience through all phases of a project to accommodate all users of the transportation system to safely, reliably, and efficiently provide mobility to people and goods;
- (4) Develop strategies to gradually reduce the per capita vehicle miles traveled based on consideration of a range of reduction methods;
- (5) Consider efficiency tools, including high-occupancy vehicle and high-occupancy toll lanes, corridor-specific and systemwide pricing strategies, active traffic management, commute trip reduction, and other demand management tools;
- (6) Promote integrated multimodal planning; and
- (7) Consider engineers and architects to design environmentally sustainable, context-sensitive transportation systems.

**Sec. 7.** RCW 47.05.030 and 2006 c 334 s 45 are each amended to read as follows:

~~(1) The ~~(transportation commission)~~ office of financial management shall ~~(develop)~~ propose a comprehensive ten-year investment program ~~(specifying program objectives and performance measures)~~ for the preservation and improvement programs defined in this section, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act). The ~~(adopted)~~ proposed ten-year investment program must be forwarded as a recommendation ~~(to)~~ by the ~~(governor and)~~ office of financial management to the legislature, and ~~(its subject to the approval of the legislature in the biennial transportation budget act. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program)~~ must be based upon the needs identified in the ~~(state-owned highway component of the)~~ statewide ~~(comprehensive)~~ transportation plan established under RCW 47.01.071(4).~~

~~— ((+)) (2) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. ~~(The preservation program must require use of the most cost-effective pavement surfaces, considering:~~~~

- ~~(a) Life-cycle cost analysis;~~

~~— (b) Traffic volume;~~

~~— (c) Subgrade soil conditions;~~

~~— (d) Environmental and weather conditions;~~

~~— (e) Materials available; and~~

~~— (f) Construction factors.~~

~~The comprehensive ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.~~

~~— ((2)) (3) The improvement program consists of investments needed to address identified deficiencies on the state highway system to ~~(increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate)~~ meet the goals established in RCW 47.01.012 (as recodified by this act).~~

**Sec. 8.** RCW 47.05.035 and 2006 c 334 s 46 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

~~— ((3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.~~

~~— (4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:~~

- ~~— (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;~~
- ~~— (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;~~
- ~~— (c) The continuity of future transportation development with those improvements previously programmed; and~~
- ~~— (d) The availability of dedicated funds for a specific type of work.~~
- ~~— (5) The department shall consider the findings in this section in the development of the ten-year investment program.)~~

**Sec. 9.** RCW 47.06.020 and 1993 c 446 s 2 are each amended to read as follows:

The specific role of the department in transportation planning ~~(shall)~~ must be, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act): (1) Ongoing coordination and development of statewide transportation policies that guide all Washington transportation providers; (2) ongoing development of a statewide multimodal transportation plan that includes both state-owned and state-interest facilities and services; (3) coordinating the state high-capacity transportation planning and regional transportation planning programs; ~~(and)~~ (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of statewide significance; and (5) assisting the transportation commission in the development of the statewide transportation plan required under RCW 47.01.071(4). Specific requirements for each of these state transportation planning components are described in this chapter.

**Sec. 10.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read as follows:

The state-owned facilities component of the statewide multimodal transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways (~~(that meet benchmarks established by the transportation commission)~~). The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

**Sec. 11.** RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

The legislature declares the following transportation facilities and services to be of statewide significance: Highways of statewide significance as designated by the legislature under chapter 47.05 RCW, the interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal transportation plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal transportation plan, or to highways of statewide significance designated by the legislature under chapter 47.05 RCW, are essential state public facilities under RCW 36.70A.200.

The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities.

**Sec. 12.** RCW 35.95A.120 and 2003 c 147 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the city transportation authority may be dissolved by a vote of the people residing within the boundaries of the authority if the authority is faced with significant financial problems. However, the authority may covenant with holders of its bonds that it may not be dissolved and shall continue to exist solely for the purpose of continuing to levy and collect any taxes or assessments levied by it and pledged to the repayment of debt and to take other actions, including the appointment of a trustee, as necessary to allow it to repay any remaining debt. No such debt may be incurred by the authority on a project until thirty days after a final environmental impact statement on that project has been issued as required by chapter 43.21C RCW. The amount of the authority's initial bond issue is limited to the amount of the project costs in the subsequent two years as documented by a certified engineer or by submitted bids, plus any reimbursable capital expenses already incurred at the time of the bond issue. The authority may size the first bond issue consistent with the internal revenue service five-year spend down schedule if an independent financial advisor recommends such an approach is financially advisable. Any referendum petition to dissolve the city transportation authority must be filed with the city council and contain provisions for dissolution of the authority. Within seven days, the city prosecutor must review the validity of the petition and submit its report to the petitioner and city council. If the petitioner's claims are deemed valid by the city prosecutor, within ten days of the petitioner's filing, the city council will confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title must be posed as a question and an affirmative vote on the measure results in authority retention and a negative vote on the measure results in the authority's dissolution. The petitioner will be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner has ninety days in which to secure on petition forms, the signatures of not less than fifteen percent of the registered voters in the authority area and to file the signed petitions with the filing officer. Each petition form must contain the ballot title and the full text of the measure to be referred. The filing officer will verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the initiative to the

authority area voters at a general or special election held on one of the dates provided in RCW (~~29.13.010~~) 29A.04.321 as determined by the city council, which election will not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

(2) A city transportation authority is dissolved and terminated if all of the following events occur before or after the effective date of this section:

(a) A majority of the qualified electors voting at a regular or special election determine that new public monorail transportation facilities must not be built;

(b) The governing body of the authority adopts a resolution and publishes a notice of the proposed dissolution at least once every week for three consecutive weeks in a newspaper of general circulation published in the authority area. The resolution and notice must:

(i) Describe information that must be included in a notice of claim against the authority including, but not limited to, any claims for refunds of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority;

(ii) Provide a mailing address where a notice of claim may be sent;

(iii) State the deadline, which must be at least ninety days from the date of the third publication, by which the authority must receive a notice of claim; and

(iv) State that a claim will be barred if a notice of claim is not received by the deadline;

(c) The authority resolves all claims timely made under (b) of this subsection; and

(d) The governing body adopts a resolution (i) finding that the conditions of (a) through (c) of this subsection have been met and (ii) dissolving and terminating the authority.

(3) A claim against a city transportation authority is barred if (a) a claimant does not deliver a notice of claim to the authority by the deadline stated in subsection (2)(b)(iii) of this section or (b) a claimant whose claim was rejected by the authority does not commence a proceeding to enforce the claim within sixty days from receipt of the rejection notice. For purposes of this subsection, "claim" includes, but is not limited to, any right to payment, whether liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, or the right to an equitable remedy for breach of performance if the breach gives rise to a right to payment, whether or not the right to an equitable remedy is fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured, including, but not limited to, any claim for a refund of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority.

(4) The governing body of the authority may transfer any net assets to one or more other political subdivisions with instructions as to their use or disposition. The governing body shall authorize this transfer in the resolution that dissolves and terminates the authority under subsection (2)(d) of this section.

(5) Upon the dissolution and termination of the authority, the former officers, directors, employees, and agents of the authority shall be immune from personal liability in connection with any claims brought against them arising from or relating to their service to the authority, and any claim brought against any of them is barred.

(6) Upon satisfaction of the conditions set forth in subsection (2)(a) and (b) of this section, the terms of all members of the governing body of the city transportation authority, whether elected or appointed, who are serving as of the date of the adoption of the resolution described in subsection (2)(b) of this section, shall be extended, and incumbent governing body members shall remain in office until dissolution of the authority, notwithstanding any provision of any law to the contrary.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(49) RCW 47.01.370 (Review of performance and outcome measures of transportation-related agencies--Definition) and 2006 c 334 s 44;

(50) RCW 47.05.051 (Ten-year comprehensive investment program--Priority selection criteria--Improvement program criteria) and 2006 c 334 s 47, 2005 c 319 s 11, 2002 c 189 s 3, 2002 c 5 s 406, 1998 c 175 s 12, 1993 c 490 s 5, 1987 c 179 s 5, 1979 ex.s. c 122 s 5, & 1975 1st ex.s. c 143 s 4; and

(51) RCW 47.06.030 (Transportation policy plan) and 1997 c 369 s 8 and 1993 c 446 s 3.

**NEW SECTION. Sec. 14.** RCW 47.01.012 is recodified as a section in chapter 47.04 RCW."

Correct the title.

Representatives Jarrett and Simpson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5412, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5412, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Ericksen - 1.

SUBSTITUTE SENATE BILL NO. 5412, as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627 was returned to second reading for purpose of amendment.

### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627, by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Clements, Tom, Weinstein,**

**Rockefeller, Oemig, Kastama, Hobbs, Pridemore, Eide, Franklin, Shin, Regala, Marr, Murray, Spanel, Hargrove, Kline, Kilmer, Haugen, Kohl-Welles and Rasmussen)**

**Requiring a review and development of basic education funding.**

Representative Haigh moved the adoption of amendment (871):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The state's definition of basic education and the corresponding funding formulas must be regularly updated in order to keep pace with evolving educational practices and increasing state and federal requirements and to ensure that all schools have the resources they need to help give all students the opportunity to be fully prepared to compete in a global economy. The work of Washington learns steering committee and the K-12 advisory committee provides a valuable starting point from which to evaluate the current educational system and develop a unique, transparent, and stable educational funding system for Washington that supports the goals and the vision of a world-class learner-focused K-12 educational system that were established in the final Washington learns report.

This act is intended to make provision for some significant steps towards a new basic education funding system and establishes a joint task force to address the details and next steps beyond the 2007-2009 biennium that will be necessary to implement a new comprehensive K-12 finance formula or formulas that will provide Washington schools with stable and adequate funding as the expectations for the K-12 system continue to evolve.

**NEW SECTION. Sec. 2.** (1) The joint task force on basic education finance established under this section, with research support from the Washington state institute for public policy, shall review the definition of basic education and all current basic education funding formulas, develop options for a new funding structure and all necessary formulas, and propose a new definition of basic education that is realigned with the new expectations of the state's education system as established in the November 2006 final report of the Washington learns steering committee and the basic education provisions established in chapter 28A.150 RCW.

(2) The joint task force on basic education finance shall consist of fourteen members:

(a) A chair of the task force with experience with Washington finance issues including knowledge of the K-12 funding formulas, appointed by the governor;

(b) Eight legislators, with two members from each of the two largest caucuses of the senate appointed by the president of the senate and two members from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives;

(c) A representative of the governor's office or the office of financial management, designated by the governor;

(d) The superintendent of public instruction or the superintendent's designee; and

(e) Three individuals with significant experience with Washington K-12 finance issues, including the use and application of the current basic education funding formulas, appointed by the governor. Each of the two largest caucuses of the house of representatives and the senate may submit names to the governor for consideration.

(3) In conducting research directed by the task force and developing options for consideration by the task force, the Washington state institute for public policy shall consult with stakeholders and experts in the field. The institute may also request assistance from the legislative evaluation and accountability program committee, the office of the superintendent of public instruction, the office of financial management, the house office of program research, and senate committee services.

(4) In developing recommendations, the joint task force shall review and build upon the following:

(a) Reports related to K-12 finance produced at the request of or as a result of the Washington learns study, including reports completed for or by the K-12 advisory committee;

(b) High-quality studies that are available; and

(c) Research and evaluation of the cost-benefits of various K-12 programs and services developed by the institute as directed by the legislature in section 607(15), chapter 372, Laws of 2006.

(5) The Washington state institute for public policy shall provide the following reports to the joint task force:

(a) An initial report by September 15, 2007, proposing an initial plan of action, reporting dates, timelines for fulfilling the requirements of section 3 of this act, and an initial timeline for a phased-in implementation of a new funding system that does not exceed six years;

(b) A second report by December 1, 2007, including implementing legislation as necessary, for at least two but no more than four options for allocating school employee compensation. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The report must also include a projection of the expected effect of the investment made under the new funding structure. The second report shall also include a finalized timeline and plan for addressing the remaining components of a new funding system; and

(c) A final report with at least two but no more than four options for revising the remaining K-12 funding structure, including implementing legislation as necessary, and a timeline for phasing in full adoption of the new funding structure. The final report shall be submitted to the joint task force by September 15, 2008. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The final report must also include a projection of the expected effect of the investment made under the new funding structure.

**NEW SECTION. Sec. 3.** (1) The funding structure alternatives developed by the joint task force under section 2 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) The funding structure should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing the possible strategies and models to include in the funding structure the task force shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

(b) Whether the compensation system for instructional staff shall include pay for performance, knowledge, and skills elements; regional cost-of-living elements; elements to recognize assignments that are difficult; recognition for the professional teaching level certificate in the salary allocation model; and a plan to implement the pay structure;

(c) Voluntary all-day kindergarten;

(d) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(e) Focused instructional support for students and schools;

(f) Extended school day and school year options; and

(g) Health and safety requirements.

(3) The recommendations should provide maximum transparency of the state's educational funding system in order to better help parents, citizens, and school personnel in Washington understand how their school system is funded.

(4) The funding structure should be linked to accountability for student outcomes and performance.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Haigh spoke in favor of the adoption of the amendment.

Representative Priest spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 62 - YEAS; 36 -NAYS.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

Representative Priest spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5627, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5627, as amended by the House, and the bill passed the House by the following vote: Yeas - 64, Nays - 34, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh, and Warnick - 34.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627, as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841 was returned to second reading for purpose of amendment.

### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, McAuliffe, Rockefeller, Tom, Oemig, Kauffman, Regala, Kohl-Welles and Rasmussen)**

**Enhancing student learning opportunities and achievement.**

Representative Santos moved the adoption of amendment (867):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to read as follows:

~~((The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:~~

~~(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;~~

~~(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;~~

~~(3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and~~

~~(4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities.))~~

The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. Additionally, the state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.150 RCW to read as follows:

**ALL-DAY KINDERGARTEN PROGRAMS--FUNDING.** (1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

- (iv) Acquiring large and small motor skills;
  - (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
  - (vi) Learning through hands-on experiences;
  - (c) Establish learning environments that are developmentally appropriate and promote creativity;
  - (d) Demonstrate strong connections and communication with early learning community providers; and
  - (e) Participate in kindergarten program readiness activities with early learning providers and parents.
- (2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.
- (3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.630 RCW to read as follows:

**PRIMARY LEVEL EDUCATION PROJECTS.** Subject to funds appropriated for the purposes of this section:

- (1) Four demonstration projects are authorized for schools serving kindergarten through third grade students to develop, implement, and document the effects of a comprehensive K-3 foundations program. At least two demonstration projects shall be in schools that are participating in the public-private early learning partnerships in the Highline and Yakima school districts. A third demonstration project shall be in the Spokane school district.
- (2) The superintendent of public instruction shall select project participants based on the criteria in this section, the commitment to a school-wide program, and the degree to which applicants articulate an understanding of development and implementation of a comprehensive K-3 foundations program.
- (3) Successful school applicants shall:
- (a) Demonstrate that there is engaged and committed school and district leadership and support for the project;
  - (b) Demonstrate that school staff is engaged and committed and believes in high expectations for all students;
  - (c) Have a history of successfully using data to guide decision making for students and the program;
  - (d) Plan for the use of staff learning improvement days to support project implementation;
  - (e) Demonstrate successful linkages with the early learning providers in their communities;
  - (f) Outline the steps taken to develop this application and the general plan for implementation of a comprehensive K-3 foundations program; and
  - (g) Commit to individualized learning opportunities in early grades by using district resources, such as funding under RCW 28A.505.210, to reduce class sizes in grades kindergarten through three.
- (4) Program resources provided to demonstration projects are:
- (a) Support to implement an all-day kindergarten program;
  - (b) Support for class sizes at a ratio of one teacher to eighteen students, and the additional resources for materials generated by that ratio through associated nonemployee-related costs;
  - (c) Support for a one-half full-time equivalent instructional coach; and
  - (d) Support for professional development time related to program implementation.
- (5) Demonstration projects shall provide:
- (a) A program that implements an educational philosophy that supports child-centered learning;
  - (b) Learning opportunities through personal exploration and discovery, hands-on experiences, and by working independently, in small groups and in large groups;

(c) Rich and varied subject matter that includes: Reading, writing, mathematics, science, social studies, a world language other than English, the arts, and health and physical education;

(d) Opportunities to learn and feel accomplishment, diligence, creativity, and confidence;

(e) Social and emotional development opportunities;

(f) Personalized assessment for each student that addresses academic knowledge and skill development, social and emotional skill development, critical thinking and decision-making skills, large and fine motor skill development, and knowledge of personal interests, strengths, and goals;

(g) For students to progress to the upper elementary grades when a solid foundation is in place and reading and mathematics primary skills have been mastered;

(h) Class sizes that do not exceed one certificated instructional staff to eighteen students; and

(i) Cooperation with project evaluators in an evaluation of the demonstration projects, including providing the data necessary to complete the work.

(6) The office of the superintendent of public instruction shall contract with the Northwest regional educational laboratory to conduct an evaluation of the demonstration projects under this section. Student, staff, program, and parent data shall be collected using various instruments including surveys, program and activity descriptions, student performance measures, observations, and other processes.

(7) Within available funding, findings from the evaluation under this section shall include conclusions regarding the degree to which students thrive in the education environment; student progress in academic, social, and emotional areas; the program components that have been most important to student success; the degree to which educational staff feel accomplished in their work and satisfied with student progress; and recommendations for continued implementation and expansion of the program.

(8) Findings shall be reported to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(9) This section expires September 1, 2010.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.630 RCW to read as follows:

**ENGLISH AS A SECOND LANGUAGE PROJECTS.** (1) The goals of the English as a second language demonstration project are to develop recommendations:

(a) Identifying foundational competencies for developing academic English skills in English language learner students that all teachers should acquire in initial teacher preparation programs;

(b) Identifying components of a professional development program that builds classroom teacher competence for developing academic English skills in English language learner students; and

(c) Identifying job-embedded practices that connect the English language learner teacher and classroom teachers to coordinate instruction to support the work of the student.

(2) The English as a second language demonstration project shall use two field strategies in the development of recommendations.

(a) The first strategy is to conduct a field study of an ongoing project in a number of schools and school districts in which Spanish is the predominate language other than English.

(b) The second strategy is to conduct a project that provides professional development and planning time resources to approximately three large schools in which there are many first languages among the students. The participants of this project shall partner with an institution of higher education or a professional development provider with expertise in supporting student acquisition of academic English. The superintendent of public instruction shall select the participants in the project under this subsection (2)(b).

(3)(a) The office of the superintendent of public instruction shall contract with the Northwest regional educational laboratory to conduct the field study work and collect additional information from the project schools. In conducting its work, the laboratory shall review current literature regarding best practices and consult with state and national experts as appropriate.

(b) The laboratory shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal

committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(4) This section expires September 1, 2010.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.215 RCW to read as follows:

**COMMUNITY LEARNING CENTER PROGRAM.** (1) The Washington community learning center program is established. The program shall be administered by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, advocacy, and programmatic support to after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title I of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that support and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and professional development of community learning center staff, the activities of intermediary after-school

organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009.

**NEW SECTION. Sec. 6. CAREER PATHWAYS PROGRAMS.** (1) Subject to funds appropriated for this purpose, the superintendent of public instruction shall provide grants to support development of career pathways programs in high-demand fields. A portion of the appropriated funds shall be administered by an experienced nonprofit health organization and be used to create health care career pathways with geographically dispersed high school partnerships. The remaining funds shall be used to provide grants to geographically dispersed high school partnerships to create career pathways in the trades, mechanics and engineering, or other field identified by the partnership as high demand and appropriate to meet the workforce education needs in its region.

(2) To be eligible for a grant, high schools must form partnerships of parents, students, special populations, academic and career and technical education teachers and administrators, workforce development faculty and administrators, career guidance and academic counselors, representatives of tech-prep consortia, local workforce development councils, representatives of local skill centers and local skills panels, apprenticeship councils, and business and labor organizations in the community.

(3) Grant recipients must develop and implement a model curriculum for their selected career pathway. Grant funds shall be used for start-up costs, primarily for the development of the curriculum and assessments described in this section and for professional development for teachers. If sufficient funds remain, grant funds may be used to upgrade equipment within the program to meet industry standards.

(4) A career pathways program shall:

(a) Integrate core academic standards for reading, writing, and mathematics with high-quality career and technical preparation based on accepted industry standards in the field;

(b) Incorporate secondary and postsecondary education elements;

(c) Be coherent, sequenced, and articulated to community and technical college courses to provide high school students with dual credit for both high school graduation and college, and to prepare students to succeed in postsecondary education programs in the field;

(d) Lead to an industry-recognized credential or certificate at the postsecondary level or an associate or baccalaureate degree; and

(e) Emphasize projects and application of knowledge and skills and provide extensive opportunities for work-based learning and internships.

(5) Students who are struggling with core academic skills, including the Washington assessment of student learning, shall receive supplemental assistance and instruction within the program, including assistance to create a career and technical collection of evidence as an alternative to the Washington assessment of learning.

(6) Participants in a high-demand career pathways program should expect to complete a high school diploma and the appropriate courses in a high-quality career and technical program and graduate ready to pursue postsecondary education.

(7) With assistance from the office of the superintendent of public instruction and the workforce training and education coordinating board, grant recipients shall develop end-of-program assessments for their high-demand career pathways program. The assessments shall be integrated to include academic, work readiness, and technical knowledge and skills. The legislature's intent is to use these assessments as prototypes for possible future additional alternative assessments for career and technical education students to demonstrate they meet the state's learning standards.

(8) Grant recipients must develop a communications strategy for parents and students in other area high schools and middle schools to promote the model career pathways programs as a high-quality learning option for students and prepare plans for replication of the programs.

(9) For the purposes of this section, "career pathways program" has the same meaning as a career and technical program of study under P.L. 109-270, the Carl D. Perkins career and technical education improvement act of 2006.

(10) This section expires July 1, 2009.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

**WORLD LANGUAGES.** Subject to funds appropriated for this purpose, the superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the world language supervisor. The world language supervisor shall have the following duties and responsibilities:

(1) Develop, conduct, and oversee professional development for teachers on grade level expectations, state and national standards, and best practices in instruction for world languages;

(2) Provide technical assistance to schools in designing elementary and middle school language programs, selecting and designing high quality curriculum, and providing professional development;

(3) Advise in the development of online world language courses;

(4) Create a clearinghouse of information and materials to support high quality world language instruction at the elementary and secondary levels;

(5) Secure and implement grants, including federal grants, to enhance world language programs;

(6) Encourage and foster an articulated curriculum for world languages through elementary, secondary, and postsecondary grades;

(7) Establish and maintain a state database for world language course offerings in schools and school districts;

(8) Implement memoranda of understanding with ministries of education in other countries, including interviewing, selecting, securing visas for, and providing orientation for visiting teachers;

(9) Serve in an advisory capacity on committees or work groups regarding teacher certification, advanced placement programs, and textbook publishing and selection; and

(10) Serve as an education liaison with the business, trade, and economic development communities.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28A.155 RCW to read as follows:

**SAFETY NET.** The office of the superintendent of public instruction shall review and streamline the application process to access special education safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvements to the process.

**NEW SECTION. Sec. 9.** Captions used in this act are not any part of the law."

Correct the title.

Representative Santos spoke in favor of the adoption of the amendment.

Representative Priest spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 61 - YEAS; 37 -NAYS.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Santos spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5841, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5841, as amended by the House, and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 36.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 16, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6032 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Keiser, Kohl-Welles and Carrell.

There being no objection, the House granted the Senate's request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032. The Speaker (Representative Lovick presiding) appointed the following conferees: Representatives Cody, Curtis and Hudgins.

There being no objection, the Committee on Rules was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5009, and the bill was placed on the Second Reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 18, 2007, the 101st Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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**ONE HUNDRED FIRST DAY**


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House Chamber, Olympia, Wednesday, April 18, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Erin McCullough and Forrest Penny-Brown. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Janet Tanaka, Baha'i of Thurston County East.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Appropriations was relieved off further consideration of SUBSTITUTE SENATE BILL NO. 5097, and the bill was placed on the Second Reading calendar.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2007-4663, by Representative Linville

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, High school basketball and football has a long tradition of molding the student athlete of today into a leader of tomorrow and embraces the values of team and sacrifice, in addition to pride in the community and self; and

WHEREAS, In an example of excellence and camaraderie, the 2006-07 Lynden High School Lions captured a Class 2A Team State Championship in both football and basketball; and

WHEREAS, The 2006 Lynden Varsity football team had an amazing overall season of thirteen wins and one loss; and

WHEREAS, The 2006 Lynden High School football team was led by Head Coach Curt Kremme and Assistant Head Coach Pat Murphy; and

WHEREAS, The Lions championship game was a nail biter against the Centralia High School Tigers and ended in a fourteen to ten win for Lynden High School; and

WHEREAS, The 2007 Lynden basketball team had an incredible overall season of twenty-three wins and two losses; and

WHEREAS, The 2007 Lynden High School basketball team was led by Head Coach Brian Roper and Assistant Coach Jeb Kratzig; and

WHEREAS, The Championship game was played against the Mark Morris High School team with a sixty-two to forty-four victory for the Lions; and

WHEREAS, There are seven schools that have won state championships in both football and basketball in the same season and the Lynden Lions have done it three times in the

incredible seasons of 1980-81, 1991-92, and then in this remarkable 2006-07 season; and

WHEREAS, The support and encouragement of families and the spirit shown by the school and the community were an integral part in this championship season as well as past seasons;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the outstanding accomplishments of the Lynden High School Football and Basketball Teams in their record-breaking state championship season of 2006-07 and congratulate the team members, coaches, families, students, and community that made such an accomplishment possible; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members and coaches of the Lynden High School Football and Basketball Teams, Lynden school district Superintendent Dr. Dennis Carlson, Athletic Director Terry DeValois, and School Principal Jeff Baglio.

HOUSE RESOLUTION NO. 4663 was adopted.

HOUSE RESOLUTION NO. 2007-4664, by Representative Linville

WHEREAS, Dr. Harold G. Heiner has served his community, his state, and his country with dignity and diligence throughout his lifetime and has been a champion of Whatcom Community College for the last 27 years; and

WHEREAS, Dr. Heiner served valiantly in the United States Marine Corps from 1956-1959; and

WHEREAS, Dr. Heiner returned to Western Washington where he received his A.A. Degree from Skagit Valley Community College, his B.A. Degree in Education from Western Washington University, his Masters of Science Degree in Psychology from Washington State University, and his PhD Degree in Educational Psychology from the University of Washington; and

WHEREAS, From 1966-1973 Dr. Heiner worked as a faculty member and Director of Student Development at Skagit Valley Community College and from 1973-1978 Dr. Heiner served on the State Board for Community College Education as the Director of Student Services; and

WHEREAS, In 1978 Dr. Heiner came to Whatcom Community College where he worked as the Dean of Instruction until 1984; and

WHEREAS, Dr. Heiner was appointed June 1, 1984, to serve as the president of Whatcom Community College, which he has done diligently for 23 years; and

WHEREAS, Dr. Heiner has focused on a student-centered climate and helped to make Whatcom Community College a leader among community colleges; and

WHEREAS, Whatcom Community College is a comprehensive, state sponsored school that serves over 7,000 students each quarter and offers transfer programs and personal training programs, as well as basic education and enrichment programs; and

WHEREAS, Dr. Heiner has shown great leadership in the acquisition of land and has secured capital funding for many necessary and beautiful facilities as well as implementing many innovative programs and continually expanded and improved the academic and extracurricular activities offered by the college; and

WHEREAS, Dr. Heiner was inducted into the Whatcom Community College Hall of Distinction on March 8, 2006; and

WHEREAS, Dr. Heiner has received the title of President Emeritus of the College to be effective once he retires on July 1, 2007; and

WHEREAS, This honor has only been bestowed upon two other community college presidents; and

WHEREAS, Dr. Heiner wants to work with the college to make the transition as smooth as possible by developing a transition guide for the new president as well as a historic archive for the college;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Dr. Harold G. Heiner as a hero in his community, applaud his outstanding achievements in his career in Higher Education at Whatcom Community College, and praise his lasting contributions to the quality of life in Whatcom County and Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. Harold G. Heiner, and to the Trustees of Whatcom Community College.

HOUSE RESOLUTION NO. 4664 was adopted.

**MESSAGE FROM THE SENATE**

April 17, 2007

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1396, and passed the bill without said amendments, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001,  
 HOUSE BILL NO. 1005,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008,  
 SUBSTITUTE HOUSE BILL NO. 1029,  
 SUBSTITUTE HOUSE BILL NO. 1037,  
 HOUSE BILL NO. 1038,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052,  
 HOUSE BILL NO. 1065,  
 HOUSE BILL NO. 1073,  
 HOUSE BILL NO. 1077,  
 SUBSTITUTE HOUSE BILL NO. 1079,  
 SUBSTITUTE HOUSE BILL NO. 1082,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1096,  
 SUBSTITUTE HOUSE BILL NO. 1099,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1106,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,  
 SUBSTITUTE HOUSE BILL NO. 1140,  
 HOUSE BILL NO. 1166,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1201,  
 ENGROSSED HOUSE BILL NO. 1214,  
 ENGROSSED HOUSE BILL NO. 1217,  
 HOUSE BILL NO. 1220,  
 HOUSE BILL NO. 1224,  
 SUBSTITUTE HOUSE BILL NO. 1233,  
 SUBSTITUTE HOUSE BILL NO. 1244,  
 SUBSTITUTE HOUSE BILL NO. 1255,  
 SUBSTITUTE HOUSE BILL NO. 1256,  
 SUBSTITUTE HOUSE BILL NO. 1259,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260,

SUBSTITUTE HOUSE BILL NO. 1267,  
 SUBSTITUTE HOUSE BILL NO. 1276,  
 SUBSTITUTE HOUSE BILL NO. 1287,  
 HOUSE BILL NO. 1293,  
 SUBSTITUTE HOUSE BILL NO. 1298,  
 SUBSTITUTE HOUSE BILL NO. 1304,  
 SUBSTITUTE HOUSE BILL NO. 1319,  
 SUBSTITUTE HOUSE BILL NO. 1328,  
 HOUSE BILL NO. 1331,  
 HOUSE BILL NO. 1366,  
 HOUSE BILL NO. 1371,  
 SUBSTITUTE HOUSE BILL NO. 1396,  
 SUBSTITUTE HOUSE BILL NO. 1397,  
 SUBSTITUTE HOUSE BILL NO. 1407,  
 SUBSTITUTE HOUSE BILL NO. 1409,  
 ENGROSSED HOUSE BILL NO. 1413,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414,  
 SUBSTITUTE HOUSE BILL NO. 1417,  
 HOUSE BILL NO. 1418,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422,  
 HOUSE BILL NO. 1443,  
 SUBSTITUTE HOUSE BILL NO. 1445,  
 HOUSE BILL NO. 1449,  
 HOUSE BILL NO. 1457,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461,  
 SUBSTITUTE HOUSE BILL NO. 1472,  
 HOUSE BILL NO. 1476,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1488,  
 HOUSE BILL NO. 1505,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1506,  
 HOUSE BILL NO. 1520,  
 ENGROSSED HOUSE BILL NO. 1525,  
 HOUSE BILL NO. 1543,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569,  
 SUBSTITUTE HOUSE BILL NO. 1583,  
 HOUSE BILL NO. 1592,  
 HOUSE BILL NO. 1599,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1636,  
 HOUSE BILL NO. 1644,  
 SUBSTITUTE HOUSE BILL NO. 1646,  
 ENGROSSED HOUSE BILL NO. 1648,  
 SUBSTITUTE HOUSE BILL NO. 1651,  
 SUBSTITUTE HOUSE BILL NO. 1654,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1656,  
 HOUSE BILL NO. 1671,  
 SUBSTITUTE HOUSE BILL NO. 1679,  
 HOUSE BILL NO. 1722,  
 SUBSTITUTE HOUSE BILL NO. 1761,  
 SUBSTITUTE HOUSE BILL NO. 1777,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779,  
 SUBSTITUTE HOUSE BILL NO. 1802,  
 SUBSTITUTE HOUSE BILL NO. 1805,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1811,  
 HOUSE BILL NO. 1820,  
 SUBSTITUTE HOUSE BILL NO. 1832,  
 SUBSTITUTE HOUSE BILL NO. 1837,  
 HOUSE BILL NO. 1859,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,  
 SUBSTITUTE HOUSE BILL NO. 1891,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1896,  
 ENGROSSED HOUSE BILL NO. 1898,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1906,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1922,  
 SUBSTITUTE HOUSE BILL NO. 1929,  
 HOUSE BILL NO. 1949,  
 HOUSE BILL NO. 1966,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1980,  
 SUBSTITUTE HOUSE BILL NO. 1988,  
 HOUSE BILL NO. 2004,  
 SUBSTITUTE HOUSE BILL NO. 2007,  
 HOUSE BILL NO. 2034,  
 SUBSTITUTE HOUSE BILL NO. 2049,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2055,  
 HOUSE BILL NO. 2079,  
 SUBSTITUTE HOUSE BILL NO. 2087,  
 ENGROSSED HOUSE BILL NO. 2113,  
 SUBSTITUTE HOUSE BILL NO. 2115,  
 SUBSTITUTE HOUSE BILL NO. 2118,  
 SUBSTITUTE HOUSE BILL NO. 2129,  
 HOUSE BILL NO. 2135,  
 SUBSTITUTE HOUSE BILL NO. 2209,

HOUSE BILL NO. 2236,  
 HOUSE BILL NO. 2240,  
 SUBSTITUTE HOUSE BILL NO. 2261,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2262,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2262,  
 SUBSTITUTE HOUSE BILL NO. 2275,  
 HOUSE BILL NO. 2281,  
 SUBSTITUTE HOUSE BILL NO. 2304,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,  
 HOUSE BILL NO. 2357,  
 SUBSTITUTE HOUSE BILL NO. 2366,  
 SUBSTITUTE HOUSE BILL NO. 2378,  
 SUBSTITUTE HOUSE BILL NO. 2394,  
 HOUSE JOINT MEMORIAL NO. 4017,  
 SUBSTITUTE SENATE BILL NO. 5002,  
 SENATE BILL NO. 5014,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5037,  
 SUBSTITUTE SENATE BILL NO. 5050,  
 SUBSTITUTE SENATE BILL NO. 5053,  
 SENATE BILL NO. 5084,  
 SENATE BILL NO. 5088,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098,  
 SUBSTITUTE SENATE BILL NO. 5101,  
 SUBSTITUTE SENATE BILL NO. 5108,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,  
 SECOND SUBSTITUTE SENATE BILL NO. 5188,  
 SUBSTITUTE SENATE BILL NO. 5193,  
 SUBSTITUTE SENATE BILL NO. 5236,  
 SUBSTITUTE SENATE BILL NO. 5243,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
 SUBSTITUTE SENATE BILL NO. 5315,  
 SUBSTITUTE SENATE BILL NO. 5321,  
 SENATE BILL NO. 5332,  
 ENGROSSED SENATE BILL NO. 5401,  
 SENATE BILL NO. 5402,  
 SENATE BILL NO. 5429,  
 SUBSTITUTE SENATE BILL NO. 5447,  
 SECOND SUBSTITUTE SENATE BILL NO. 5467,  
 ENGROSSED SENATE BILL NO. 5498,  
 SUBSTITUTE SENATE BILL NO. 5503,  
 ENGROSSED SENATE BILL NO. 5508,  
 SENATE BILL NO. 5512,  
 SUBSTITUTE SENATE BILL NO. 5533,  
 SUBSTITUTE SENATE BILL NO. 5534,  
 SECOND SUBSTITUTE SENATE BILL NO. 5597,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5726,  
 SUBSTITUTE SENATE BILL NO. 5826,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923,  
 SENATE CONCURRENT RESOLUTION NO. 8404,

#### MESSAGE FROM THE SENATE

April 17, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5248,  
 SENATE BILL NO. 5552,  
 ENGROSSED SENATE BILL NO. 5669,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6001,

and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker (Representative Lovick presiding) called upon Representative Hudgins to preside.

#### MESSAGE FROM THE SENATE

April 5, 2007

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1277 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.102.020 and 2006 c 181 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means ~~((five))~~ ten million dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the ~~((creation of a revenue development area. For a local government that meets the requirements of RCW 39.102.040(2), "base year" is the calendar year after it amends its ordinance as provided in RCW 39.102.040(2)))~~ calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award, provided that the approval is granted before October 15th. If approval by the board is received on or after October 15th but on or before December 31st, the "base year" is the second calendar year following the calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award.

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was ~~((created))~~ approved by the board, except that if a local government reduces the rate of such tax after the revenue development area was ~~((created))~~ approved by the board, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~((creates))~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~((creation))~~ approval of the revenue development area ~~((within the boundaries of the area that became the revenue development area))~~ by the board, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the ~~((creation))~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ~~((created))~~ approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ~~((by July 1, 2006;))~~ during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ~~((July 1, 2007))~~ in 2008. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, ~~((dedicated))~~ other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13)(a) "Revenues from local public sources" means ~~((federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing))~~:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements ~~((or both))~~ to property, or both, on the assessment roll ~~((s after the revenue development area is created))~~, where the new construction ~~((or))~~ and improvements ~~((occur entirely after the revenue development area is created))~~ are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is

initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) ~~((If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of the buildings in the years following their initial placement on the assessment rolls:~~

~~((c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls))~~ "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased ~~((due to new construction or improvements to property occurring after the revenue development area is created))~~ as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base

value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; ~~((and))~~ (f) administrative expenses and feasibility studies reasonably necessary and related to these costs ~~((including related));~~ and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is ~~((created))~~ adopted for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is ~~((created))~~ adopted, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area ~~((created))~~ adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that ~~((creates))~~ adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~((creates))~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~((creation))~~ approval of the revenue development area ~~((within the boundaries of the area that became the revenue development area))~~ by the board, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the ~~((creation))~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ~~((created))~~ approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ~~((by July 1, 2006;))~~ during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ~~((July 1, 2007))~~ in 2008. The amount of base year adjustment determined by the department is final.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

(33) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

**Sec. 2.** RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW ~~((that))~~ and has not issued bonds to finance any public improvement ~~((shall be))~~ may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without ((creating)) adopting a new ((increment)) revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances

creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve (~~qualified~~) competitive project(s, up to the annual state contribution limit) awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2008, except as provided in RCW 39.102.050(2). For projects not approved in 2008, sponsoring and cosponsoring local governments may apply again to the board for approval of a project.

(c) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2009 for a competitive project award, must submit completed applications to the board no later than July 1, 2009. By September 15, 2009, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2009 deadline.

(d) Except as provided in RCW 39.102.050(2), a total of no more than seven million five hundred thousand dollars in competitive project awards shall be approved for local infrastructure financing. (~~Except as provided in RCW 39.102.050, approvals shall be based on the following criteria~~)

(e) The project selection criteria and weighting developed prior to the effective date of this act for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall, in consultation with the Washington state economic development commission, develop the relative weight to be assigned to the following criteria:

~~((+))~~ (i) The ~~(project)~~ project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

~~((+))~~ (ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

~~((+))~~ (iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

~~((+))~~ (iv) The estimated wages and benefits for the project is greater than the average labor market area;

~~((+))~~ (v) The estimated state and local net employment change over the life of the project;

~~((+))~~ (vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

~~(vii)~~ The estimated state and local net property tax change over the life of the project; (~~and~~

~~(g))~~ (viii) The estimated state and local sales and use tax increase over the life of the project;

(ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c); and

(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

(f)(i) Except as provided in this subsection (4)(f), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.

(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:

(A) The sponsoring local government is located in more than one county; and

(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.

(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.

(5) (~~A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval.~~) Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification (~~shall~~) must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 3. RCW 39.102.050 and 2006 c 181 s 203 are each amended to read as follows:

(1) In addition to a competitive process, demonstration projects are provided to determine the feasibility of the local infrastructure financing tool. Notwithstanding RCW 39.102.040, the board shall approve each demonstration project (~~before approving any other application~~). Demonstration project applications must be received by the board no later than July 1, 2008. The Bellingham waterfront redevelopment project award shall not exceed one million dollars per year, the Spokane river district project award shall not exceed one million dollars per year, and the Vancouver riverwest project award shall not exceed five hundred thousand dollars per year. The board shall approve by September 15, 2007, demonstration project applications submitted no later than July 1, 2007. The board shall approve by September 18, 2008, demonstration project applications submitted by July 1, 2008.

(2) If before board approval of the final competitive project award in 2008, a demonstration project has not received approval by the board, the state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive application process. If a demonstration project has received a partial award before the approval of the final competitive project award, the remaining state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive process.

Sec. 4. RCW 39.102.060 and 2006 c 181 s 204 are each amended to read as follows:

The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries, as of January 1st of the year the application is submitted to the board under RCW 39.102.040, may not exceed seventy dollars at the time the revenue development area is designated;

(3) ~~((No more than one revenue development area may be created in a county))~~ No revenue development area shall have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW or any part of another revenue development area created under this chapter;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

(9) A revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

**Sec. 5.** RCW 39.102.090 and 2006 c 181 s 207 are each amended to read as follows:

(1) To ~~((create))~~ adopt a revenue development area, a sponsoring local government, and any cosponsoring local government, must adopt an ordinance establishing the revenue development area that:

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in RCW 39.102.060;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in RCW 39.102.070 are met and the findings in RCW 39.102.080 are complete.

(2) The sponsoring local government, and any cosponsoring local government, must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing ~~((at least thirty days))~~ before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government and the governing body of any cosponsoring local government, or by a committee of those governing bodies that includes at least a majority of the whole governing body or bodies. The public hearing is subject to the notice requirements in RCW 39.102.100.

(3) The sponsoring local government, and any cosponsoring local government, shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government and participating taxing district within

which the revenue development area is located, the board, and the department.

**Sec. 6.** RCW 39.102.110 and 2006 c 181 s 301 are each amended to read as follows:

(1) A sponsoring local government or participating local government that has received approval by the board to use local infrastructure financing may use annually its local excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated by participating local governments must cease ~~((when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area))~~ on the date specified in the written agreement required in RCW 39.102.080(1), or if no date is specified then the date when the local tax under RCW 82.14.475 expires. Any participating local government is authorized to dedicate local excise tax allocation revenues to the sponsoring local government as authorized in RCW 39.102.080(1).

(2) A sponsoring local government shall provide the board accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under RCW 39.102.150 are retired.

**Sec. 7.** RCW 39.102.120 and 2006 c 181 s 302 are each amended to read as follows:

(1) Commencing in the second calendar year following ~~((the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing))~~ board approval of a revenue development area, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development area to the property tax allocation revenue value and property tax

allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer ~~((necessary or))~~ obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the allocation of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of portions of the local regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to each such taxing district.

(5) The allocation of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW.

**Sec. 8.** RCW 82.14.475 and 2006 c 181 s 401 are each amended to read as follows:

(1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under the authority of this section:

(i) Before July 1, 2008;

(ii) Before approval by the board under RCW 39.102.040; and

(iii) ~~((Except as provided in (b) of this subsection, unless))~~ Before the sponsoring local government has received ((and dedicated to the payment of bonds authorized in RCW 39.102.150, in whole or in part, both)) local excise tax allocation revenues ~~((and)),~~ local property tax allocation revenues, or both, during the preceding calendar year.

(b) ~~((The requirement to receive local property tax allocation revenues under (a) of this subsection is waived if the revenue development area coincides with or is contained entirely within the boundaries of an increment area adopted by a local government under~~

~~the authority of chapter 39.89 RCW for the purposes of utilizing community revitalization financing.~~

~~—(e))~~ The tax imposed under this section shall expire when the bonds issued under the authority of RCW 39.102.150 are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in RCW 39.102.040;

~~(d) ((Except when the requirement to receive local property tax allocation revenues is waived as provided in subsection (3)(b) of this section,))~~ Neither the local excise tax allocation revenues nor the local property tax allocation revenues ((can be)) may constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c). This requirement applies beginning January 1st of the fifth calendar year after the calendar year in which the sponsoring local government begins allocating local excise tax allocation revenues under RCW 39.102.110;

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with RCW 39.102.140, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in RCW 39.102.020(29)(c). The department shall consider information from reports described in RCW 39.102.140 when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year,

more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than ~~((five))~~ ten million dollars. ~~((The tax distributions shall be available to the sponsoring local government, and any cosponsoring local government, imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under RCW 39.102.150.))~~

(10) The definitions in RCW 39.102.020 apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

(12) Subject to section 14 of this act, the tax imposed under the authority of this section may be applied either to provide for the payment of debt service on bonds issued under RCW 39.102.150 by the sponsoring local government or to pay public improvement costs on a pay-as-you-go basis, or both.

(13) The tax imposed under the authority of this section shall cease to be imposed if the sponsoring local government or cosponsoring local government fails to issue bonds under the authority of RCW 39.102.150 by June 30th of the fifth fiscal year in which the local tax authorized under this section is imposed.

**Sec. 9.** RCW 39.102.140 and 2006 c 181 s 403 are each amended to read as follows:

(1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, ~~((and))~~ local property tax allocation revenues, other revenues from local public sources, and taxes under RCW 82.14.475~~((, and revenues from local public sources))~~ received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with RCW 39.102.070.

(2) The board shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

**Sec. 10.** RCW 39.102.150 and 2006 c 181 s 501 are each amended to read as follows:

(1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the

indebtedness in whole or in part from local excise tax allocation revenues, local property tax allocation revenues, and sales and use taxes imposed under the authority of RCW 82.14.475 that it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by RCW ~~((39.102.090))~~ 39.102.100.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of RCW 82.14.475 and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under RCW 82.14.475, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under RCW 82.14.475 are subject to the use restriction in RCW 39.102.130.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 11.** RCW 39.102.130 and 2006 c 181 s 402 are each amended to read as follows:

Money collected from the taxes imposed under RCW 82.14.475 ~~((shall))~~ may be used only for the purpose of ~~((principal and interest payments on bonds issued under the authority of RCW 39.102.150))~~

paying debt service on bonds issued under the authority of RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis as provided in section 14 of this act, or both.

**NEW SECTION. Sec. 12.** RCW 39.102.180 (General indebtedness, general obligation bonds--Authority--Security) and 2006 c 181 s 504 are each repealed.

**NEW SECTION. Sec. 13.** A new section is added to chapter 39.102 RCW to read as follows:

The department of revenue and the community economic revitalization board may adopt any rules under chapter 34.05 RCW they consider necessary for the administration of this chapter.

**NEW SECTION. Sec. 14.** A new section is added to chapter 39.102 RCW to read as follows:

Local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, that are dedicated to local infrastructure financing, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, may not be used to pay for public improvement costs on a pay-as-you-go basis after the date that the sponsoring local government that issued the bonds as provided in RCW 39.102.150 is required to begin paying debt service on those bonds.

**NEW SECTION. Sec. 15.** This act applies retroactively as well as prospectively.

**NEW SECTION. Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17.** This act expires June 30, 2039."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.090, 39.102.110, 39.102.120, 82.14.475, 39.102.140, 39.102.150, and 39.102.130; adding new sections to chapter 39.102 RCW; creating a new section; repealing RCW 39.102.180; and providing an expiration date."

as the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1277, and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that there is a large, unmet need for affordable housing in the state of Washington. The legislature declares that a decent, appropriate, and affordable home in a healthy, safe environment for every household should be a state goal. Furthermore, this goal includes increasing the percentage of households who are able to obtain and retain housing without government subsidies or other public support.

(2) The legislature finds that there are many root causes of the affordable housing shortage and declares that these causal factors should be eliminated.

(3) The legislature finds that the support and commitment of all sectors of the statewide community is critical to accomplishing the state's affordable housing for all goal. The legislature finds that the provision of housing and housing-related services should be administered at the local level. However, the state should play a primary role in: Providing financial resources to achieve the goal at all levels of government; researching and evaluating statewide housing data; developing a state plan that integrates the strategies, goals, and objectives of all other state housing plans and programs; and coordinating and supporting county government plans and activities.

(4) The legislature declares that there is a state affordable housing goal of a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020, as part of the statewide effort to end the affordable housing crisis.

**NEW SECTION. Sec. 2.** This chapter may be known and cited as the Washington affordable housing for all act.

**NEW SECTION. Sec. 3.** There is created within the department the state affordable housing for all program, which shall be funded by the affordable housing for all program surcharge provided for in RCW 36.22.178 (as recodified by this act) and all other sources directed to the affordable housing for all program. The goal of the program is a decent, appropriate, and affordable home in a healthy, safe environment for every very low-income household in the state by 2020. A priority must be placed upon achieving this goal for extremely low-income households. This goal includes increasing the percentage of households who access housing that is affordable for their income or wage level without government assistance by increasing the number of previously very low-income households who achieve self-sufficiency and economic independence. The goal also includes implementing strategies to keep the rising cost of housing below the relative rise in wages. The department shall develop and administer the affordable housing for all program. In the development and implementation of the program, the department shall consider: The funding level, number of county staff available to implement the program, and competency of each county to meet the goals of the program; and establish program guidelines and reporting requirements appropriate to the existing capacity of the participating counties.

**NEW SECTION. Sec. 4.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing, with monthly rental housing costs, including utilities other than telephone, which do not exceed thirty percent of the household's monthly income, that has a sales price within the means of a household that may occupy low, very low, and extremely low-income housing. The department shall adopt policies for residential homeownership housing, occupied by extremely low, very low, and low-income households, that specify the percentage of household income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes, significant activities related to the provision of decent housing that is affordable to extremely low-income, very low-income, low-income, or moderate-income households and special needs populations.

(6) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies, including those embodied in statutes, ordinances, regulations, or administrative procedures or processes, required to be identified by the state, cities, towns, or counties in connection with strategies under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.).

(7) "Affordable housing for all account" means the account in the custody of the state treasurer receiving the state's portion of income from the revenue of sources established by RCW 36.22.178 (as recodified by this act) and all other sources directed to the affordable housing for all program.

(8) "Performance evaluation" means the process of evaluating the performance by established objective, measurable criteria according to the achievement of outlined goals, measures, targets, standards, or other outcomes using a ranked scorecard from highest to lowest performance which employs a scale of one to one hundred, one hundred being the optimal score.

(9) "Affordable housing for all program" means the program authorized under this chapter, utilizing the funding from the affordable housing for all program surcharge in RCW 36.22.178 (as recodified by this act), and all other sources directed to the affordable housing for all program, as administered by the department at the state level and by each county at the local level.

(10) "State affordable housing for all plan" or "state plan" means the plan developed by the department in collaboration with the affordable housing advisory board with the goal of ensuring that every very low-income household in Washington has a decent, appropriate, and affordable home in a healthy, safe environment by 2020.

(11) "Low-income household," for the purposes of the affordable housing for all program, means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median household income, adjusted for household size for the county where the project is located.

(12) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than fifty percent of the median family income, adjusted for household size for the county where the project is located.

(13) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than thirty percent of the median family income, adjusted for household size for the county where the project is located.

(14) "County" means a county government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if the county government declines to participate in the affordable housing program.

(15) "Local government" means a county or city government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if the county government declines to participate in the affordable housing program.

(16) "Authority" or "housing authority" means any of the public corporations created by RCW 35.82.030.

**Sec. 5.** RCW 43.185B.040 and 1993 c 478 s 12 are each amended to read as follows:

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020, prepare and, from time to time, amend a ~~((five-year))~~ state affordable housing ((advisory)) for all plan. The state plan must incorporate strategies, objectives, and goals, including those required for the state homeless housing strategic plan required under RCW 43.185C.040. The state affordable housing for all plan may be combined with the state homeless housing strategic plan required under RCW 43.185C.040 or any other existing state housing plan as long as the requirements of all of the plans to be merged are met.

(2) The purpose of the state affordable housing for all plan is to:

(a) Document the need for affordable housing in the state and the extent to which that need is being met through public and private sector programs ~~((-to))~~;

(b) Evaluate and report upon all counties' use of the affordable housing for all program surcharge funds provided for in RCW 36.22.178 (as recodified by this act) and all other sources directed to the counties' affordable housing for all programs;

(c) Report upon housing trust fund awards within the previous five-year period; and

(d) Facilitate state and county government planning to meet the state affordable housing ((needs of the state, and to enable the development of sound strategies and programs for affordable housing)) for all goal.

(3) The information in the ((five-year)) state affordable housing ((advisory)) for all plan must include:

(a) An assessment of the state's housing market trends;

(b) An assessment of the housing needs for ((aff)) economic segments of the state by low-income, very low-income, and extremely low-income households and special needs populations, including a report on the number and percentage of additional affordable rental housing units that are needed statewide and in each county to house low-income, very low-income, and extremely low-income households;

(c) An inventory of the supply and geographic distribution of affordable housing rental units made available through public and private sector programs;

(d) A summary of the activities of all state housing programs, as well as all housing programs operated by or coordinated by city and county governments, including local housing-related levy initiatives, housing-related tax exemption programs, and federally funded programs operated or coordinated by the state or local governments;

(e) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state, including each county or city required by the United States department of housing and urban development to produce a consolidated plan, and any other city or county where information is readily available;

~~((e))~~ ((f)) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; ~~((and~~

~~((f))~~ ((g)) An analysis, statewide and within each county and major city, of the primary contributors to the cost of housing and an outline of potential strategies to keep the increasing cost of housing below the relative rise in wages;

(h) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state;

(i) A report on the growth in the population of low-income, very low-income, and extremely low-income households statewide and for each county;

(j) A determination of the cost to the state of the affordable housing shortage;

(k) A report of any differences in the rates of inflation between median house prices, median rent for a two-bedroom apartment, and median family income for low-income, very low-income, and extremely low-income households; and

(l) A summary of the recommendations of the affordable housing advisory board report as required in RCW 43.185B.030.

~~((2)(a))~~ ((4)) The ~~((five-year))~~ state affordable housing ~~((advisory))~~ for all plan required under ~~((subsection (1) of))~~ this section must be submitted to the appropriate committees of the legislature on or before ~~((February 1, 1994))~~ December 31, 2010, and subsequent updated plans must be submitted by December 31st every five years thereafter.

~~((b))~~ Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs))

(5) Based on changes to the general population and in the housing market, the department may revise the goals of the state affordable housing for all plan and set goals for years following December 31, 2020.

**Sec. 6.** RCW 36.22.178 and 2005 c 484 s 18 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all program surcharge.

(1) Except as provided in subsection ~~((2))~~ (3) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the ~~((Washington housing trust account))~~ affordable housing for all account created in section 7 of this act. ~~((The office of community development of the department of community, trade, and economic development will develop guidelines for the use of these funds to support))~~ The department of community, trade, and economic development must use these funds to provide housing and shelter for extremely low-income households, including but not limited to grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income ((persons)) households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing ((projects or units within housing projects that are affordable to)) activities as described in this subsection that serve very low-income ((persons)) households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income ((housing projects or units within such housing projects)) households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. ~~((The funds generated with this surcharge shall not be used for construction of new housing if at any time the vacancy rate for available low-income housing within the county rises above ten percent. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section. Uses of))~~ A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these ((local)) county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farm worker housing units, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing ~~((projects or))~~ units ~~((within housing projects))~~ that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

~~((2))~~ (3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

~~((3))~~ The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i))

(4) All counties shall report at least annually upon receipts and expenditures of the affordable housing for all program surcharge funds created in this section to the department. The department may require more frequent reports. The report must include the amount of funding generated by the surcharge, the total amount of funding distributed to date, the amount of funding allocated to each eligible housing activity, a description of each eligible housing activity funded, including information on the income or wage level and numbers of extremely low, very low, and low-income households the eligible housing activity is intended to serve, and the outcome or anticipated outcome of each eligible housing activity.

NEW SECTION. Sec. 7. The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 (as recodified by this act) shall be deposited in the account, as well as all other sources directed to the affordable housing for all program. Expenditures from the account may only be used for affordable housing programs.

NEW SECTION. Sec. 8. This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in this act and other revenue that may be appropriated by the legislature for these purposes. However, neither the department nor any local government may use any funds authorized in this act to supplant or reduce any existing expenditures of public money to address the affordable housing shortage.

NEW SECTION. Sec. 9. (1) The department, the Washington state housing finance commission, the affordable housing advisory board, and all county governments, housing authorities, and other nonprofit organizations receiving state funds, county affordable housing for all surcharge funds, county homeless housing surcharge funds as authorized in RCW 36.22.179 (as recodified by this act), or financing through the housing finance commission shall, by December 31, 2007, and annually thereafter, review current housing reporting requirements related to housing programs and services and give recommendations to the legislature to streamline and simplify all planning and reporting requirements. The entities listed in this section shall also give recommendations for additional legislative actions that could promote the affordable housing for all goal.

(2) The department shall collaborate with the Washington state housing finance commission and representatives from statewide organizations representing counties, cities, housing authorities, nonprofit groups involved in affordable housing, and other interested parties, to create a strategy to streamline and, when possible, consolidate state, city, town, and county reporting requirements to address the inefficiencies associated with multiple reporting requirements. The department shall present the strategy to the appropriate committees of the legislature by December 31, 2007.

Sec. 10. RCW 43.63A.650 and 1999 c 267 s 3 are each amended to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW.

(2) The department shall work with ~~((local governments))~~ cities, towns, counties, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or statewide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless

families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

**Sec. 11.** RCW 43.185C.005 and 2005 c 484 s 1 are each amended to read as follows:

Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in Washington is unacceptably high. The state's homeless population, furthermore, includes a large number of families with children, youth, and employed persons. The legislature finds that the fiscal and societal costs of homelessness are high for both the public and private sectors, and that ending homelessness ~~((should))~~ must be a goal for state and local government.

The legislature finds that there are many causes of homelessness, including a shortage of affordable housing; a shortage of family-wage jobs which undermines housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; ~~((and))~~ a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century; inadequate availability of services for citizens with mental illness and developmental disabilities living in the community; and the difficulties faced by formerly institutionalized persons in reintegrating to society and finding stable employment and housing.

The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness in Washington. While the provision of housing and housing-related services to the homeless should be administered at the local level to best address specific community needs, the legislature also recognizes the need for the state to play a primary coordinating, supporting, ~~((and))~~ monitoring, and evaluating role. There must be a clear assignment of responsibilities and a clear statement of achievable and quantifiable goals. Systematic statewide data collection on ~~((homelessness))~~ homeless individuals in Washington must be a critical component of such a program enabling the state to work with local governments not only to count all homeless people in the state, but to record and manage information about homeless persons ((and)) in order to assist them in finding housing and other supportive services.

The systematic collection and rigorous evaluation of homeless data, a nationwide search for and implementation through adequate resource allocation of best practices, and the systematic measurement of progress toward interim goals and the ultimate goal of ending homelessness are all necessary components of a statewide effort to end homelessness in Washington by July 1, 2015.

**Sec. 12.** RCW 43.185C.040 and 2005 c 484 s 7 are each amended to read as follows:

(1) ~~((Six months after the first Washington homeless census;))~~ The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, prepare and ((publish a ten-year homeless housing)) annually update a state homeless housing strategic plan which ((shall)) must outline statewide goals and

performance measures ((and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650. To guide local governments in preparation of their first local homeless housing plans due December 31, 2005, the department shall issue by October 15, 2005, temporary guidelines consistent with this chapter and including the best available data on each community's homeless population)). Local governments' ((ten-year homeless housing)) homeless housing plans ((shall not)) must include all of the performance measures included in the state homeless housing strategic plan and must be substantially ((inconsistent)) consistent with the goals and program recommendations of ((the temporary guidelines and, when amended after 2005;)) the state homeless housing strategic plan.

~~((2))~~ (2) Program outcomes and performance measures and goals ((shall)) must be created by the department and reflected in the department's ((homeless housing)) state homeless housing strategic plan ((as well as)) and all local homeless housing plans.

~~((3))~~ (3) Interim goals against which state and local governments' performance may be measured must also be described and reported upon in the state homeless housing strategic plan, including:

~~((a))~~ (a) ((By the end of year one, completion of the first census as described in RCW 43.185C.030;

~~((b))~~ (b) By the end of each subsequent year, goals common to all state and local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and

~~((c))~~ (c) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent.

~~((4))~~ (4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving homeless housing grants in order to determine compliance with the terms and conditions set forth in the homeless housing grant application or required by the department.

~~((5))~~ (5) The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, report annually to the governor and the appropriate committees of the legislature ((an assessment of)) the fiscal and societal costs of the homeless crisis, including identifying, to the extent practical, savings in state and local program costs that could be obtained through the achievement of stable housing for the clients served by those programs.

~~((6))~~ (6) The department shall also deliver a summary annual report, including information about:

~~((a))~~ (a) All state programs addressing homeless housing and services;

~~((b))~~ (b) The state's performance in furthering the goals of the state ((ten-year)) homeless housing strategic plan; and

~~((c))~~ (c) The performance of each participating local government in creating and executing a local homeless housing plan ((which)) that meets the requirements of this chapter. ((The annual report may include performance measures such as:

~~((a))~~ (a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

~~((b))~~ (b) The number of new units available and affordable for homeless families by housing type;

~~((c))~~ (c) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

~~((d))~~ (d) The number of households at risk of losing housing who maintain it due to a preventive intervention;

~~((e))~~ (e) The transition time from homelessness to permanent housing;

~~((f))~~ (f) The cost per person housed at each level of the housing continuum;

~~((g))~~ (g) The ability to successfully collect data and report performance;

~~((h))~~ (h) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;

~~((i))~~ (i) The quality and safety of housing provided; and

~~((j))~~ (j) The effectiveness of outreach to homeless persons, and their satisfaction with the program.

~~(4))~~ (7) The state homeless housing plan must also include a response to each recommendation included in the local homeless housing plans for policy changes to assist in ending homelessness and a summary of the recommendations to the legislature to streamline and simplify all housing planning and reporting requirements, as required in section 9 of this act.

(8) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the ~~(annual)~~ census, the department may revise the performance measures and goals of the state homeless housing strategic plans, set goals for years following the initial ten-year period, and recommend changes in local governments' homeless housing plans.

**Sec. 13.** RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

(1)(a)(i) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a ~~((ten-year))~~ local homeless housing plan for its jurisdictional area ~~((which shall be not inconsistent))~~ that is consistent with the department's ~~((statewide temporary guidelines, for the December 31, 2005, plan, and thereafter the department's ten-year homeless housing))~~ state homeless housing strategic plan and ~~((which shall be))~~ is aimed at eliminating homelessness, with a minimum goal of reducing homelessness by fifty percent by July 1, 2015. ~~((The local government may amend the proposed local plan and shall adopt a plan by December 31, 2005. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department.))~~

(ii) Local plans must include specific strategic objectives, consistent with the state plan, and must include corresponding action plans. Local plans must address identified strategies to meet the needs of all homeless populations, including chronic homeless, short-term homeless, families, individuals, and youth. Each local plan must include the total estimated cost of accomplishing the goals of the plan to reduce homelessness by fifty percent by July 1, 2015, and must include an accounting of total committed funds for this purpose.

(b)(i) The department must conduct an annual performance evaluation of each local plan by December 31st of each year beginning in 2007. The department must also conduct an annual performance evaluation of each local government's performance related to its local plan by December 31st of each year beginning in 2007.

(ii) Local plans may include specific local performance measures adopted by the local government legislative authority~~((:))~~ and ~~((may))~~ must include recommendations for ~~((any))~~ state legislation needed to meet the state or local plan goals. The recommendations must be specific and must, if funding is required, include an estimated amount of funding required and suggestions for an appropriate funding source.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs, including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless housing plans, including homeless census data collection~~((:))~~ and information, identification of goals, performance measures, strategies, and costs, and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

**Sec. 14.** RCW 43.185C.080 and 2005 c 484 s 12 are each amended to read as follows:

(1) ~~((Only a local government is eligible to receive a homeless housing grant from the homeless housing account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under RCW 36.22.179 equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own and based on that task force's recommendations adopt a homeless housing plan specific to the city.))~~

~~((2))~~ Local governments ~~((applying for homeless housing funds))~~ may subcontract with any other local government, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts ~~((shall))~~ must be consistent with the local homeless housing plan adopted by the legislative authority of the local government, time limited, and filed with the department, and ~~((shall))~~ must have specific performance terms. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its ~~((borders))~~ jurisdiction.

~~((3))~~ (2) A county may decline to participate in the homeless housing program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution ~~((shall))~~ must also be transmitted to the county auditor and treasurer. If ~~((such a))~~ the resolution is adopted, all of the funds otherwise due to the county under RCW ~~((43.185C.060 shall))~~ 36.22.179 (as recodified by this act) and section 17 of this act, minus funds due to any city that has chosen to participate through the process established in subsection (3) of this section, must be remitted monthly to the state treasurer for deposit in the ~~((homeless housing))~~ home security fund account, without any reduction by the county for collecting or administering the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local homeless housing plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of this chapter ~~((484, Laws of 2005))~~ in the county, ~~((provided that))~~ but the department may retain six percent of these funds to offset the cost of managing the county's program.

(3) Any city may assert responsibility for homeless housing within its borders, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. A city choosing to operate a separate homeless housing program receives a percentage of the surcharge assessed under RCW 36.22.179 (as recodified by this act) and under section 17 of this act equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing grants. A city choosing to operate a separate homeless housing program must comply with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for local homeless housing plans.

(4) A resolution by the county declining to participate in the program ~~((shall have))~~ has no effect on the ~~((ability))~~ authority of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to ~~((the))~~

any such city the funds due under ((this chapter)) RCW 36.22.179 (as recodified by this act) and section 17 of this act.

**Sec. 15.** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create a homeless housing task force to develop a ~~((ten-year))~~ homeless housing plan addressing short-term and long-term services and housing ~~((for homeless persons))~~ to prevent and reduce homelessness by fifty percent by 2015.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, at-large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body ~~((which))~~ that substantially conforms to this section and ~~((which))~~ includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint homeless housing plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

~~((A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.))~~

(2) In addition to developing a ~~((ten-year))~~ homeless housing plan, each task force shall establish guidelines consistent with the ~~((statewide))~~ state homeless housing strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Rental voucher programs;
- (e) Supportive housing for chronically homeless persons; ~~((and~~
- ~~((e)))~~ (f) Long-term housing; and
- (g) Prevention services.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county ~~((including counties exempted from creating a new task force under subsection (1) of this section,))~~ shall report to the department of community, trade, and economic development ~~((such))~~ any information ~~((as may be))~~ needed to ensure compliance with this chapter.

**Sec. 16.** RCW 36.22.179 and 2005 c 484 s 9 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178 ~~(as recodified by this act), and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. The funds collected pursuant to this section are to be distributed and used as follows:~~

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this chapter ~~((484, Laws of 2005)), six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the~~

surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the ~~((homeless housing))~~ home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. The remaining eighty-seven and one-half percent is to be ~~((distributed by the department to local governments through the homeless housing grant program))~~ used by the department to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.185C RCW to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179 (as recodified by this act), and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of two dollars for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs that directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080(3), to operate its own homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's homeless housing plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide homeless housing strategic plan, implementing and managing the Washington homeless client management information system established in RCW 43.185C.180, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Remaining funds may also be used to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

**Sec. 18.** RCW 36.18.010 and 2005 c 484 s 19 and 2005 c 374 s 1 are each reenacted and amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for

recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees;

(11) For recording instruments, a surcharge as provided in RCW 36.22.178 (as recodified by this act); ~~((and~~  
~~—{(12)}))~~ (12) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179 (as recodified by this act); and

(13) For recording instruments, except for documents recorded by the department of revenue, the department of labor and industries, and the employment security department and for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in section 17 of this act.

**Sec. 19.** RCW 43.185C.150 and 2005 c 484 s 21 are each amended to read as follows:

This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in ~~((chapter 484, Laws of 2005))~~ RCW 36.22.179 (as recodified by this act) and the revenues authorized in section 17 of this act. However, neither the department nor any local government may use any funds authorized in ~~((chapter 484, Laws of 2005))~~ RCW 36.22.179 (as recodified by this act) or the revenues authorized in section 17 of this act to supplant or reduce any existing expenditures of public money for the reduction or prevention of homelessness or services for homeless persons. Any costs associated with any new planning, evaluating, and reporting requirements of the department for the homeless housing and assistance program included in this chapter shall not be funded by the document recording fee surcharges authorized by RCW 36.22.178 and 36.22.179 (as recodified by this act).

**Sec. 20.** RCW 43.185C.060 and 2005 c 484 s 10 are each amended to read as follows:

The ~~((homeless housing))~~ home security fund account is created in the ~~((custody of the))~~ state ~~((treasurer))~~ treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 (as recodified by this act) and section 17 of this act must be deposited in the account. Expenditures from the account may be used only for ~~((the))~~ homeless housing programs ~~((as described in this chapter. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures))~~.

**NEW SECTION. Sec. 21.** RCW 36.22.179 and 43.20A.790 are each recodified as sections in chapter 43.185C RCW.

**NEW SECTION. Sec. 22.** RCW 36.22.178, 43.63A.650, and 43.185B.040 are each recodified as sections in chapter 43.--- RCW (created in section 23 of this act).

**NEW SECTION. Sec. 23.** Sections 1 through 4 and 7 through 9 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 24.** If specific funding for the purposes of sections 1 through 10 of this act, referencing sections 1 through 10 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 1 through 10 of this act are null and void."

On page 1, line 1 of the title, after "all;" strike the remainder of the title and insert "amending RCW 43.185B.040, 36.22.178, 43.63A.650, 43.185C.005, 43.185C.040, 43.185C.050, 43.185C.080, 43.185C.160, 36.22.179, 43.185C.150, and 43.185C.060; reenacting and amending RCW 36.18.010; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 43 RCW; creating a new section; and recodifying RCW 36.22.179, 43.20A.790, 36.22.178, 43.63A.650, and 43.185B.040."

as the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359, and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 11, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1667 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** By January 1, 2008, the department of health shall submit to the appropriate policy and fiscal committees of the legislature an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. Furthermore, the study shall identify the reasons for the high per-licensee costs of the

midwifery licensure and regulatory program. To the extent such costs are the result of department of health investigations of midwives, the study shall identify the nature of the initiating complainant (including categories such as birth parent, other family members, other licensed midwives, certified midwives, obstetricians, gynecologists, other health care professional, paramedics, and department of health) for each investigation conducted during the previous three years, and whether the birth parents supported or opposed the investigation. The department shall identify the outcome and estimated costs of each such investigation, the average cost to the defending midwife of the investigations, and for the midwives whose licenses were not revoked, whether the midwife elected to continue seeking licensure in the subsequent two years.

The report may also examine the effectiveness of a health professions credentialing surcharge to (1) reduce the variation in levels of credentialing fees paid by health care providers regulated by the department, (2) provide greater equity in credentialing fee amounts, and (3) increase the number of health care providers in those professions. This section expires on January 1, 2008."

On page 1, line 2 of the title, strike "amending RCW 43.70.250;"

as the same is herewith transmitted.

Thomas Hoemann, Secretary

#### POINT OF ORDER

Representative Springer requested a scope and object ruling on the Senate amendment to Engrossed House Bill No. 1667.

#### SPEAKER'S RULING

The Speaker (Representative Hudgins presiding): "Engrossed House Bill 1667 is titled AN ACT relating to "fairness and equity in health professions licensing fees." The bill amends RCW 43.70.250 to establish a \$1.50 surcharge on all health care provider credentials. Money received from the surcharge shall be used to reduce the fees for members of any profession that has an annual credentialing fee above \$500. Under the bill, the four professions in this category are podiatrists, midwives, sex offender treatment providers and denturists.

The Senate amendment strikes the entire bill and replaces its provisions with a requirement that the Department of Health evaluate the economic benefits of maintaining a midwifery regulatory program, including a review of the benefits of subsidizing midwife licenses, the economic benefits to consumers of having out-of-hospital births and the reasons for the high cost of licensing midwives. The report may also examine the effectiveness of using a surcharge to promote equity in licensing fees for various health professions.

The bill is limited to health professions licensing fees. The Senate amendment goes beyond this limit to require an evaluation as to whether a certain profession should be subject to licensure.

The Speaker therefore finds that the Senate amendment is beyond the scope and object of the House bill.

Representative Springer, your point of order is well taken."

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1667, and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5207 and asks the House to recede therefrom.

Brad Hendrickson, Deputy Secretary

There being no objection, the rules were suspended, and SUBSTITUTE SENATE BILL NO. 5207 was returned to Second Reading for purpose of amendments.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5207, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Murray and Spanel)**

**Concerning a study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors; creating the freight congestion relief account.**

Representative Clibborn moved the adoption of amendment (873):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Subject to availability of amounts appropriated for this specific purpose, the joint transportation committee shall:

(a) Administer a consultant study of funding mechanisms for deposit in the freight congestion relief account created in section 2 of this act to fund freight congestion relief investments. At a minimum, the study must: (i) Evaluate federal, state, incentive, and other project specific fees; (ii) analyze current taxes and fees paid by the freight industry and the projects the taxes and fees fund; (iii) assess other nonfreight-related fees and taxes that could be used to pay for freight congestion relief investments; (iv) assess how other states and countries pay for freight congestion relief investments; (v) discuss the various approaches and their impacts on Washington competitiveness in freight movement; (vi) assess the imposition of a shipping container-based fee, port-related user fees, or other funding mechanisms on the demand elasticity of the movement of freight goods through Washington's container ports at various rates as well as forecast diversion of marine cargo at various price points; (vii) measure the return on investment in freight rail and highway-based infrastructure supported by the user fee and its impact on forecast growth in shipping container traffic and the movement of freight goods; and (viii) recommend the structure of a future project recommendation body including its membership, process, and selection criteria. The scope of the work for the study may be expanded to include analysis of other issues relevant to freight congestion relief funding; and

(b) Convene a stakeholder group composed of representatives to work on the consultant study that includes: Two representatives of container ports, one representative of trucking, one representative from railroads, one representative from international shipping, one representative from national shipping, two representatives of organized labor, two representatives of the import/export community, one representative from the department of transportation, one representative from the freight mobility strategic investment board, and other representatives as deemed necessary by the joint transportation committee. The stakeholder group shall work with the selected consultant in: (i) Identifying critical freight congestion relief

investments; (ii) identifying alternatives for a dedicated funding source for freight congestion relief investments or user fees to fund specific freight congestion relief investments; and (iii) developing and reviewing a final consultant study.

(2) The consultant's draft report must be submitted to the transportation committees of the legislature by December 15, 2007, with the final findings and recommendations of the report being due prior to the beginning of the 2008 legislative session.

(3) This section expires January 14, 2008.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.68 RCW to read as follows:

The freight congestion relief account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used to provide congestion relief through the improvement of freight rail systems and state highways that function as freight corridors.

**Sec. 3.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account,

the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the

transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

Representatives Clibborn and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5207, as amended by the House.

#### MOTION

On motion of Representative Schindler, Representative Condotta was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5207, as amended by the House, and the bill passed the House by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Hurst, Kretz, Kristiansen, McCune, McDonald, Moeller, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 34.

Excused: Representative Condotta - 1.

SUBSTITUTE SENATE BILL NO. 5207, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1450 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.560 and 2001 1st sp.s. c 7 s 1 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for very low-income households or used to provide space for the placement of a mobile home for a very low-income household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a very low-income household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of community, trade, and economic development; ~~((or))~~

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105; or

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by very low-income households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption of the housing's or park's personal property as follows:

(a) A partial exemption shall be allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a very low-income household.

(b) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by very low-income households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit in a facility with ten units or fewer or mobile home lot in a mobile home park with ten lots or fewer was occupied by a very low-income household at the time the exemption was granted and the income of the household subsequently rises above fifty percent of the median income but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements of a very low-income housing program ~~((administered by the department of community, trade, and economic development or the affordable housing levy under RCW 84.52.105))~~ listed in subsection (1) of this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently rerented, the income of the new household must be at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the

assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for very low-income households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from:

~~(i) A federal or state housing program administered by the department of community, trade, and economic development; or~~

~~(ii) An affordable housing levy authorized under RCW 84.52.105)) one or more of the sources listed in subsection (1)(c) of this section;~~

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for very low-income households; and

(c) Only the portion of property that will be used to provide housing or lots for very low-income households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(7) As used in this section:

(a) "Group home" means a single-family dwelling financed, in whole or in part, by ~~((the department of community, trade, and economic development or by an affordable housing levy under RCW 84.52.105))~~ one or more of the sources listed in subsection (1)(c) of this section. The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by very low-income households;

(e) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing is located and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner; or

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established

under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member.

**Sec. 2.** RCW 84.40.030 and 2001 c 187 s 17 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. An assessment may not be determined by a method that assumes a land usage or highest and best use not permitted, for that property being appraised, under existing zoning or land use planning ordinances or statutes or other government restrictions. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property, as limited by law or ordinance. Consideration should be given to any agreement, between an owner of rental housing and any government agency, that restricts rental income, appreciation, and liquidity; and to the impact of government restrictions on operating expenses and on ownership rights in general of such housing. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection shall be the dominant factors in valuation. When provisions of this subsection are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the true and fair value of the land, exclusive of structures thereon shall be determined; also the true and fair value of structures thereon, but the valuation shall not exceed the true and fair value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded."

On page 1, line 2 of the title, after "taxation;" strike the remainder of the title and insert "and amending RCW 84.36.560 and 84.40.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1450 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Sells spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be final passage of House Bill No. 1450, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1450, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Wallace, Warnick, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Armstrong, Blake, Chandler, Dunn, Haler, Hankins, Hinkle, Kretz, Orcutt, Ross, Skinner, Sump, Takko and Walsh - 14.

Excused: Representative Condotta - 1.

HOUSE BILL NO. 1450, as amended by the Senate, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 13, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1598 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and 2005 c 257 s 3 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat; and

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation; ~~(and)~~

(iv) Involve members of the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) Any project sponsor receiving funding from the salmon recovery funding board that is not subject to disclosure under chapter 42.56 RCW must, as a mandatory contractual prerequisite to receiving the funding, agree to disclose any information in regards to

the expenditure of that funding as if the project sponsor was subject to the requirements of chapter 42.56 RCW."

On page 1, line 2 of the title, after "recovery;" strike the remainder of the title and insert "and reenacting and amending RCW 77.85.130."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1598 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kretz and B. Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be final passage of House Bill No. 1598, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1598, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Condotta - 1.

HOUSE BILL NO. 1598, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, **Sec. 1.** The legislature finds and declares:

(1) By reason of their employment, firefighters are required to work in the midst of, and are subject to, smoke, fumes, infectious diseases, and toxic and hazardous substances;

(2) Firefighters enter uncontrolled environments to save lives, provide emergency medical services, and reduce property damage and are frequently not aware of the potential toxic and carcinogenic substances, and infectious diseases that they may be exposed to;

(3) Harmful effects caused by firefighters' exposure to hazardous substances may develop very slowly, manifesting themselves years after exposure;

(4) Firefighters frequently and at unpredictable intervals perform job duties under strenuous physical conditions unique to their employment when engaged in firefighting activities; and

(5) Firefighting duties exacerbate and increase the incidence of cardiovascular disease in firefighters.

**Sec. 2.** RCW 51.32.185 and 2002 c 337 s 2 are each amended to read as follows:

(1) In the case of fire fighters as defined in RCW 41.26.030(4) (a), (b), and (c) who are covered under Title 51 RCW and fire fighters, including supervisors, employed on a full-time, fully compensated basis as a fire fighter of a private sector employer's fire department that includes over fifty such fire fighters, there shall exist a prima facie presumption that: (a) Respiratory disease; (b) ~~(heart problems that are experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances))~~ any heart problems, experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances, or experienced within twenty-four hours of strenuous physical exertion due to firefighting activities; (c) cancer; and (d) infectious diseases are occupational diseases under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence. Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumptions established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

(3) The presumption established in subsection (1)(c) of this section shall only apply to any active or former fire fighter who has cancer that develops or manifests itself after the fire fighter has served at least ten years and who was given a qualifying medical examination upon becoming a fire fighter that showed no evidence of cancer. The presumption within subsection (1)(c) of this section shall only apply to prostate cancer diagnosed prior to the age of fifty, primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

(4) The presumption established in subsection (1)(d) of this section shall be extended to any fire fighter who has contracted any of the following infectious diseases: Human immunodeficiency virus/acquired immunodeficiency syndrome, all strains of hepatitis, meningococcal meningitis, or mycobacterium tuberculosis.

(5) Beginning July 1, 2003, this section does not apply to a fire fighter who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use. The department, using existing medical research, shall define in rule the extent of tobacco use that shall exclude a fire fighter from the provisions of this section.

(6) For purposes of this section, "firefighting activities" means fire suppression, fire prevention, emergency medical services, rescue operations, hazardous materials response, aircraft rescue, and training and other assigned duties related to emergency response.

(7)(a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorney fees and witness fees, be paid to the firefighter or his or her beneficiary by the opposing party.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorney fees and witness fees, be paid to the firefighter or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

**Sec. 3.** RCW 51.52.120 and 2003 c 53 s 285 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director or the director's designee for services performed by an attorney for such worker or beneficiary, if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the department is communicated to the party making the application.

(2) If, on appeal to the board, the order, decision, or award of the department is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before the board if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the board is communicated to the party making the application. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by the director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney, worker, or beneficiary. The department or self-insured employer, as the case may be, shall be served a copy of the application and shall be entitled to appear and take part in the proceedings. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board.

(3) In an appeal to the board involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185.

(4) Any person who violates this section is guilty of a misdemeanor.

**Sec. 4.** RCW 51.52.130 and 1993 c 122 s 1 are each amended to read as follows:

(1) If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation, or if in an appeal by the department or employer the worker or beneficiary's right to relief is sustained, or in an appeal by a worker involving a state fund employer with twenty- five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before the

court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department. In the case of self-insured employers, the attorney fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

(2) In an appeal to the superior or appellate court involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185."

On page 1, line 1 of the title, after "firefighters;" strike the remainder of the title and insert "amending RCW 51.32.185, 51.52.120, and 51.52.130; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Conway spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1833, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1833, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Chandler, Dunn, Hailey, Hinkle, Newhouse and Warnick - 6.

Excused: Representative Condotta - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 13, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1965 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.367 and 2004 c 208 s 1 are each amended to read as follows:

(1) In addition to the major industrial development allowed under RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the criteria in subsection ~~((10) or (11))~~ (5) of this section may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas.

(2) ~~((A master planned location for major industrial developments outside an urban growth area may be included in the urban industrial land bank for the county if criteria including, but not limited to, the following are met through the completion of a comprehensive planning process that ensures that:~~

~~(a) Development regulations are adopted to ensure that urban growth will not occur in adjacent nonurban areas;~~

~~(b) The master plan for the major industrial developments is consistent with the county's development regulations adopted for protection of critical areas;~~

~~(c) An inventory of developable land has been conducted as provided in RCW 36.70A.365;~~

~~(d) Provisions are established for determining the availability of alternate sites within urban growth areas and the long-term annexation feasibility of land sites outside of urban growth areas; and~~

~~(e) Development regulations are adopted to require the industrial land bank site to be used primarily for locating industrial and manufacturing businesses and specify that the gross floor area of all commercial and service buildings or facilities locating within the industrial land bank shall not exceed ten percent of the total gross floor area of buildings or facilities in the industrial land bank. The commercial and service businesses operated within the ten percent gross floor area limit shall be necessary to the primary industrial or manufacturing businesses within the industrial land bank. The intent of this provision for commercial or service use is to meet the needs of employees, clients, customers, vendors, and others having business at the industrial site and as an adjunct to the industry to attract and retain a quality work force and to further other public objectives, such as trip reduction. Such uses would not be promoted to attract additional clientele from the surrounding area. The commercial and service businesses should be established concurrently with or subsequent to the industrial or manufacturing businesses.~~

~~(3) The process for reviewing and approving proposals to authorize siting of specific major industrial developments within an approved industrial land bank must ensure through adopted development regulations that:~~

~~(a) New infrastructure is provided for and/or applicable impact fees are paid;~~

~~(b) Transit-oriented site planning and traffic demand management programs are implemented;~~

~~(c) Buffers are provided between the major industrial development and adjacent nonurban areas;~~

~~(d) Environmental protection including air and water quality has been addressed and provided for;~~

~~(e) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; and~~

~~(f) An interlocal agreement related to infrastructure cost sharing and revenue sharing between the county and interested cities is established.~~

~~(4) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area.~~

~~(5) Final approval of inclusion of a master planned location in an urban industrial land bank under subsection (2) of this section shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time. Approval of~~

~~specific development proposals under subsection (3) of this section requires no further comprehensive plan amendment.~~

~~(6) Once a master planned location has been included in an urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there.~~

~~(7) Nothing in this section alters the requirements for a county to comply with chapter 43.21C RCW.~~

~~(8)(a) The authority of a county meeting the criteria of subsection (10) of this section to engage in the process of including or excluding master planned locations from an urban industrial land bank terminates on December 31, 2007. However, any location included in an urban industrial land bank on or before December 31, 2007, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met. A county that has established or proposes to establish an industrial land bank pursuant to this section shall review the need for an industrial land bank within the county, including a review of the availability of land for industrial and manufacturing uses within the urban growth area, during the review and evaluation of comprehensive plans and development regulations required by RCW 36.70A.130.~~

~~(b) The authority of a county meeting the criteria of subsection (11) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank terminates on December 31, 2002. However, any location included in the urban industrial land bank on December 31, 2002, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met.~~

~~(9)) A master planned location for major industrial developments may be approved through a two-step process: Designation of an industrial land bank area in the comprehensive plan; and subsequent approval of specific major industrial developments through a local master plan process described under subsection (3) of this section.~~

~~(a) The comprehensive plan must identify locations suited to major industrial development due to proximity to transportation or resource assets. The plan must identify the maximum size of the industrial land bank area and any limitations on major industrial developments based on local limiting factors, but does not need to specify a particular parcel or parcels of property or identify any specific use or user except as limited by this section. In selecting locations for the industrial land bank area, priority must be given to locations that are adjacent to, or in close proximity to, an urban growth area.~~

~~(b) The environmental review for amendment of the comprehensive plan must be at the programmatic level and, in addition to a threshold determination, must include:~~

~~(i) An inventory of developable land as provided in RCW 36.70A.365; and~~

~~(ii) An analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside of urban growth areas.~~

~~(c) Final approval of an industrial land bank area under this section must be by amendment to the comprehensive plan adopted under RCW 36.70A.070, and the amendment is exempt from the limitation of RCW 36.70A.130(2) and may be considered at any time. Approval of a specific major industrial development within the industrial land bank area requires no further amendment of the comprehensive plan.~~

~~(3) In concert with the designation of an industrial land bank area, a county shall also adopt development regulations for review and approval of specific major industrial developments through a master plan process. The regulations governing the master plan process shall ensure, at a minimum, that:~~

~~(a) Urban growth will not occur in adjacent nonurban areas;~~

~~(b) Development is consistent with the county's development regulations adopted for protection of critical areas;~~

~~(c) Required infrastructure is identified and provided concurrent with development. Such infrastructure, however, may be phased in with development;~~

~~(d) Transit-oriented site planning and demand management programs are specifically addressed as part of the master plan approval;~~

(e) Provision is made for addressing environmental protection, including air and water quality, as part of the master plan approval;

(f) The master plan approval includes a requirement that interlocal agreements between the county and service providers, including cities and special purpose districts providing facilities or services to the approved master plan, be in place at the time of master plan approval;

(g) A major industrial development is used primarily by industrial and manufacturing businesses, and that the gross floor area of all commercial and service buildings or facilities locating within the major industrial development does not exceed ten percent of the total gross floor area of buildings or facilities in the development. The intent of this provision for commercial or service use is to meet the needs of employees, clients, customers, vendors, and others having business at the industrial site, to attract and retain a quality workforce, and to further other public objectives, such as trip reduction. These uses may not be promoted to attract additional clientele from the surrounding area. Commercial and service businesses must be established concurrently with or subsequent to the industrial or manufacturing businesses;

(h) New infrastructure is provided for and/or applicable impact fees are paid to assure that adequate facilities are provided concurrently with the development. Infrastructure may be achieved in phases as development proceeds;

(i) Buffers are provided between the major industrial development and adjacent rural areas;

(j) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; and

(k) An open record public hearing is held before either the planning commission or hearing examiner with notice published at least thirty days before the hearing date and mailed to all property owners within one mile of the site.

(4) For the purposes of this section:

(a) "Major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (i) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; (ii) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or (iii) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

(b) "Industrial land bank" means up to two master planned locations, each consisting of a parcel or parcels of contiguous land, sufficiently large so as not to be readily available within the urban growth area of a city, or otherwise meeting the criteria contained in (a) of this subsection, suitable for manufacturing, industrial, or commercial businesses and designated by the county through the comprehensive planning process specifically for major industrial use.

~~((10))~~ (5) This section and the termination ~~((date))~~ provisions specified in subsection ~~((8)(a))~~ (6) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than two hundred fifty thousand and is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand;

(b) Has a population greater than one hundred forty thousand and is adjacent to another country;

(c) Has a population greater than forty thousand but less than seventy-five thousand and has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(i) Is bordered by the Pacific Ocean;

(ii) Is located in the Interstate 5 or Interstate 90 corridor; or

(iii) Is bordered by Hood Canal;

(d) Is east of the Cascade divide; and

(i) Borders another state to the south; or

(ii) Is located wholly south of Interstate 90 and borders the Columbia river to the east; ~~((or))~~

(e) Has an average population density of less than one hundred persons per square mile as determined by the office of financial

management, and is bordered by the Pacific Ocean and by Hood Canal~~((:))~~; or

~~((11))~~ This section and the termination date specified in subsection ~~(8)(b)~~ of this section apply to a county that at the time the process is established under subsection (1) of this section) (f) Meets all of the following criteria:

~~((a))~~ (i) Has a population greater than forty thousand but fewer than eighty thousand;

~~((b))~~ (ii) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

~~((c))~~ (iii) Is located in the Interstate 5 or Interstate 90 corridor.

~~((12))~~ (6) In order to identify and approve locations for industrial land banks, the county shall take action to designate one or more industrial land banks and adopt conforming regulations as provided by RCW 36.70A.367(2) on or before the last date to complete that county's next periodic review under RCW 36.70A.130(4) that occurs prior to December 31, 2014. The authority to take action to designate a land bank area in the comprehensive plan expires if not acted upon by the county within the time frame provided in this section. Once a land bank area has been identified in the county's comprehensive plan, the authority of the county to process a master plan or site projects within an approved master plan does not expire.

(7) Any county seeking to designate an industrial land bank under this section must:

(a) Provide countywide notice, in conformity with RCW 36.70A.035, of the intent to designate an industrial land bank. Notice must be published in a newspaper or newspapers of general circulation reasonably likely to reach subscribers in all geographic areas of the county. Notice must be provided not less than thirty days prior to commencement of consideration by the county legislative body; and

(b) Make a written determination of the criteria and rationale used by the legislative body as the basis for siting an industrial land bank under this chapter.

(8) Any location included in an industrial land bank pursuant to section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of 1997, and section 2, chapter 167, Laws of 1996 shall remain available for major industrial development according to this section as long as the ~~((criteria of subsection (2)))~~ requirements of this section continue to be satisfied."

On page 1, line 2 of the title, after "banks;" strike the remainder of the title and insert "and amending RCW 36.70A.367."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1965 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Eddy spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be final passage of Substitute House Bill No. 1965, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1965, as amended by the Senate, and the bill

passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Condotta - 1.

SUBSTITUTE HOUSE BILL NO. 1965, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 17, 2007

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED HOUSE BILL NO. 2070. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** In *State v. Pillatos*, 150 P.3d 1130 (2007), the Washington supreme court held that the changes made to the sentencing reform act concerning exceptional sentences in chapter 68, Laws of 2005 do not apply to cases where the trials had already begun or guilty pleas had already been entered prior to the effective date of the act on April 15, 2005. The legislature intends that the superior courts shall have the authority to impanel juries to find aggravating circumstances in all cases that come before the courts for trial or sentencing, regardless of the date of the original trial or sentencing.

**Sec. 2.** RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) In any case where an exceptional sentence above the standard range was imposed and where a new sentencing hearing is required, the superior court may impanel a jury to consider any alleged aggravating circumstances listed in RCW 9.94A.535(3), that were relied upon by the superior court in imposing the previous sentence, at the new sentencing hearing.

(3) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts.

~~((4))~~ (4) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y) shall be presented to the jury during the trial of the alleged crime, unless the jury has been impaneled solely for resentencing, or unless the state

alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

~~((4))~~ (5) If the superior court conducts a separate proceeding to determine the existence of aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t), the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

~~((5))~~ (6) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.537; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2070 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2070, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2070, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien,

Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 1.

Excused: Representative Condotta - 1.

ENGROSSED HOUSE BILL NO. 2070, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 4, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1266 with the following amendment:

On page 5, after line 33, insert the following:

"**Sec. 9.** RCW 41.40.700 and 2003 c 155 s 7 are each amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive ((either)) one of the following:

(a) A retirement allowance computed as provided for in RCW 41.40.630, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and, except under subsection (4) of this section, if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; ((or))

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(c) For a member who leaves the employ of an employer to enter the uniformed services of the United States and who dies after January 1, 2007, while honorably serving in the uniformed services

of the United States in a conflict identified in RCW 41.04.005, an amount equal to two hundred percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, estate, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) A member who is killed in the course of employment, as determined by the director of the department of labor and industries, is not subject to an actuarial reduction under RCW 41.40.630. The member's retirement allowance is computed under RCW 41.40.620."

On page 1, line 3 of the title, strike "and 43.43.285", and insert "43.43.285, and 41.40.700".

as the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1266, and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 17, 2007

Mr. Speaker:

The President ruled that the amendment is outside the Scope and Object of the measure. The Senate refused to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5312 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Kline, Tom and McCaslin, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5312. The Speaker (Representative Hudgins presiding) appointed the following members as Conferees: Representatives Morrell, Hurst and Warnick.

#### MESSAGE FROM THE SENATE

March 31, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092 with the following amendment:

*Columns discontinued for formatting purposes.*

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2009, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

- (a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.
- (b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.
- (c) "Lapse" or "revert" means the amount shall return to an unappropriated status.
- (d) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART 1  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 1001. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Acquisition of Fredericks Collection (08-2-950)

Appropriation:

State Building Construction Account--State. . . . .	\$100,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$100,000

**NEW SECTION. Sec. 1002. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Rural Washington Loan Fund (88-2-002)

Reappropriation:

Rural Washington Loan Account--State. . . . .	\$2,773,000
Prior Biennia (Expenditures). . . . .	\$1,122,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,895,000

**NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Cancer Research Facility Grant (01-S-005)

Reappropriation:

State Building Construction Account--State. . . . .	\$667,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$667,000

**NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Coastal Erosion Grants (01-S-019)

Reappropriation:

State Building Construction Account--State. . . . .	\$316,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$316,000

**NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

Reappropriation:

State Taxable Building Construction Account--State. . . . .	\$156,000
Prior Biennia (Expenditures). . . . .	\$16,075,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$16,231,000

**NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Highline School District Aircraft Noise Mitigation (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching the appropriation in section 150, chapter 26, Laws of 2003, 1st sp. sess.

(2) This reappropriation does not commit the state to make future appropriations for this program.

Reappropriation:

State Building Construction Account--State. ....	\$4,699,000
Prior Biennia (Expenditures). ....	\$5,300,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$9,999,000

**NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
City of Woodland Infrastructure Development (04-4-959)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is provided solely for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.

Reappropriation:

State Building Construction Account--State. ....	\$79,000
Prior Biennia (Expenditures). ....	\$222,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$301,000

**NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Drinking Water Assistance Account (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account reappropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to the appropriation in section 201, chapter 277, Laws of 2004.

Reappropriation:

Drinking Water Assistance Account--State. ....	\$5,227,000
State Building Construction Account--State. ....	\$1,249,000
Drinking Water Assistance Repayment Account--State. ....	\$4,200,000
Subtotal Reappropriation. ....	\$10,676,000
Prior Biennia (Expenditures). ....	\$6,024,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$16,700,000

**NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

Reappropriation:

Drinking Water Assistance Repayment Account--State. ....	\$15,200,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,200,000

**NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Lewis & Clark Confluence Project (04-2-954)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State. ....	\$1,017,000
Prior Biennia (Expenditures). ....	\$3,983,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Local/Community Projects (04-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.
- (2) The reappropriation is subject to the project list in section 204, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State. . . . .	\$1,936,000
Prior Biennia (Expenditures). . . . .	\$11,379,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$13,315,000

**NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Public Works Trust Funds (04-4-001)

Reappropriation:

Public Works Assistance Account--State. . . . .	\$112,309,000
Prior Biennia (Expenditures). . . . .	\$249,714,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$362,023,000

**NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Building for the Arts (06-4-005)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.750.
- (2) The reappropriation is subject to the project list in section 104, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State. . . . .	\$4,263,000
Prior Biennia (Expenditures). . . . .	\$427,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,690,000

**NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Services Facilities Program (06-4-006)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.125.
- (2) The reappropriation is subject to the project list in section 123, chapter 488, Laws of 2005 and section 111, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State. . . . .	\$952,000
Prior Biennia (Expenditures). . . . .	\$4,394,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,346,000

**NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Local/Community Projects (06-4-008)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.
- (2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.
- (3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.
- (4) The reappropriation is subject to the project list in section 106, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State. . . . .	\$29,192,000
Prior Biennia (Expenditures). . . . .	\$20,608,000
Future Biennia (Projected Costs). . . . .	\$0

TOTAL..... \$49,800,000

**NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Youth Recreational Facilities Program (06-4-007)

The reappropriation in this section is subject to the following conditions and limitations:  
 (1) The reappropriation is subject to the provisions of RCW 43.63A.135.  
 (2) The reappropriation is subject to the project list in section 136, chapter 488, Laws of 2005.

Reappropriation:  
 State Building Construction Account--State. .... \$1,323,000  
 Prior Biennia (Expenditures). .... \$1,977,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$3,300,000

**NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Community Economic Revitalization Board (CERB) (06-4-011)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the reappropriation in this section may be used for grants.

Reappropriation:  
 Public Facility Construction Loan Revolving Account--State. .... \$20,209,000  
 Prior Biennia (Expenditures). .... \$241,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$20,450,000

**NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Drinking Water Assistance Program (06-4-003)

Reappropriation:  
 Drinking Water Assistance Account--State. .... \$8,100,000  
 Drinking Water Assistance Repayment Account--State. .... \$21,780,000  
 Subtotal Reappropriation. .... \$29,880,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$29,880,000

**NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (06-4-001)

Reappropriation:  
 State Taxable Building Construction Account--State. .... \$43,308,000  
 Prior Biennia (Expenditures). .... \$70,792,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$114,100,000

**NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (06-4-851)

The reappropriations in this section are subject to the following conditions and limitations:  
 (1) \$7,800,000 of the reappropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the department to be eligible under chapter 43.185 or 43.185A RCW.  
 (2) \$4,500,000 of the reappropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.  
 (3) \$850,000 of the reappropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.  
 (4) \$500,000 of the reappropriation from the Washington housing trust account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.  
 (5) \$3,000,000 of the reappropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.  
 (6) \$200,000 of the reappropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a

database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2007.

(7) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(8) The reappropriation in this section must be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Reappropriation:

Washington Housing Trust Account--State. . . . .	\$16,502,000
Homeless Families Services Account--State. . . . .	\$4,000,000
Subtotal Reappropriation. . . . .	\$20,502,000
Prior Biennia (Expenditures). . . . .	\$499,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$21,001,000

**NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Job/Economic Development Grants (06-4-950)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the project list in section 107, chapter 371, Laws of 2006.

(2) \$1,000,000 of the reappropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$5,000,000 of the reappropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) Up to \$481,000 of the reappropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account--State. . . . .	\$31,481,000
Prior Biennia (Expenditures). . . . .	\$18,519,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$50,000,000

**NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Jobs in Communities (06-4-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is subject to the project list in section 140, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State. . . . .	\$10,965,000
Prior Biennia (Expenditures). . . . .	\$1,286,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$12,251,000

**NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Public Works Trust Fund (06-4-004)

Reappropriation:

Public Works Assistance Account--State. . . . .	\$288,900,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$288,900,000

**NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (06-4-010)

Reappropriation:

Rural Washington Loan Account--State.....	\$3,937,000
Prior Biennia (Expenditures).....	\$191,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,128,000

**NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Water System Acquisition and Rehabilitation Program (06-4-850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Reappropriation:

State Building Construction Account--State.....	\$1,706,000
Prior Biennia (Expenditures).....	\$295,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,001,000

**NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Grays Harbor Public Utility District Bioenergy Project (06-4-852)

Reappropriation:

Energy Freedom Account--State.....	\$2,100,000
Prior Biennia (Expenditures).....	\$3,900,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$6,000,000

**NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Building for the Arts Grants (07-4-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.750.
- (2) The appropriation is provided solely for the following list of projects:

<b>Projects</b>	<b>Location</b>	<b>Recommendation</b>
Wing Luke Asian museum	Seattle	\$2,000,000
Friends of Gladish	Pullman	\$48,000
Town hall association	Seattle	\$750,000
Duwamish tribal services	Seattle	\$275,000
Seattle art museum	Seattle	\$1,750,000
Village theatre	Issaquah	\$575,000
Artspace projects, Inc.	Seattle	\$1,000,000
Suquamish foundation	Suquamish	\$550,000
Edmonds center for the arts	Edmonds	\$1,000,000
The Merc playhouse society	Twisp	\$9,500
Orcas open arts	Eastsound	\$70,000
Whatcom film association	Bellingham	\$325,000
Whatcom museum society	Bellingham	\$1,000,000
Seattle theatre group	Seattle	\$750,000
Confluence gallery	Twisp	\$77,000
Columbia theatre association	Longview	\$750,000
San Juan community theatre	Friday Harbor	\$193,000

Harlequin productions	Olympia	\$75,000
Northshore performing arts center	Bothell	\$350,000
Tacoma musical playhouse	Tacoma	\$75,000
Wing it productions	Seattle	\$20,000
826 Seattle	Seattle	\$7,500
Cornish College of the Arts	Seattle	\$350,000

**Total** **\$12,000,000**

Appropriation:

State Building Construction Account--State. ....	\$12,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$48,000,000
<b>TOTAL</b> .....	<b>\$60,000,000</b>

**NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Economic Revitalization Board (07-4-015)

The appropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation may be used for grants.

Appropriation:

State Building Construction Account--State. ....	\$12,711,000
Public Facility Construction Loan Revolving Account--State. ....	\$7,289,000
Subtotal Appropriation.....	\$20,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$24,000,000
<b>TOTAL</b> .....	<b>\$44,000,000</b>

**NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Services Facilities Grants (07-4-002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.125.
- (2) The appropriation is provided solely for the following list of projects:

<b>Projects</b>	<b>Location</b>	<b>Recommendation</b>
West Seattle food bank	Seattle	\$400,000
Compass health	Lynnwood	\$37,000
Neighborhood house	Seattle	\$1,000,000
White Center emergency food association	White Center	\$184,000
Garden-raised bounty	Olympia	\$170,000
Food lifeline	Seattle	\$122,000
Marysville food bank	Marysville	\$187,000
Maple Valley food bank	Maple Valley	\$117,000
The Arc of Whatcom county	Bellingham	\$158,000
CAC of Lewis, Mason, and Thurston county	Lacey	\$260,000
South county senior center	Edmonds	\$200,000
Chief Seattle club	Seattle	\$350,000
Senior center of West Seattle	Seattle	\$500,000
YMCA of Snohomish county	Monroe	\$1,000,000
The Salvation Army - Spokane	Spokane	\$275,000
Asian counseling and referral services	Seattle	\$1,000,000
Camas institute foundation	Usk	\$650,000

Youth eastside services	Bellevue	\$750,000
YMCA of Snohomish county	Everett	\$275,000
Bellingham food bank	Bellingham	\$400,000
N.A.T.I.V.E. project	Spokane	\$375,000
Brigid Collins family support center	Bellingham	\$400,000
Family resource center	Redmond	\$150,000
Morningside	Olympia	\$587,000
First step family support center	Port Angeles	\$200,000
Olympic community action programs	Port Townsend	\$400,000

**Total** **\$10,147,000**

Appropriation:

State Building Construction Account--State. . . . .	\$10,147,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$40,000,000
<b>TOTAL</b> .....	<b>\$50,147,000</b>

**NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Drinking Water Assistance Program (07-4-004)

Appropriation:

Drinking Water Assistance Account--State. . . . .	\$7,200,000
Drinking Water Assistance Repayment Account--State. . . . .	\$21,100,000
Subtotal Appropriation.....	\$28,300,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$155,400,000
<b>TOTAL</b> .....	<b>\$183,700,000</b>

**NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (07-4-009)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.
- (2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$2,500,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.
- (6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.
- (7) \$2,500,000 of the appropriation is provided solely for the development of farm infrastructure improvements.
- (8) \$1,500,000 of the appropriation is provided solely for the development of housing for low-income or homeless Native Americans. The department shall work with Native American tribes, not-for-profit organizations with experience in serving Native American populations, and Native American housing development organizations to prioritize projects located in the areas of highest identified need.
- (9) \$4,000,000 of the appropriation is provided solely for loans and grants to eligible organizations to purchase manufactured/mobile home communities with the intent of preserving the communities for affordable housing.
- (10) The appropriation in this section shall not be used for the administrative costs of the department. The amount of the appropriation shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Taxable Building Construction Account--State. . . . .	\$100,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$560,000,000
<b>TOTAL</b> .....	<b>\$660,000,000</b>

**NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Job Development Fund Grants (07-4-010)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$429,000 of the appropriation in this section is for administration.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
Mint farm industrial park phase 2 infrastructure improvements	City of Longview	\$1,982,000
Fruitdale road/McGarigle road improvements	Skagit county	\$2,277,000
Valentine road corridor improvements	City of Pacific	\$4,946,000
Wenatchee waterfront revitalization project	City of Wenatchee	\$10,000,000
Northeast Lacey public infrastructure and economic stimulus package	City of Lacey	\$9,912,000
Soap Lake spa and wellness center	City of Soap Lake	\$1,000,000
Port of Ephrata transportation center	Port of Ephrata	\$471,000
Project Pier 1	Port of Anacortes	\$5,610,000
Totem Lake mall and business center	City of Kirkland	\$3,000,000
Burnham/Borgen interchange improvements	City of Gig Harbor	\$5,000,000
Satsop development park turbine/administration building improvements	Grays Harbor public development authority	\$5,053,000
Technical and scientific service incubator	City of Tacoma	\$250,000
<b>Total</b>		<b>\$49,501,000</b>

Appropriation:

Job Development Account--State.....	\$49,930,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
<b>TOTAL.....</b>	<b>\$49,930,000</b>

**NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Belfair Sewer Improvements (08-4-852)

Appropriation:

Public Works Assistance Account--State.....	\$4,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
<b>TOTAL.....</b>	<b>\$4,800,000</b>

**NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Public Works Trust Fund (07-4-005)

The appropriation in this section is subject to the following conditions and limitations: The department and the public works board shall immediately revise policy for interest rates for loans so that the minimum rate is not less than one percent and the criteria for setting the rate is based on the fiscal capacity of the applicant, with lower interest rates awarded to applicants with lower fiscal capacity. Fiscal capacity shall include a determination of the impact of the project on rate payers compared to rates typically seen in the region. The department and the board shall review all waste water and storm water projects with the department of ecology to determine which projects would result in the greatest improvement to water quality. The department and the public works board shall prioritize waste water and storm water projects to achieve the greatest improvement in water quality and to assist jurisdictions with the lowest fiscal capacity. The list of projects submitted to the legislature for approval in accordance with RCW 43.155.070(6) shall include a summary of the information obtained from the department of ecology and information on fiscal capacity for each project. The department and the public works board shall not count prior loans or grants from any state sources as local matching funds.

Appropriation:

Public Works Assistance Account--State.....	\$327,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$1,400,000,000
<b>TOTAL.....</b>	<b>\$1,727,000,000</b>

**NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Rural Washington Loan Fund (07-4-008)

Appropriation:

Rural Washington Loan Account--State.....	\$4,127,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$16,508,000
TOTAL.....	\$20,635,000

**NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Youth Recreational Facilities Grants (07-4-003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.135.
- (2) Up to \$8,000,000 of the appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
YMCA of the inland northwest	Spokane	\$800,000
Boys and girls clubs of south Puget Sound	Lakewood	\$300,000
YMCA of Snohomish county	Mukilteo	\$385,000
YMCA of Snohomish county	Everett	\$800,000
Boys and girls club of south Puget Sound	Gig Harbor	\$600,000
Toutle river ranch	Longview	\$525,000
Boys and girls club of Bellevue	Bellevue	\$800,000
YMCA of Tacoma-Pierce county	Gig Harbor	\$800,000
Wenatchee valley YMCA	Wenatchee	\$213,000
YMCA of greater Seattle	Seattle	\$250,000
Maple Valley community center	Maple Valley	\$100,000
Boys and girls clubs of King county	Seattle	\$618,000
Filipino community of Seattle	Seattle	\$146,000
Boys and girls clubs of King county	Seattle	\$800,000
Ferndale boys and girls club	Ferndale	\$863,290
<b>Total</b>		<b>\$8,000,000</b>

(3) Up to \$2,000,000 of the appropriation is for a supplemental list of projects to be selected by the department under the same rules and criteria used for selecting the list of projects in subsection (2) of this section.

Appropriation:

State Building Construction Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$32,000,000
TOTAL.....	\$42,000,000

**NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 High Risk Forests Program (08-2-853)

The appropriation in this section is subject to the following conditions and limitations: \$3,000,000 of the appropriation is provided solely for grants to an independent nonprofit land stewardship organization to purchase or lease development rights or conservation easements from willing family forest landowners facing pressure to convert their lands and who desire to keep their land as working forest. The organization shall award grants only for transfer of development rights programs approved by the local government participants.

Appropriation:

State Building Construction Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Infrastructure Assistance (08-4-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for an infrastructure grant to the city of Tieton for water system improvements.

Appropriation:

State Building Construction Account--State. ....	\$2,627,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,627,000

**NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Innovation Partnership Zones (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: Pursuant to chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007 (innovation partnership zones), the state will designate unique areas of the state as innovation partnership zones, where globally competitive companies, research institutions, and advanced training are creating special competitive advantages for the state. From among the innovation partnership zones, using a competitive process based on need, estimated economic impact, geographic diversity, and local matches, five zones or projects will be selected to receive funding authorized by chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007. The appropriation in this section is provided solely for shared telecommunications within the zone, shared infrastructure and facilities, long-term capital purchases, and up to 10 percent for zone administration through the locally-designated innovation partnership zone administrator. If chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007 is not enacted by June 30, 2007, the funds in this section shall lapse.

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Water System Acquisition Rehabilitation Program (07-4-006)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the appropriation is provided solely for the city of Republic to acquire the Pine Grove water system.

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Local and Community Projects (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.
- (2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement shall not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.
- (3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.
- (4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.
- (5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).
- (6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.
- (7) Funding for preconstruction activities for the Camas and Washougal community and recreation center is contingent on voter approval of a metropolitan park district.
- (8) The appropriation provided in this section for the bridge for kids project shall not be released until the department obtains a report from the project sponsor updating the cost of the project and the current fund raising plan.
- (9) The appropriation provided in this section for the Fox theater shall be provided only under an agreement that the theater shall retain its current name as the Fox theater.
- (10) The appropriation is provided solely for the following list of projects:

Project Name	Amount
Aberdeen union gospel mission	\$562,000
Arts west playhouse and gallery	\$150,000
Ashford cultural center and mountaineering museum	\$800,000
Asian counseling/referral services	\$2,000,000
Ballard Corners park	\$125,000
Beaver mitigation of Little Spokane river	\$75,000

Benton City food bank	\$200,000
Blueberry park improvements	\$5,000
Bowen field	\$500,000
Bremerton downtown economic revitalization - harborside commons	\$1,000,000
Bridge for kids	\$500,000
Brightwater education facility	\$675,000
Burien town square	\$1,600,000
Camp Kilworth land acquisition - Federal Way	\$1,100,000
CASA latina	\$1,000,000
Chehalis branch of timberland library	\$500,000
Chehalis veterans wall of honor security enclosure	\$25,000
Cities of Camas and Washougal community/recreation center design	\$500,000
City of Everett minor league baseball - aquasox	\$433,000
City of Kent event center	\$3,000,000
City of Mount Vernon downtown and waterfront flood control	\$1,000,000
City of Spokane minor league baseball - indians	\$2,000,000
City of Tacoma minor league baseball - rainiers	\$2,500,000
City of Yakima minor league baseball	\$433,000
Civil war cemetery near Volunteer park	\$5,000
Columbia Springs environmental learning center	\$200,000
Confluence project	\$500,000
Counter-Balance park	\$100,000
Covered Bridge park land acquisition and roof repair (Grays river)	\$90,000
Cowlitz drug center	\$580,000
Darrington water system improvements	\$100,000
Daybreak star in Discovery park	\$300,000
Des Moines beach flood project	\$250,000
Dining car historic preservation	\$50,000
Discover park - Fort Lawton	\$700,000
Duwamish longhouse project	\$275,000
El Centro de la Raza center	\$821,000
Emmanuel family life center	\$500,000
Federal Way little league field lighting	\$50,000
Fish Lake trail	\$2,000,000
Fort Dent sewer	\$450,000
Foss waterway	\$1,000,000
Fox theater	\$2,000,000
Goodwill of Tacoma	\$1,500,000
High Point neighborhood center in West Seattle	\$1,000,000
Innovative services northwest	\$1,900,000
Institute for community leadership	\$500,000
Japanese cultural center of Washington	\$750,000
Jewish federation of greater Seattle	\$900,000
Kent alliance center	\$500,000
Kitsap community resources	\$900,000
Kitsap SEED program	\$1,100,000
Klickitat law enforcement firing range	\$20,000
Korean women's association center	\$1,500,000
Kruckeberg botanical garden	\$150,000
Lake Stevens civic center	\$800,000
Lake Stevens senior center	\$200,000
Lake Waughop/department of ecology aquatic weeds	\$50,000
Library connection at Greenbridge	\$200,000
Lions club renovation	\$110,000
Long Lake nutrient reduction	\$300,000
Loon Lake wood waste removal pilot study	\$350,000
Lucy Lopez center land acquisition	\$750,000
McCaw hall	\$3,000,000
Mirabeau Point Children's Universal park	\$800,000
Morning star cultural center	\$300,000
Mountain to sound - state route 18/I90 interchange	\$1,100,000
Nisei veterans committee	\$250,000
Nordic heritage museum	\$1,500,000
Northwest harvest	\$3,000,000
Northwest museum of arts and culture	\$1,000,000
Palouse street safety improvements	\$210,000
Pedestrian overpass state route 395 and court street	\$400,000
Perry technical institute hanger	\$250,000
Pike Place market	\$1,070,000
Prime time repairs (terminally ill kids)	\$250,000
River walk trail--Puyallup	\$600,000
Salishan housing community	\$3,000,000
Sea Mar family housing community	\$800,000

Seatac World War I memorial plaza	\$300,000
Seattle art museum	\$1,250,000
Seattle Chinese garden	\$500,000
Shoreline YMCA	\$800,000
Spokane east central community center	\$150,000
Spokane northeast community center	\$1,000,000
Spokane Valley community center and foodbank	\$260,000
Spokane YWCA/YMCA joint project	\$2,500,000
Springwood youth center in Kent	\$500,000
Suquamish inviting house construction	\$1,000,000
Tacoma Narrows bridge lights	\$1,500,000
Tanaskat viewing platform	\$100,000
Tanbara clinic - East Tacoma community	\$750,000
The Northwest maritime center	\$1,000,000
The Tri-Cities minor league baseball	\$666,000
Thurston county small business incubator	\$750,000
Tokeland/North Cove water tank for fire	\$10,000
Turning point domestic violence shelter	\$700,000
University Place town square plaza	\$1,000,000
ValHalla hall	\$700,000
Vancouver national historic reserve	\$1,000,000
Wapato Filipino-American center	\$118,000
White Center Heights park	\$400,000
White Salmon water improvement	\$1,500,000
Willapa Harbor community center	\$300,000
Wing-It production's historic theater	\$20,000
Yakima domestic violence shelter	\$200,000
Yakima downtown futures initiative phase 3	\$1,000,000
YMCA of Snohomish county: Ebey Island project	\$2,200,000
<b>Total</b>	<b>\$83,988,000</b>

Appropriation:

State Building Construction Account--State. ....	\$83,988,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$83,988,000

**NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Grays Harbor Wind Project (08-4-950)

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1043. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Graving Dock Settlement (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the purposes of settling all identified and potential claims from the port of Port Angeles and the city of Port Angeles related to the construction of a graving dock facility on the graving dock property. In conjunction with the settlement agreement in *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the city of Port Angeles, port of Port Angeles, and the state of Washington entered into an economic development agreement which settles all claims related to graving dock property and associated construction and releases the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitation set forth in subsections (2), (3), and (4) of this section.

(2) \$7,500,000 of the state building construction account--state appropriation is provided solely for the city of Port Angeles for funding capital projects intended to enhance economic development.

(3) \$7,500,000 of the state building construction account--state appropriation is provided solely for the port of Port Angeles for funding capital projects intended to enhance economic development.

(4) \$480,000 of the state building construction account--state appropriation is provided solely for the city of Port Angeles for archaeological work as specified in the settlement agreement.

Appropriation:

State Building Construction Account--State. ....	\$15,480,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,480,000

**NEW SECTION. Sec. 1044. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Snohomish, Island, and Skagit County Regional Higher Education (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$1,500,000 is for the office of financial management to assess options and make recommendations on the siting of a higher education institution in the Snohomish-Island-Skagit county region. The office of financial management shall develop the operational and management plans needed to establish the institution, including but not limited to: A master business plan for design and implementation; governance; site selection; and programs to be offered to address demographic pressures and workforce needs. Planning and analysis shall be done in coordination with the local community and existing higher education institutions. The office of financial management shall evaluate sites based on, but not limited to, the following criteria: Meeting the objectives of the master business plan; meeting the unmet baccalaureate needs in the region including high demand program needs; compliance with provisions of the state's growth management act; and accessibility from existing and planned transportation infrastructure.

(2) The office of financial management shall report its findings to the governor and the appropriate committees of the senate and house of representatives by December 1, 2007.

(3) The office of financial management may contract with outside sources to carry out the provisions of this section.

(4) \$2,500,000 is provided solely for the office of financial management to purchase or to secure purchase options on a site for the institution. If a site is available for the recommended development alternative at no cost, or for less than the amount appropriated, the remainder shall instead be applied to pre-design of recommended facilities and infrastructure.

Appropriation:

State Building Construction Account--State. ....	\$4,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 1045. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Higher Education Cost Escalation (08-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to assist public baccalaureate higher education institutions in managing unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts used must be matched equally from nonstate resources. The office of financial management shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than originally specified in the design. For purposes of this section, "nonstate resources" may include tuition revenues and funds appropriated from an institution's local capital project account for a minor works project under this act. Prior to approving use of a local account appropriation as a match, and its transfer to the project with unanticipated cost escalation, the office of financial management shall require the institution to describe what it has done to identify and develop alternative nonstate resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The office of financial management shall report to the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1046. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Oversight of State Facilities (08-2-855)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to strengthen its oversight role in state facility analysis and decision making as generally described in chapter . . . (Substitute House Bill No. 2366), Laws of 2007.

Appropriation:

State Building Construction Account--State. ....	\$1,015,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,015,000

**NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Transportation Building Preservation (02-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$2,928,000
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Appropriation:

Thurston County Capital Facilities Account--State. ....	\$3,425,000
Prior Biennia (Expenditures). ....	\$5,252,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,605,000

**NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Capitol Public/Historic Facilities: Preservation Minor Works (06-1-006)

Reappropriation:

State Building Construction Account--State. ....	\$327,000
Prior Biennia (Expenditures). ....	\$673,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Heritage Park Development (01-H-004)

Reappropriation:

State Building Construction Account--State. ....	\$2,000
Prior Biennia (Expenditures). ....	\$1,676,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,678,000

**NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Engineering and Architectural Services (06-2-012)

Reappropriation:

Community/Technical College Capital Projects Account--State. ....	\$850,000
Prior Biennia (Expenditures). ....	\$874,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,724,000

**NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Highway-License Building Repair and Renewal (06-1-013)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$497,000
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Appropriation:

Thurston County Capital Facilities Account--State. ....	\$2,598,000
Prior Biennia (Expenditures). ....	\$354,000
Future Biennia (Projected Costs). ....	\$1,639,000
TOTAL.....	\$5,088,000

**NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Natural Resources Building Repairs and Renewal (06-1-014)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$269,000
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Appropriation:

State Vehicle Parking Account--State. ....	\$258,000
Thurston County Capital Facilities Account--State. ....	\$2,223,000
Subtotal Appropriation.....	\$2,481,000
Prior Biennia (Expenditures). ....	\$233,000
Future Biennia (Projected Costs). ....	\$5,266,000
TOTAL.....	\$8,249,000

**NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Statewide Infrastructure: Preservation Minor Works (06-1-004)

Reappropriation:

State Vehicle Parking Account--State. ....	\$31,000
State Building Construction Account--State. ....	\$246,000
Thurston County Capital Facilities Account--State. ....	\$1,824,000
Subtotal Reappropriation. ....	\$2,101,000
Prior Biennia (Expenditures). ....	\$918,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,019,000

**NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Statewide Office Facilities: Preservation Minor Works (06-1-003)

Reappropriation:

Thurston County Capital Facilities Account--State. . . . .	\$812,000
General Administration Service Account--State. . . . .	\$510,000
Subtotal Reappropriation. . . . .	\$1,322,000
Prior Biennia (Expenditures). . . . .	\$3,558,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,880,000

**NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Statewide Parking Facilities: Preservation Minor Works (06-1-007)

Reappropriation:

State Vehicle Parking Account--State. . . . .	\$697,000
Prior Biennia (Expenditures). . . . .	\$183,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$880,000

**NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Capitol Campus High Voltage System Improvements (08-1-010)

Appropriation:

State Building Construction Account--State. . . . .	\$2,204,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,204,000

**NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Deferred Maintenance (08-1-018)

Appropriation:

State Building Construction Account--State. . . . .	\$2,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,000,000

**NEW SECTION. Sec. 1058. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Emergency Repairs (08-1-001)

Appropriation:

State Building Construction Account--State. . . . .	\$350,000
Thurston County Capital Facilities Account--State. . . . .	\$900,000
General Administration Service Account--State. . . . .	\$150,000
Subtotal Appropriation. . . . .	\$1,400,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$6,000,000
TOTAL. . . . .	\$7,400,000

**NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Engineering and Architectural Services (08-2-013)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$380,000
State Vehicle Parking Account--State. . . . .	\$133,000
State Building Construction Account--State. . . . .	\$12,340,000
Thurston County Capital Facilities Account--State. . . . .	\$461,000
General Administration Service Account--State. . . . .	\$104,000
Subtotal Appropriation. . . . .	\$13,418,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$42,815,000
TOTAL. . . . .	\$56,233,000

**NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Legislative Building Improvements (08-1-011)

The appropriation in this section is subject to the following conditions and limitations: \$25,000 of the appropriation is provided solely to establish a legislative gift center created in chapter . . . (Second Substitute House Bill No. 1896), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

Capitol Building Construction Account--State.....	\$676,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,836,000
TOTAL.....	\$3,512,000

**NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Minor Works - Facility Preservation (08-1-015)

Appropriation:

Capitol Building Construction Account--State.....	\$1,715,000
State Building Construction Account--State.....	\$1,456,000
Thurston County Capital Facilities Account--State.....	\$3,634,000
General Administration Service Account--State.....	\$1,386,000
Subtotal Appropriation.....	\$8,191,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$20,365,000
TOTAL.....	\$28,556,000

**NEW SECTION. Sec. 1062. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

Capitol Building Construction Account--State.....	\$600,000
State Vehicle Parking Account--State.....	\$22,000
State Building Construction Account--State.....	\$3,000,000
Thurston County Capital Facilities Account--State.....	\$1,899,000
General Administration Service Account--State.....	\$200,000
Subtotal Appropriation.....	\$5,721,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$7,006,000
TOTAL.....	\$12,727,000

**NEW SECTION. Sec. 1063. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Minor Works - Program (08-2-012)

The appropriation in this section is subject to the following conditions and limitations: The department shall post signs on eastbound and westbound 5th avenue in Olympia, Washington over Capitol Lake dam to notify cyclists that the bike lanes discontinue.

Appropriation:

State Building Construction Account--State.....	\$370,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,720,000
TOTAL.....	\$3,090,000

**NEW SECTION. Sec. 1064. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 O'Brien Building Improvements (08-1-007)

Appropriation:

State Building Construction Account--State.....	\$2,981,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$15,501,000
TOTAL.....	\$18,482,000

**NEW SECTION. Sec. 1065. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Pritchard Building Rehabilitation (08-2-017)

Appropriation:

State Building Construction Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1066. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Heritage Center/Executive Office Building Development (08-2-954)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided for the development of a heritage center and executive office building on the west capitol campus. The project shall be procured under a general contractor construction management contract. Prior to issuing the request for proposals for the project, the department shall report to the appropriate committees of the legislature the results of: (1) A detailed analysis of the soils of the proposed development site, including the stability of the soils and the affect on the cost of the project; and (2) cost reduction options resulting from a detailed "best study" or value engineering study. The report to the legislature shall be submitted prior to January 1, 2008. The request for proposal shall not be released prior to February 1, 2008.

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1067. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Wheeler Block Development--Department of Information Services, State Patrol, and General Office (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided to lease/develop state office buildings and facilities for the department of information services on the "Wheeler block" of the east capitol campus. The office buildings shall be constructed and financed so that agencies' occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department of general administration. In addition to the department of information services, state agency tenants shall include the state patrol and other state agencies specified in LEAP capital document No. 2007-xx. The department shall also coordinate with state agency tenants of the existing general administration building that will not be relocated to the new facilities of the "Wheeler block" for occupancy of state-owned or existing leased facilities vacated by the state patrol or the department of information services.

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1068. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Emergency Newhouse Repairs and South Campus Plan (08-2-952)

Appropriation:

State Building Construction Account--State. ....	\$750,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$750,000

**NEW SECTION. Sec. 1069. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Capital Lake Plan Completion (08-2-953)

Appropriation:

State Building Construction Account--State. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 1070. FOR THE MILITARY DEPARTMENT**  
 Omnibus Support to Federal Preservation Projects (06-1-003)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$5,993,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,493,000

**NEW SECTION. Sec. 1071. FOR THE MILITARY DEPARTMENT**  
 Auditorium and Instructor Support Facility (06-2-003)

Reappropriation:

General Fund--Federal. ....	\$1,240,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,240,000

**NEW SECTION. Sec. 1072. FOR THE MILITARY DEPARTMENT**  
**Omnibus Support for Federal Minor Works Projects-Statewide (06-2-001)**

Reappropriation:

State Building Construction Account--State. . . . .	\$846,000
General Fund--Federal. . . . .	\$7,200,000
Subtotal Reappropriation. . . . .	\$8,046,000
Prior Biennia (Expenditures). . . . .	\$1,154,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$9,200,000

**NEW SECTION. Sec. 1073. FOR THE MILITARY DEPARTMENT**  
**Modular Building Reutilization (08-2-001)**

Reappropriation:

State Building Construction Account--State. . . . .	\$1,850,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,850,000

**NEW SECTION. Sec. 1074. FOR THE MILITARY DEPARTMENT**  
**Energy Conservation Project (08-2-005)**

Appropriation:

General Fund--Federal. . . . .	\$275,000
State Building Construction Account--State. . . . .	\$275,000
Subtotal Appropriation. . . . .	\$550,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$550,000

**NEW SECTION. Sec. 1075. FOR THE MILITARY DEPARTMENT**  
**Minor Works - Facility Preservation (08-1-004)**

Appropriation:

General Fund--Federal. . . . .	\$5,522,000
State Building Construction Account--State. . . . .	\$2,801,000
Subtotal Appropriation. . . . .	\$8,323,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$35,867,000
TOTAL. . . . .	\$44,190,000

**NEW SECTION. Sec. 1076. FOR THE MILITARY DEPARTMENT**  
**Minor Works - Program (08-2-003)**

Appropriation:

General Fund--Federal. . . . .	\$4,938,000
State Building Construction Account--State. . . . .	\$1,665,000
Subtotal Appropriation. . . . .	\$6,603,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$36,215,000
TOTAL. . . . .	\$42,818,000

**NEW SECTION. Sec. 1077. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**  
**Historical Preservation (06-4-009)**

Reappropriation:

State Building Construction Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$4,500,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,000,000

**NEW SECTION. Sec. 1078. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**  
**Historical Courthouse Rehabilitation (08-2-851)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovations

completed since January 1, 2006, and improvements to access and accommodations for persons with disabilities. By July 1, 2007, the department shall revise the existing eligibility criteria and grant application process to include review of projects selected for funding by the courthouse advisory committee. Those projects chosen for funding shall undergo a review by the department of general administration's barrier free program to ensure that they meet Americans with disabilities act standards and accessibility and all other Americans with disabilities act requirements are maintained during the construction. The existing historic courthouse advisory committee shall continue to review grant applications and make funding recommendations to the state historic preservation officer. All rehabilitation work shall comply with the secretary of interior's standards for rehabilitation. Grants shall not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall use up to two percent of the appropriation for program administration.

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$20,000,000
TOTAL.....	\$25,000,000

**NEW SECTION. Sec. 1079. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**  
Historic Barn Preservation (08-4-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the historic barn preservation program created in chapter . . . (Substitute House Bill No. 2115), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 1080. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**  
Inventory of Historic Theaters (08-2-950)

Appropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$150,000

**NEW SECTION. Sec. 1081. FOR THE STATE CONVENTION AND TRADE CENTER**  
Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Convention and Trade Center Account--State. ....	\$5,990,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,990,000

**NEW SECTION. Sec. 1082. FOR THE STATE CONVENTION AND TRADE CENTER**  
Omnibus Minor Works (06-1-001)

Reappropriation:

State Convention and Trade Center Account--State. ....	\$995,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$995,000

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
Mapping of K-8 Schools (08-4-003)

Appropriation:

State Building Construction Account--State. ....	\$6,236,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,236,000

**NEW SECTION. Sec. 2002. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
 Minor Works - Preservation (08-1-002)

Appropriation:

State Building Construction Account--State. ....	\$598,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$598,000

**NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Echo Glen Children's Center-Housing Units (00-1-041)

Reappropriation:

State Building Construction Account--State. ....	\$5,700,000
Prior Biennia (Expenditures). ....	\$6,292,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,992,000

**NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Developmental Disabilities: Omnibus Programmatic Projects (06-2-465)

Reappropriation:

State Building Construction Account--State. ....	\$800,000
Prior Biennia (Expenditures). ....	\$700,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital-Westlake Building: Fire Alarm Upgrades (06-1-370)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$150,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,650,000

**NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Fircrest School - Health and Safety Improvements (06-1-852)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$300,000
Prior Biennia (Expenditures). ....	\$350,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$650,000

**NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Green Hill School: New IMU, Health Center, and Administration (06-2-202)

The appropriation in this section is subject to the following conditions and limitations: The new appropriation is provided solely for a new intensive management unit and health center at either Green Hill school or Maple Lane school. The department shall not expend any of the funds until May 1, 2008. The department shall submit a report to the appropriate committees of the legislature by January 1, 2008, containing the following information: (1) Unused bed capacity in state and county juvenile rehabilitation facilities; (2) an analysis of the distinguishing characteristics of resident populations at the different state facilities and the residents in county facilities; and (3) the different utilization rates of intensive management beds at Green Hill, Maple Lane, and Echo Glenn. This analysis shall include the number of occupied intensive management unit beds at each facility, the average length of stay in intensive management unit beds at each facility, and rate of repeated use of intensive management unit beds for the same residents.

Reappropriation:

State Building Construction Account--State. ....	\$900,000
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Appropriation:

State Building Construction Account--State. ....	\$13,325,000
Prior Biennia (Expenditures). ....	\$350,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$14,575,000

**NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Juvenile Rehabilitation: Omnibus Programmatic Projects (06-2-265)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$850,000
Prior Biennia (Expenditures).....	\$150,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Lakeland Village-Nine Cottages: Renovation, Phase 4, 5, and 6 (06-1-402)

Reappropriation:

State Building Construction Account--State.....	\$2,000,000
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Appropriation:

State Building Construction Account--State.....	\$2,990,000
Prior Biennia (Expenditures).....	\$400,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,390,000

**NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Mental Health Division-CLIP Facilities: Preservation (06-4-353)

The appropriations in the section are subject to the following conditions and limitations: The department shall evaluate options for maximizing federal fund contributions for capital needs of privately-owned facilities that contract with the department for children's long-term inpatient program services and report to the appropriate fiscal committees of the legislature by September 1, 2007.

Reappropriation:

State Building Construction Account--State.....	\$600,000
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Appropriation:

State Building Construction Account--State.....	\$2,381,000
State and Local Improvements Revolving Account--State.....	\$20,000
Subtotal Appropriation.....	\$2,401,000
Prior Biennia (Expenditures).....	\$700,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,701,000

**NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Mental Health Division-Eastern Washington: Evaluation and Treatment (06-4-352)

Reappropriation:

State Building Construction Account--State.....	\$1,500,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Mental Health: Omnibus Programmatic Projects (06-2-365)

Reappropriation:

State Building Construction Account--State.....	\$400,000
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Prior Biennia (Expenditures).....	\$600,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Omnibus Preservation: Facility Preservation (06-1-112)

Reappropriation:

State Building Construction Account--State.....	\$1,000,000
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Prior Biennia (Expenditures).....	\$2,000,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Omnibus Preservation: Health, Safety, and Code Requirements (06-1-111)

Reappropriation:

State Building Construction Account--State. ....	\$2,900,000
Prior Biennia (Expenditures). ....	\$2,100,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Omnibus Preservation: Infrastructure Preservation (06-1-113)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$1,500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Rainier School: Storm and Sanitary Sewer, Phase 3 (06-1-853)

Reappropriation:

State Building Construction Account--State. ....	\$60,000
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Appropriation:

State Building Construction Account--State. ....	\$665,000
Prior Biennia (Expenditures). ....	\$40,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$765,000

**NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide: Emergency and Unanticipated Repair Projects (06-1-101)

Reappropriation:

State Building Construction Account--State. ....	\$170,000
Prior Biennia (Expenditures). ....	\$630,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$800,000

**NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide: Hazards Abatement and Demolition (06-1-119)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$400,000
Prior Biennia (Expenditures). ....	\$900,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,300,000

**NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide: Facilities Assessment and Cultural Resources Planning (06-1-120)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$270,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$270,000

**NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Capital Project Management (08-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$2,555,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$11,870,000
TOTAL.....	\$14,425,000

**NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Echo Glen Children's Center: Housing Units Renovation (08-1-041)

Appropriation:

State Building Construction Account--State. ....	\$5,400,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$13,185,000
TOTAL . . . . .	\$18,585,000

**NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Emergency Repairs (08-1-101)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State . . . . .	\$933,000
State Social and Health Services Construction Account--State . . . . .	\$67,000
Subtotal Appropriation . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	\$5,000,000

**NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Hazards Abatement and Demolition (08-1-119)

Appropriation:

State Building Construction Account--State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$5,200,000
TOTAL . . . . .	\$6,200,000

**NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works - Facility Preservation (08-1-112)

Appropriation:

State Building Construction Account--State . . . . .	\$9,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$50,500,000
TOTAL . . . . .	\$59,500,000

**NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works - Health, Safety, and Code Requirements (08-1-111)

Appropriation:

State Building Construction Account--State . . . . .	\$6,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,000,000
TOTAL . . . . .	\$26,000,000

**NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works - Infrastructure Preservation (08-1-113)

Appropriation:

State Building Construction Account--State . . . . .	\$6,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$23,000,000
TOTAL . . . . .	\$29,500,000

**NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Minor Works - Program Projects (08-2-365)

The appropriation in this section is subject to the following conditions and limitations: Up to \$250,000 is provided for roof repairs of historic homes on the grounds of western state hospital.

Appropriation:

State Building Construction Account--State . . . . .	\$1,480,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,000,000
TOTAL . . . . .	\$11,480,000

**NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Special Commitment Center Medium Management Housing Addition (08-2-505)

The appropriation in this section is subject to the following conditions and limitations: Funding is for the evaluation of design alternatives to meet programmatic needs.

Appropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Upgrade Eastern State Hospital Communications Systems (08-1-306)

Appropriation:

State Building Construction Account--State. ....	\$2,280,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,280,000

**NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Utility Replacements at the Special Commitment Center (08-1-504)

Appropriation:

State Building Construction Account--State. ....	\$3,040,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,040,000

**NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital Laundry Upgrades (08-1-325)

Appropriation:

State Building Construction Account--State. ....	\$885,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$885,000

**NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital New Kitchen and Commissary Building (08-1-319)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of a new kitchen and commissary building at western state hospital. The office of financial management shall not allot design funding until a predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval. The predesign must assess cook chill alternatives showing staffing and other operating efficiencies such as providing food for the special commitment center and other facilities located in Pierce county.

Appropriation:

State Building Construction Account--State. ....	\$650,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$9,820,000
TOTAL.....	\$10,470,000

**NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Rainier School Waste Treatment Plant (08-2-001)

Appropriation:

State Building Construction Account--State. ....	\$4,200,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,200,000

**NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 JRA Camp Outlook-Basic Training Camp (08-2-205)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a final site selection and preliminary plans for a permanent facility for camp outlook. The department shall further explore possible existing facilities that would support the privately operated program. If the preferred location remains at Connell, Washington, the department shall ensure that the planned facility shall be designed to minimize the added cost for the program, and retain its cost effectiveness when debt service costs for

the new facility are included. The department shall submit a report to the appropriate committees of the legislature before September 1, 2008, with the recommended plan for the facility.

Appropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$4,000,000
TOTAL.....	\$4,150,000

**NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:

State Building Construction Account--State. ....	\$474,000
Prior Biennia (Expenditures). ....	\$2,380,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,854,000

**NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Roof Replacement (06-1-002)

Reappropriation:

State Building Construction Account--State. ....	\$898,000
Prior Biennia (Expenditures). ....	\$727,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,625,000

**NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF HEALTH**  
Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$386,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$2,531,000
TOTAL.....	\$2,917,000

**NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF HEALTH**  
Minor Works - Program (08-2-004)

Appropriation:

State Building Construction Account--State. ....	\$135,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,542,000
TOTAL.....	\$1,677,000

**NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory Addition (08-2-003)

Appropriation:

State Building Construction Account--State. ....	\$1,184,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$8,984,000
TOTAL.....	\$10,168,000

**NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory Heating, Ventilation, and Air Conditioning Systems Upgrades (08-1-002)

Appropriation:

State Building Construction Account--State. ....	\$4,912,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,912,000

**NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF HEALTH**  
Shoreline Campus Master Plan (08-2-005)

Appropriation:

State Building Construction Account--State. . . . .	\$255,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$255,000

**NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF HEALTH**  
 Drinking Water Assistance Program (06-4-001)

Reappropriation:

Drinking Water Assistance Account--Federal. . . . .	\$18,588,000
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Appropriation:

Drinking Water Assistance Account--Federal. . . . .	\$54,300,000
Prior Biennia (Expenditures). . . . .	\$7,086,000
Future Biennia (Projected Costs). . . . .	\$99,360,000
TOTAL. . . . .	\$179,334,000

**NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Building 10 Assisted Living Upgrades (08-2-005)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$1,242,000
State Building Construction Account--State. . . . .	\$571,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,813,000

**NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Minor Works - Facility Preservation (08-1-003)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$722,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$1,283,000
TOTAL. . . . .	\$2,005,000

**NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Minor Works - Program (08-2-002)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$344,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$231,000
TOTAL. . . . .	\$575,000

**NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 State Veterans Cemetery (08-2-004)

Appropriation:

General Fund--Federal. . . . .	\$6,886,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$939,000
Subtotal Appropriation. . . . .	\$7,825,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,825,000

**NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Emergency Repairs (08-1-004)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$300,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$300,000

**NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$596,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$1,680,000
TOTAL.....	\$2,276,000

**NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works - Infrastructure Preservation (08-1-001)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$1,025,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,377,000
TOTAL.....	\$3,402,000

**NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Retsil Energy Assessment and Audit (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$40,000 of the appropriation is for a department of general administration assessment of the use of digester gas fuel generated by a nearby wastewater treatment facility to heat the veterans home in Retsil.
- (2) Up to \$60,000 of the appropriation is for a department of general administration energy audit of the veterans home in Retsil.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$100,000

**NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF CORRECTIONS**

Coyote Ridge Corrections Center: Design and Construct Medium Security Facility (98-2-011)

Reappropriation:

State Building Construction Account--State.....	\$155,459,000
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Appropriation:

State Building Construction Account--State.....	\$13,700,000
Prior Biennia (Expenditures).....	\$75,449,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$244,608,000

**NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Regional Infrastructure (04-2-008)

Reappropriation:

State Building Construction Account--State.....	\$13,208,000
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Prior Biennia (Expenditures).....	\$1,521,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$14,729,000

**NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State.....	\$10,482,000
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Prior Biennia (Expenditures).....	\$130,276,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$140,758,000

**NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Install Close Custody Slider Doors (06-2-070)

Reappropriation:

State Building Construction Account--State.....	\$660,000
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Prior Biennia (Expenditures).....	\$90,000
Future Biennia (Projected Costs).....	\$11,581,000

TOTAL..... \$12,331,000

**NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF CORRECTIONS**  
 Clallam Bay Corrections Center: Replace Support Building Roof (06-1-044)

Reappropriation:  
 State Building Construction Account--State. .... \$3,930,000  
 Prior Biennia (Expenditures). .... \$822,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$4,752,000

**NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF CORRECTIONS**  
 Cedar Creek Corrections Center: Add 100 Minimum Security Beds (06-2-851)

Reappropriation:  
 State Building Construction Account--State. .... \$6,022,000  
 Prior Biennia (Expenditures). .... \$207,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$6,229,000

**NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF CORRECTIONS**  
 Larch Corrections Center: 80 Bed Expansion (06-2-852)

Reappropriation:  
 State Building Construction Account--State. .... \$2,915,000  
 Prior Biennia (Expenditures). .... \$157,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$3,072,000

**NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF CORRECTIONS**  
 Monroe Corrections Complex: Improve C and D Units Security Features (06-1-046)

Reappropriation:  
 State Building Construction Account--State. .... \$280,000  
 Prior Biennia (Expenditures). .... \$2,618,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$2,898,000

**NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF CORRECTIONS**  
 McNeil Island Corrections Center: Replace/Stabilize Housing Unit Siding (06-1-005)

Reappropriation:  
 State Building Construction Account--State. .... \$445,000  
 Appropriation:  
 State Building Construction Account--State. .... \$3,000,000  
 Prior Biennia (Expenditures). .... \$349,000  
 Future Biennia (Projected Costs). .... \$9,024,000  
 TOTAL..... \$12,818,000

**NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington State Penitentiary: Kitchen Improvements (06-1-007)

Reappropriation:  
 State Building Construction Account--State. .... \$569,000  
 Appropriation:  
 State Building Construction Account--State. .... \$0  
 Prior Biennia (Expenditures). .... \$61,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$630,000

**NEW SECTION. Sec. 2061. FOR THE DEPARTMENT OF CORRECTIONS**  
 Mission Creek: Add 120 Beds (06-2-017)

Reappropriation:  
 State Building Construction Account--State. .... \$2,861,000  
 Prior Biennia (Expenditures). .... \$564,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,425,000

**NEW SECTION. Sec. 2062. FOR THE DEPARTMENT OF CORRECTIONS**  
**Omnibus Preservation: Facility Preservation (Minor Works) (06-1-035)**

Reappropriation:

State Building Construction Account--State. ....	\$2,268,000
Prior Biennia (Expenditures) .....	\$1,565,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,833,000

**NEW SECTION. Sec. 2063. FOR THE DEPARTMENT OF CORRECTIONS**  
**Omnibus Preservation: Health, Safety, and Code (Minor Works) (06-1-027)**

Reappropriation:

State Building Construction Account--State. ....	\$2,039,000
Prior Biennia (Expenditures) .....	\$2,061,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,100,000

**NEW SECTION. Sec. 2064. FOR THE DEPARTMENT OF CORRECTIONS**  
**Omnibus Preservation: Infrastructure Preservation (Minor Works) (06-1-025)**

Reappropriation:

State Building Construction Account--State. ....	\$3,183,000
Prior Biennia (Expenditures) .....	\$643,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,826,000

**NEW SECTION. Sec. 2065. FOR THE DEPARTMENT OF CORRECTIONS**  
**Omnibus Program: Programmatic Projects (Minor Works) (06-2-033)**

Reappropriation:

State Building Construction Account--State. ....	\$1,554,000
Prior Biennia (Expenditures) .....	\$361,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,915,000

**NEW SECTION. Sec. 2066. FOR THE DEPARTMENT OF CORRECTIONS**  
**Monroe Corrections Center: Health Care Facility (06-2-043)**

Reappropriation:

State Building Construction Account--State. ....	\$360,000
Prior Biennia (Expenditures) .....	\$340,000
Future Biennia (Projected Costs) .....	\$76,027,000
TOTAL.....	\$76,727,000

**NEW SECTION. Sec. 2067. FOR THE DEPARTMENT OF CORRECTIONS**  
**Washington Corrections Center: Health Care Facility (06-2-072)**

Reappropriation:

State Building Construction Account--State. ....	\$1,039,000
Prior Biennia (Expenditures) .....	\$161,000
Future Biennia (Projected Costs) .....	\$17,592,000
TOTAL.....	\$18,792,000

**NEW SECTION. Sec. 2068. FOR THE DEPARTMENT OF CORRECTIONS**  
**Stafford Creek Corrections Center: Correct Security Deficiencies (06-1-013)**

Reappropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures) .....	\$593,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,593,000

**NEW SECTION. Sec. 2069. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide: Add Minimum Security Beds (06-2-950)

Reappropriation:	
State Building Construction Account--State. ....	\$5,361,000
Prior Biennia (Expenditures). ....	\$2,082,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,443,000

**NEW SECTION. Sec. 2070. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women Healthcare Center (06-2-066)

Reappropriation:	
State Building Construction Account--State. ....	\$758,000
Appropriation:	
State Building Construction Account--State. ....	\$17,858,000
Prior Biennia (Expenditures). ....	\$442,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$19,058,000

**NEW SECTION. Sec. 2071. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Replace Steamlines (06-1-018)

Reappropriation:	
State Building Construction Account--State. ....	\$641,000
Appropriation:	
State Building Construction Account--State. ....	\$5,179,000
Prior Biennia (Expenditures). ....	\$375,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,195,000

**NEW SECTION. Sec. 2072. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$1,619,000
State Building Construction Account--State. ....	\$1,338,000
Subtotal Reappropriation. ....	\$2,957,000
Prior Biennia (Expenditures). ....	\$494,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,451,000

**NEW SECTION. Sec. 2073. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: South Close Security Complex (06-2-021)

Reappropriation:	
State Building Construction Account--State. ....	\$2,983,000
Appropriation:	
State Building Construction Account--State. ....	\$61,294,000
Prior Biennia (Expenditures). ....	\$1,017,000
Future Biennia (Projected Costs). ....	\$69,193,000
TOTAL.....	\$134,487,000

**NEW SECTION. Sec. 2074. FOR THE DEPARTMENT OF CORRECTIONS**

100 Bed Expansion at Mission Creek Corrections Center for Women (08-2-020)

Appropriation:	
State Building Construction Account--State. ....	\$6,627,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,627,000

**NEW SECTION. Sec. 2075. FOR THE DEPARTMENT OF CORRECTIONS**

Airway Heights Heating and Cooling Loop Replacement (08-1-001)

Appropriation:	
State Building Construction Account--State. ....	\$2,925,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,925,000

**NEW SECTION. Sec. 2076. FOR THE DEPARTMENT OF CORRECTIONS**  
 Close Sewer Lagoon at Monroe Correctional Complex (08-2-022)

Appropriation:

State Building Construction Account--State. . . . .	\$229,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$6,736,000
TOTAL . . . . .	\$6,965,000

**NEW SECTION. Sec. 2077. FOR THE DEPARTMENT OF CORRECTIONS**  
 Emergency Repairs (08-1-035)

Appropriation:

State Building Construction Account--State. . . . .	\$2,500,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$500,000
Subtotal Appropriation . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,000,000
TOTAL . . . . .	\$13,000,000

**NEW SECTION. Sec. 2078. FOR THE DEPARTMENT OF CORRECTIONS**  
 Expand Reception Center at Washington Corrections Center (08-2-016)

Appropriation:

State Building Construction Account--State. . . . .	\$470,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$45,353,000
TOTAL . . . . .	\$45,823,000

**NEW SECTION. Sec. 2079. FOR THE DEPARTMENT OF CORRECTIONS**  
 Laundry Improvements at Washington State Penitentiary (08-1-033)

Appropriation:

State Building Construction Account--State. . . . .	\$4,051,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,051,000

**NEW SECTION. Sec. 2080. FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works - Facility Preservation (08-1-024)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000
TOTAL . . . . .	\$15,000,000

**NEW SECTION. Sec. 2081. FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works - Health, Safety, and Code Requirements (08-1-031)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000
TOTAL . . . . .	\$15,000,000

**NEW SECTION. Sec. 2082. FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works - Infrastructure Preservation (08-1-018)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$1,000,000
Subtotal Appropriation . . . . .	\$2,000,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$8,000,000
TOTAL . . . . .	\$10,000,000

**NEW SECTION. Sec. 2083. FOR THE DEPARTMENT OF CORRECTIONS**

Replace Barge Slip Pilings at McNeil Island Corrections Center (08-1-002)

Appropriation:

State Building Construction Account--State. . . . .	\$3,900,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,900,000

**NEW SECTION. Sec. 2084. FOR THE DEPARTMENT OF CORRECTIONS**

Replace Cell Door and Electronics at Washington State Reformatory (08-1-010)

Appropriation:

State Building Construction Account--State. . . . .	\$1,545,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,545,000

**NEW SECTION. Sec. 2085. FOR THE DEPARTMENT OF CORRECTIONS**

Replace Electrical Distribution Building at Special Offenders Unit (08-1-009)

Appropriation:

State Building Construction Account--State. . . . .	\$1,222,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,222,000

**NEW SECTION. Sec. 2086. FOR THE DEPARTMENT OF CORRECTIONS**

Replace Fire Alarm System at Washington Corrections Center (08-1-008)

Appropriation:

State Building Construction Account--State. . . . .	\$1,524,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,524,000

**NEW SECTION. Sec. 2087. FOR THE DEPARTMENT OF CORRECTIONS**

Replace G Building Roof at Washington Corrections Center (08-1-004)

Appropriation:

State Building Construction Account--State. . . . .	\$4,431,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,431,000

**NEW SECTION. Sec. 2088. FOR THE DEPARTMENT OF CORRECTIONS**

Replace Kitchen Roofs at Monroe Correctional Complex (08-1-003)

Appropriation:

State Building Construction Account--State. . . . .	\$2,062,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,062,000

**NEW SECTION. Sec. 2089. FOR THE DEPARTMENT OF CORRECTIONS**

Replace Roofs at Washington Corrections Center (08-1-005)

Appropriation:

State Building Construction Account--State. . . . .	\$6,666,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,666,000

**NEW SECTION. Sec. 2090. FOR THE DEPARTMENT OF CORRECTIONS**  
Replace Roofs at Washington State Penitentiary (08-1-007)

Appropriation:	
State Building Construction Account--State. ....	\$1,789,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,789,000

**NEW SECTION. Sec. 2091. FOR THE DEPARTMENT OF CORRECTIONS**  
Replace Telecommunications Infrastructure at Clallam Bay (08-1-013)

Appropriation:	
State Building Construction Account--State. ....	\$1,850,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,691,000
TOTAL.....	\$15,541,000

**NEW SECTION. Sec. 2092. FOR THE DEPARTMENT OF CORRECTIONS**  
Sex Offender Treatment Program Building at Airway Heights (08-2-028)

Appropriation:	
State Building Construction Account--State. ....	\$4,947,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,947,000

**NEW SECTION. Sec. 2093. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
Employment Resource Center (05-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for services and activities including the purchase and installation of state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:	
Unemployment Compensation Administration Account--Federal. ....	\$3,354,000
Prior Biennia (Expenditures). ....	\$2,646,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,000,000

**NEW SECTION. Sec. 2094. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
Employment Security Headquarters Building Assessment (08-1-002)

Appropriation:	
Unemployment Compensation Administration Account--Federal. ....	\$300,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$300,000

**NEW SECTION. Sec. 2095. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
Walla Walla WorkSource Expansion Project (06-2-001)

Reappropriation:	
Unemployment Compensation Administration Account--Federal. ....	\$250,000

Appropriation:	
Unemployment Compensation Administration Account--Federal. ....	\$578,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$828,000

**PART 3**  
**NATURAL RESOURCES**

**NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY**  
Water Supply Facilities (74-2-006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State. . . . .	\$2,756,000
Prior Biennia (Expenditures). . . . .	\$13,543,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$16,299,000

**NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY**  
 Centennial Clean Water Fund (86-2-007)

Reappropriation:

Water Quality Capital Account--State. . . . .	\$678,000
Prior Biennia (Expenditures). . . . .	\$351,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,029,000

**NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY**  
 Local Toxics Grants for Cleanup and Prevention (88-2-008)

Reappropriation:

Local Toxics Control Account--State. . . . .	\$400,000
Prior Biennia (Expenditures). . . . .	\$3,191,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,591,000

**NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal. . . . .	\$400,000
Prior Biennia (Expenditures). . . . .	\$13,306,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$13,706,000

**NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY**  
 Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State. . . . .	\$4,800,000
Prior Biennia (Expenditures). . . . .	\$7,045,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$11,845,000

**NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Irrigation Efficiencies (01-H-010)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State. . . . .	\$1,318,000
Water Quality Capital Account--State. . . . .	\$310,000
Subtotal Reappropriation. . . . .	\$1,628,000
Prior Biennia (Expenditures). . . . .	\$8,449,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$10,077,000

**NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Measuring Devices (01-H-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.

Reappropriation:

State Building Construction Account--State. . . . .	\$1,201,000
Prior Biennia (Expenditures). . . . .	\$1,943,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,144,000

**NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY**  
Centennial Clean Water Fund (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Water Quality Capital Account--State. ....	\$1,625,000
Prior Biennia (Expenditures). ....	\$1,974,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,599,000

**NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY**  
Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State. ....	\$7,000,000
Water Pollution Control Revolving Account--Federal. ....	\$79,000
Subtotal Reappropriation. ....	\$7,079,000
Prior Biennia (Expenditures). ....	\$37,134,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$44,213,000

**NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY**  
Water Supply Facilities (02-4-006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State. ....	\$2,110,000
Prior Biennia (Expenditures). ....	\$3,889,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,999,000

**NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY**  
Centennial Clean Water Fund (04-4-007)

Reappropriation:

State Building Construction Account--State. ....	\$4,650,000
Water Quality Capital Account--State. ....	\$1,400,000
Subtotal Reappropriation. ....	\$6,050,000
Prior Biennia (Expenditures). ....	\$8,702,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$14,752,000

**NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY**  
Local Toxics Grants for Cleanup and Prevention (04-4-008)

Reappropriation:

Local Toxics Control Account--State. ....	\$1,100,000
Prior Biennia (Expenditures). ....	\$10,296,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,396,000

**NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY**  
Site Closure - Nuclear Waste Trench Site Investigation (04-4-010)

Reappropriation:

Site Closure Account--State. ....	\$1,120,000
Prior Biennia (Expenditures). ....	\$1,146,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,266,000

**NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY**  
Twin Lake Aquifer Recharge Project (04-2-951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water applications and restoration of the Twin Lakes in the Methow Valley.

Reappropriation:

State Building Construction Account--State. ....	\$643,000
Prior Biennia (Expenditures). ....	\$106,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$749,000

**NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Pollution Control Revolving Account (04-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State. ....	\$13,000,000
Water Pollution Control Revolving Account--Federal. ....	\$6,200,000
Subtotal Reappropriation. ....	\$19,200,000
Prior Biennia (Expenditures). ....	\$65,228,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$84,428,000

**NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Rights Purchase/Lease (04-1-005)

Reappropriation:

State Drought Preparedness--State. ....	\$804,000
Prior Biennia (Expenditures). ....	\$696,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Supply Facilities (04-4-006)

Reappropriation:

State Building Construction Account--State. ....	\$3,389,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State. ....	\$1,438,000
Subtotal Reappropriation. ....	\$4,827,000
Prior Biennia (Expenditures). ....	\$8,799,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$13,626,000

**NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY**  
 Quad Cities Water Right Mitigation (05-2-852)

Reappropriation:

State Building Construction Account--State. ....	\$2,047,000
Prior Biennia (Expenditures). ....	\$153,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,200,000

**NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY**  
 State Drought Preparedness (05-4-009)

Reappropriation:

State Drought Preparedness--State. ....	\$1,464,000
Prior Biennia (Expenditures). ....	\$5,865,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,329,000

**NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**  
 Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Reappropriation:

State Building Construction Account--State. ....	\$3,187,000
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Appropriation:

State Building Construction Account--State. ....	\$2,544,000
Prior Biennia (Expenditures). ....	\$1,133,000
Future Biennia (Projected Costs). ....	\$2,132,000
TOTAL.....	\$8,996,000

**NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Conveyance Infrastructure Projects (05-2-850)

Reappropriation:

State Building Construction Account--State. . . . .	\$3,168,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State. . . . .	\$1,415,000
Water Quality Capital Account--State. . . . .	\$293,000
Subtotal Reappropriation. . . . .	\$4,876,000
Prior Biennia (Expenditures). . . . .	\$954,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,830,000

**NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**  
 Centennial Clean Water Program (06-4-007)

Reappropriation:

State Building Construction Account--State. . . . .	\$5,900,000
Water Quality Capital Account--State. . . . .	\$8,500,000
State Toxics Control Account--State. . . . .	\$10,000,000
Subtotal Reappropriation. . . . .	\$24,400,000
Prior Biennia (Expenditures). . . . .	\$32,024,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$56,424,000

**NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**  
 Cleanup Toxic Sites - Puget Sound (06-4-001)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphaned and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first.

Reappropriation:

State Toxics Control Account--State. . . . .	\$2,750,000
Prior Biennia (Expenditures). . . . .	\$1,233,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,983,000

**NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**  
 Columbia River Basin Water Supply Development Program (06-2-950)

Reappropriation:

Columbia River Basin Water Supply Development Account--State. . . . .	\$10,000,000
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Appropriation:

Columbia River Basin Water Supply Development Account--State. . . . .	\$34,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$155,500,000
TOTAL. . . . .	\$200,000,000

**NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY**  
 Columbia River Program (06-2-010)

Reappropriation:

State Building Construction Account--State. . . . .	\$11,542,000
Prior Biennia (Expenditures). . . . .	\$4,458,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$16,000,000

**NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY**  
 Local Toxics Grants for Cleanup and Prevention (06-4-008)

Reappropriation:

Local Toxics Control Account--State. . . . .	\$56,470,000
Prior Biennia (Expenditures). . . . .	\$42,430,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$98,900,000

**NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY**

Low Impact Development for Storm Water Management (06-2-006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low-impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design provides similar performance. All projects must include performance monitoring.

Reappropriation:

State Toxics Control Account--State. ....	\$2,500,000
Prior Biennia (Expenditures). ....	\$2,500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY**  
 Minor Works (06-1-004)

Reappropriation:

State Building Construction Account--State. ....	\$30,000
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Appropriation:

State Building Construction Account--State. ....	\$270,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$300,000

**NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY**  
 Motor Vehicle Mercury Removal Program (06-2-850)

Reappropriation:

State Toxics Control Account--State. ....	\$900,000
Prior Biennia (Expenditures). ....	\$100,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY**  
 Puget Sound Aquatic Cleanup and Restoration (06-1-005)

Reappropriation:

State Toxics Control Account--State. ....	\$3,129,000
Prior Biennia (Expenditures). ....	\$1,871,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY**  
 Safe Soil Remediation and Awareness Projects (06-2-001)

Reappropriation:

State Toxics Control Account--State. ....	\$1,059,000
Prior Biennia (Expenditures). ....	\$1,909,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,968,000

**NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY**  
 Waste Tire Piles (06-1-002)

Reappropriation:

Waste Tire Removal Account--State. ....	\$3,500,000
Prior Biennia (Expenditures). ....	\$4,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,500,000

**NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Irrigation Efficiencies (06-2-009)

Reappropriation:

State Building Construction Account--State. ....	\$3,435,000
Prior Biennia (Expenditures). ....	\$64,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,499,000

**NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY**

**Water Pollution Control Revolving Account (06-4-002)**

The reappropriations in this section are subject to the following conditions and limitations:

(1) The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for up to \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

(2) Up to \$5,000,000 of the water pollution control revolving account--state reappropriation is for loans for on-site sewage replacement. This reappropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with water quality capital account--state appropriation in section 3022 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2008, including any recommendations for improving the program.

Reappropriation:

Water Pollution Control Revolving Account--State. ....	\$124,000,000
Water Pollution Control Revolving Account--Federal. ....	\$65,000,000
Subtotal Reappropriation. ....	\$189,000,000
Prior Biennia (Expenditures). ....	\$50,617,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$239,617,000

**NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**

**Watershed Plan Implementation and Flow Achievement (06-2-003)**

Reappropriation:

State Building Construction Account--State. ....	\$10,849,000
Water Quality Capital Account--State. ....	\$386,000
Subtotal Reappropriation. ....	\$11,235,000
Prior Biennia (Expenditures). ....	\$1,563,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$12,798,000

**NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY**

**Centennial Clean Water Program (08-4-010)**

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for the Adams and Lincoln counties ground water mapping project. The project shall submit a report to the appropriate committees of the legislature describing the dynamic relationship between groundwater and surface water in the region. The report shall be submitted by January 1, 2009.

(4) \$2,100,000 of the state toxics control account appropriation is provided solely for wastewater and clean water improvement projects at Illahee state park, Fort Flagler state park, and Larrabee state park.

(5)(a) \$16,545,000 of the state building construction account--state appropriation is provided solely for the following projects:

Project	Amount
Rock Island waste water treatment system	\$870,000
Enumclaw waste water treatment system	\$750,000
Snohomish waste water treatment system	\$4,925,000
Freeland sewer district	\$1,000,000
North Clark county regional sewer demonstration project	\$4,000,000
Town of Warden waste water	\$3,000,000

(b) The appropriation for entities that are listed in (a) of this subsection shall not affect the entities' eligibility for centennial fund hardship assistance and shall be excluded from any financial hardship calculation that would have the effect of reducing other moneys for which the entity is currently contracted and eligible under WAC 173-95A-030(8), as it existed on the effective date of this section.

Appropriation:

State Building Construction Account--State. . . . .	\$51,495,000
Water Quality Capital Account--State. . . . .	\$7,550,000
State Toxics Control Account--State. . . . .	\$2,100,000
Subtotal Appropriation. . . . .	\$61,145,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$178,400,000
TOTAL. . . . .	\$239,545,000

**NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY**  
Cleanup Toxic Sites in Puget Sound (08-4-005)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups shall include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Toxics Control Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$18,820,000
TOTAL. . . . .	\$22,820,000

**NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY**  
Coordinated Prevention Grants (08-4-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local waste and pollution prevention projects. Grants shall fund new organics composting and conversion, green building, and moderate risk waste initiatives described in the state "beyond waste" plan.

(2) Up to \$2,000,000 of the appropriation may be used for grants to local governments to provide alternatives to backyard burning of organic materials. Priority for these grants shall be given to: (a) Urban growth areas of less than 5,000 people affected by the January 1, 2007, ban on outdoor burning; (b) projects that develop infrastructure for an on-going program; and (c) projects that coordinate regionally.

Appropriation:

Local Toxics Control Account--State. . . . .	\$25,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$114,000,000
TOTAL. . . . .	\$139,500,000

**NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY**  
On-Site Septic Replacement Program (08-4-012)

The appropriation in this section is subject to the following conditions and limitations: Up to \$3,000,000 of the water quality capital account--state appropriation is for a contract with a nonprofit organization that is familiar with on-site sewage repair and replacement in Hood Canal to coordinate improvements to sewage systems. As part of a pilot project, the nonprofit organization may provide funds to a qualified private or nonprofit lending institution to provide financial assistance to local governments and private landowners for the repair, replacement, or upgrade of on-site sewage systems.

Appropriation:

Water Quality Capital Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY**  
Puget Sound Aquatic Cleanup and Restoration (08-4-004)

The appropriation in this section is subject to the following conditions and limitations: The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Toxics Control Account--State. . . . .	\$5,905,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$23,620,000
TOTAL. . . . .	\$29,525,000

**NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY**  
Puget Sound Storm Water Projects (08-2-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for grants to local governments within Puget Sound for municipal storm water projects that would prevent the contamination or recontamination of hazardous waste cleanup sites, including but not limited to, retrofit of existing storm water projects in urban areas where storm water is a significant source of contamination, identification and removal of nonstorm water discharges into municipal storm sewer systems, and local innovative storm water projects that implement low-impact development. The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Building Construction Account--State. . . . .	\$19,170,000
Local Toxics Control Account--State. . . . .	\$5,000,000
Subtotal Appropriation. . . . .	\$24,170,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$56,680,000
TOTAL. . . . .	\$80,850,000

**NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY**  
Storm Water Projects (08-2-003)

Appropriation:

State Toxics Control Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY**  
Rebuild East Wall of Ecology Headquarters (08-1-002)

Appropriation:

State Building Construction Account--State. . . . .	\$100,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$100,000

**NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY**  
Reclaimed Water (08-4-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for grants to local governments in Puget Sound to complete reclaimed water projects. Priority shall be given to projects in water short areas where reclaimed water can be used to replace other water sources and where reclaimed water can be used to restore important ecosystem functions in Puget Sound.

Appropriation:

State Building Construction Account--State. . . . .	\$6,080,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$24,320,000
TOTAL. . . . .	\$30,400,000

**NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY**  
Reduce Health Risks from Toxic Diesel Pollution (08-4-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,840,000 of the appropriation is provided solely for school bus diesel retrofits for local school districts.

(2) \$2,330,000 of the appropriation is provided solely for emission reduction projects for local governments to retrofit public sector diesel engines to allow public sector fleets to reduce their emissions.

Appropriation:

Local Toxics Control Account--State. . . . .	\$7,170,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,170,000

**NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY**  
Remedial Action Grants (08-4-008)

Appropriation:

Local Toxics Control Account--State.....	\$84,475,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$180,000,000
TOTAL.....	\$264,475,000

**NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY**  
 Repair Exterior Surfaces and Expand Emergency Power Supply (08-1-003)

Appropriation:

State Building Construction Account--State.....	\$475,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$475,000

**NEW SECTION. Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY**  
 Safe Soils Remediation Grants (08-4-009)

Appropriation:

State Toxics Control Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$4,000,000
TOTAL.....	\$6,000,000

**NEW SECTION. Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY**  
 Reduce Public Health Risks from Wood Stove Pollution (08-4-019)

Appropriation:

Wood Stove Education Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,000,000
TOTAL.....	\$2,500,000

**NEW SECTION. Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY**  
 Skykomish Cleanup (08-4-020)

Appropriation:

State Toxics Control Account--State.....	\$7,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$7,000,000

**NEW SECTION. Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY**  
 Waste Tire Pile Cleanup (08-4-022)

Appropriation:

Waste Tire Removal Account--State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$5,000,000
TOTAL.....	\$10,000,000

**NEW SECTION. Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Irrigation Efficiencies (08-4-028)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 is provided solely for emergency repairs for the South Naches irrigation district.

Appropriation:

State Building Construction Account--State.....	\$3,250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$12,000,000
TOTAL.....	\$15,250,000

**NEW SECTION. Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Pollution Control Loan Program (08-4-011)

Appropriation:

Water Pollution Control Revolving Account-- State. . . . .	\$90,000,000
Water Pollution Control Revolving Account-- Federal. . . . .	\$50,000,000
Subtotal Appropriation. . . . .	\$140,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$500,000,000
TOTAL. . . . .	\$640,000,000

**NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY**  
Watershed Plan Implementation and Flow Achievement (08-4-029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

- (1) Surface or ground water storage projects, where such projects are consistent with the recommendations of the water storage task force. The department shall consult the departments of agriculture and fish and wildlife before issuing water storage grants.
- (2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.
- (3) Agricultural water supply projects that improve water conservation and water use efficiency.
- (4) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use measurement.
- (5) Acquisition of water to achieve instream flows or to establish water banks. The department shall give priority to acquisitions in salmon critical basins. The department shall place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW).
- (6) Up to \$200,000 of the appropriation is provided for a portion of the costs of the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.
- (7) \$560,000 is provided solely for the Chehalis watershed.
- (8) \$300,000 is provided solely for the Nisqually watershed.
- (9) Up to \$1,200,000 of the appropriation is provided for grants to lead local government entities for planning unit administrative support to watershed planning units. Such grants shall only be provided to those entities that have completed, approved plans that are actively being implemented. Grant amounts will range from \$30,000 to \$60,000, based on criteria to be developed by the department. Criteria should consider factors including complexity of water issues, geographical size, population growth pressure, rate of plan implementation, and others issues to be determined by the department.

Appropriation:

State Building Construction Account--State. . . . .	\$16,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$64,000,000
TOTAL. . . . .	\$80,000,000

**NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY**  
Yakima River Basin Water Storage Feasibility Study (08-4-026)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for completion of the United States bureau of reclamation's Yakima Basin storage feasibility study, including the associated joint national environmental policy act, the state environmental policy act, and environmental impact statement. The appropriated funds shall be used by the bureau of reclamation and the department of ecology to evaluate potential in-basin storage facilities such as the proposed Black Rock and Wymer reservoirs and other reasonable alternatives that will enhance water supply in the Yakima Basin.

Appropriation:

State Building Construction Account--State. . . . .	\$3,250,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,250,000

**NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY**  
Transfer of Water Rights for Cabin Owners (08-1-951)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 is appropriated to purchase water for domestic water users in the Yakima Basin (WRIAs 37, 38, and 39) that have a surface water right with a priority date later than May 10, 1905, as well as for all out-of-priority surface water users in the Yakima Basin. A portion of the appropriation may be used for administrative and other costs associated with acquiring and transferring the water rights. The department shall recover all costs from participating domestic water users for their prorated portion of the cost of securing a water right or rights for this purpose and associated annual operational costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be placed in the drought preparedness account.

Appropriation:

State Building Construction Account--State. . . . .	\$450,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$450,000

**NEW SECTION. Sec. 3057. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Spokane Centennial Trail - Unanticipated Receipt (03-2-001)

Reappropriation:

General Fund--Private/Local . . . . .	\$34,000
Prior Biennia (Expenditures) . . . . .	\$5,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$39,000

**NEW SECTION. Sec. 3058. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Cowan Barn and House (06-2-851)

Reappropriation:

State Building Construction Account--State . . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$51,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$301,000

**NEW SECTION. Sec. 3059. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Deception Pass - Renewed Traditions (06-2-013)

Reappropriation:

State Building Construction Account--State . . . . .	\$770,000
Prior Biennia (Expenditures) . . . . .	\$100,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$870,000

**NEW SECTION. Sec. 3060. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Facility Preservation - Facilities (06-1-004)

Reappropriation:

State Building Construction Account--State . . . . .	\$6,000,000
Prior Biennia (Expenditures) . . . . .	\$4,419,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$10,419,000

**NEW SECTION. Sec. 3061. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Fort Worden - Facilities (06-1-003)

Reappropriation:

State Building Construction Account--State . . . . .	\$432,000
Prior Biennia (Expenditures) . . . . .	\$838,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,270,000

**NEW SECTION. Sec. 3062. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Historic Stewardship - Stewardship (06-1-002)

Reappropriation:

State Building Construction Account--State . . . . .	\$1,485,000
Prior Biennia (Expenditures) . . . . .	\$117,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,602,000

**NEW SECTION. Sec. 3063. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Ice Age Floods - Cherished Resources (06-2-014)

Reappropriation:

State Building Construction Account--State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$78,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$228,000

**NEW SECTION. Sec. 3064. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Natural Resources - Stewardship (06-1-001)

Reappropriation:

State Building Construction Account--State. ....	\$600,000
Prior Biennia (Expenditures). ....	\$89,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$689,000

**NEW SECTION. Sec. 3065. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Park Development (06-1-950)

Reappropriation:

State Building Construction Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$415,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$715,000

**NEW SECTION. Sec. 3066. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Revenue Creation - Financial Strategy (06-2-010)

Reappropriation:

State Building Construction Account--State. ....	\$1,100,000
Prior Biennia (Expenditures). ....	\$250,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,350,000

**NEW SECTION. Sec. 3067. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Rocky Reach - Chelan County Public Utility District (06-1-023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided to construct and surface the northern mile of Rocky Reach trail, and partially fund installation of signs, interpretive panels, and bridges related to the 5.1 mile project.

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 3068. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Southeast Washington Parks (06-2-852)

Reappropriation:

State Building Construction Account--State. ....	\$217,000
Prior Biennia (Expenditures). ....	\$2,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$219,000

**NEW SECTION. Sec. 3069. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Statewide Boat Pumpout - Federal Clean Vessel Act (06-4-018)

Reappropriation:

General Fund--Federal. ....	\$696,000
Prior Biennia (Expenditures). ....	\$40,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$736,000

**NEW SECTION. Sec. 3070. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Trails (06-2-017)

Reappropriation:

State Building Construction Account--State. ....	\$441,000
Prior Biennia (Expenditures). ....	\$208,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$649,000

**NEW SECTION. Sec. 3071. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Hood Canal Wastewater (06-1-850)

Reappropriation:

Hood Canal Aquatic Rehabilitation Bond	
Account--State. . . . .	\$5,100,000
Prior Biennia (Expenditures). . . . .	\$702,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,802,000

**NEW SECTION. Sec. 3072. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Puget Sound Wastewater (06-1-851)

Reappropriation:

State Building Construction Account--State. . . . .	\$6,100,000
Prior Biennia (Expenditures). . . . .	\$1,095,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,195,000

**NEW SECTION. Sec. 3073. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Sustainable Development and Restoration (06-1-011)

Reappropriation:

State Toxics Control Account--State. . . . .	\$80,000
Prior Biennia (Expenditures). . . . .	\$412,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$492,000

**NEW SECTION. Sec. 3074. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Cama Beach - New Destinations (06-2-011)

Reappropriation:

State Building Construction Account--State. . . . .	\$4,015,000
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Appropriation:

State Building Construction Account--State. . . . .	\$1,800,000
Prior Biennia (Expenditures). . . . .	\$305,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,120,000

**NEW SECTION. Sec. 3075. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Bay View Park Wide Wastewater Treatment System (08-2-041)

Appropriation:

State Building Construction Account--State. . . . .	\$2,187,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,187,000

**NEW SECTION. Sec. 3076. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Beacon Rock-Pierce Trust Grant (08-4-034)

Appropriation:

Parks Renewal and Stewardship Account--	
Private/Local. . . . .	\$25,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$100,000
TOTAL. . . . .	\$125,000

**NEW SECTION. Sec. 3077. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Belfair Major Park Upgrade (08-1-018)

Appropriation:

State Building Construction Account--State. . . . .	\$400,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,500,000
TOTAL. . . . .	\$2,900,000

**NEW SECTION. Sec. 3078. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Cape Disappointment Major Park Upgrade (08-1-012)

Appropriation:

State Building Construction Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$4,219,000
TOTAL. . . . .	\$4,719,000

**NEW SECTION. Sec. 3079. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Clean Vessel Boating Pumpout Grants (08-4-035)

The appropriation in this section is subject to the following conditions and limitations: The commission shall coordinate with the department of natural resources to develop a plan to transition the boat pumpout grant program to the department of natural resources. The legislature intends to accelerate the use of the federal money for boat pumpouts and integrate the grant program with the aquatic lands leasing program of the department of natural resources. The transition plan shall be submitted to the office of financial management and the appropriate committees of the legislature by September 1, 2007. The plan shall include the necessary supplemental budget adjustments to accomplish the transition by July 1, 2008.

Appropriation:

General Fund--Federal. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,000,000
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 3080. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Deferred Maintenance (08-1-025)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a plan of action, agreed upon between the office of financial management and the appropriate fiscal committees of the legislature by September 1, 2007. Up to \$200,000 of the appropriation may be used for systems necessary to implement the plan. The plan shall address the conclusions and key findings in the 2006 study of the department's capital development, execution, and monitoring process, including but not limited to:

- (1) The capital budget submittal and approval process;
- (2) Emergent needs and unforeseen cost overruns;
- (3) Adherence to project budgets and schedules;
- (4) Project completion rate;
- (5) Agency expenditure of capital budget appropriations;
- (6) Permitting delays;
- (7) The number of projects with complete close-out;
- (8) Project funding sources by project, phase, and/or activity;
- (9) Movement of project funding sources from original appropriation;
- (10) Satisfaction levels of operations staff and end users; and
- (11) Instances of noncompliance with environmental regulations.

Appropriation:

State Building Construction Account--State. . . . .	\$3,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$14,000,000
TOTAL. . . . .	\$17,500,000

**NEW SECTION. Sec. 3081. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Visible Park Improvements (08-1-951)

Appropriation:

State Building Construction Account--State. . . . .	\$10,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$10,000,000

**NEW SECTION. Sec. 3082. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Emergency Repairs (08-1-024)

Appropriation:

State Building Construction Account--State. . . . .	\$600,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$1,200,000
TOTAL. . . . .	\$1,800,000

**NEW SECTION. Sec. 3083. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Federal Grant Authority (08-4-032)

Appropriation:

General Fund--Federal. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,000,000
TOTAL. . . . .	\$2,500,000

**NEW SECTION. Sec. 3084. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Historic Preservation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$500,000 of the appropriation is provided solely for the design, permits, and drawings for the seminary building at St. Edward State Park.
- (2) \$500,000 of the appropriation is provided solely for improvements to prevent further degradation of the seminary building.

Appropriation:

State Building Construction Account--State. . . . .	\$7,101,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$14,500,000
TOTAL. . . . .	\$21,601,000

**NEW SECTION. Sec. 3085. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Ice Age Flood (08-2-037)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$3,000,000 of the appropriation is provided solely for a grant for the Hanford Reach national monument heritage and visitor center. The funds may be used for preconstruction activities.
- (2) \$100,000 is provided for the department to prepare interpretive materials describing the ice age floods.

Appropriation:

State Building Construction Account--State. . . . .	\$3,100,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,100,000

**NEW SECTION. Sec. 3086. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Local Grant Authority (08-4-033)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,000,000
TOTAL. . . . .	\$2,500,000

**NEW SECTION. Sec. 3087. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. . . . .	\$10,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$40,000,000
TOTAL. . . . .	\$50,000,000

**NEW SECTION. Sec. 3088. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Parkland Acquisition (08-2-031)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the appropriate policy and fiscal committees of the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. The list shall include any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0

Future Biennia (Projected Costs) .....	\$16,000,000
TOTAL.....	\$20,000,000

**NEW SECTION. Sec. 3089. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Pearrygin Lake Major Park Upgrade (08-2-016)

Appropriation:

State Building Construction Account--State. ....	\$1,367,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$3,633,000
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 3090. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Road Preservation (08-1-036)

Appropriation:

State Building Construction Account--State. ....	\$3,700,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,700,000

**NEW SECTION. Sec. 3091. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Storm Water Improvements (08-1-027)

Appropriation:

State Building Construction Account--State. ....	\$571,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$3,000,000
TOTAL.....	\$3,571,000

**NEW SECTION. Sec. 3092. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Trail Development (08-1-008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$500,000 of the appropriation is provided solely to construct the ecological trail from Baker Bay to the Pacific ocean at Cape Disappointment state park, as identified in the commission's master capital plan.
- (2) \$350,000 of the appropriation is provided solely for upgrades to the Squak mountain trail.

Appropriation:

State Building Construction Account--State. ....	\$4,350,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,350,000

**NEW SECTION. Sec. 3093. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Statewide Boat Pumpout (04-4-014)

The appropriation in this section is subject to the following conditions and limitations: The commission shall coordinate with the department of natural resources to develop a plan to transition the boat pumpout grant program to the department of natural resources. The legislature intends to accelerate the use of the federal money for boat pumpouts and integrate the grant program with the aquatic lands leasing program of the department of natural resources. The transition plan shall be submitted to the office of financial management and the appropriate committees of the legislature by September 1, 2007. The plan shall include the necessary supplemental budget adjustments to accomplish the transition by July 1, 2008.

Reappropriation:

General Fund--Federal. ....	\$497,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$497,000

**NEW SECTION. Sec. 3094. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Cama Beach Donation (06-2-853)

Reappropriation:

General Fund--Private/Local. ....	\$1,716,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0

TOTAL..... \$1,716,000

**NEW SECTION. Sec. 3095. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Lake Sammamish Major Park Upgrade (08-1-014)

Appropriation:  
 State Building Construction Account--State. .... \$1,400,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$1,400,000

**NEW SECTION. Sec. 3096. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 City to Mountains Regional Gap Fund (08-1-950)

Appropriation:  
 State Building Construction Account--State. .... \$3,600,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$3,600,000

**NEW SECTION. Sec. 3097. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Nisqually Mashel State Park (08-1-953)

Appropriation:  
 State Building Construction Account--State. .... \$500,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$500,000

**NEW SECTION. Sec. 3098. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Facilities Projects (98-2-001)

Reappropriation:  
 Recreation Resources Account--State. .... \$1,369,000  
 Prior Biennia (Expenditures). .... \$18,187,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$19,556,000

**NEW SECTION. Sec. 3099. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Firearms and Archery Range Program (98-2-004)

Reappropriation:  
 Firearms Range Account--State. .... \$25,000  
 Prior Biennia (Expenditures). .... \$549,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$574,000

**NEW SECTION. Sec. 3100. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Nonhighway Off-Road Vehicle Program (NOVA) (98-2-002)

Reappropriation:  
 Nonhighway and Off-Road Vehicle Activities  
 Program Account--State. .... \$249,000  
 Prior Biennia (Expenditures). .... \$10,847,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$11,096,000

**NEW SECTION. Sec. 3101. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Washington Wildlife and Recreation Program (98-2-003)

Reappropriation:  
 Outdoor Recreation Account--State. .... \$1,767,000  
 Habitat Conservation Account--State. .... \$2,252,000  
 Subtotal Reappropriation. .... \$4,019,000  
 Prior Biennia (Expenditures). .... \$73,582,000  
 Future Biennia (Projected Costs). .... \$0

TOTAL..... \$77,601,000

**NEW SECTION. Sec. 3102. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Salmon Recovery Funding Board Programs (00-2-001)

Reappropriation:

General Fund--Federal..... \$166,000  
 Salmon Recovery Account--State..... \$1,175,000  
 Subtotal Reappropriation..... \$1,341,000  
 Prior Biennia (Expenditures)..... \$100,284,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$101,625,000

**NEW SECTION. Sec. 3103. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Facilities Program (02-4-001)

Reappropriation:

Recreation Resources Account--State..... \$766,000  
 Prior Biennia (Expenditures)..... \$6,167,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$6,933,000

**NEW SECTION. Sec. 3104. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Infrastructure Grant (02-4-010)

Reappropriation:

Recreation Resources Account--Federal..... \$529,000  
 Prior Biennia (Expenditures)..... \$1,471,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$2,000,000

**NEW SECTION. Sec. 3105. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Firearms and Archery Range Program (02-0-001)

Reappropriation:

Firearms Range Account--State..... \$43,000  
 Prior Biennia (Expenditures)..... \$357,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$400,000

**NEW SECTION. Sec. 3106. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Hatchery Management Program (02-4-009)

Reappropriation:

General Fund--Federal..... \$1,482,000  
 Prior Biennia (Expenditures)..... \$9,719,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$11,201,000

**NEW SECTION. Sec. 3107. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Land and Water Conservation Fund (02-4-005)

Reappropriation:

Recreation Resources Account--Federal..... \$1,350,000  
 Prior Biennia (Expenditures)..... \$6,150,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$7,500,000

**NEW SECTION. Sec. 3108. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Nonhighway Off-Road Vehicle Program (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State.....	\$69,000
Prior Biennia (Expenditures).....	\$5,459,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,528,000

**NEW SECTION. Sec. 3109. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Salmon Recovery Funding Board Programs (02-4-007)

Reappropriation:

General Fund--Federal.....	\$8,470,000
State Building Construction Account--State.....	\$2,786,000
Subtotal Reappropriation.....	\$11,256,000
Prior Biennia (Expenditures).....	\$63,737,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$74,993,000

**NEW SECTION. Sec. 3110. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State.....	\$299,000
Habitat Conservation Account--State.....	\$1,164,000
Subtotal Reappropriation.....	\$1,463,000
Prior Biennia (Expenditures).....	\$43,537,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$45,000,000

**NEW SECTION. Sec. 3111. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Aquatic Lands Enhancement (04-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State.....	\$1,395,000
Prior Biennia (Expenditures).....	\$3,962,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,357,000

**NEW SECTION. Sec. 3112. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities Program (04-4-003)

Reappropriation:

Recreation Resources Account--State.....	\$1,501,000
Prior Biennia (Expenditures).....	\$6,006,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$7,507,000

**NEW SECTION. Sec. 3113. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Infrastructure Grant (04-4-009)

Reappropriation:

General Fund--Federal.....	\$720,000
Prior Biennia (Expenditures).....	\$1,280,000

Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 3114. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Family Forest Fish Blockages Program (04-4-011)

Reappropriation:  
 State Building Construction Account--State . . . . . \$188,000  
  
 Prior Biennia (Expenditures) . . . . . \$1,812,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 3115. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Firearms and Archery Range Program (04-4-006)

Reappropriation:  
 Firearms Range Account--State . . . . . \$82,000  
  
 Prior Biennia (Expenditures) . . . . . \$169,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$251,000

**NEW SECTION. Sec. 3116. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Hatchery Management Program (04-4-010)

Reappropriation:  
 General Fund--Federal . . . . . \$3,002,000  
  
 Prior Biennia (Expenditures) . . . . . \$6,997,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$9,999,000

**NEW SECTION. Sec. 3117. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Land and Water Conservation Fund (04-4-007)

Reappropriation:  
 General Fund--Federal . . . . . \$1,133,000  
  
 Prior Biennia (Expenditures) . . . . . \$4,602,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$5,735,000

**NEW SECTION. Sec. 3118. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 National Recreation Trails Program (04-4-008)

Reappropriation:  
 General Fund--Federal . . . . . \$226,000  
  
 Prior Biennia (Expenditures) . . . . . \$2,034,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,260,000

**NEW SECTION. Sec. 3119. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

Reappropriation:  
 Nonhighway and Off-Road Vehicle Activities  
     Program Account--State . . . . . \$2,665,000  
  
 Prior Biennia (Expenditures) . . . . . \$4,262,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$6,927,000

**NEW SECTION. Sec. 3120. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Salmon Recovery Fund Board Programs (04-4-001)

Reappropriation:  
 General Fund--Federal . . . . . \$15,132,000  
 State Building Construction Account--State . . . . . \$5,682,000  
     Subtotal Reappropriation . . . . . \$20,814,000  
  
 Prior Biennia (Expenditures) . . . . . \$25,561,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$46,375,000

**NEW SECTION. Sec. 3121. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Washington Wildlife and Recreation Program (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:  
 Outdoor Recreation Account--State..... \$4,394,000  
 Habitat Conservation Account--State..... \$10,267,000  
 Subtotal Reappropriation..... \$14,661,000

Prior Biennia (Expenditures)..... \$30,339,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$45,000,000

**NEW SECTION. Sec. 3122. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Hood Canal Aquatic Rehabilitation Program (06-4-850)

Reappropriation:  
 Hood Canal Aquatic Rehabilitation Bond Account--State..... \$996,000

Prior Biennia (Expenditures)..... \$4,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$1,000,000

**NEW SECTION. Sec. 3123. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Aquatic Lands Enhancement Account (06-4-018)

Reappropriation:  
 Aquatic Lands Enhancement Account--State..... \$2,010,000

Prior Biennia (Expenditures)..... \$3,015,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$5,025,000

**NEW SECTION. Sec. 3124. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Facilities Program (06-4-003)

Reappropriation:  
 Recreation Resources Account--State..... \$3,340,000

Prior Biennia (Expenditures)..... \$3,931,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$7,271,000

**NEW SECTION. Sec. 3125. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Infrastructure Grant (06-4-009)

Reappropriation:  
 General Fund--Federal..... \$80,000

Prior Biennia (Expenditures)..... \$120,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL..... \$200,000

**NEW SECTION. Sec. 3126. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Family Forest Fish Passage Program (06-4-011)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 3132 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Reappropriation:  
 General Fund--Federal..... \$35,000  
 State Building Construction Account--State..... \$2,502,000

Subtotal Reappropriation. . . . .	\$2,537,000
Prior Biennia (Expenditures). . . . .	\$1,830,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,367,000

**NEW SECTION. Sec. 3127. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Firearm and Archery Range Program (06-4-006)

Reappropriation:

Firearms Range Account--State. . . . .	\$113,000
Prior Biennia (Expenditures). . . . .	\$109,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$222,000

**NEW SECTION. Sec. 3128. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Improve Hatchery Management (06-4-010)

Reappropriation:

General Fund--Federal. . . . .	\$2,400,000
Prior Biennia (Expenditures). . . . .	\$3,600,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,000,000

**NEW SECTION. Sec. 3129. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Land and Water Conservation Fund (06-4-007)

Reappropriation:

General Fund--Federal. . . . .	\$3,150,000
Prior Biennia (Expenditures). . . . .	\$1,350,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,500,000

**NEW SECTION. Sec. 3130. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 National Recreation Trails Program (06-4-008)

Reappropriation:

General Fund--Federal. . . . .	\$1,830,000
Prior Biennia (Expenditures). . . . .	\$970,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,800,000

**NEW SECTION. Sec. 3131. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$100,000 of the reappropriation is for the following studies:

(1) The committee shall prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used GPS devices, including the feasibility and cost to make GPS maps readily available for all users of Washington recreational lands and facilities. For this purpose, available GPS maps shall include GPS maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The committee shall recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study shall include a review of relevant existing laws and regulations. The recommendations shall address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive ORV noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State. . . . .	\$5,157,000
Prior Biennia (Expenditures). . . . .	\$2,422,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,579,000

**NEW SECTION. Sec. 3132. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Salmon Recovery Fund Board Programs (06-4-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for grants for salmon recovery efforts. These grants may include a grant to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

Reappropriation:

General Fund--Federal. . . . .	\$25,739,000
State Building Construction Account--State. . . . .	\$13,412,000
Subtotal Reappropriation. . . . .	\$39,151,000
Prior Biennia (Expenditures). . . . .	\$22,849,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$62,000,000

**NEW SECTION. Sec. 3133. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Washington Wildlife and Recreation Program (06-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriation is provided for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.
- (2) Funds reappropriated for distribution according to RCW 79A.15.050 shall fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the difference may be allocated to the remaining development projects.
- (3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Reappropriation:

Outdoor Recreation Account--State. . . . .	\$13,363,000
Habitat Conservation Account--State. . . . .	\$17,062,000
Subtotal Reappropriation. . . . .	\$30,425,000
Prior Biennia (Expenditures). . . . .	\$19,575,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$50,000,000

**NEW SECTION. Sec. 3134. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Youth Athletic Fields (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible and the amount of a grant need not be in proportion to the population of the city or county where the community outdoor athletic facility is located.

Reappropriation:

State Building Construction Account--State. . . . .	\$2,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,500,000

**NEW SECTION. Sec. 3135. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Aquatic Lands Enhancement Account (08-4-005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.
- (2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

Appropriation:

Aquatic Lands Enhancement Account--State. . . . .	\$5,025,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$20,100,000
TOTAL. . . . .	\$25,125,000

**NEW SECTION. Sec. 3136. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Facilities Program (08-4-001)

Appropriation:

Recreation Resources Account--State. . . . .	\$8,021,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$35,688,000
TOTAL . . . . .	\$43,709,000

**NEW SECTION. Sec. 3137. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Improvement Grants (08-4-002)

Appropriation:

General Fund--Federal. . . . .	\$200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$800,000
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3138. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Family Forest and Fish Passage Program (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 3140 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$6,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$24,000,000
TOTAL . . . . .	\$30,000,000

**NEW SECTION. Sec. 3139. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Firearms and Archery Range Recreation (08-4-003)

Appropriation:

Firearms Range Account--State. . . . .	\$472,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,007,000
TOTAL . . . . .	\$1,479,000

**NEW SECTION. Sec. 3140. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Salmon Recovery Funding Board Programs (SRFB) (08-4-851)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for grants for salmon recovery efforts. These grants may include grants to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

(2) The administrative funding currently provided by the salmon recovery funding board for the regional salmon recovery organization in Puget Sound shall be redirected to the Puget Sound partnership created in chapter . . . ([House][Senate] Bill No. ....), Laws of 2007 (Z-0369, Puget Sound partnership).

(3) Prior to awarding project grants for projects in Puget Sound, the salmon recovery funding board shall submit the list of proposed projects to the Puget Sound partnership for their review. The Puget Sound partnership shall provide their comments back to the salmon recovery funding board within forty-five days of receiving the proposed list of projects.

Appropriation:

General Fund--Federal. . . . .	\$42,000,000
State Building Construction Account--State. . . . .	\$18,000,000
Subtotal Appropriation . . . . .	\$60,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$240,000,000
TOTAL . . . . .	\$300,000,000

**NEW SECTION. Sec. 3141. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Hatchery Reform Program (08-4-006)

Appropriation:

General Fund--Federal. . . . .	\$6,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$32,000,000
TOTAL . . . . .	\$38,000,000

**NEW SECTION. Sec. 3142. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Land and Water Conservation (08-4-007)

Appropriation:

General Fund--Federal. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$4,000,000
TOTAL. . . . .	\$5,000,000

**NEW SECTION. Sec. 3143. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
National Recreational Trails Program (08-4-009)

Appropriation:

General Fund--Federal. . . . .	\$3,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$14,000,000
TOTAL. . . . .	\$17,500,000

**NEW SECTION. Sec. 3144. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Nonhighway Off-Road Vehicle Activities (08-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 of the appropriation is provided solely for grants to local law enforcement agencies for the enforcement of existing state noise laws and regulations. Grants may be used to acquire noise monitoring equipment and to compensate law enforcement agencies for staff overtime and administrative expenses.

Appropriation:

Nonhighway Off-Road Vehicle Activities Program Account--State. . . . .	\$9,036,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$42,945,000
TOTAL. . . . .	\$51,981,000

**NEW SECTION. Sec. 3145. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Puget Sound Restoration and Acquisition (08-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to awarding project grants, the department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

(2) All estuary projects shall be submitted for review and coordination with the executive committee of the Puget Sound nearshore partnership between the department of fish and wildlife and the United States army corps of engineers.

Appropriation:

State Building Construction Account--State. . . . .	\$47,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$168,000,000
TOTAL. . . . .	\$215,000,000

**NEW SECTION. Sec. 3146. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Washington Wildlife Recreation Grants (08-4-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007.

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the commission may:

(a) Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

(b) Conduct a second grant cycle in the 2007-2009 biennium for farmlands preservation projects. A ranked list of farmlands preservation projects may be submitted to the governor by November 1, 2007, for approval in the 2008 supplemental capital budget. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the supplemental capital budget request to the legislature.

(3) \$627,299 of the appropriation from the habitat conservation account is provided solely for the Chehalis river surge plain natural area preserve. This amount shall not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Appropriation:

Outdoor Recreation Account--State. . . . .	\$36,000,000
Farmlands Preservation Account--State. . . . .	\$9,000,000

Riparian Protection Account--State. ....	\$19,000,000
Habitat Conservation Account--State. ....	\$36,000,000
Subtotal Appropriation. ....	\$100,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$280,000,000
TOTAL. ....	\$380,000,000

**NEW SECTION. Sec. 3147. FOR THE STATE CONSERVATION COMMISSION**  
 Conservation Reserve Enhancement Program (06-4-001)

The reappropriation in this section is subject to the following conditions and limitations: The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State. ....	\$1,936,000
Prior Biennia (Expenditures). ....	\$64,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$2,000,000

**NEW SECTION. Sec. 3148. FOR THE STATE CONSERVATION COMMISSION**  
 Livestock Water Quality - Landowner Cost Share (06-4-006)

Reappropriation:

Water Quality Capital Account--State. ....	\$10,000
Prior Biennia (Expenditures). ....	\$2,490,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$2,500,000

**NEW SECTION. Sec. 3149. FOR THE STATE CONSERVATION COMMISSION**  
 Puget Sound District Grants (06-4-003)

Reappropriation:

Water Quality Capital Account--State. ....	\$100,000
Prior Biennia (Expenditures). ....	\$1,605,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$1,705,000

**NEW SECTION. Sec. 3150. FOR THE STATE CONSERVATION COMMISSION**  
 Water Quality Grants Program (06-4-007)

Reappropriation:

Water Quality Capital Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$6,450,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$6,750,000

**NEW SECTION. Sec. 3151. FOR THE STATE CONSERVATION COMMISSION**  
 Skokomish Anaerobic Digester (06-4-009)

Reappropriation:

State Building Construction Account--State. ....	\$500,000
Prior Biennia (Expenditures). ....	\$60,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$560,000

**NEW SECTION. Sec. 3152. FOR THE STATE CONSERVATION COMMISSION**  
 Land Restoration (07-1-001)

Reappropriation:

State Building Construction Account--State. ....	\$587,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$587,000

**NEW SECTION. Sec. 3153. FOR THE STATE CONSERVATION COMMISSION**  
 Conservation Reserve Enhancement Program Cost Share (08-4-005)

Appropriation:

State Building Construction Account--State. ....	\$1,170,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,170,000

**NEW SECTION. Sec. 3154. FOR THE STATE CONSERVATION COMMISSION**  
 Conservation Reserve Enhancement Program Water Quality (08-4-002)

Appropriation:

State Building Construction Account--State. ....	\$709,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$709,000

**NEW SECTION. Sec. 3155. FOR THE STATE CONSERVATION COMMISSION**  
 Practice Incentive Payment Loan Program (08-4-004)

Appropriation:

Conservation Assistance Revolving Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$3,000,000
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 3156. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Deschutes Watershed Center (06-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the design of the Deschutes Watershed center.

Reappropriation:

State Building Construction Account--State. ....	\$582,000
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Appropriation:

State Building Construction Account--State. ....	\$2,345,000
Prior Biennia (Expenditures). ....	\$268,000
Future Biennia (Projected Costs). ....	\$21,500,000
TOTAL.....	\$24,695,000

**NEW SECTION. Sec. 3157. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Department of Natural Resources Land Exchange - Shrub Steppe (06-2-851)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Reappropriation:

State Building Construction Account--State. ....	\$250,000
Prior Biennia (Expenditures). ....	\$250,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 3158. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$5,000 of the reappropriation in this section is for bank stabilization of the south Toledo access road.

Reappropriation:

State Building Construction Account--State. ....	\$1,937,000
Prior Biennia (Expenditures). ....	\$4,520,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,457,000

**NEW SECTION. Sec. 3159. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish and Wildlife Opportunity Improvements (06-2-004)

Reappropriation:

State Building Construction Account--State. ....	\$155,000
Prior Biennia (Expenditures). ....	\$345,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 3160. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Hatchery Reform, Retrofits, and Condition Improvements (06-1-001)

Reappropriation:

State Building Construction Account--State. ....	\$2,195,000
Prior Biennia (Expenditures). ....	\$4,076,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,271,000

**NEW SECTION. Sec. 3161. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish and Wildlife Population and Habitat Protection (06-1-003)

Reappropriation:

Wildlife Account--State. ....	\$20,000
Prior Biennia (Expenditures). ....	\$580,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$600,000

**NEW SECTION. Sec. 3162. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Sinlahekin Creek Dams - Flood Damage Repair (07-1-004)

Reappropriation:

State Building Construction Account--State. ....	\$70,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$70,000

**NEW SECTION. Sec. 3163. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Region 1 Office - Complete Phase 1 (07-2-009)

Reappropriation:

State Building Construction Account--State. ....	\$588,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$588,000

**NEW SECTION. Sec. 3164. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
2006 Flood Damage (08-1-006)

Appropriation:

State Building Construction Account--State. ....	\$630,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$630,000

**NEW SECTION. Sec. 3165. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Aquatic Lands Enhancement Account (08-2-017)

Appropriation:

Aquatic Lands Enhancement Account--State.....	\$350,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$350,000

**NEW SECTION. Sec. 3166. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Chambers Creek Adult Trap - Phase 2 (08-1-004)

Appropriation:

State Building Construction Account--State. ....	\$252,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$252,000

**NEW SECTION. Sec. 3167. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Dole Bee Be Property (06-1-950)

Reappropriation:

State Building Construction Account--State. ....	\$380,000
Prior Biennia (Expenditures). ....	\$570,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$950,000

**NEW SECTION. Sec. 3168. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Emergency Projects (08-1-019)

Appropriation:

State Building Construction Account--State. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$2,000,000
TOTAL.....	\$2,500,000

**NEW SECTION. Sec. 3169. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Methow Culverts Replacement (08-1-027)

Appropriation:

State Building Construction Account--State. ....	\$754,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$994,000
TOTAL.....	\$1,748,000

**NEW SECTION. Sec. 3170. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minor Works - Facility Preservation (08-1-013)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a plan of action, agreed upon between the office of financial management and the appropriate fiscal committees of the legislature by September 1, 2007. Up to \$200,000 of the appropriation may be used for systems necessary to implement the plan. The plan shall address the conclusions and key findings in the 2006 study of the department's capital development, execution, and monitoring process, including but not limited to:

- (1) The commitment and role of senior management to improve and change the department's capital budget practices;
- (2) The clarification of the commission's role and responsibility for the capital budget process;
- (3) The development of capital program performance measures;
- (4) The alignment of the capital budget process with the department's strategic plan and priorities;
- (5) The implementation of a project scoping process;
- (6) The prioritization of capital projects, including both maintenance and other capital activities;
- (7) The review of business lines; and
- (8) The review of construction project delivery and organization.

Appropriation:

State Building Construction Account--State. ....	\$3,525,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,525,000

**NEW SECTION. Sec. 3171. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minor Works - Health Safety and Code Requirements (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$2,100,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,100,000

**NEW SECTION. Sec. 3172. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minor Works - Infrastructure Preservation (08-1-014)

Appropriation:

State Building Construction Account--State. . . . .	\$6,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,000,000

**NEW SECTION. Sec. 3173. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funding (08-2-048)

The appropriations in this section are subject to the following conditions and limitations: \$2,300,000 of the appropriation is provided solely for capital projects and engineering to pay the total cost of labor and materials provided by the department of fish and wildlife.

Appropriation:

General Fund--Federal. . . . .	\$22,800,000
General Fund--Private/Local. . . . .	\$3,700,000
Game Special Wildlife Account--Federal. . . . .	\$1,000,000
Game Special Wildlife Account--Private/Local. . . . .	\$625,000
Subtotal Appropriation. . . . .	\$28,125,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$106,800,000
TOTAL. . . . .	\$134,925,000

**NEW SECTION. Sec. 3174. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Puget Sound Initiative - Nearshore Salmon Restoration (06-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department shall focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372), Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding, and project evaluation ranking criteria.

(3) Funded projects require a nonstate match or in-kind contributions. The department shall seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria shall be developed by the Puget Sound nearshore steering committee. The criteria shall be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects shall be obtained from the department's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$723,000 of this appropriation may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

Reappropriation:

State Building Construction Account--State. . . . .	\$2,500,000
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Appropriation:

State Building Construction Account--State. . . . .	\$12,000,000
General Fund--Federal. . . . .	\$1,000,000
Subtotal Appropriation. . . . .	\$13,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$28,000,000
TOTAL. . . . .	\$43,500,000

**NEW SECTION. Sec. 3175. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Ranch Lands Irrigation Efficiencies (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for irrigation efficiency projects on ranch lands owned by the department.

Reappropriation:

State Building Construction Account--State. . . . .	\$600,000
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Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$600,000

**NEW SECTION. Sec. 3176. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Skookumchuck Hatchery Renovation - Phase 2 (08-2-015)

Appropriation:

State Building Construction Account--State. . . . .	\$528,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$3,389,000
TOTAL. . . . .	\$3,917,000

**NEW SECTION. Sec. 3177. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Spokane Region One Office - Phase 2 (08-2-008)

As of the effective date of this section, the department of fish and wildlife's Spokane region one building shall be known as the "Fred Shiosaki" building.

Appropriation:

State Building Construction Account--State. . . . .	\$1,830,000
Prior Biennia (Expenditures). . . . .	\$4,400,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,230,000

**NEW SECTION. Sec. 3178. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Statewide Fencing Renovation and Replacement (08-1-009)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the appropriation is provided solely for the replacement of elk fencing lost in the 2005 school fire in the Wooten wildlife area. The department shall contract with another state agency to construct the fence.

Appropriation:

State Building Construction Account--State. . . . .	\$2,100,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,100,000

**NEW SECTION. Sec. 3179. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Sustainability and Energy Savings (06-1-009)

Reappropriation:

State Building Construction Account--State. . . . .	\$360,000
Prior Biennia (Expenditures). . . . .	\$140,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 3180. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Wiley Slough Restoration (08-1-028)

Appropriation:

General Fund--Federal. . . . .	\$2,500,000
State Building Construction Account--State. . . . .	\$295,000
Subtotal Appropriation. . . . .	\$2,795,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,795,000

**NEW SECTION. Sec. 3181. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Tokul Creek Hatchery (08-1-005)

Appropriation:

State Building Construction Account--State. . . . .	\$435,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$4,857,000
TOTAL. . . . .	\$5,292,000

**NEW SECTION. Sec. 3182. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Grazing Monitoring on Fish and Wildlife Lands (08-2-001)

Appropriation:

State Building Construction Account--State. . . . .	\$200,000
Prior Biennia (Expenditures). . . . .	\$0

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 3183. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Voights Creek Hatchery - Phase 1 (08-1-003)

Appropriation:

State Building Construction Account--State. ....	\$505,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$6,402,000
TOTAL.....	\$6,907,000

**NEW SECTION. Sec. 3184. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Bee Be Property (08-1-029)

Appropriation:

State Building Construction Account--State. ....	\$502,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$502,000

**NEW SECTION. Sec. 3185. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Combined State Agency Aviation Facility (08-1-950)

Appropriation:

State Building Construction Account--State. ....	\$66,000
Wildlife Account--State. ....	\$66,000
Subtotal Appropriation.....	\$132,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$1,608,000
TOTAL.....	\$1,740,000

**NEW SECTION. Sec. 3186. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Community and Technical College Trust Land Acquisitions (08-2-004)

Appropriation:

Community and Technical College Forest Reserve Account--State. ....	\$200,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$950,000
TOTAL.....	\$1,150,000

**NEW SECTION. Sec. 3187. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Creosote Removal in Puget Sound (08-2-017)

The appropriation in this section is subject to the following conditions and limitations: The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Toxics Control Account--State. ....	\$4,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$4,000,000
TOTAL.....	\$8,000,000

**NEW SECTION. Sec. 3188. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Forest Legacy (04-2-015)

Reappropriation:

General Fund--Federal. ....	\$8,186,000
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Appropriation:

General Fund--Federal. ....	\$8,500,000
Prior Biennia (Expenditures) .....	\$7,520,000
Future Biennia (Projected Costs) .....	\$39,000,000
TOTAL.....	\$63,206,000

**NEW SECTION. Sec. 3189. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Storm Damage (07-1-850)

Reappropriation:

State Building Construction Account--State. . . . .	\$282,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$282,000

**NEW SECTION. Sec. 3190. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Forest Riparian Easement Program (08-2-022)

Appropriation:

State Building Construction Account--State. . . . .	\$8,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$32,000,000
TOTAL. . . . .	\$40,000,000

**NEW SECTION. Sec. 3191. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Land Acquisition Grants (05-2-021)

Reappropriation:

General Fund--Federal. . . . .	\$3,247,000
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Appropriation:

General Fund--Federal. . . . .	\$26,000,000
Prior Biennia (Expenditures). . . . .	\$43,271,000
Future Biennia (Projected Costs). . . . .	\$113,363,000
TOTAL. . . . .	\$185,881,000

**NEW SECTION. Sec. 3192. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Marine Station Public Access (04-2-019)

Reappropriation:

Aquatic Lands Enhancement Account--State. . . . .	\$72,000
Prior Biennia (Expenditures). . . . .	\$236,000
Future Biennia (Projected Costs). . . . .	\$2,145,000
TOTAL. . . . .	\$2,453,000

**NEW SECTION. Sec. 3193. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Minor Works - Preservation (08-1-007)

Appropriation:

Forest Development Account--State. . . . .	\$413,000
Resources Management Cost Account--State. . . . .	\$430,000
State Building Construction Account--State. . . . .	\$607,000
Subtotal Appropriation. . . . .	\$1,450,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$4,154,000
TOTAL. . . . .	\$5,604,000

**NEW SECTION. Sec. 3194. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Minor Works - Programmatic (08-2-016)

Appropriation:

Forest Development Account--State. . . . .	\$534,000
Resources Management Cost Account--State. . . . .	\$556,000
State Building Construction Account--State. . . . .	\$85,000
Subtotal Appropriation. . . . .	\$1,175,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,515,000
TOTAL. . . . .	\$3,690,000

**NEW SECTION. Sec. 3195. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Natural Areas Facilities Preservation and Access (08-1-014)

Appropriation:

State Building Construction Account--State. . . . .	\$942,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$9,958,000
TOTAL . . . . .	\$10,900,000

**NEW SECTION. Sec. 3196. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Recreation Capital Renovations (08-2-006)

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the appropriation is provided solely for trail system signage.

Appropriation:

State Building Construction Account--State. . . . .	\$1,065,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$15,278,000
TOTAL . . . . .	\$16,343,000

**NEW SECTION. Sec. 3197. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Right-of-Way Acquisition (08-2-020)

Appropriation:

Forest Development Account--State. . . . .	\$250,000
Resources Management Cost Account--State. . . . .	\$750,000
Subtotal Appropriation. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	\$5,000,000

**NEW SECTION. Sec. 3198. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Riparian Open Space Program (08-2-001)

Appropriation:

State Building Construction Account--State. . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$11,000,000
TOTAL . . . . .	\$12,500,000

**NEW SECTION. Sec. 3199. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Statewide Aquatic Restoration Projects (06-2-008)

Reappropriation:

State Building Construction Account--State. . . . .	\$150,000
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Appropriation:

Aquatic Lands Enhancement Account--State. . . . .	\$300,000
Prior Biennia (Expenditures) . . . . .	\$500,000
Future Biennia (Projected Costs) . . . . .	\$1,200,000
TOTAL . . . . .	\$2,150,000

**NEW SECTION. Sec. 3200. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Road Maintenance and Abandonment Projects (06-2-003)

Reappropriation:

State Building Construction Account--State. . . . .	\$87,000
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Appropriation:

State Building Construction Account--State. . . . .	\$700,000
Prior Biennia (Expenditures) . . . . .	\$700,000
Future Biennia (Projected Costs) . . . . .	\$500,000
TOTAL . . . . .	\$1,987,000

**NEW SECTION. Sec. 3201. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 State Lands Maintenance (08-1-019)

Appropriation:

Forest Development Account--State. . . . .	\$250,000
Resources Management Cost Account--State. . . . .	\$2,350,000
Subtotal Appropriation. . . . .	\$2,600,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,400,000

TOTAL..... \$13,000,000

**NEW SECTION. Sec. 3202. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Statewide Aquatic Restoration Projects (06-2-008)

Reappropriation:  
 State Building Construction Account--State. .... \$150,000  
 Prior Biennia (Expenditures). .... \$465,000  
 Future Biennia (Projected Costs). .... \$1,200,000  
 TOTAL..... \$1,815,000

**NEW SECTION. Sec. 3203. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Trust Land Transfer (08-2-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes. The approved list of projects is identified in the LEAP capital document 2007-4, developed March 20, 2007.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring forest lands of equal value to be managed as common school trust land.

(3) Property subject to lease agreements under this section shall be appraised at fair market value. Lease payments shall be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and shall be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

(9) On June 30, 2009, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:  
 State Building Construction Account--State. .... \$96,485,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$287,000,000  
 TOTAL..... \$383,485,000

**NEW SECTION. Sec. 3204. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Federal Habitat Conservation Program Land Acquisition Grants (06-2-950)

Reappropriation:  
 General Fund--Federal. .... \$705,000  
 Prior Biennia (Expenditures). .... \$6,015,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$6,720,000

**NEW SECTION. Sec. 3205. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Loomis Natural Resources Conservation Area Restoration (07-1-004)

Reappropriation:  
 State Building Construction Account--State. .... \$271,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$0

TOTAL.....\$271,000

**NEW SECTION. Sec. 3206. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Deep Water Geoduck/Sea Cucumber Population Surveys (06-2-850)

Reappropriation:

State Building Construction Account--State. ....\$491,000  
 Prior Biennia (Expenditures). ....\$159,000  
 Future Biennia (Projected Costs). ....\$0  
 TOTAL.....\$650,000

**NEW SECTION. Sec. 3207. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Riparian Open Space Program (06-2-018)

Reappropriation:

State Building Construction Account--State. ....\$700,000  
 Prior Biennia (Expenditures). ....\$800,000  
 Future Biennia (Projected Costs). ....\$0  
 TOTAL.....\$1,500,000

**NEW SECTION. Sec. 3208. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Port Angeles Armory (08-1-851)

Appropriation:

Forest Development Account--State.....\$135,000  
 Resource Management Cost Account--State. ....\$151,000  
 State Building Construction Account--State. ....\$157,000  
 Subtotal Appropriation.....\$443,000  
 Prior Biennia (Expenditures). ....\$0  
 Future Biennia (Projected Costs). ....\$0  
 TOTAL.....\$443,000

**NEW SECTION. Sec. 3209. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Colville Armory (08-2-851)

Appropriation:

Forest Development Account--State.....\$313,000  
 Resource Management Cost Account--State. ....\$330,000  
 State Building Construction Account--State. ....\$299,000  
 Subtotal Appropriation.....\$942,000  
 Prior Biennia (Expenditures). ....\$0  
 Future Biennia (Projected Costs). ....\$0  
 TOTAL.....\$942,000

**NEW SECTION. Sec. 3210. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Combined State Agency Aviation Facility (08-1-952)

Appropriation:

Forest Development Account--State.....\$87,000  
 Resource Management Cost Account--State. ....\$94,000  
 State Building Construction Account--State. ....\$211,000  
 Subtotal Appropriation.....\$392,000  
 Prior Biennia (Expenditures). ....\$0  
 Future Biennia (Projected Costs). ....\$3,783,000  
 TOTAL.....\$4,175,000

**NEW SECTION. Sec. 3211. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Blanchard Mountain (08-1-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands as an initial purchase in support of an approved plan to preserve the core of Blanchard mountain in Skagit county. The department shall consult with the University of Washington college of forestry resources' northwest environmental forum and with other interest groups prior to the purchase. The department shall coordinate purchases funded under this section with purchases funded under section 3213 of this act to block up and preserve working forest lands at risk of conversion in Skagit county.

Appropriation:

State Building Construction Account--State. ....\$4,000,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 3212. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Marine Station (08-1-015)

Appropriation:

Resource Management Cost Account--State . . . . .	\$750,000
State Building Construction Account--State . . . . .	\$750,000
Subtotal Appropriation . . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,500,000

**NEW SECTION. Sec. 3213. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Conversion Land Acquisition (08-1-950)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for acquisition of working forest lands at risk of conversion to nonforest uses. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products industry, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these conversion lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2008, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intention of the legislature to lease the development rights of these conversion lands and retain them as long-term working forest lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan. The appropriation provided in this section shall lapse unless chapter . . . (Substitute House Bill No. 2382 (An act relating to leasing state lands and development rights on state lands to public agencies), Laws of 2007, or similar provisions contained in other legislation, is enacted prior to June 30, 2007.

Appropriation:

Resource Management Cost Account--State . . . . .	\$40,000,000
Natural Resources Real Property Replacement Account--State . . . . .	\$20,000,000
Subtotal Appropriation . . . . .	\$60,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$60,000,000

**NEW SECTION. Sec. 3214. FOR THE DEPARTMENT OF AGRICULTURE**  
 Fair Improvements (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: \$850,000 is provided solely for renovations and repairs to the historic pavilion at the Walla Walla fairgrounds.

Appropriation:

State Building Construction Account--State . . . . .	\$1,250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,250,000

**NEW SECTION. Sec. 3215. FOR THE DEPARTMENT OF AGRICULTURE**  
 Energy Freedom Program (06-2-851)

The reappropriation in this section is subject to the following conditions and limitations: If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State . . . . .	\$8,529,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,529,000

**NEW SECTION. Sec. 3216. FOR THE DEPARTMENT OF AGRICULTURE**  
 Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The reappropriation in this section is subject to the following conditions and limitations: If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State. . . . .	\$5,971,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,971,000

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL**  
Fire Training Academy Sanitary System (08-2-002)

Appropriation:

Fire Service Training Account--State. . . . .	\$3,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,500,000

**NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL**  
Minor Works - Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. . . . .	\$480,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,000,000
TOTAL. . . . .	\$2,480,000

**NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL**  
Replace Existing Dormitory (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The state building construction account appropriation is provided solely for one-half of the construction cost for replacement of the student dormitory at the fire training academy and is contingent upon the remaining construction cost being funded with a certificate of participation that is repaid with revenues from fees charged by the fire training academy. Any expenditures from this appropriation must be matched by an equal expenditure from the certificate of participation.

Appropriation:

State Building Construction Account--State. . . . .	\$1,360,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,360,000

**NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL**  
Combined State Agency Aviation Facility (08-2-951)

Appropriation:

State Building Construction Account--State. . . . .	\$67,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$813,000
TOTAL. . . . .	\$880,000

**NEW SECTION. Sec. 4005. FOR THE DEPARTMENT OF TRANSPORTATION**  
Columbia River Dredging (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:

State Building Construction Account--State. . . . .	\$2,980,000
Prior Biennia (Expenditures). . . . .	\$14,720,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$17,700,000

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2001-2003 School Construction Assistance Grant Program (02-4-001)

Reappropriation:

Common School Construction Account--State.....	\$3,850,000
Prior Biennia (Expenditures).....	\$8,150,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$12,000,000

**NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2003-2005 School Construction Assistance Grant Program (04-4-001)

Reappropriation:

State Building Construction Account--State.....	\$11,961,000
Common School Construction Account--State.....	\$10,682,000
Subtotal Reappropriation.....	\$22,643,000
Prior Biennia (Expenditures).....	\$171,568,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$194,211,000

**NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2005-2007 Apple Achievement Awards (06-4-850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 196, chapter 371, Laws of 2006.

Reappropriation:

Education Construction Account--State.....	\$302,000
Prior Biennia (Expenditures).....	\$198,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2005-2007 High Performance School Building Grants (06-4-852)

The reappropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction.

Reappropriation:

State Building Construction Account--State.....	\$6,078,000
Prior Biennia (Expenditures).....	\$25,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$6,103,000

**NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2005-2007 School Construction Assistance Grant Program (06-4-100)

Reappropriation:

State Building Construction Account--State.....	\$117,539,000
Common School Construction Account--State.....	\$218,896,000
Subtotal Reappropriation.....	\$336,435,000
Prior Biennia (Expenditures).....	\$305,331,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$641,766,000

**NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Capital Project Administration (08-4-100)

Appropriation:

Common School Construction Account--State.....	\$2,528,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$12,049,000
TOTAL.....	\$14,577,000

**NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 School Construction Assistance Grants (08-4-200)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) The legislature has made a commitment to phase in all-day kindergarten programs beginning with the 2007-08 school year. However, the legislature finds that one potential barrier to successful expansion of all-day kindergarten programs may be a lack of facilities that meet the requirements of an all-day kindergarten program. The office of the superintendent of public instruction, in consultation with the school facilities citizen advisory panel, shall examine alternatives for addressing school facilities needs for all-day kindergarten programs, including adapting existing unused space, creating innovative public-private partnerships and partnerships with early learning providers, shifting the location of current programs within a district or a school, and temporary, limited use of portables. The office of the superintendent of public instruction shall submit a report to the capital budget committee of the house of representatives and the ways and means committee of the senate by September 1, 2007, with recommendations on preferred alternatives and an analysis of the feasibility and cost of implementing the alternatives.

Appropriation:

State Building Construction Account--State.....	\$113,195,000
Common School Construction Account--State.....	\$768,888,000
Subtotal Appropriation.....	\$882,083,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$3,500,725,000
TOTAL.....	\$4,382,808,000

**NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Small Repair Grants (08-4-402)

Appropriation:

State Building Construction Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$12,000,000
TOTAL.....	\$15,000,000

**NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Vocational Skills Centers (08-4-300)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,362,000 from this appropriation is provided solely for minor capital projects at all of the state's skills centers ranked with a "severity score" of 40 points or more.

(2) \$24,400,000 from this appropriation is provided solely for the design and construction of the Skagit Valley vocational skills center.

(3) \$16,366,000 from this appropriation is provided solely for the design and construction of the Yakima Valley technical skills center.

(4) \$23,161,000 from this appropriation is provided solely for the design and construction of the Sno-Isle skills center.

(5) \$1,118,000 from this appropriation is provided solely for the design and construction of the Clark county skills center.

(6) \$300,000 from this appropriation is provided solely for the completion of the new market skills center project and to address storm water issues.

Appropriation:

State Building Construction Account--State.....	\$74,707,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$83,984,000
TOTAL.....	\$158,691,000

**NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Island Wood Environmental Learning Center (08-4-406)

Appropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5011. FOR THE STATE SCHOOL FOR THE BLIND**  
 Campus Preservation (06-1-003)

Reappropriation:

State Building Construction Account--State. ....	\$400,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$400,000

**NEW SECTION. Sec. 5012. FOR THE STATE SCHOOL FOR THE BLIND**  
 Minor Works - Facility Preservation (08-1-005)

Appropriation:

State Building Construction Account--State. ....	\$770,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$2,500,000
TOTAL.....	\$3,270,000

**NEW SECTION. Sec. 5013. FOR THE STATE SCHOOL FOR THE BLIND**  
 New Physical Education Center (08-2-001)

Appropriation:

State Building Construction Account--State. ....	\$9,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$9,000,000

**NEW SECTION. Sec. 5014. FOR THE STATE SCHOOL FOR THE DEAF**  
 Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$1,325,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,000,000
TOTAL.....	\$2,325,000

**NEW SECTION. Sec. 5015. FOR THE STATE SCHOOL FOR THE DEAF**  
 Vocational Education, Cafeteria, and Maintenance Support Building (08-2-002)

Appropriation:

State Building Construction Account--State. ....	\$10,900,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$10,900,000

**NEW SECTION. Sec. 5016. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell/Cascadia Community College - State Route 522 Off Ramp (02-2-014)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$255,000
Prior Biennia (Expenditures). ....	\$1,495,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,750,000

**NEW SECTION. Sec. 5017. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma Land Acquisition/Soils Remediation (01-2-029)

Reappropriation:

Education Construction Account--State.....	\$50,000
Prior Biennia (Expenditures). ....	\$5,900,000
Future Biennia (Projected Costs). ....	\$20,000,000
TOTAL.....	\$25,950,000

**NEW SECTION. Sec. 5018. FOR THE UNIVERSITY OF WASHINGTON**  
 Facility Preservation Backlog Reduction (04-1-951)

Reappropriation:

State Building Construction Account--State. ....	\$4,100,000
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Prior Biennia (Expenditures) . . . . .	\$21,214,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$25,314,000

**NEW SECTION. Sec. 5019. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Emergency Power Expansion - Phase II (04-1-024)

Reappropriation:

University of Washington Building Account--State . . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$5,148,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,648,000

**NEW SECTION. Sec. 5020. FOR THE UNIVERSITY OF WASHINGTON**  
 Classroom Improvements (05-1-850)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$3,850,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 5021. FOR THE UNIVERSITY OF WASHINGTON**  
 Infectious Disease Laboratory Facilities (05-2-850)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State . . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 5022. FOR THE UNIVERSITY OF WASHINGTON**  
 Playhouse Theater (05-1-004)

Appropriation:

State Building Construction Account--State . . . . .	\$6,578,000
Prior Biennia (Expenditures) . . . . .	\$1,000,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$7,578,000

**NEW SECTION. Sec. 5023. FOR THE UNIVERSITY OF WASHINGTON**  
 Architecture Hall Renovation (06-1-008)

Reappropriation:

State Building Construction Account--State . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$20,324,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$23,324,000

**NEW SECTION. Sec. 5024. FOR THE UNIVERSITY OF WASHINGTON**  
 Clark Hall Renovation (06-1-007)

Reappropriation:

State Building Construction Account--State . . . . .	\$1,200,000
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Appropriation:

State Building Construction Account--State . . . . .	\$554,000
Education Construction Account--State . . . . .	\$15,000,000
Subtotal Appropriation . . . . .	\$15,554,000
Prior Biennia (Expenditures) . . . . .	\$1,300,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$18,054,000

**NEW SECTION. Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON**  
 Cleanup More Hall and Other Toxics (06-1-950)

Reappropriation:

State Toxics Control Account--State. ....	\$1,125,000
Prior Biennia (Expenditures). ....	\$3,375,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,500,000

**NEW SECTION. Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON**  
Guggenheim Hall Renovation (06-1-006)

Reappropriation:

State Building Construction Account--State. ....	\$3,000,000
Education Construction Account--State.....	\$4,000,000
Subtotal Reappropriation. ....	\$7,000,000
Prior Biennia (Expenditures). ....	\$19,312,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$26,312,000

**NEW SECTION. Sec. 5027. FOR THE UNIVERSITY OF WASHINGTON**  
Health Sciences - H Wing (06-1-001)

Reappropriation:

State Building Construction Account--State. ....	\$5,000,000
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Appropriation:

State Building Construction Account--State. ....	\$7,000,000
University of Washington Building Account--State.....	\$3,000,000
Subtotal Appropriation.....	\$10,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,000,000

**NEW SECTION. Sec. 5028. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Facility Preservation (06-1-002)

Reappropriation:

University of Washington Building Account--State.....	\$9,000,000
Prior Biennia (Expenditures). ....	\$12,200,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$21,200,000

**NEW SECTION. Sec. 5029. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Health, Safety, and Code Requirements (06-1-003)

Reappropriation:

University of Washington Building Account--State.....	\$5,000,000
Prior Biennia (Expenditures). ....	\$6,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,000,000

**NEW SECTION. Sec. 5030. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Infrastructure Preservation (06-1-004)

Reappropriation:

University of Washington Building Account--State.....	\$2,500,000
Prior Biennia (Expenditures). ....	\$2,500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 5031. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Program (06-2-009)

Reappropriation:

University of Washington Building Account--State.....	\$3,000,000
Prior Biennia (Expenditures). ....	\$1,700,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,700,000

**NEW SECTION. Sec. 5032. FOR THE UNIVERSITY OF WASHINGTON**  
 Savery Hall Renovation (06-1-005)

Reappropriation:  
 State Building Construction Account--State. . . . . \$3,000,000

Appropriation:  
 Gardner-Evans Higher Education Construction  
 Account--State. . . . . \$54,910,000

Prior Biennia (Expenditures). . . . . \$3,600,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$61,510,000

**NEW SECTION. Sec. 5033. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma - Assembly Hall (06-2-007)

Reappropriation:  
 State Building Construction Account--State. . . . . \$7,000,000

Prior Biennia (Expenditures). . . . . \$500,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$7,500,000

**NEW SECTION. Sec. 5034. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma Land Acquisition (06-2-852)

Reappropriation:  
 Gardner-Evans Higher Education Construction  
 Account--State. . . . . \$750,000

Prior Biennia (Expenditures). . . . . \$3,250,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$4,000,000

**NEW SECTION. Sec. 5035. FOR THE UNIVERSITY OF WASHINGTON**  
 Balmer Hall Reconstruction (08-1-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the reconstruction/replacement of Balmer hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:  
 State Building Construction Account--State. . . . . \$4,000,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$42,800,000  
 TOTAL. . . . . \$46,800,000

**NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON**  
 Denny Hall Renovation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the renovation of Denny hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:  
 State Building Construction Account--State. . . . . \$4,000,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$52,915,000  
 TOTAL. . . . . \$56,915,000

**NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON**  
 Interdisciplinary Academic Building (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the interdisciplinary academic building. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$57,500,000
TOTAL.....	\$62,500,000

**NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON**  
 Intermediate Student Service and Classroom Improvements (08-1-005)

Appropriation:

State Building Construction Account--State. ....	\$13,281,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$13,281,000

**NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON**  
 Lewis Hall Renovation (08-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the renovation of Lewis hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$16,501,000
TOTAL.....	\$18,501,000

**NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works - Facility Preservation (08-1-001)

Appropriation:

University of Washington Building Account--State.....	\$23,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$140,000,000
TOTAL.....	\$163,000,000

**NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works - Program (08-2-001)

Appropriation:

University of Washington Building Account--State.....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$32,610,000
TOTAL.....	\$37,610,000

**NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON**  
 Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Gardner-Evans Higher Education Construction Account--State. ....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON**  
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$25,825,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$25,825,000

**NEW SECTION. Sec. 5044. FOR THE UNIVERSITY OF WASHINGTON**  
UW Bothell Phase 3 - Predesign (08-2-006)

Appropriation:

State Building Construction Account--State.....	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$62,850,000
TOTAL.....	\$63,000,000

**NEW SECTION. Sec. 5045. FOR THE UNIVERSITY OF WASHINGTON**  
UW Tacoma Phase 3 (08-2-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of UW Tacoma phase 3. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State.....	\$6,150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$54,000,000
TOTAL.....	\$60,150,000

**NEW SECTION. Sec. 5046. FOR THE UNIVERSITY OF WASHINGTON**  
Computing and Communications Upgrades and Data Center (08-2-004)

Appropriation:

State Building Construction Account--State.....	\$25,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$22,000,000
TOTAL.....	\$47,000,000

**NEW SECTION. Sec. 5047. FOR WASHINGTON STATE UNIVERSITY**  
WSU Spokane Riverpoint - Academic Center Building (00-2-906)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	\$1,750,000
Prior Biennia (Expenditures).....	\$32,100,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$33,850,000

**NEW SECTION. Sec. 5048. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - Student Services Center (00-2-905)

Reappropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$13,126,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$14,626,000

**NEW SECTION. Sec. 5049. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:	
Gardner-Evans Higher Education Construction Account--State. ....	\$2,600,000
Appropriation:	
State Building Construction Account--State. ....	\$9,022,000
Gardner-Evans Higher Education Construction Account--State. ....	\$48,978,000
Subtotal Appropriation. ....	\$58,000,000
Prior Biennia (Expenditures). ....	\$12,050,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$72,650,000

**NEW SECTION. Sec. 5050. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Spokane - Nursing Building at Riverpoint (04-2-941)

The reappropriation in this section is subject to the following conditions and limitations: Upon completion of construction of this facility at the Riverpoint campus in Spokane, the existing land and facilities housing the intercollegiate nursing center adjacent to Spokane Falls Community College shall be transferred to the state board for community and technical colleges for the use of community college district 17, community colleges of Spokane.

Reappropriation:	
State Building Construction Account--State. ....	\$20,000,000
Prior Biennia (Expenditures). ....	\$14,600,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$34,600,000

**NEW SECTION. Sec. 5051. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Tri-Cities - Bioproducts Facility (04-2-940)

Reappropriation:	
State Taxable Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$23,250,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$24,750,000

**NEW SECTION. Sec. 5052. FOR WASHINGTON STATE UNIVERSITY**  
 Campus Infrastructure (06-1-073)

Reappropriation:	
State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$6,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$7,000,000

**NEW SECTION. Sec. 5053. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Capital Improvements (06-2-002)

Reappropriation:	
Washington State University Building Account--State. ....	\$1,100,000
Prior Biennia (Expenditures). ....	\$4,900,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$6,000,000

**NEW SECTION. Sec. 5054. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works - Facility Preservation (06-1-001)

Reappropriation:	
State Building Construction Account--State. ....	\$3,500,000
Washington State University Building Account--State. ....	\$500,000
Subtotal Reappropriation. ....	\$4,000,000
Prior Biennia (Expenditures). ....	\$26,500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$30,500,000

**NEW SECTION. Sec. 5055. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works - Health, Safety, and Code (06-1-002)

Reappropriation:

Washington State University Building Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$1,500,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,000,000

**NEW SECTION. Sec. 5056. FOR WASHINGTON STATE UNIVERSITY**  
Center for Precision Agriculture (06-2-850)

Reappropriation:

State Building Construction Account--State. . . . .	\$800,000
Prior Biennia (Expenditures). . . . .	\$2,000,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,800,000

**NEW SECTION. Sec. 5057. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - Undergraduate Classroom Building (06-2-951)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,200,000
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Appropriation:

State Building Construction Account--State. . . . .	\$24,350,000
Prior Biennia (Expenditures). . . . .	\$2,450,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$28,000,000

**NEW SECTION. Sec. 5058. FOR WASHINGTON STATE UNIVERSITY**  
Intermediate Preservation Projects (08-1-702)

Appropriation:

State Building Construction Account--State. . . . .	\$3,119,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$31,240,000
TOTAL. . . . .	\$34,359,000

**NEW SECTION. Sec. 5059. FOR WASHINGTON STATE UNIVERSITY**  
Library Road Infrastructure (08-1-703)

Appropriation:

State Building Construction Account--State. . . . .	\$12,000,000
Washington State University Building Account--State. . . . .	\$3,000,000
Subtotal Appropriation. . . . .	\$15,000,000

Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$15,000,000

**NEW SECTION. Sec. 5060. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. . . . .	\$18,900,000
Washington State University Building Account--State. . . . .	\$20,000,000
Subtotal Appropriation. . . . .	\$38,900,000

Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$155,900,000
TOTAL. . . . .	\$194,800,000

**NEW SECTION. Sec. 5061. FOR WASHINGTON STATE UNIVERSITY**  
Infrastructure Savings (08-1-151)

Appropriation:

State Building Construction Account--State. . . . .	\$1
Gardner-Evans Higher Education Construction Account--State. . . . .	\$1

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5062. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works - Program (08-2-002)

Appropriation:

Washington State University Building Account--State.....	\$17,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$73,000,000
TOTAL.....	\$90,000,000

**NEW SECTION. Sec. 5063. FOR WASHINGTON STATE UNIVERSITY**  
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.
- (2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
- (3) Section 6003 of this act does not apply to this appropriation.
- (4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$10,115,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$10,115,000

**NEW SECTION. Sec. 5064. FOR WASHINGTON STATE UNIVERSITY**  
 University Wide Infrastructure (08-1-701)

Appropriation:

State Building Construction Account--State.....	\$8,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$72,500,000
TOTAL.....	\$80,500,000

**NEW SECTION. Sec. 5065. FOR WASHINGTON STATE UNIVERSITY**  
 Utilities Extension (08-1-100)

Appropriation:

Washington State University Building Account--State.....	\$11,536,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$11,536,000

**NEW SECTION. Sec. 5066. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Vancouver: Applied Technology and Classroom Building (06-2-950)

Appropriation:

State Building Construction Account--State.....	\$4,770,000
Prior Biennia (Expenditures).....	\$150,000
Future Biennia (Projected Costs).....	\$35,300,000
TOTAL.....	\$40,220,000

**NEW SECTION. Sec. 5067. FOR EASTERN WASHINGTON UNIVERSITY**  
 Patterson Hall Remodel (06-2-002)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	\$40,000
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Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$160,000
Future Biennia (Projected Costs). ....	\$28,000,000
TOTAL.....	\$30,200,000

**NEW SECTION. Sec. 5068. FOR EASTERN WASHINGTON UNIVERSITY**  
 Infrastructure Savings (06-1-751)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$800,000
Prior Biennia (Expenditures). ....	\$377,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,177,000

**NEW SECTION. Sec. 5069. FOR EASTERN WASHINGTON UNIVERSITY**  
 Hargreaves Hall Renovation (06-1-701)

Reappropriation:

State Building Construction Account--State. ....	\$500,000
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Appropriation:

State Building Construction Account--State. ....	\$10,821,000
Prior Biennia (Expenditures). ....	\$914,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$12,235,000

**NEW SECTION. Sec. 5070. FOR EASTERN WASHINGTON UNIVERSITY**  
 Martin Williamson Hall Renovation (06-1-706)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$40,000
Prior Biennia (Expenditures). ....	\$160,000
Future Biennia (Projected Costs). ....	\$26,000,000
TOTAL.....	\$26,200,000

**NEW SECTION. Sec. 5071. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (06-1-710)

Reappropriation:

State Building Construction Account--State. ....	\$3,000,000
Prior Biennia (Expenditures). ....	\$5,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$8,000,000

**NEW SECTION. Sec. 5072. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health Safety and Code Compliance (06-1-711)

Reappropriation:

State Building Construction Account--State. ....	\$2,500,000
Prior Biennia (Expenditures). ....	\$3,200,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,700,000

**NEW SECTION. Sec. 5073. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Infrastructure Preservation (06-1-712)

Reappropriation:

State Building Construction Account--State. ....	\$2,500,000
Prior Biennia (Expenditures). ....	\$1,500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 5074. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works Program (06-2-006)

Reappropriation:

State Building Construction Account--State. . . . .	\$3,500,000
Eastern Washington University Capital Projects Account--State. . . . .	\$3,500,000
Subtotal Reappropriation. . . . .	\$7,000,000
Prior Biennia (Expenditures). . . . .	\$8,600,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$15,600,000

**NEW SECTION. Sec. 5075. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (08-1-001)

Appropriation:

Eastern Washington University Capital Projects Account--State. . . . .	\$3,500,000
State Building Construction Account--State. . . . .	\$500,000
Subtotal Appropriation. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$24,000,000
TOTAL. . . . .	\$28,000,000

**NEW SECTION. Sec. 5076. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

State Building Construction Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$24,000,000
TOTAL. . . . .	\$28,000,000

**NEW SECTION. Sec. 5077. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Infrastructure Preservation (08-1-003)

Appropriation:

State Building Construction Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$22,000,000
TOTAL. . . . .	\$26,000,000

**NEW SECTION. Sec. 5078. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Program (08-2-001)

Appropriation:

State Building Construction Account--State. . . . .	\$4,000,000
Eastern Washington University Capital Projects Account--State. . . . .	\$7,000,000
Subtotal Appropriation. . . . .	\$11,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$62,400,000
TOTAL. . . . .	\$73,400,000

**NEW SECTION. Sec. 5079. FOR EASTERN WASHINGTON UNIVERSITY**  
 Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$1
Gardner-Evans Higher Education Construction Account--State. . . . .	\$1
Subtotal Appropriation. . . . .	\$2
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2

**NEW SECTION. Sec. 5080. FOR EASTERN WASHINGTON UNIVERSITY**  
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$2,217,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,217,000

**NEW SECTION. Sec. 5081. FOR CENTRAL WASHINGTON UNIVERSITY**  
Dean Hall Renovation (06-1-004)

Reappropriation:

State Building Construction Account--State.....	\$924,000
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Appropriation:

State Building Construction Account--State.....	\$23,200,000
Prior Biennia (Expenditures).....	\$1,276,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$25,400,000

**NEW SECTION. Sec. 5082. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Facility Preservation (06-1-003)

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$250,000
Prior Biennia (Expenditures).....	\$1,808,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,058,000

**NEW SECTION. Sec. 5083. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (06-1-002)

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$27,000
Prior Biennia (Expenditures).....	\$1,073,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,100,000

**NEW SECTION. Sec. 5084. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works Program (06-2-005)

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$669,000
Prior Biennia (Expenditures).....	\$3,721,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,390,000

**NEW SECTION. Sec. 5085. FOR CENTRAL WASHINGTON UNIVERSITY**  
Nicholson Pavilion Indoor Air/Asbestos (06-1-008)

Reappropriation:

State Building Construction Account--State.....	\$375,000
Prior Biennia (Expenditures).....	\$3,725,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,100,000

**NEW SECTION. Sec. 5086. FOR CENTRAL WASHINGTON UNIVERSITY**  
Combined Utilities (08-1-011)

Appropriation:

State Building Construction Account--State. ....	\$6,800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$15,000,000
TOTAL.....	\$21,800,000

**NEW SECTION. Sec. 5087. FOR CENTRAL WASHINGTON UNIVERSITY**  
Hogue Hall Renovation and Addition (08-2-003)

Appropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$3,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$35,000,000
TOTAL.....	\$38,000,000

**NEW SECTION. Sec. 5088. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$3,175,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$12,700,000
TOTAL.....	\$15,875,000

**NEW SECTION. Sec. 5089. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Health, Safety, and Code Requirements (08-1-009)

Appropriation:

State Building Construction Account--State. ....	\$660,000
Central Washington University Capital Projects Account--State. ....	\$2,675,000
Subtotal Appropriation.....	\$3,335,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,340,000
TOTAL.....	\$16,675,000

**NEW SECTION. Sec. 5090. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (08-1-010)

Appropriation:

State Building Construction Account--State. ....	\$2,165,000
Central Washington University Capital Projects Account--State. ....	\$1,125,000
Subtotal Appropriation.....	\$3,290,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,160,000
TOTAL.....	\$16,450,000

**NEW SECTION. Sec. 5091. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Program (08-2-002)

Appropriation:

State Building Construction Account--State. ....	\$4,000,000
Central Washington University Capital Projects Account--State. ....	\$3,800,000
Subtotal Appropriation.....	\$7,800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$17,500,000
TOTAL.....	\$25,300,000

**NEW SECTION. Sec. 5092. FOR CENTRAL WASHINGTON UNIVERSITY**  
Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Gardner-Evans Higher Education Construction Account--State. ....	\$1

Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5093. FOR CENTRAL WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$2,422,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,422,000

**NEW SECTION. Sec. 5094. FOR THE EVERGREEN STATE COLLEGE**  
Seminar Building Phase II - Construction (02-2-004)

Reappropriation:

The Evergreen State College Capital Projects Account--State.....	\$150,000
Prior Biennia (Expenditures).....	\$47,350,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$47,500,000

**NEW SECTION. Sec. 5095. FOR THE EVERGREEN STATE COLLEGE**  
Daniel J. Evans Building - Modernization (04-2-006)

The reappropriation in this section is subject to the following conditions and limitations: Should updated bids related to this project exceed the reappropriation due to unexpected inflation in the cost of construction, the office of financial management may authorize a transfer or transfers of appropriations from the minor works -infrastructure preservation project in section 5103 of this act; from the minor works - preservation project in section 5105 of this act; or from the minor works - program project in section 5107 of this act. The appropriations transferred from one or more of these three minor works projects shall not exceed \$2,500,000 in total. Prior to approval of the transfer, The Evergreen State College shall report to the office of financial management, the house of representatives capital budget committee, and the senate committee on ways and means on alternatives examined to negotiate a reduction in the bid price pursuant to RCW 39.04.105, and on the specific minor works projects that would be deferred as a result of the transfer.

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	\$20,250,000
Prior Biennia (Expenditures).....	\$24,500,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$44,750,000

**NEW SECTION. Sec. 5096. FOR THE EVERGREEN STATE COLLEGE**  
Health, Safety, and Code Requirements (06-1-002)

Reappropriation:

The Evergreen State College Capital Projects Account--State.....	\$300,000
Prior Biennia (Expenditures).....	\$1,700,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 5097. FOR THE EVERGREEN STATE COLLEGE**  
Infrastructure Preservation (06-1-004)

Reappropriation:

The Evergreen State College Capital Projects Account--State.....	\$175,000
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Prior Biennia (Expenditures) . . . . .	\$825,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5098. FOR THE EVERGREEN STATE COLLEGE**  
 Lab I First Floor Class/Laboratory Renovation (06-2-001)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,950,000
Prior Biennia (Expenditures) . . . . .	\$1,150,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,100,000

**NEW SECTION. Sec. 5099. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works - Facility Preservation (06-1-003)

Reappropriation:

The Evergreen State College Capital Projects Account--State. . . . .	\$1,100,000
Prior Biennia (Expenditures) . . . . .	\$2,900,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 5100. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works Program (06-2-005)

Reappropriation:

The Evergreen State College Capital Projects Account--State. . . . .	\$75,000
Prior Biennia (Expenditures) . . . . .	\$425,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$500,000

**NEW SECTION. Sec. 5101. FOR THE EVERGREEN STATE COLLEGE**  
 College Activities Building Renovation (08-2-009)

Appropriation:

State Building Construction Account--State. . . . .	\$4,900,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,900,000

**NEW SECTION. Sec. 5102. FOR THE EVERGREEN STATE COLLEGE**  
 Longhouse Expansion (08-2-007)

Appropriation:

State Building Construction Account--State. . . . .	\$1,700,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,700,000

**NEW SECTION. Sec. 5103. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

State Building Construction Account--State. . . . .	\$700,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$700,000

**NEW SECTION. Sec. 5104. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

State Building Construction Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,000,000

**NEW SECTION. Sec. 5105. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works - Preservation (08-1-001)

Appropriation:

The Evergreen State College Capital Projects Account--State.....	\$5,300,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,300,000

**NEW SECTION. Sec. 5106. FOR THE EVERGREEN STATE COLLEGE**  
 Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State.....	\$1
Gardner-Evans Higher Education Construction Account--State.....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5107. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works - Program (08-2-003)

Appropriation:

State Building Construction Account--State.....	\$930,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$930,000

**NEW SECTION. Sec. 5108. FOR THE EVERGREEN STATE COLLEGE**  
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.
- (2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
- (3) Section 6003 of this act does not apply to this appropriation.
- (4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$760,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$760,000

**NEW SECTION. Sec. 5109. FOR WESTERN WASHINGTON UNIVERSITY**  
 Academic Instructional Center (02-2-026)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	\$48,000,000
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Appropriation:

State Building Construction Account--State.....	\$5,895,000
Western Washington University Capital Projects Account--State.....	\$1,178,000
Subtotal Appropriation.....	\$7,073,000
Prior Biennia (Expenditures).....	\$9,171,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$64,244,000

**NEW SECTION. Sec. 5110. FOR WESTERN WASHINGTON UNIVERSITY**

Miller Hall Renovation (04-1-953)

Appropriation:

State Building Construction Account--State. ....	\$5,523,000
Prior Biennia (Expenditures). ....	\$250,000
Future Biennia (Projected Costs). ....	\$52,227,000
TOTAL.....	\$58,000,000

**NEW SECTION. Sec. 5111. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (06-1-083)

Reappropriation:

State Building Construction Account--State. ....	\$1,850,000
Prior Biennia (Expenditures). ....	\$2,440,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,290,000

**NEW SECTION. Sec. 5112. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health, Safety, and Code (06-1-082)

Reappropriation:

State Building Construction Account--State. ....	\$850,000
Prior Biennia (Expenditures). ....	\$1,240,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,090,000

**NEW SECTION. Sec. 5113. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Infrastructure Preservation (06-1-084)

Reappropriation:

State Building Construction Account--State. ....	\$850,000
Prior Biennia (Expenditures). ....	\$1,375,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,225,000

**NEW SECTION. Sec. 5114. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Program (06-2-085)

Reappropriation:

Western Washington University Capital Projects Account--State. ....	\$2,200,000
Prior Biennia (Expenditures). ....	\$5,522,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,722,000

**NEW SECTION. Sec. 5115. FOR WESTERN WASHINGTON UNIVERSITY**  
 Academic Facilities Modernization Projects (08-2-099)

Appropriation:

State Building Construction Account--State. ....	\$11,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,000,000

**NEW SECTION. Sec. 5116. FOR WESTERN WASHINGTON UNIVERSITY**  
 Carver Academic Renovation (08-1-060)

Appropriation:

State Building Construction Account--State. ....	\$400,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$51,587,000
TOTAL.....	\$51,987,000

**NEW SECTION. Sec. 5117. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (08-1-091)

Appropriation:

State Building Construction Account--State. ....	\$5,051,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$18,000,000
TOTAL.....	\$23,051,000

**NEW SECTION. Sec. 5118. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health, Safety, and Code Requirements (08-1-090)

Appropriation:

State Building Construction Account--State. ....	\$2,933,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$12,000,000
TOTAL.....	\$14,933,000

**NEW SECTION. Sec. 5119. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Infrastructure Preservation (08-1-092)

Appropriation:

State Building Construction Account--State. ....	\$2,016,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$8,000,000
TOTAL.....	\$10,016,000

**NEW SECTION. Sec. 5120. FOR WESTERN WASHINGTON UNIVERSITY**  
 Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Gardner-Evans Higher Education Construction Account--State. ....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5121. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Program (08-2-093)

Appropriation:

State Building Construction Account--State. ....	\$3,000,000
Western Washington University Capital Projects Account--State. ....	\$7,000,000
Subtotal Appropriation.....	\$10,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$40,000,000
TOTAL.....	\$50,000,000

**NEW SECTION. Sec. 5122. FOR WESTERN WASHINGTON UNIVERSITY**  
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$3,614,000
Prior Biennia (Expenditures). ....	\$0

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$3,614,000

**NEW SECTION. Sec. 5123. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Pacific - Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:  
 State Building Construction Account--State. .... \$666,000  
 Prior Biennia (Expenditures) ..... \$1,885,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$2,551,000

**NEW SECTION. Sec. 5124. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Lewis and Clark Trail Interpretive Infrastructure Grant (02-4-001)

Reappropriation:  
 State Building Construction Account--State. .... \$1,081,000  
 Prior Biennia (Expenditures) ..... \$646,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$1,727,000

**NEW SECTION. Sec. 5125. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Washington Heritage Projects (04-4-004)

Reappropriation:  
 State Building Construction Account--State. .... \$1,947,000  
 Prior Biennia (Expenditures) ..... \$2,053,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$4,000,000

**NEW SECTION. Sec. 5126. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Olympia - State Capital Museum: Building Preservation (06-1-003)

Reappropriation:  
 State Building Construction Account--State. .... \$17,000  
 Prior Biennia (Expenditures) ..... \$314,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$331,000

**NEW SECTION. Sec. 5127. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Statewide - Washington Heritage Project Grants (06-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the project list in section 733, chapter 488, Laws of 2005.

Reappropriation:  
 State Building Construction Account--State. .... \$3,821,000  
 Prior Biennia (Expenditures) ..... \$843,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$4,664,000

**NEW SECTION. Sec. 5128. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma - State History Museum: Building Preservation (06-1-001)

Reappropriation:  
 State Building Construction Account--State. .... \$100,000  
 Prior Biennia (Expenditures) ..... \$381,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$481,000

**NEW SECTION. Sec. 5129. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma - Research Center: Building Preservation (06-1-002)

Reappropriation:  
 State Building Construction Account--State. .... \$100,000  
 Prior Biennia (Expenditures) ..... \$82,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$182,000

**NEW SECTION. Sec. 5130. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma Research Center Building Preservation (07-1-002)

Appropriation:  
 State Building Construction Account--State. .... \$200,000  
  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$537,000  
 TOTAL..... \$737,000

**NEW SECTION. Sec. 5131. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma State History Museum Building Preservation (07-1-001)

Appropriation:  
 State Building Construction Account--State. .... \$500,000  
  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$1,000,000  
 TOTAL..... \$1,500,000

**NEW SECTION. Sec. 5132. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Washington Heritage Grants (07-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Recommended</b>
Cascade land conservancy	\$202,000
Suquamish museum and arts center	\$1,000,000
Moses Lake museum and arts center	\$1,000,000
White River Valley museum	\$245,000
The Tulalip tribe	\$1,000,000
City of Mukilteo	\$490,000
Lewis county historical museum	\$43,000
Pacific county historical society	\$186,000
City of Gig Harbor	\$1,000,000
Bainbridge Island metro parks and recreation	\$70,000
Polson museum	\$171,000
Washington trust for historic preservation	\$83,000
Historic Seattle PDA	\$500,000
City of Tacoma	\$77,000
City of Des Moines	\$1,000,000
Fort Walla Walla museum	\$859,000
Foss waterway seaport	\$300,000
LaConner quilt museum	\$125,000
Cowlitz River Valley historical society	\$158,000
Western forest industries museum	\$158,000
San Juan historical society	\$25,000
Central Washington fair association	\$48,000
Urban league of metro Seattle	\$650,000
The center for wooden boats	\$235,000
Jefferson county historical society	\$200,000
Mansfield museum	\$10,000
Martin Luther King Ballet	\$50,000
The northwest railway museum	\$75,000
Northpoint cooperative preschool	\$40,000
<b>Total</b>	<b>\$10,000,000</b>

Appropriation:  
 State Building Construction Account--State. .... \$10,000,000  
  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$40,000,000  
 TOTAL..... \$50,000,000

**NEW SECTION. Sec. 5133. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Women's History Preservation Grants (07-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the preservation of documents that are important in revealing the role of women in the history of the region and the role Washington women played in the nation's history.

Appropriation:

State Building Construction Account--State. ....	\$200,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 5134. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Building Management System (08-1-003)

Appropriation:

State Building Construction Account--State. ....	\$196,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$196,000

**NEW SECTION. Sec. 5135. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Campbell House Long-Term Preservation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to repair the foundation, sandstone, mortar, brick, chimney, and roof of state-owned National Register property "Campbell house" and its carriage house.

Appropriation:

State Building Construction Account--State. ....	\$402,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$293,000
TOTAL.....	\$695,000

**NEW SECTION. Sec. 5136. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Computer Catalog System (08-2-010)

Appropriation:

State Building Construction Account--State. ....	\$63,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$63,000

**NEW SECTION. Sec. 5137. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Museum Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,154,000
TOTAL.....	\$1,304,000

**NEW SECTION. Sec. 5138. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Security System and Technology Infrastructure (08-1-005)

Appropriation:

State Building Construction Account--State. ....	\$408,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$408,000

**NEW SECTION. Sec. 5139. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Storage and Exhibit Equipment for Collections (08-2-012)

Appropriation:

State Building Construction Account--State. ....	\$42,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$114,000
TOTAL . . . . .	\$156,000

**NEW SECTION. Sec. 5140. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College: Clark Center at WSU Vancouver (00-2-680)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$19,624,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$19,774,000

**NEW SECTION. Sec. 5141. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Puyallup: Phase III Expansion (00-2-676)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$24,335,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$25,335,000

**NEW SECTION. Sec. 5142. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Science Building (01-2-688)

Reappropriation:

State Building Construction Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$25,804,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$29,804,000

**NEW SECTION. Sec. 5143. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College: Science Building (01-2-687)

Reappropriation:

State Building Construction Account--State. . . . .	\$10,500,000
Prior Biennia (Expenditures) . . . . .	\$21,496,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$31,996,000

**NEW SECTION. Sec. 5144. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates Technical College: Learning Resource Center/Vocational (02-2-684)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,300,000
Prior Biennia (Expenditures) . . . . .	\$15,760,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$17,060,000

**NEW SECTION. Sec. 5145. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College/UW Bothell: Phase 2B Off Ramp (02-2-999)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$320,000
Prior Biennia (Expenditures) . . . . .	\$1,430,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,750,000

**NEW SECTION. Sec. 5146. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College: Instructional Lab Building - Construction (02-2-685)

Reappropriation:

State Building Construction Account--State. . . . .	\$8,000,000
Prior Biennia (Expenditures) . . . . .	\$9,488,000
Future Biennia (Projected Costs) . . . . .	\$0

TOTAL..... \$17,488,000

**NEW SECTION. Sec. 5147. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College: Information Technology Vocational Center (02-2-683)

Reappropriation:

State Building Construction Account--State. .... \$450,000

Prior Biennia (Expenditures). .... \$15,280,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$15,730,000

**NEW SECTION. Sec. 5148. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$3,000,000

Prior Biennia (Expenditures). .... \$4,178,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$7,178,000

**NEW SECTION. Sec. 5149. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College: Science and Technology (04-2-690)

Reappropriation:

State Building Construction Account--State. .... \$1,400,000

Appropriation:

State Building Construction Account--State. .... \$31,332,000

Prior Biennia (Expenditures). .... \$1,066,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$33,798,000

**NEW SECTION. Sec. 5150. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Reappropriation:

State Building Construction Account--State. .... \$600,000

Gardner-Evans Higher Education Construction Account--State. .... \$2,600,000

Subtotal Reappropriation. .... \$3,200,000

Prior Biennia (Expenditures). .... \$13,638,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$16,838,000

**NEW SECTION. Sec. 5151. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College: Center for Arts, Technology, and Communications (04-2-693)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$2,100,000

Appropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$32,636,000

Prior Biennia (Expenditures). .... \$1,091,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$35,827,000

**NEW SECTION. Sec. 5152. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Centralia Community College: Science Building (04-2-850)

Reappropriation:

State Building Construction Account--State. .... \$1,700,000

Appropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$28,716,000

Prior Biennia (Expenditures). .... \$1,697,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$32,113,000

**NEW SECTION. Sec. 5153. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College: East County Satellite (04-1-689)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . . \$2,000,000

Appropriation:

Gardner-Evans Higher Education Construction Account--State. . . . . \$27,184,000

Prior Biennia (Expenditures). . . . . \$693,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$29,877,000

**NEW SECTION. Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)

Reappropriation:

State Building Construction Account--State. . . . . \$230,000

Prior Biennia (Expenditures). . . . . \$8,596,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$8,826,000

**NEW SECTION. Sec. 5155. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College: Pilchuck/Glacier (04-1-205)

Reappropriation:

State Building Construction Account--State. . . . . \$130,000

Prior Biennia (Expenditures). . . . . \$18,815,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$18,945,000

**NEW SECTION. Sec. 5156. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College: Replacement - Monte Cristo Hall (04-1-305)

Reappropriation:

State Building Construction Account--State. . . . . \$45,000

Prior Biennia (Expenditures). . . . . \$7,307,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$7,352,000

**NEW SECTION. Sec. 5157. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College: University Center - North Puget Sound (04-2-692)

Reappropriation:

State Building Construction Account--State. . . . . \$1,900,000

Gardner-Evans Higher Education Construction Account--State. . . . . \$3,844,000

Subtotal Reappropriation. . . . . \$5,744,000

Appropriation:

State Building Construction Account--State. . . . . \$40,604,000

Prior Biennia (Expenditures). . . . . \$5,590,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$51,938,000

**NEW SECTION. Sec. 5158. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Preservation Backlog Reduction (04-1-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 6003 of this act does not apply to this reappropriation.

Reappropriation:

State Building Construction Account--State. . . . . \$12,000,000

Prior Biennia (Expenditures). . . . . \$52,298,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL..... \$64,298,000

**NEW SECTION. Sec. 5159. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$420,000  
 Prior Biennia (Expenditures). .... \$20,314,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$20,734,000

**NEW SECTION. Sec. 5160. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Riverview Education Center (07-1-850)

Reappropriation:

State Building Construction Account--State. .... \$498,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$498,000

**NEW SECTION. Sec. 5161. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State. .... \$580,000  
 Prior Biennia (Expenditures). .... \$11,419,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$11,999,000

**NEW SECTION. Sec. 5162. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College: Redmond Land Acquisition (04-2-403)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the reappropriation is to purchase property for expansion, storm water retention, and parking requirements.
- (2) State funds must be matched with nonstate resources of at least \$500,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Reappropriation:

Community/Technical College Capital Projects Account--State. .... \$500,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$500,000

**NEW SECTION. Sec. 5163. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Reappropriation:

State Building Construction Account--State. .... \$150,000  
 Prior Biennia (Expenditures). .... \$4,271,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$4,421,000

**NEW SECTION. Sec. 5164. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia College: Instructional Fine Arts Building (04-1-214)

Reappropriation:

State Building Construction Account--State. .... \$300,000  
 Gardner-Evans Higher Education Construction Account--State. .... \$13,500,000  
 Subtotal Reappropriation. .... \$13,800,000  
 Prior Biennia (Expenditures). .... \$10,861,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$24,661,000

**NEW SECTION. Sec. 5165. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program (Minor Improvements) (04-2-130)

Reappropriation:

State Building Construction Account--State. . . . .	\$730,000
Community/Technical College Capital Projects Account--State. . . . .	\$1,400,000
Subtotal Reappropriation. . . . .	\$2,130,000
Prior Biennia (Expenditures). . . . .	\$12,850,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$14,980,000

**NEW SECTION. Sec. 5166. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Olympic College: Science and Technology Building Replacement (04-1-202)

Reappropriation:

State Building Construction Account--State. . . . .	\$2,000,000
Prior Biennia (Expenditures). . . . .	\$11,998,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$13,998,000

**NEW SECTION. Sec. 5167. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Peninsula College: Replacement Science and Technology Building (04-1-208)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures). . . . .	\$20,640,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$23,640,000

**NEW SECTION. Sec. 5168. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce College - Fort Steilacoom: Science and Technology (04-2-694)

Reappropriation:

State Building Construction Account--State. . . . .	\$850,000
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Appropriation:

State Building Construction Account--State. . . . .	\$30,407,000
Prior Biennia (Expenditures). . . . .	\$1,327,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$32,584,000

**NEW SECTION. Sec. 5169. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce College Fort Steilacoom: Childcare Center (04-2-401)

Reappropriation:

Community/Technical College Capital Projects Account--State. . . . .	\$40,000
Prior Biennia (Expenditures). . . . .	\$460,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 5170. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce College Puyallup: Communication Arts/Health Building (04-2-691)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$900,000
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Appropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$25,303,000
Prior Biennia (Expenditures). . . . .	\$1,196,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$27,399,000

**NEW SECTION. Sec. 5171. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Renton Technical College: Portable Replacement (04-1-215)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$2,396,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,396,000

**NEW SECTION. Sec. 5172. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs "A" (04-1-010)

Reappropriation:

State Building Construction Account--State. ....	\$640,000
Prior Biennia (Expenditures). ....	\$6,626,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,266,000

**NEW SECTION. Sec. 5173. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Site Repairs "A" (04-1-090)

Reappropriation:

State Building Construction Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$5,006,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,306,000

**NEW SECTION. Sec. 5174. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Skagit Valley College: Science Building Replacement (04-1-209)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Gardner-Evans Higher Education Construction Account--State. ....	\$325,000
Subtotal Reappropriation. ....	\$1,825,000

Appropriation:

State Building Construction Account--State. ....	\$28,068,000
Prior Biennia (Expenditures). ....	\$1,217,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$31,110,000

**NEW SECTION. Sec. 5175. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Puget Sound Community College: Science Complex (04-2-695)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$2,000,000
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Appropriation:

State Building Construction Account--State. ....	\$25,867,000
Prior Biennia (Expenditures). ....	\$1,253,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$29,120,000

**NEW SECTION. Sec. 5176. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Seattle Community College: Instructional Technology Center (04-2-681)

Reappropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$18,711,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$18,861,000

**NEW SECTION. Sec. 5177. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College: Science Building Replacement (04-1-212)

Reappropriation:

State Building Construction Account--State. ....	\$1,200,000
Prior Biennia (Expenditures). ....	\$14,521,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,721,000

**NEW SECTION. Sec. 5178. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College: Replacement - Portable Buildings (04-1-206)

Reappropriation:

State Building Construction Account--State. ....	\$175,000
Prior Biennia (Expenditures). ....	\$2,447,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$2,622,000

**NEW SECTION. Sec. 5179. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College: Renovation - Building 7 (04-1-313)

Reappropriation:  
 State Building Construction Account--State. .... \$2,000,000  
 Prior Biennia (Expenditures) ..... \$2,988,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$4,988,000

**NEW SECTION. Sec. 5180. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Community College: Health Science Facility (04-1-211)

Reappropriation:  
 Community/Technical College Capital Projects Account--State. .... \$500,000  
 Prior Biennia (Expenditures) ..... \$6,762,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$7,262,000

**NEW SECTION. Sec. 5181. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College: Glenn/Anthon Hall - Replacement (04-1-207)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. .... \$8,000,000  
 Prior Biennia (Expenditures) ..... \$20,645,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$28,645,000

**NEW SECTION. Sec. 5182. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Health Sciences Center (05-2-851)

Reappropriation:  
 State Building Construction Account--State. .... \$50,000  
 Prior Biennia (Expenditures) ..... \$7,950,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$8,000,000

**NEW SECTION. Sec. 5183. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Seattle Community College: Training Facility (05-1-854)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. .... \$8,000,000  
 Prior Biennia (Expenditures) ..... \$1,752,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$9,752,000

**NEW SECTION. Sec. 5184. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls: Business and Social Science Building (05-1-853)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. .... \$8,000,000  
 Prior Biennia (Expenditures) ..... \$12,312,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$20,312,000

**NEW SECTION. Sec. 5185. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. .... \$7,000,000  
 Prior Biennia (Expenditures) ..... \$17,660,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$24,660,000

**NEW SECTION. Sec. 5186. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Big Bend Community College: Performing Arts and Fine Arts (06-1-309)

Reappropriation:

State Building Construction Account--State. ....	\$3,300,000
Prior Biennia (Expenditures). ....	\$398,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,698,000

**NEW SECTION. Sec. 5187. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clark College: Gaiser Hall Renovation (06-1-302)

Reappropriation:

State Building Construction Account--State. ....	\$3,000,000
Prior Biennia (Expenditures). ....	\$5,374,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$8,374,000

**NEW SECTION. Sec. 5188. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clark College: O'Connell Sports Center Improvements (06-2-403)

Reappropriation:

State Building Construction Account--State. ....	\$480,000
Prior Biennia (Expenditures). ....	\$170,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$650,000

**NEW SECTION. Sec. 5189. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clover Park Technical College: Allied Health Care Facility (06-2-699)

Reappropriation:

State Building Construction Account--State. ....	\$20,000
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Appropriation:

State Building Construction Account--State. ....	\$2,285,000
Prior Biennia (Expenditures). ....	\$115,000
Future Biennia (Projected Costs). ....	\$24,340,000
TOTAL.....	\$26,760,000

**NEW SECTION. Sec. 5190. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clover Park Technical College: Personal Care Services Facility (06-1-310)

Reappropriation:

State Building Construction Account--State. ....	\$5,900,000
Prior Biennia (Expenditures). ....	\$599,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,499,000

**NEW SECTION. Sec. 5191. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Edmonds Community College: Brier Hall Renovation (06-1-307)

Reappropriation:

State Building Construction Account--State. ....	\$4,700,000
Prior Biennia (Expenditures). ....	\$433,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,133,000

**NEW SECTION. Sec. 5192. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Everett Community College: Paine Field Technical Center (06-2-408)

Reappropriation:

State Building Construction Account--State. ....	\$980,000
Prior Biennia (Expenditures). ....	\$20,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5193. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (06-1-050)

Reappropriation:

Community/Technical College Capital Projects Account--State. . . . .	\$12,400,000
Prior Biennia (Expenditures). . . . .	\$9,927,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$22,327,000

**NEW SECTION. Sec. 5194. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Grays Harbor College: Vocational Education Renovation (06-1-303)

Reappropriation:

State Building Construction Account--State. . . . .	\$4,710,000
Prior Biennia (Expenditures). . . . .	\$661,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,371,000

**NEW SECTION. Sec. 5195. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Humanities and Classroom Building (06-1-205)

Reappropriation:

State Building Construction Account--State. . . . .	\$40,000
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Appropriation:

State Building Construction Account--State. . . . .	\$2,744,000
Prior Biennia (Expenditures). . . . .	\$97,000
Future Biennia (Projected Costs). . . . .	\$25,427,000
TOTAL. . . . .	\$28,308,000

**NEW SECTION. Sec. 5196. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Physical Education Renovation (06-1-313)

Reappropriation:

State Building Construction Account--State. . . . .	\$477,000
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Appropriation:

State Building Construction Account--State. . . . .	\$3,818,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,295,000

**NEW SECTION. Sec. 5197. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Water System Replacement (06-1-501)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$1,951,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,951,000

**NEW SECTION. Sec. 5198. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Skills Support Center Addition (06-2-405)

Reappropriation:

State Building Construction Account--State. . . . .	\$640,000
Prior Biennia (Expenditures). . . . .	\$160,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$800,000

**NEW SECTION. Sec. 5199. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Highline Community College: Marine Science and Technology (06-2-406)

Reappropriation:

State Building Construction Account--State. . . . .	\$490,000
Prior Biennia (Expenditures). . . . .	\$10,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 5200. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Infrastructure Savings (06-1-751)**

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$2,600,000
Prior Biennia (Expenditures). . . . .	\$116,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,716,000

**NEW SECTION. Sec. 5201. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Lake Washington Technical College: Allied Health Building (06-2-697)**

Appropriation:

State Building Construction Account--State. . . . .	\$1,732,000
Prior Biennia (Expenditures). . . . .	\$197,000
Future Biennia (Projected Costs). . . . .	\$26,085,000
TOTAL. . . . .	\$28,014,000

**NEW SECTION. Sec. 5203. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Lake Washington Technical College: Science Lab Renovation (06-1-308)**

Reappropriation:

State Building Construction Account--State. . . . .	\$290,000
Prior Biennia (Expenditures). . . . .	\$1,469,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,759,000

**NEW SECTION. Sec. 5203. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Minor Works Preservation (RMI) (06-1-001)**

Reappropriation:

Community/Technical College Capital Projects Account--State. . . . .	\$6,300,000
Prior Biennia (Expenditures). . . . .	\$7,700,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$14,000,000

**NEW SECTION. Sec. 5204. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Minor Works: Program (06-2-130)**

Reappropriation:

State Building Construction Account--State. . . . .	\$11,900,000
Prior Biennia (Expenditures). . . . .	\$8,363,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$20,263,000

**NEW SECTION. Sec. 5205. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**North Seattle Community College: Employment Resource Center (06-2-851)**

Reappropriation:

State Building Construction Account--State. . . . .	\$325,000
Prior Biennia (Expenditures). . . . .	\$195,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$520,000

**NEW SECTION. Sec. 5206. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**North Seattle Community College: Wellness Center Repairs (06-1-330)**

Reappropriation:

State Building Construction Account--State. . . . .	\$970,000
Prior Biennia (Expenditures). . . . .	\$2,030,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 5207. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Olympic College: Humanities and Student Services (06-1-204)**

Reappropriation:	
State Building Construction Account--State. ....	\$2,500,000
Appropriation:	
State Building Construction Account--State. ....	\$37,889,000
Prior Biennia (Expenditures). ....	\$999,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$41,388,000

**NEW SECTION. Sec. 5208. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Olympic College: Bremer Student Center (06-2-411)

Reappropriation:	
State Building Construction Account--State. ....	\$30,000
Prior Biennia (Expenditures). ....	\$570,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$600,000

**NEW SECTION. Sec. 5209. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Peninsula College: Library Renovation (06-1-305)

Reappropriation:	
State Building Construction Account--State. ....	\$11,000,000
Prior Biennia (Expenditures). ....	\$3,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$14,000,000

**NEW SECTION. Sec. 5210. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Peninsula College: Phase II Cultural and Arts Center (06-2-412)

Reappropriation:	
State Building Construction Account--State. ....	\$250,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$250,000

**NEW SECTION. Sec. 5211. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce College Fort Steilacoom: Cascade Core Phase I (06-1-326)

Reappropriation:	
State Building Construction Account--State. ....	\$1,000,000
Appropriation:	
State Building Construction Account--State. ....	\$14,602,000
Prior Biennia (Expenditures). ....	\$2,350,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$17,952,000

**NEW SECTION. Sec. 5212. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Roof Repairs (06-1-010)

Reappropriation:	
Community/Technical College Capital Projects Account--State. ....	\$3,900,000
Prior Biennia (Expenditures). ....	\$4,940,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$8,840,000

**NEW SECTION. Sec. 5213. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Reappropriation:	
Gardner-Evans Higher Education Construction Account--State. ....	\$268,000
Appropriation:	
Gardner-Evans Higher Education Construction Account--State. ....	\$1,688,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,956,000

**NEW SECTION. Sec. 5214. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central Community College: Greenhouse/Educational Center (06-2-410)

Reappropriation:	
State Building Construction Account--State. ....	\$240,000
Prior Biennia (Expenditures). ....	\$10,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$250,000

**NEW SECTION. Sec. 5215. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central Community College: Information Technology and Visual Communications (06-1-304)

Reappropriation:	
State Building Construction Account--State. ....	\$7,400,000
Prior Biennia (Expenditures). ....	\$696,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$8,096,000

**NEW SECTION. Sec. 5216. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Shoreline Community College: Annex Renovation (06-1-312)

Reappropriation:	
State Building Construction Account--State. ....	\$840,000
Prior Biennia (Expenditures). ....	\$1,899,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,739,000

**NEW SECTION. Sec. 5217. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Shoreline Community College: Automotive Building (Phase I) (06-2-951)

Reappropriation:	
State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5218. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Site Repairs (06-1-090)

Reappropriation:	
Community/Technical College Capital Projects Account--State. ....	\$2,300,000
Prior Biennia (Expenditures). ....	\$1,537,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,837,000

**NEW SECTION. Sec. 5219. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Reappropriation:	
Gardner-Evans Higher Education Construction Account--State. ....	\$230,000
Prior Biennia (Expenditures). ....	\$1,404,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,634,000

**NEW SECTION. Sec. 5220. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Puget Sound Community College: Learning Resource Center (06-2-698)

Appropriation:	
State Building Construction Account--State. ....	\$3,268,000
Prior Biennia (Expenditures). ....	\$197,000
Future Biennia (Projected Costs). ....	\$35,382,000
TOTAL.....	\$38,847,000

**NEW SECTION. Sec. 5221. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Automotive Collision Technology (06-1-306)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,700,000
Prior Biennia (Expenditures). . . . .	\$272,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,972,000

**NEW SECTION. Sec. 5222. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle Community College: Horticulture/SCGS Classrooms (06-2-404)

Reappropriation:

State Building Construction Account--State. . . . .	\$490,000
Prior Biennia (Expenditures). . . . .	\$67,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$557,000

**NEW SECTION. Sec. 5223. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls Community College: Campus Classrooms (06-2-696)

Appropriation:

State Building Construction Account--State. . . . .	\$1,802,000
Prior Biennia (Expenditures). . . . .	\$82,000
Future Biennia (Projected Costs). . . . .	\$18,686,000
TOTAL. . . . .	\$20,570,000

**NEW SECTION. Sec. 5224. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Walla Walla Community College: Center for Water and Environmental Studies (06-2-853)

Reappropriation:

State Building Construction Account--State. . . . .	\$940,000
Prior Biennia (Expenditures). . . . .	\$1,060,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,000,000

**NEW SECTION. Sec. 5225. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Walla Walla Community College: Clarkston Health Science Facility (06-2-402)

Reappropriation:

State Building Construction Account--State. . . . .	\$490,000
Prior Biennia (Expenditures). . . . .	\$510,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,000,000

**NEW SECTION. Sec. 5226. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley College: Brown Library Renovation (06-1-311)

Reappropriation:

State Building Construction Account--State. . . . .	\$760,000
Prior Biennia (Expenditures). . . . .	\$1,644,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,404,000

**NEW SECTION. Sec. 5227. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College: Center for Workforce Education (06-2-407)

Reappropriation:

State Building Construction Account--State. . . . .	\$690,000
Prior Biennia (Expenditures). . . . .	\$310,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,000,000

**NEW SECTION. Sec. 5228. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College: Raymond Hall Renovation (06-1-325)

Reappropriation:

State Building Construction Account--State. . . . .	\$3,800,000
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Prior Biennia (Expenditures) . . . . .	\$369,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,169,000

**NEW SECTION. Sec. 5229. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bates Technical College: Mohler Communications Technology Center (08-2-703)

Appropriation:

State Building Construction Account--State. . . . .	\$173,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$22,567,000
TOTAL . . . . .	\$22,740,000

**NEW SECTION. Sec. 5230. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellevue Community College: Health Science Building (08-2-702)

Appropriation:

State Building Construction Account--State. . . . .	\$144,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$38,893,000
TOTAL . . . . .	\$39,037,000

**NEW SECTION. Sec. 5231. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellingham Technical College: Instructional Resource Center (08-1-223)

Appropriation:

State Building Construction Account--State. . . . .	\$1,824,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$28,065,000
TOTAL . . . . .	\$29,889,000

**NEW SECTION. Sec. 5232. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Centralia College: Health and Wellness Education Center (08-2-414)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5233. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clark College: Child and Family Studies Center (08-2-417)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5234. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clark College: Health and Advanced Technologies Building (08-2-705)

Appropriation:

State Building Construction Account--State. . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$32,982,000
TOTAL . . . . .	\$33,232,000

**NEW SECTION. Sec. 5235. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Business Education Building (08-1-315)

Appropriation:

State Building Construction Account--State. . . . .	\$5,020,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,020,000

**NEW SECTION. Sec. 5236. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Social Science Center (08-2-704)

Appropriation:

State Building Construction Account--State. ....	\$111,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$12,299,000
TOTAL.....	\$12,410,000

**NEW SECTION. Sec. 5237. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Vocational Building (08-1-217)

Appropriation:

State Building Construction Account--State. ....	\$1,802,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$20,498,000
TOTAL.....	\$22,300,000

**NEW SECTION. Sec. 5238. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Edmonds Community College: Primary Electrical Replacement (08-1-508)

Appropriation:

State Building Construction Account--State. ....	\$2,466,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,466,000

**NEW SECTION. Sec. 5239. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Edmonds Community College: Meadowdale Hall Renovation (08-1-318)

Appropriation:

State Building Construction Account--State. ....	\$9,256,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$9,256,000

**NEW SECTION. Sec. 5240. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Everett Community College: Index Hall Replacement (08-1-221)

Appropriation:

State Building Construction Account--State. ....	\$2,800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$41,005,000
TOTAL.....	\$43,805,000

**NEW SECTION. Sec. 5241. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Grays Harbor College: Child Care Facility (08-2-416)

Appropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5242. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Grays Harbor College: Science and Math Building (08-1-226)

Appropriation:

State Building Construction Account--State. ....	\$276,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$40,026,000
TOTAL.....	\$40,302,000

**NEW SECTION. Sec. 5243. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College: Primary Electrical Replacement (08-1-506)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,870,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,870,000

**NEW SECTION. Sec. 5244. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College: Trades and Industry Building (08-1-222)

Appropriation:  
 State Building Construction Account--State. . . . . \$138,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$29,833,000  
 TOTAL. . . . . \$29,971,000

**NEW SECTION. Sec. 5245. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Lower Columbia College: Health and Science Building (08-1-225)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,500,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$39,915,000  
 TOTAL. . . . . \$42,415,000

**NEW SECTION. Sec. 5246. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Facility Preservation (08-1-050)

Appropriation:  
 Community/Technical College Capital Projects Account--State. . . . . \$21,243,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$80,000,000  
 TOTAL. . . . . \$101,243,000

**NEW SECTION. Sec. 5247. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Facility Preservation - Roof Repairs (08-1-010)

Appropriation:  
 State Building Construction Account--State. . . . . \$6,676,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$24,000,000  
 TOTAL. . . . . \$30,676,000

**NEW SECTION. Sec. 5248. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Infrastructure Preservation (08-1-090)

Appropriation:  
 Community/Technical College Capital Projects Account--State. . . . . \$2,082,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$16,000,000  
 TOTAL. . . . . \$18,082,000

**NEW SECTION. Sec. 5249. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Preservation - Repairs and Minor Improvements (08-1-001)

Appropriation:  
 Community/Technical College Capital Projects Account--State. . . . . \$16,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$70,000,000  
 TOTAL. . . . . \$86,000,000

**NEW SECTION. Sec. 5250. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Program (08-2-130)

Appropriation:  
 Community/Technical College Capital Projects Account--State. . . . . \$20,000,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$80,000,000
TOTAL . . . . .	\$100,000,000

**NEW SECTION. Sec. 5251. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Peninsula College: Business and Humanities Center (08-1-218)

Appropriation:

State Building Construction Account--State. . . . .	\$2,300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$33,938,000
TOTAL . . . . .	\$36,238,000

**NEW SECTION. Sec. 5252. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Fort Steilacoom: Cascade Core Phase II (08-1-321)

Appropriation:

State Building Construction Account--State. . . . .	\$2,242,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$22,353,000
TOTAL . . . . .	\$24,595,000

**NEW SECTION. Sec. 5253. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$1
Gardner-Evans Higher Education Construction Account--State. . . . .	\$1
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2

**NEW SECTION. Sec. 5254. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at the state board's discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State. . . . .	\$22,802,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$22,802,000

**NEW SECTION. Sec. 5255. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College: Edison North Renovation (08-1-314)

Appropriation:

State Building Construction Account--State. . . . .	\$18,284,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$18,284,000

**NEW SECTION. Sec. 5256. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College: Wood Construction Center (08-1-216)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,549,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$23,734,000  
 TOTAL. . . . . \$26,283,000

**NEW SECTION. Sec. 5257. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Shoreline Community College: Automotive Training Center (08-2-413)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,000,000

**NEW SECTION. Sec. 5258. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Skagit Valley College: Academic and Student Services Building (08-1-224)

Appropriation:  
 State Building Construction Account--State. . . . . \$136,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$26,763,000  
 TOTAL. . . . . \$26,899,000

**NEW SECTION. Sec. 5259. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Puget Sound Community College: Building 22 Renovation (08-1-316)

Appropriation:  
 State Building Construction Account--State. . . . . \$10,359,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$10,001,000  
 TOTAL. . . . . \$20,360,000

**NEW SECTION. Sec. 5260. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College: Building 7 Renovation (08-1-319)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,009,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$9,331,000  
 TOTAL. . . . . \$10,340,000

**NEW SECTION. Sec. 5261. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College: Technical Education Building (08-1-220)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,393,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$30,391,000  
 TOTAL. . . . . \$32,784,000

**NEW SECTION. Sec. 5262. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College: Chemistry and Life Science Building (08-1-219)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,520,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$27,044,000  
 TOTAL. . . . . \$29,564,000

**NEW SECTION. Sec. 5263. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College: Magnuson Building Remodel (08-2-415)

Appropriation:  
 State Building Construction Account--State. . . . . \$941,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$941,000

**NEW SECTION. Sec. 5264. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College: Music Building 15 Renovation (08-1-320)

Appropriation:

State Building Construction Account--State. . . . .	\$1,142,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$13,094,000
TOTAL . . . . .	\$14,236,000

**NEW SECTION. Sec. 5265. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College: Early Childhood Education/Childcare Center (08-2-418)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5266. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College: Health Careers Center (08-2-701)

Appropriation:

State Building Construction Account--State. . . . .	\$255,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$36,514,000
TOTAL . . . . .	\$36,769,000

**NEW SECTION. Sec. 5267. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Community College: Culinary Arts/Student Development Center (08-2-419)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5268. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College: Brown Dental Hygiene Building (08-1-317)

Appropriation:

State Building Construction Account--State. . . . .	\$5,675,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,675,000

**NEW SECTION. Sec. 5269. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Higher Education Cost Escalation (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to establish a process for allocating funds to projects that have experienced unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts provided for this purpose must be matched equally from nonstate resources. The board shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than was originally specified in the design. The board will report to the office of financial management and the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State. . . . .	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,000,000

**MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS**

**NEW SECTION. Sec. 6001.** (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

**NEW SECTION. Sec. 6002.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 6003.** (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

**NEW SECTION. Sec. 6004.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 6005.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

**NEW SECTION. Sec. 6006.** The legislature finds that the state's public four-year institutions and the higher education coordinating board have made substantial progress in developing a process to create a single prioritized list of capital project requests as required under RCW 28B.76.220. The legislature also recognizes that continuing work by the institutions and the board is needed to refine the methodology for determining the ranking of project requests, and that this work will benefit from additional legislative guidance. Therefore, the higher education coordinating board and the public four-year institutions, in developing and submitting the single prioritized project list of capital project requests under RCW 28B.76.220, shall use the following guidelines:

(1) Representatives of the board shall participate in the process of scoring projects using the criteria in the board's biennial budget guidelines. Representatives of the board shall also review the preliminary project list to verify the scoring and ranking of projects. As required under RCW 28B.76.210, institutions must submit the preliminary project list to the board by August 1st of each even-numbered year to enable this review. Any disagreements over project scorings or rankings shall be resolved as provided under RCW 28B.76.220(4).

(2) The higher education coordinating board's biennial budget guidelines and the prioritization process shall place greater emphasis on:

(a) Early critical review of project proposals at the predesign phase, rather than deferring critical review and prioritization to the design or construction phases of a project; and

(b) The capital budget bow wave for a six-year period, beginning with the 2009-2011 biennium through the 2013-2015 biennium.

(3) When projects are aggregated into single line-item requests, each project must meet the definition of minor works according to section 6003(2)(a) of this act. All major projects must be listed and ranked as individual line-item requests.

(4) The scoring and ranking of projects shall not be based on assigning an equal number of overall points to each public four-year institution, but shall reflect an assignment of points to individual projects based on the priorities and criteria in this section and in the board's biennial budget guidelines.

(5) Projects shall not be ranked on the basis of a project funding source.

(6) In consultation with the appropriate fiscal and policy committees of the legislature, the board shall identify statewide priorities for higher education capital investments and incorporate those priorities into its biennial budget guidelines. The statewide priorities shall address the need for higher education capital projects to:

(a) Implement a specific legislatively authorized program or planning priority;

(b) Reduce the backlog of deferred building or system preservation, renewal, or replacement;

(c) Provide additional capacity or adaptation of space for high demand instructional or research programs;

(d) Provide additional instructional program capacity for under-served geographic regions or populations; and

(e) Reflect institutional planning priorities and areas of emphasis.

(7) The higher education coordinating board's biennial budget guidelines shall include a quantitative method for scoring projects on the identified priorities. The quantitative method shall include use of the facility condition index developed by the joint legislative audit and review committee for assessing building or system condition, and use of the board's space utilization and allocation standards for assessing the need for additional capacity.

(8) The council of presidents, in consultation with the board, shall report by September 1, 2007, to the appropriate legislative fiscal committees on the use of a proportionality factor in the scoring and ranking of projects. The report shall include:

(a) A definition of proportionality as it has been used in the scoring and ranking of projects for funding in the 2007-2009 biennium and may be used for subsequent biennia;

(b) A method for measuring proportionality in a valid and consistent manner; and

(c) An explanation of how proportionality relates to the statewide priorities established in subsection (6) of this section, including an assessment of the extent to which it promotes the achievement of these statewide priorities.

**NEW SECTION. Sec. 6007.** The Washington state auditor shall perform an audit of the Seattle public library and the secretary of state with regard to expenditures related to the facility located at 2021 9th Avenue, Seattle, Washington that houses the Washington talking book and braille library and city of Seattle functions. The audit shall be completed and results available to the legislature by September 1, 2007.

**NEW SECTION. Sec. 6008.** Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management and the appropriate fiscal committees of the legislature upon the sale of the center and with regard to expenditure of the proceeds.

**NEW SECTION. Sec. 6009.** The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

**NEW SECTION. Sec. 6010.** The effective use of state-supported space in higher education is an important factor in assessing both effective management and priorities for capital funding. It is also recognized that the facilities of the state vary significantly among the

community colleges, the comprehensive regional universities, and the research universities. It is further recognized that the existing higher education coordinating board space study does a good job of highlighting the use of a portion of the space for a specific chosen set of uses.

In order for the legislature to have a better awareness of all uses of all state-supported space, the council of presidents shall prepare an assessment of facilities use that covers the full scope of uses for all types of state-funded spaces. This assessment should start with the higher education coordinating board report and build upon this to include additional uses, space types, and methodologies, including methodologies and practices used by other higher education institutions.

To the extent possible, it would be helpful for this assessment to use the same definitions of space types and uses. Based upon the differences in mission and function, the assessment may be divided to look at the comprehensive regional universities along with The Evergreen State College in one group and the research universities as a second group.

The council of presidents shall coordinate this effort with the office of financial management, staff from the appropriate fiscal and higher education committees of the legislature, and the higher education coordinating board. The assessment shall be completed and delivered to the legislature by January 1, 2008.

**NEW SECTION. Sec. 6011.** State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

**NEW SECTION. Sec. 6012.** Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department of general administration shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2007-2009 biennium.

**NEW SECTION. Sec. 6013.** Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

**NEW SECTION. Sec. 6014. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Washington state patrol: Enter into a financing contract for up to \$1,360,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the dormitory facility at the Washington state patrol fire training academy in North Bend, Washington.

(2) Department of general administration: Enter into a financing contract for up to \$685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the preservation of the transportation building.

(3) Department of corrections: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide additional work release beds.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station phase 2.

(b) Enter into a financing contract on behalf of Tacoma Community College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an early childhood education and learning center.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an academic support and achievement center.

(6) Evergreen State College: Enter into a financing contract for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the college activities building renovation.

(7) Washington state convention and trade center: Enter into a financing contract for up to \$58,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate the museum condominium unit located adjacent to the state convention center. The purchase price shall not exceed the appraised fair market value. A purchase agreement shall include the following requirements: (a) Upon completion of the purchase of the property, the buyer shall put \$5,750,000 of the purchase price in an interest-bearing escrow account that shall be released to the seller after the seller has raised sixty-five percent of the funds required to develop a museum within the city of Seattle and has executed a development agreement with the city of Seattle; and (b) in the event that the conditions of (a) of this subsection are not met by June 30, 2013, the entire amount in the escrow account shall be transferred to the state general fund and shall represent a recovery of the state's contribution towards the development of the museum. In the event of such a transfer, the rightful ownership of the property by the Washington state convention and trade center shall not be impaired.

(8) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state general office building and facilities for the department of information services on the state-owned property called "the Wheeler block" in Olympia. The office buildings shall be constructed and financed so that agencies occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department of general administration. In addition to the department of information services, state agency tenants shall include the state patrol and other state agencies specified in LEAP capital document No. 2007-xx. The office of financial management shall

certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (10) have been met. Should the department choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state, and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(9) Office of the secretary of state: Enter into a financing contract for up to \$112,942,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the heritage center. The heritage center is one part of a combined facility of the heritage center and executive office building, authorized in subsection (10) of this section. The authorization for financing under this subsection (9) shall lapse unless chapter ... ([House] [Senate] Bill No. .... (Z-0290/07, providing funding for the heritage building project)), Laws of 2007 is enacted by June 30, 2007.

(10) Department of general administration: Enter into a financing contract for up to \$75,863,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the executive office building. The executive office building is one part of a combined facility of the executive office building and the heritage center authorized in subsection (9) of this section. The authorization for financing under this subsection (10) shall lapse unless chapter ... ([House] [Senate] Bill No. .... (Z-0290/07, providing funding for the heritage building project)), Laws of 2007 is enacted by June 30, 2007.

**NEW SECTION. Sec. 6015.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2007-2009 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

**NEW SECTION. Sec. 6016.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2009-2011 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

**NEW SECTION. Sec. 6017.** (1) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2007, from the 2005-2007 biennial appropriations for each project.

(2) "Reappropriations" from the water quality capital account in this act shall be limited to the unexpended balance remaining as of the end of fiscal year 2007 from the water quality account in the 2005-2007 biennial appropriations for each project in this act.

(3) "Reappropriations" in sections 5001, 5002, 5003, and 5005 of this act shall be reduced in this act to the unexpended balances remaining as of the end of fiscal year 2007 for the 2005-2007 biennial appropriation in sections 602, 604, and 607, chapter 488, Laws of 2005, and section 194, chapter 371, Laws of 2006.

**NEW SECTION. Sec. 6018.** The water quality capital account is created in the state treasury pursuant to chapter . . . ([House][Senate] Bill No. . . . (Z-0356.3/07)), Laws of 2007 (water quality capital account). In this act, appropriations from the water quality capital account are defined as appropriations from that account. If chapter . . . ([House][Senate] Bill No. . . . (Z-0356.3/07)), Laws of 2007 (water quality capital account) is not enacted by June 30, 2007, appropriations in this act either from that account or into that account shall lapse.

**NEW SECTION. Sec. 6019.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 6020.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

**NEW SECTION. Sec. 6021.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 6022.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 6023. NONTAXABLE AND TAXABLE BOND PROCEEDS.** Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account, or any other account receiving bond proceeds, to the state taxable building construction account is necessary.

**NEW SECTION. Sec. 6024.** (1) A study committee on public infrastructure programs and funds is established. The study committee shall consist of eight members, as follows:

- (a) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; and
  - (b) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate.
- (2) The study committee members shall, by an affirmative vote of at least five members, select a chair from among its membership.
- (3) The study committee may consult with individuals from the public and private sectors and other interested parties, as may be appropriate, for technical advice and assistance and may request such individuals to establish advisory committees or work groups that report to the study committee.
- (4) The study committee shall make recommendations regarding a comprehensive funding structure and systematic approach to support the integration, consolidation, and standardization of processes, procedures, and infrastructure programs. In order to make recommendations, the study committee shall:
- (a) Review state public infrastructure programs and funds and the purposes each serve using the November 29, 2006, inventory of state infrastructure programs compiled by the joint legislative audit and review committee;
  - (b) Review program or fund implementation;
  - (c) Consider the types of public infrastructure projects supported by the program or fund; and
  - (d) Identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds.
- (5) The study committee shall use staff from the house of representatives office of program research and senate committee services, in consultation with the department of community, trade, and economic development and the office of financial management.
- (6) The study committee shall report its findings and recommendations to the appropriate committees of the house of representatives and the senate by January 1, 2008.
- (7) The study committee expires January 1, 2008.

**NEW SECTION. Sec. 6025.** The Washington state historical society shall review its competitive process to solicit proposals for heritage capital projects for potential funding in the state capital budget. The Washington state historical society shall submit a report to the office of financial management with recommendations on how to reduce its reappropriations by June 30, 2008.

**NEW SECTION. Sec. 6026.** The interagency committee for outdoor recreation shall review its competitive process to solicit proposals for the wildlife and recreation grant program for potential funding in the state capital budget. The interagency committee for outdoor recreation shall submit a report to the office of financial management with recommendations on how to reduce its reappropriations by June 30, 2008.

**NEW SECTION. Sec. 6027.** The office of financial management may authorize a value engineering study of a project's predesign report prior to beginning the design phase for the project. The allotment of the design phase may be delayed to accommodate the study.

**NEW SECTION. Sec. 6028. FOR THE STATE TREASURER--TRANSFERS.** The transfer in this section is subject to the following conditions and limitations: The amount transferred shall be added to the irreducible principal of the common school permanent fund. The state investment board shall invest the amount transferred in various types of allowable investments in order to achieve a balance of long-term growth and current income. The treasurer shall calculate the irreducible principal in accordance with the state constitution and state law. The irreducible principal shall not include investment gains on the principal of the amount transferred, and the fund may retain or distribute income and investment earnings attributable to this amount in order to achieve the appropriate balance between growth and income.

Natural Resources Real Property Replacement Account: For transfer to the Common School Permanent Fund. . . . . \$30,000,000

**Sec. 6029.** RCW 79.17.210 and 2003 c 334 s 118 are each amended to read as follows:

- (1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.
- (2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2007-2009 biennium, balances in the account may be transferred to the appropriate permanent funds as directed in the capital budget appropriations act.

**NEW SECTION. Sec. 6030. FOR THE STATE TREASURER--TRANSFERS**

Education Construction Account: For transfer to the Common School Construction, an amount not to exceed. . . . . \$124,200,000

Education Savings Account: For transfer to the Common School Construction Account, an amount not to exceed. . . . . \$43,400,000

**Sec. 6031.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

- (1) The state toxics control account and the local toxics control account are hereby created in the state treasury.
- (2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

**Sec. 6032.** RCW 43.43.944 and 2005 c 518 s 929 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and

(c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the legislature may appropriate funds from this account for ~~((school fire prevention activities within the Washington state patrol))~~ additional sanitary wastewater treatment capacity at the state fire service training center.

**Sec. 6033.** RCW 43.135.045 and 2005 c 518 s 931, 2005 c 314 s 401, and 2005 c 72 s 6 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall transfer an amount from the state general fund to the emergency reserve fund. The amount transferred shall equal the amount by which total state revenue for the general fund and related funds exceeds the state expenditure limit, multiplied by the percentage that general fund expenditures are of total expenditures from the general fund and related funds. Transfers shall be made at the end of each fiscal quarter based on projections of state revenues, expenditures, and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the 2007-2009 fiscal biennium, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

**Sec. 6034.** RCW 43.155.050 and 2005 c 488 s 925 and 2005 c 425 s 4 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the ~~((2005-2007))~~ 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005.

(2) The job development fund is hereby established in the state treasury. Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in RCW 43.160.230, and for the report prepared by the joint legislative audit and review committee pursuant to RCW 44.28.801(2). Moneys in the job development fund may be spent only after appropriation. The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.

**Sec. 6035.** RCW 43.155.050 and 2005 c 488 s 925 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the ~~((2005-2007))~~ 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005 and section 1033 of this act.

**NEW SECTION. Sec. 6036.** For appropriations under this act that contribute to Puget Sound protection and recovery, the department of ecology, the department of fish and wildlife, the department of natural resources, the state conservation commission, the state parks and recreation commission, the department of health, and the interagency committee for outdoor recreation shall sign performance agreements with the Puget Sound partnership as described in chapter . . . , ([House] [Senate] Bill No. . . .) Laws of 2007 (Z-0369 Puget Sound partnership).

**NEW SECTION. Sec. 6037.** Section 6034 of this act expires June 30, 2011.

**Sec. 6038.** 2005 c 488 s 955 (uncodified) is amended to read as follows:  
~~((Sections))~~ (1) Section 920 ~~((and 921))~~ of this act expires June 30, 2007.  
 (2) Section 921 of this act expires June 30, 2009.

**Sec. 6039.** 2006 c 371 s 106 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.  
 (2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

<b>Projects</b>	<b>Recommendation</b>
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
Auburn veterans' memorial park improvements	\$50,000
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
Camp prime time repairs--families with terminally ill children	\$100,000
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000
Chambers creek footbridge	\$177,000
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school preconstruction activities	\$1,200,000
Colored women's association meeting house	\$60,000
Columbia breaks fire interpretive center	\$150,000
Community center at Greenbridge	\$400,000
Covington aquatics center phase 1	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
Deming library	\$85,000
Des Moines beach park historic buildings	\$300,000
Discovery park	\$1,000,000
East Whatcom regional resource center	\$1,750,000
Eatonville family park	\$50,000
El Centro de la Raza	\$900,000
Filipino community center	\$200,000
Financial assistance to the town of Hamilton	\$150,000
Food bank refrigeration projects	\$365,000
Foster creek	\$150,000
Fox theater	\$2,398,000
Garfield county agricultural museum	\$150,000
GC health clinic	\$12,000
Grand Army of the Republic cemetery	\$5,000
Granite Falls museum expansion	\$50,000
Greenbridge plaza in White Center	\$200,000

Habitat park south hill	\$400,000
Hanford reach interpretive center <u>preconstruction activities</u>	\$2,000,000
Hidden river environmental education center	\$50,000
ICL education center	\$200,000
Japanese cultural and community center	\$200,000
Joel Pritchard park	\$2,500,000
Joe's creek project	\$856,000
Juanita creek channel and riparian restoration	\$500,000
Juanita highlands	\$275,000
Julia Butler Hansen home restoration	\$10,000
Kettle falls park	\$100,000
Kirkland nonmotorized facilities	\$200,000
LeRoi smelter smokestack monument	\$3,000
Lewis and Clark confluence project	\$2,000,000
McCaw hall	\$2,000,000
Meridian habitat park	\$400,000
Miners' memorial	\$36,500
Miracle league handicapped baseball	\$57,000
MOBIUS/Inland Northwest science and technology center	\$1,500,000
Mt. Baker theater	\$200,000
Mt. Vernon Jasper Gates statue	\$12,000
Multicultural center of Kitsap county	\$250,000
Nathaniel Orr home site museum interpretive center	\$29,000
Neighborhood house rainier vista	\$200,000
New Lakewood clinic	\$350,000
Northeast community center expansion	\$250,000
Northshore performing arts center	\$1,000,000
Northwest communities education center	\$1,000,000
Oak Harbor multi-purpose community and sports facility	\$50,000
Omak grandstand	\$250,000
Orting fire station	\$250,000
Pacific Northwest salmon center	\$1,000,000
Pacific science center	\$900,000
Performing arts center (PACE)	\$500,000
Pike Place Market health center emergency repairs	\$1,000,000
Port of Quincy	\$400,000
Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
Puyallup river walking trail	\$200,000
Rainier historical heating system	\$75,000
Red mountain	\$200,000
Relocation of Sieke Japanese gardens	\$250,000
River walk and Sammamish river restoration	\$200,000
Roslyn city hall	\$150,000

Ruth Dykeman children's center	\$27,000
Sandman historical tug restoration	\$10,000
Seattle Aquarium	\$2,000,000
Seattle community center (1115 E. Pike street)	\$13,000
Seattle mental health emerald house	\$28,000
Seward park environmental and audubon center	\$400,000
Snohomish senior center	\$150,000
Sno-Valley senior activity center kitchen	\$50,000
Sound way property preservation	\$500,000
Spokane river whitewater course	\$400,000
Sumas ballpark	\$250,000
Synthetic sportsfield partnership at Robinswood park	\$400,000
Tall ships moorage	\$300,000
Tukwila kayak and canoe launching facility	\$20,000
Undeveloped woodlands linked to interurban nature trail	\$150,000
Vancouver museum	\$125,000
Vancouver national historical reserve west barracks	\$1,000,000
Veterans memorial museum	\$100,000
Wapato Lake renovations and water quality	\$250,000
West Seattle community resource center	\$500,000
West central community center	\$500,000
West Hylebos wetlands boardwalk	\$100,000
Wilson playfield land acquisition	\$200,000
Wing Luke Asian art museum	\$2,000,000
Youth housing/drop-in center	\$400,000
<b>Total</b>	<b>\$49,949,500</b>

Appropriation:

State Building Construction Account--State. . . . .	\$49,949,500
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$49,949,500

**Sec. 6040.** 2005 c 488 s 165 (uncodified) is amended to read as follows:  
**FOR THE MILITARY DEPARTMENT**  
 Construct Spokane Readiness Center (04-2-003)

Reappropriation:

General Fund--Federal. . . . .	\$7,800,000
State Building Construction Account--State. . . . .	<del>(\$3,300,000)</del>
	<u>\$2,250,000</u>
Subtotal Reappropriation. . . . .	<del>(\$1,100,000)</del>
	<u>\$10,050,000</u>
Prior Biennia (Expenditures). . . . .	\$2,468,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	<del>(\$13,568,000)</del>
	<u>\$12,518,000</u>

**NEW SECTION. Sec. 6041.** A new section is added to 2006 c 371 (uncodified) to read as follows:  
**FOR THE MILITARY DEPARTMENT**  
 Modular Building Reutilization (08-2-001)

Appropriation:

State Building Construction Account--State. ....	\$1,850,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,850,000

**Sec. 6042.** 2005 c 488 s 347 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Cama Beach - New Destinations (06-2-011)

Appropriation:

State Building Construction Account--State. ....	(( <del>\$2,820,000</del> ))
	<u>\$4,320,000</u>
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,700,000
TOTAL.....	(( <del>\$4,520,000</del> ))
	<u>\$6,020,000</u>

**NEW SECTION. Sec. 6043.** A new section is added to 2006 c 371 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Land Restoration (07-1-001)

Appropriation:

State Building Construction Account--State. ....	\$587,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$587,000

**NEW SECTION. Sec. 6044.** A new section is added to 2006 c 371 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Sinlahekin Creek Dams - Floods Damage Repair (2007-1-004)

Appropriation:

State Building Construction Account--State. ....	\$70,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$70,000

**NEW SECTION. Sec. 6045.** A new section is added to 2006 c 371 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Region 1 Office - Complete Phase 1 (2007-2-009)

Appropriation:

State Building Construction Account--State. ....	\$588,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$588,000

**NEW SECTION. Sec. 6046.** A new section is added to 2006 c 371 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Loomis Natural Resources Conservation Area Restoration (2007-1-004)

Appropriation:

State Building Construction Account--State. ....	\$271,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$271,000

**NEW SECTION. Sec. 6047.** A new section is added to 2006 c 371 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Storm Damage (07-1-850)

Appropriation:

State Building Construction Account--State. ....	\$282,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$282,000

**NEW SECTION. Sec. 6048.** A new section is added to 2006 c 371 (uncodified) to read as follows:  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Grays Harbor College: Riverview Education Center (07-1-850)

Appropriation:

State Building Construction Account--State. ....	\$498,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$498,000

**Sec. 6049.** 2006 c 371 s 192 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF AGRICULTURE**  
 Energy Freedom Program (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

- (1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.
- (b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.
- (2) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Recommendation</b>
Spokane Conservation district	( <del>\$2,000,000</del> ) \$1,779,000
Port of Warden	\$2,500,000
Odessa public development authority	( <del>\$2,500,000</del> ) \$3,500,000
<del>(Port of Columbia county</del>	<del>\$2,500,000</del> ) \$0
Port of Sunnyside	\$750,000
<u>A public subdivision working with the DeRuyter Farms anaerobic digester project</u>	<u>\$1,973,000</u>
Total	( <del>\$10,250,000</del> ) <u>\$10,502,000</u>

- (3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.
- (4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.
- (5) The department shall disburse loans to the political subdivision on a reimbursement basis only.
- (6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.
- (7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:
  - (a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or
  - (b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.
- (8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.
- (9) Future loan repayments shall be deposited into the energy freedom account created in section 6, chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006.
- (10) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of agriculture by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.
- (11) If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Appropriation:

Energy Freedom Account--State. ....	( <del>\$10,250,000</del> ) <u>\$10,502,000</u>
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$10,250,000)</u>
	<u>\$10,502,000</u>

**Sec. 6050.** 2006 c 371 s 191 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$202,000 of the appropriation on administrative costs.

(3) If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Appropriation:

Energy Freedom Account--State . . . . .	<u>(\$6,750,000)</u>
	<u>\$3,998,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$6,750,000)</u>
	<u>\$3,998,000</u>

NEW SECTION. **Sec. 6051.** Part headings in this act are not any part of the law.

NEW SECTION. **Sec. 6052.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6053.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 6033 of this act which takes effect July 1, 2007, and section 6035 of this act which takes effect June 30, 2011.

On page 1, line 1 of the title, after "budget," strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 70.105D.070, 43.43.944, 43.155.050, and 79.17.210; amending 2005 c 488 ss 165, 347, and 955 (uncodified); amending 2006 c 371 ss 106, 191, and 192 (uncodified); reenacting and amending RCW 43.135.045 and 43.155.050; adding new sections to 2006 c 371 (uncodified); creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

as the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092, and asked the Senate for a conference thereon. The Speaker (Representative Hudgins presiding) appointed the following members as Conferees: Representatives Fromhold, Ormsby and McDonald.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5009, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Hatfield, Poulsen, Sheldon, Holmquist, Rasmussen, Schoesler, Kline and Shin)**

**Exempting biodiesel fuel used for nonhighway farm use from sales and use tax.**

The bill was read the second time.

Representative Hunter moved the adoption of amendment (625):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.08.865 and 2006 c 7 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of diesel fuel, biodiesel fuel, or aircraft fuel (~~as defined in RCW 82.42.010(5))~~), to a farm fuel user for nonhighway use. This exemption applies to a fuel blend if all of the component fuels of the blend would otherwise be exempt under this subsection if the component fuels were sold as separate products. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. Fuel used for space or water heating for human habitation is not exempt under this section.

(2) The definitions in RCW 82.04.213 and this subsection apply to this section.

(a) "Aircraft fuel" is defined as provided in RCW 82.42.010.

(b) "Biodiesel fuel" is defined as provided in RCW 19.112.010.

(c) "Diesel fuel" is defined as provided in 26 U.S.C. 4083, as amended or renumbered as of January 1, 2006.

~~((b))~~ (d) "Farm fuel user" means: (i) A farmer; or (ii) a person who provides horticultural services for farmers, such as soil preparation services, crop cultivation services, and crop harvesting services.

**Sec. 2.** RCW 82.12.865 and 2006 c 7 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the nonhighway use of diesel fuel, biodiesel fuel, or aircraft fuel (~~as defined in RCW 82.42.010(5))~~), by a farm fuel user. This exemption applies to a fuel blend if all of the component fuels of the blend would otherwise be exempt under this subsection if the component fuels were acquired as separate products. Fuel used for space or water heating for human habitation is not exempt under this section.

(2) The definitions in RCW 82.08.865 apply to this section.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representatives Hunter and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5009, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5009, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Condotta - 1.

SUBSTITUTE SENATE BILL NO. 5009, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5164, by Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen, Hobbs, Shin, Rasmussen, Kilmer and Franklin)**

**Expanding the veterans conservation corps program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Seaquist and Priest spoke in favor of passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5164.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5164 and the bill passed the House

by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Condotta - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5164, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 18, 2007

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5063,  
 SUBSTITUTE SENATE BILL NO. 5074,  
 SUBSTITUTE SENATE BILL NO. 5202,  
 SUBSTITUTE SENATE BILL NO. 5227,  
 SUBSTITUTE SENATE BILL NO. 5320,  
 SUBSTITUTE SENATE BILL NO. 5435,  
 SENATE BILL NO. 5572,  
 SUBSTITUTE SENATE BILL NO. 5647,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,  
 SUBSTITUTE SENATE BILL NO. 5881,  
 SUBSTITUTE SENATE BILL NO. 5937,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958,  
 SUBSTITUTE SENATE BILL NO. 5987,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6099,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5100,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117,  
 ENGROSSED SENATE BILL NO. 6128,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 18, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5248,  
 SENATE BILL NO. 5552,  
 ENGROSSED SENATE BILL NO. 5669,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6001,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 18, 2007

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5092,  
 SENATE BILL NO. 5551,  
 SUBSTITUTE SENATE BILL NO. 5634,  
 SUBSTITUTE SENATE BILL NO. 5639,  
 SECOND SUBSTITUTE SENATE BILL NO. 5652,  
 SUBSTITUTE SENATE BILL NO. 5653,

SUBSTITUTE SENATE BILL NO. 5674,  
 ENGROSSED SENATE BILL NO. 5675,  
 SUBSTITUTE SENATE BILL NO. 5702,  
 SUBSTITUTE SENATE BILL NO. 5718,  
 SUBSTITUTE SENATE BILL NO. 5721,  
 SUBSTITUTE SENATE BILL NO. 5731,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5774,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5836,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5915,  
 SENATE BILL NO. 5926,  
 SECOND SUBSTITUTE SENATE BILL NO. 5995,  
 SECOND SUBSTITUTE SENATE BILL NO. 6016,  
 SENATE BILL NO. 6119,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011,

The Speaker (Representative Hudgins presiding) called upon Representative Lovick to preside.

**MESSAGE FROM THE SENATE**

April 16, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House insisted on its position regarding the House's amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930 and asked for a conference thereon. The Speaker (Representative Lovick presiding) appointed the following members as Conferees: Representatives Cody, Morrell and Hinkle.

**MESSAGE FROM THE SENATE**

April 16, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5340 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 5340 was returned to second reading for purpose of amendment.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5340, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Swecker, Fairley, Kohl-Welles, Shin, Pridemore, McAuliffe, Regala, Murray, Spanel, Franklin, Rockefeller, Kauffman and Keiser)**

**Defining disability in the Washington law against discrimination.**

The bill was read the second time.

Representative Goodman moved the adoption of amendment (877):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the supreme court, in its opinion in *McClarty v. Totem Electric*, 157 Wn.2d 214, 137 P.3d 844 (2006), failed to recognize that the Law Against Discrimination affords to state residents protections that are wholly independent of those afforded by the federal Americans with Disabilities Act of 1990, and that the law against discrimination has provided such protections for many years prior to passage of the federal act.

**Sec. 2.** RCW 49.60.040 and 2006 c 4 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a ~~((disabled))~~ person with a disability, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public

elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

(17) "Complainant" means the person who files a complaint in a real estate transaction;

(18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

(19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

(20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

(22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

(23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

(24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a ~~((disabled person's))~~ sensory, mental, or physical disability of a person with a disability;

(25)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

(i) Is medically cognizable or diagnosable; or

(ii) Exists as a record or history; or

(iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

**NEW SECTION. Sec. 3.** This act is remedial and retroactive, and applies to all causes of action occurring before July 6, 2006, and to all causes of action occurring on or after the effective date of this act."

Correct the title.

Representatives Goodman and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Goodman spoke in favor of passage of the bill.

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5340, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5340, as amended by the House, and the bill

passed the House by the following vote: Yeas - 62, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 35.

Excused: Representative Condotta - 1.

SUBSTITUTE SENATE BILL NO. 5340, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 5790 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and SECOND SUBSTITUTE SENATE BILL NO. 5790 was returned to second reading for purpose of amendment.

#### SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5790, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Rockefeller, Rasmussen, Fairley, McAuliffe, Kohl-Welles, Pridemore, Hatfield, Clements, Jacobsen and Shin)**

#### Regarding skill centers.

The bill was read the second time.

Representative Quall moved the adoption of amendment (874):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that student access to programs offered at skill centers can help prepare them for careers, apprenticeships, and postsecondary education. The legislature further finds that current limits on how school districts and skill centers report full-time equivalent students and the time students are served provide a disincentive for school districts to send their students to skill centers. The legislature further finds that there are barriers to providing access to students in rural and remote areas but

that there are opportunities to do so with satellite and branch campus programs, distance and online learning programs, and collaboration with higher education, business, and labor. The legislature further finds that skill centers provide opportunities for dropout prevention and retrieval programs by offering programs that accommodate students' work schedules and provide credit retrieval opportunities. The legislature further finds that implementing the recommendations from the study by the workforce training and education coordinating board will enhance skill center programs and student access to those programs.

**NEW SECTION. Sec. 2.** A skill center is a regional career and technical education partnership established to provide access to comprehensive industry-defined career and technical programs of study that prepare students for careers, employment, apprenticeships, and postsecondary education. A skill center is operated by a host school district and governed by an administrative council in accordance with a cooperative agreement.

**NEW SECTION. Sec. 3.** Beginning in the 2007-08 school year and thereafter, students attending skill centers shall be funded for all classes at the skill center and the sending districts, up to one and six-tenths full-time equivalents or as determined in the omnibus appropriations act. The office of the superintendent of public instruction shall develop procedures to ensure that the school district and the skill center report no student for more than one and six-tenths full-time equivalent students combining both their high school enrollment and skill center enrollment. Additionally, the office of the superintendent of public instruction shall develop procedures for determining the appropriate share of the full-time equivalent enrollment count between the resident high school and skill center.

**NEW SECTION. Sec. 4.** (1) The office of the superintendent of public instruction shall review and revise the guidelines for skill centers to encourage skill center programs. The superintendent, in cooperation with the workforce training and education coordinating board, skill center directors, and the Washington association for career and technical education, shall review and revise the existing skill centers' policy guidelines and create and adopt rules governing skill centers as follows:

(a) The threshold enrollment at a skill center shall be revised so that a skill center program need not have a minimum of seventy percent of its students enrolled on the skill center core campus in order to facilitate serving rural students through expansion of skill center programs by means of satellite programs or branch campuses;

(b) The developmental planning for branch campuses shall be encouraged. Underserved rural areas or high-density areas may partner with an existing skill center to create satellite programs or a branch campus. Once a branch campus reaches sufficient enrollment to become self-sustaining, it may become a separate skill center or remain an extension of the founding skill center; and

(c) Satellite and branch campus programs shall be encouraged to address high-demand fields.

(2) Rules adopted under this section shall allow for innovative models of satellite and branch campus programs, and such programs shall not be limited to those housed in physical buildings.

(3) The superintendent of public instruction shall develop and deliver a ten-year capital plan for legislative review before implementation.

(4) Subject to available funding, the superintendent shall:

(a) Conduct approved feasibility studies for serving noncooperative rural and high-density area students in their geographic areas; and

(b) Develop a statewide master plan that identifies standards and resources needed to create a technology infrastructure for connecting all skill centers to the K-20 network.

**NEW SECTION. Sec. 5.** Subject to available funding, skill centers shall provide access to late afternoon and evening sessions and summer school programs, to rural and high-density area students aligned with regionally identified high-demand occupations. When possible, the programs shall be specifically targeted for credit retrieval, dropout prevention and intervention for at-risk students, and

retrieval of dropouts. Skill centers that receive funding for these activities must participate in an evaluation that is designed to quantify results and identify best practices, collaborate with local community partners in providing a comprehensive program, and provide matching funds.

**NEW SECTION. Sec. 6.** (1) The superintendent of public instruction shall establish and support skill centers of excellence in key economic sectors of regional significance. The superintendent shall broker the development of skill centers of excellence and identify their roles in developing curriculum and methodologies for reporting skill center course equivalencies for purposes of high school graduation.

(2) Once the skill centers of excellence are established, the superintendent of public instruction shall develop and seek funding for a running start for career and technical education grant program to develop and implement career and technical programs of study targeted to regionally determined high-demand occupations. Grant recipients should be partnerships of skill centers of excellence, community college centers of excellence, tech-prep programs, industry advisory committees, area workforce development councils, and skill panels in the related industry. Grant recipients should be expected to develop and assist in the replication of model career and technical education programs of study. The career and technical education programs of study developed should be consistent with the expectations in the applicable federal law.

**NEW SECTION. Sec. 7.** The superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the director of skill centers.

**Sec. 8.** RCW 84.52.068 and 2005 c 514 s 1104 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be deposited into the student achievement fund as provided in this section.

(2)(a) The amount of the deposit shall be based upon the average number of full-time equivalent students in the school districts during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(b) For the 2004-2005 through 2007-2008 school years, an annual amount equal to two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(c) For the 2008-2009 school year, an annual amount equal to two hundred sixty-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(d) For the 2009-2010 school year, an annual amount equal to two hundred seventy-seven dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(e) For the 2010-2011 school year and each year thereafter, an annual amount equal to two hundred seventy-eight dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(f) The school district annual amounts shall be deposited based on the monthly apportionment schedule as defined in RCW 28A.510.250. The office of the superintendent of public instruction shall notify the department of the monthly amounts to be deposited into the student achievement fund to meet the apportionment schedule. The superintendent of public instruction shall ensure that moneys generated by skill center students is returned to skill centers.

**NEW SECTION. Sec. 9.** Sections 2 through 7 of this act constitute a new chapter in Title 28A RCW."

Representatives Quall and Priest spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5790, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5790, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Condotta - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5790, as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 17, 2007

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1098. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.95M.115 and 2006 c 231 s 2 are each amended to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon the secretary's or local public health officer's declaration of ~~((a public health emergency))~~ an outbreak of vaccine-preventable disease or of a shortage of vaccine that complies with subsection (1) or (2) of this section, suspend the requirements of this section for the duration of the ~~((emergency))~~ outbreak or shortage. A person who is known to

be pregnant or lactating or a parent or legal guardian of a child under eighteen years of age shall be informed if the person or child is to be vaccinated or injected with any mercury-containing product that contains more than the mercury limits per dose in subsections (1) and (2) of this section.

(4) All vaccines and products referenced under this section must meet food and drug administration licensing requirements."

On page 1, line 1 of the title, after "outbreaks;" strike the remainder of the title and insert "and amending RCW 70.95M.115."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1098 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

### COLLOQUY

Representative Hinkle: "Substitute House Bill No. 1098 requires that certain persons be informed when they will be given vaccines with mercury about stated limits. Is it intended that these notices are required only when the mercury limits are suspended because of a declared outbreak of a vaccine-preventable disease or a vaccine shortage?"

Representative Cody: "Yes. The new language allowing the Secretary of Health to declare the outbreak or shortage also contains the notice requirement. With some exceptions, providers are allowed to use these particular mercury-containing vaccines only during the suspension period, and during the suspension period they must inform a pregnant or lactating patient who is to be vaccinated, or inform the parent when the patient to be vaccinated is a minor."

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1098, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1098, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler,

Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Condotta - 1.

SUBSTITUTE HOUSE BILL NO. 1098, as amended by the Senate, having received the constitutional majority, was declared passed.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5097, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, McAuliffe, Swecker, Kastama, Regala, Weinstein, Eide, Oemig, Pridemore, Kohl-Welles, Keiser, Shin, Berkey, Murray, Kline and Rasmussen)**

### Regarding safe schools.

The bill was read the second time.

Representative Curtis moved the adoption of amendment (878):

On page 2, line 15, after "plans." strike "Each" and insert "Subject to amounts appropriated for this specific purpose, each"

On page 3, line 7, after "(4))" strike "School" and insert "Subject to amounts appropriated for this specific purpose, school"

On page 3, line 22, after "(4)" strike "School" and insert "Subject to amounts appropriated for this specific purpose, school"

Representatives Curtis and Quall spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Curtis moved the adoption of amendment (875):

On page 4, beginning on line 27, strike all of Section 3

Correct the title

Representatives Curtis and Quall spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives DeBolt, Quall, Curtis and Wallace spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5097, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5097, as amended by the House, and the bill

passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Condotta - 1.

SUBSTITUTE SENATE BILL NO. 5097, as amended by the House, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2388 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.57.010 and 2002 c 363 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2009.

(2)(a) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by

legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection shall be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

**Sec. 2.** RCW 82.14.390 and 2006 c 298 s 1 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district (a) created before July

31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004(~~(-or)~~); (b) created before July 1, 2006, under chapter 35.57 RCW in a county or counties in which there are no other public facilities districts on June 7, 2006, and in which the total population in the public facilities district is greater than ninety thousand that commences construction of a new regional center before February 1, 2007; (c) created under the authority of RCW 35.57.010(1)(d); or (d) created before September 1, 2007, under chapter 35.57 or 36.100 RCW, in a county or counties in which there are no other public facilities districts on the effective date of this act, and in which the total population in the public facilities district is greater than seventy thousand, that commences construction of a new regional center before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.57 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.57 RCW and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.57 RCW shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.14 RCW to read as follows:

(1) In a county with a population under three hundred thousand, the governing body of a public facilities district, which is created before August 1, 2001, under chapter 35.57 RCW or before January 1, 2000, under chapter 36.100 RCW, in which the total population in the public facilities district is greater than ninety thousand and less than one hundred thousand that commences improvement or rehabilitation of an existing regional center, to be used for community events, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances and having two thousand or fewer permanent seats, before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is

in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax may not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter-approved taxes authorized under chapter 35.57 RCW may not constitute a public or private source. For the purpose of this section, public or private sources include, but are not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district."

On page 1, line 3 of the title, after "district;" strike the remainder of the title and insert "amending RCW 35.57.010 and 82.14.390; and adding a new section to chapter 82.14 RCW."

as the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 2388, and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 17, 2007

Mr. Speaker:

The Senate insists on its position to SUBSTITUTE HOUSE BILL NO. 1909 and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House insisted on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1909 and again asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 17, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5317 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 5317 was returned to second reading for purpose of amendment.

#### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5317, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Brandland, Hargrove, Stevens, Regala and McAuliffe)**

#### Creating additional safeguards for child care.

Representative Kagi moved the adoption of amendment (879):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.215.005 and 2006 c 265 s 101 are each amended to read as follows:

(1) The legislature recognizes that:

(a) Parents are their children's first and most important teachers and decision makers;

(b) Research across disciplines now demonstrates that what happens in the earliest years makes a critical difference in children's readiness to succeed in school and life;

(c) Washington's competitiveness in the global economy requires a world-class education system that starts early and supports life-long learning;

(d) Washington state currently makes substantial investments in voluntary child care and early learning services and supports, but because services are fragmented across multiple state agencies, and early learning providers lack the supports and incentives needed to improve the quality of services they provide, many parents have difficulty accessing high quality early learning services;

(e) A more cohesive and integrated voluntary early learning system would result in greater efficiencies for the state, increased partnership between the state and the private sector, improved access to high quality early learning services, and better employment and early learning outcomes for families and all children.

(2) The legislature finds that the early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development.

(3) The purpose of this chapter is:

(a) To establish the department of early learning;

(b) To coordinate and consolidate state activities relating to child care and early learning programs;

(c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care;

(d) To provide tools to promote the hiring of suitable providers of child care by:

(i) Providing parents with access to information regarding child care providers;

(ii) Providing parents with child care licensing action histories regarding child care providers; and

(iii) Requiring background checks of applicants for employment in any child care facility licensed or regulated under current law;

(e) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;

~~((e))~~ (f) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and

~~((f))~~ (g) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

(4) This chapter does not expand the state's authority to license or regulate activities or programs beyond those licensed or regulated under existing law.

**Sec. 2.** RCW 43.215.010 and 2006 c 265 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

~~(4)~~ "Department" means the department of early learning.

~~((4))~~ (5) "Director" means the director of the department.

~~((5))~~ (6) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~(7)~~ "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((6))~~ (8) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((7))~~ (9) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

**Sec. 3.** RCW 43.215.200 and 2006 c 265 s 301 are each amended to read as follows:

It shall be the director's duty with regard to licensing:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter(-:

~~— The minimum requirements shall be limited to:~~

~~(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;~~

~~(b) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children. In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children. Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose;~~

~~(c) The number of qualified persons required to render the type of care for which an agency seeks a license;~~

~~(d) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;~~

~~(e) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;~~

~~(f) The financial ability of an agency to comply with minimum requirements established under this chapter; and~~

~~(g) The maintenance of records pertaining to the care of children);~~

(3) In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in care;

(4) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

~~((4))~~ (5) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

~~((5))~~ (6) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

~~((6))~~ (7) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

~~((7))~~ (8) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

**NEW SECTION. Sec. 4. MINIMUM REQUIREMENTS FOR LICENSING.** Applications for licensure shall require, at a minimum, the following information:

(1) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children.

**NEW SECTION. Sec. 5. CHARACTER, SUITABILITY, AND COMPETENCE.** (1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(2) In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) The fingerprint criminal history record checks shall be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record.

(c) The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies,

excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose.

**Sec. 6.** RCW 43.215.525 and 2006 c 209 s 11 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW ~~((74.15.310))~~ 43.215.520;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose ~~((, upon request,))~~ the receipt, general nature, and resolution or current status of all complaints on record with the department after July 24, 2005, against a child day-care center or family day-care provider that result in an enforcement action. Information may be posted:

(a) On a web site; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

**Sec. 7.** RCW 43.215.530 and 2006 c 209 s 12 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers ~~((consistent with chapter 42.56 RCW))~~. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible web site all inspection reports and notices of licensing actions, including the corrective measures required or taken, involving child day-care centers and family day-care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

**NEW SECTION. Sec. 8. PARENTAL NOTIFICATION.** The department and an agency must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct or abuse by an agency employee, notify the parents or guardian of a child alleged to be the victim, target, or recipient of the misconduct or abuse. The department and an agency shall provide parents annually with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding the employee.

**NEW SECTION. Sec. 9. REPORTING ACTIONS--POSTING ON WEB SITE.** For the purposes of reporting actions taken against agency licensees, upon the development of an early learning information system, the following actions shall be posted to the department's web site accessible by the public: Suspension, surrender, revocation, denial, stayed suspension, or reinstatement of a license.

**Sec. 10.** RCW 43.215.535 and 2005 c 473 s 7 are each amended to read as follows:

(1) Every licensed child day-care center shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day-care center shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care center, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW ~~((74.15.130))~~ 43.215.300 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day-care centers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day-care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day-care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day-care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance status to parents with a child enrolled and shall not be subject to the requirements of ~~(b)(c))~~ ~~(c)((-or-(d)))~~ of this subsection.

(b) Any licensed family day-care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW ~~((74.15.130))~~ 43.215.300 if the licensee fails to ~~((notify the department when coverage has been terminated as required under (b)))~~ comply with the requirements of this subsection.

(e) A family day-care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation.

**NEW SECTION. Sec. 11.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 12.** Sections 4, 5, 8, and 9 of this act are each added to chapter 43.215 RCW."

Representatives Kagi and Haler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5317, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5317, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Condotta - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5317, as amended by the House, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

April 10, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.86A.030 and 2005 c 302 s 2 are each amended to read as follows:

(1) Funds held in public depositaries not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositaries an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositaries. These deposits shall be allocated among the participating depositaries on a basis to be determined by the state treasurer.

(2) The state treasurer may use up to one hundred fifty million dollars per year of all funds available under this section for the purposes of RCW 43.86A.060. The amounts made available to these public depositaries shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

**Sec. 2.** RCW 43.86A.060 and 2005 c 302 s 3 are each amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;

(b) Where an individual loan does not exceed one million dollars;

(c) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(d) Where the interest rate on the loan to the minority or women's business enterprise does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depository; and

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository, except that the treasurer shall lower the amount of the preference to ensure that the effective interest rate on the time certificate of deposit is not less than two percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW, the qualified public depository shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise.

(5) The office of minority and women's business enterprises has the authority to adopt rules to:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime; and

(d) Limit the total amount of any one qualified loan made under the linked deposit program.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.86A.030 and 43.86A.060; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hasegawa and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1512, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1512, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Condotta - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

## INTRODUCTION & FIRST READING

HB 2404 By Representatives Van De Wege and Simpson

AN ACT Relating to prohibiting port districts from exercising eminent domain powers; amending RCW 53.08.010, 53.08.020, 53.08.047, 53.20.050, 53.34.010, and 53.34.170; adding a new section to chapter 53.08 RCW; repealing RCW 53.25.010, 53.25.020, 53.25.030, 53.25.040, 53.25.050, 53.25.060, 53.25.070, 53.25.080, 53.25.090, 53.25.100, 53.25.110, 53.25.120, 53.25.130, 53.25.140, 53.25.150, 53.25.160, 53.25.170, 53.25.190, 53.25.200, 53.25.210, 53.25.900, and 53.25.910; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2405 By Representatives Van De Wege and Simpson

AN ACT Relating to property tax limitations for port districts; amending RCW 84.55.092; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

April 17, 2007

SB 5434 Prime Sponsor, Senator Poulsen: Regarding excise taxation of sales of tangible personal property originating from or destined to foreign countries. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman.

Passed to Committee on Rules for second reading.

April 17, 2007

E2SSB 5557 Prime Sponsor, Senate Committee On Ways & Means: Concerning public facilities for economic development purposes. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.370 and 2004 c 130 s 2 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed ~~((0-08))~~ 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public

facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, ~~((no later than October 1st))~~ within one hundred fifty days after the close of each fiscal year: (i) A list of new projects ~~((from))~~ begun during the ~~((prior))~~ fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) For the purposes of this section, (i) "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington; and (ii) "economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

NEW SECTION. Sec. 2. This act takes effect August 1, 2007."

Signed by Representatives Hunter, Chairman; Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

April 17, 2007

E2SSB 5799 Prime Sponsor, Senate Committee On Ways & Means: Reducing business and occupation tax rates for certain fuel distributors. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chairman; Conway; Ericks; McIntire and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chairman; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557 which was placed on the Second Reading calendar.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5288, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kohl-Welles, Murray, McAuliffe, Weinstein, Shin and Rasmussen)**

**Requiring cyberbullying to be included in school district harassment prevention policies.**

Representative Santos moved the adoption of amendment (881):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.285 and 2002 c 207 s 2 are each amended to read as follows:

(1) By August 1, 2003, each school district shall adopt or amend if necessary a policy, within the scope of its authority, that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees.

(2) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(a) Physically harms a student or damages the student's property; or

(b) Has the effect of substantially interfering with a student's education; or

(c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(3) The policy should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying.

(4) By August 1, 2002, the superintendent of public instruction, in consultation with representatives of parents, school personnel, and other interested parties, shall provide to school districts and educational service districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in any district policy. Training materials shall be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the office of the superintendent of public instruction's web site, with a link to the safety center web page. On the web site:

(a) The office of the superintendent of public instruction shall post its model policy, recommended training materials, and instructional materials;

(b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available; and

(c) Individual school districts shall have direct access to the safety center web site to post a brief summary of their policies, programs, partnerships, vendors, and instructional and training materials, and to provide a link to the school district's web site for further information.

(5) The Washington state school directors association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement

that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site. The school directors association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means, including but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider. The school directors association shall submit the model policy and sample materials, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy and sample materials on its web site by January 1, 2008. Each school district board of directors shall establish its own policy by August 1, 2008.

(6) As used in this section, "electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means."

Representatives Santos and Priest spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5288, as amended by the House.

#### MOTIONS

On motion of Representative Schindler, Representative DeBolt was excused. On motion of Representative Santos, Representative B. Sullivan was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5288, as amended by the House, and the bill passed the House by the following vote: Yeas - 75, Nays - 20, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Buri, Chandler, Crouse, Curtis, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McCune, Morris, Pearson, Schindler, Sump and Warnick - 20.

Excused: Representatives Condotta, DeBolt and Sullivan, B. - 3.

SUBSTITUTE SENATE BILL NO. 5288, as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 17, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 5470 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the rules were suspended and SECOND SUBSTITUTE SENATE BILL NO. 5470 was returned to second reading for purpose of amendment.

**SECOND READING**

**SECOND SUBSTITUTE SENATE BILL NO. 5470, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Stevens, McAuliffe, Brown and Regala)**

**Revising provisions concerning dissolution proceedings.**

Representative Lantz moved the adoption of amendment (876):

Strike everything after the enacting clause and insert the following:

**"PART I - Intent**

**Sec. 101.** RCW 26.09.002 and 1987 c 460 s 2 are each amended to read as follows:

Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor children. In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. The state recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and that the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests. Residential time and financial support are equally important components of parenting arrangements. The best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care. Further, the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

**NEW SECTION. Sec. 102.** A new section is added to chapter 26.09 RCW to read as follows:

The legislature reaffirms the intent of the current law as expressed in RCW 26.09.002. However, after review, the legislature finds that there are certain components of the existing law which do not support the original legislative intent. In order to better implement the existing legislative intent the legislature finds that incentives for parties to reduce family conflict and additional alternative dispute resolution options can assist in reducing the number of contested trials. Furthermore, the legislature finds that the identification of domestic violence as defined in RCW 26.50.010 and the treatment needs of the parties to dissolutions are necessary to improve outcomes for children. When judicial officers have the discretion to tailor individualized resolutions, the legislative intent expressed in RCW 26.09.002 can more readily be achieved. Judicial

officers should have the discretion and flexibility to assess each case based on the merits of the individual cases before them.

**PART II - Family Court Provisions**

**NEW SECTION. Sec. 201.** A new section is added to chapter 26.12 RCW to read as follows:

(1) After July 1, 2009, but no later than November 1, 2009, a county may, and to the extent state funding is provided to meet the minimum requirements of the program a county shall, create a program to provide services to all parties involved in proceedings under chapter 26.09 RCW. Minimum components of this program shall include: (a) An individual to serve as an initial point of contact for parties filing petitions for dissolutions or legal separations under chapter 26.09 RCW; (b) informing parties about courthouse facilitation programs and orientations; (c) informing parties of alternatives to filing a dissolution petition, such as marriage counseling; (d) informing parties of alternatives to litigation including counseling, legal separation and mediation services if appropriate; (e) informing parties of supportive family services available in the community; (f) screening for referral for services in the areas of domestic violence as defined in RCW 26.50.010, child abuse, substance abuse, and mental health; and (g) assistance to the court in superior court cases filed under 26.09 RCW.

(2) This program shall not provide legal advice. No attorney-client relationship or privilege is created, by implication or by inference, between persons providing basic information under this section and the participants in the program.

(3) The legislative authority of any county may impose user fees or may impose a surcharge of up to twenty dollars on only those superior court cases filed under this title, or both, to pay for the expenses of this program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section. The program shall provide services to indigent persons at no expense.

(4) Persons who implement the program shall be appointed in the same manner as investigators, stenographers and clerks as described in RCW 26.12.050.

(5) If the county has a program under this section, any petition under RCW 26.09.020 must allege that the moving party met and conferred with the program prior to the filing of the petition.

(6) If the county has a program under this section, parties shall meet and confer with the program prior to participation in mediation under section 301 of this act.

**Sec. 202.** RCW 2.56.180 and 2005 c 282 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall create a handbook explaining the sections of Washington law pertaining to the rights and responsibilities of marital partners to each other and to any children during a marriage and a dissolution of marriage. The handbook may also be provided in videotape or other electronic form.

(2) The handbook created under subsection (1) of this section shall be provided by the county auditor when an individual applies for a marriage license under RCW 26.04.140.

(3) The handbook created under subsection (1) of this section shall also be provided to the petitioner when he or she files a petition for dissolution, and to the respondent, unless the respondent did not file a response, notice of appearance, or any other paper in the case or did not appear in court. The administrative office of the courts shall on an annual basis reimburse the counties for each copy of the handbook that is distributed directly to family law parties under this section, provided that the county submits documentation of the number of handbooks distributed on an annual basis.

(4) The information contained in the handbook created under subsection (1) of this section shall be reviewed and updated annually. The handbook must contain the following information:

(a) Information on prenuptial agreements as contracts and as a means of structuring financial arrangements and other aspects of the marital relationship;

(b) Information on shared parental responsibility for children, including establishing a residential schedule for the child in the event of the dissolution of the marriage;

(c) Information on notice requirements and standards for parental relocation;

(d) Information on child support for minor children;

(e) Information on property rights, including equitable distribution of assets and premarital and postmarital property rights;

(f) Information on spousal maintenance;

(g) Information on domestic violence, child abuse, and neglect, including penalties;

(h) Information on the court process for dissolution;

(i) Information on the effects of dissolution on children;

(j) Information on community resources that are available to separating or divorcing persons and their children.

**Sec. 203.** RCW 26.09.020 and 2001 c 42 s 1 are each amended to read as follows:

(1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage shall allege:

(a) The last known state of residence of each party, and if a party's last known state of residence is Washington, the last known county of residence;

(b) The date and place of the marriage;

(c) If the parties are separated the date on which the separation occurred;

(d) The names and ages of any child dependent upon either or both spouses and whether the wife is pregnant;

(e) Any arrangements as to the residential schedule of, decision making for, dispute resolution for, and support of the children and the maintenance of a spouse;

(f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;

(g) If the county has established a program under section 201 of this act, a statement affirming that the moving party met and conferred with the program prior to filing the petition;

(h) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) The petitioner shall complete and file with the petition a certificate under RCW 43.70.150 on the form provided by the department of health and the confidential information form under RCW 26.23.050.

(4) Nothing in this section shall be construed to limit or prohibit the ability of parties to obtain appropriate emergency orders.

**Sec. 204.** RCW 36.18.016 and 2006 c 192 s 2 are each amended to read as follows:

(1) Revenue collected under this section is not subject to diversion under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, and any party filing a counterclaim, cross-claim, or third-party claim in any such action, a fee of thirty-six dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of thirty dollars. The clerk of the superior court shall transmit monthly twenty-four dollars of the thirty-dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based services within the county for victims of domestic violence, except for five percent of the six dollars, which may be retained by the court for administrative purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of one hundred twenty-five dollars for a jury of six, or two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For filing a supplemental proceeding, a fee of twenty dollars must be charged.

(8) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(11) For clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(12) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape or other electronic storage medium.

(13) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of twenty dollars must be charged.

(14) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of two hundred dollars must be charged. When the extension of judgment is at the request of the clerk, the two hundred dollar charge may be imposed as court costs under RCW 10.46.190.

(15) A facilitator surcharge of up to twenty dollars must be charged as authorized under RCW 26.12.240.

(16) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(17) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(18) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(19) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(22) Investment service charge and earnings under RCW 36.48.090 must be charged.

(23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(24) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

(25) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

(26) A public agency may not charge a fee to a law enforcement agency, for preparation, copying, or mailing of certified copies of the judgment and sentence, information, affidavit of probable cause, and/or the notice of requirement to register, of a sex offender convicted in a Washington court, when such records are necessary for risk assessment, preparation of a case for failure to register, or maintenance of a sex offender's registration file.

(27) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

(28) A surcharge of up to twenty dollars may be charged as authorized by section 201 of this act.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the state for the state's share of benefits paid to the superior court judges of the state prior to July 24, 2005, and no claim shall lie against the state for such benefits.

### PART III - Domestic Violence and Child Abuse

**NEW SECTION. Sec. 301.** A new section is added to chapter 26.09 RCW to read as follows:

Mediation is generally inappropriate in cases involving domestic violence and child abuse. In order to effectively identify cases where issues of domestic violence and child abuse are present and reduce conflict in dissolution matters: (1) Where appropriate parties shall be provided access to trained domestic violence advocates; and (2) in cases where a victim requests mediation the court may make exceptions and permit mediation, so long as the court makes a finding that mediation is appropriate under the circumstances and the victim is permitted to have a supporting person present during the mediation proceedings.

**Sec. 302.** RCW 2.56.030 and 2005 c 457 s 7 and 2005 c 282 s 7 are each reenacted and amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, ~~((1997))~~ 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21)(a) Administer and distribute amounts appropriated from the equal justice subaccount under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met.

**Sec. 303.** RCW 26.09.191 and 2004 c 38 s 12 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child

and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court

shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

~~((5))~~ (6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

~~((6))~~ (7) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

**NEW SECTION. Sec. 304.** A new section is added to chapter 26.09 RCW to read as follows:

Before entering a permanent parenting plan, the court shall determine the existence of any information and proceedings relevant to the placement of the child that are available in the judicial information system and databases.

**Sec. 305.** RCW 26.12.177 and 2005 c 282 s 30 are each amended to read as follows:

(1) All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under section 306 of this act, when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**NEW SECTION. Sec. 306.** A new section is added to chapter 2.53 RCW to read as follows:

(1)(a) The legislature requests that the supreme court convene and support a task force to establish statewide protocols for dissolution cases.

(b) The task force shall develop: (i) Clear and concise dispute resolution procedures; (ii) in conjunction with the office of crime victims advocacy, a sexual assault training curriculum; (iii) consistent standards for parenting evaluators; and (iv) a domestic violence training curriculum for individuals making evaluations in dissolution cases. The task force shall make recommendations concerning specialized evaluators for dissolution cases, dissolution forms and procedures, and fees.

(c) The task force shall also study issues related to: (i) Venue for filing and modifying petitions; and (ii) the program established under section 201 of this act, including but not limited to: (A) the minimum components of the program; (B) the extent of the program; (C) the administration of the program; (D) the handling of confidential information obtained; and (E) the selection of appropriate short screen tools to be utilized in the administration of the program.

(2) The governor shall appoint the following members of the task force:

(a) A representative of the office of crime victims advocacy;

- (b) A professor of law specializing in family law;
  - (c) A representative from a statewide domestic violence advocacy group;
  - (d) A representative from a community sexual assault program;
  - (e) Two noncustodial parents with at least one representing the interests of low-income noncustodial parents; and
  - (f) Two custodial parents with at least one representing the interests of low-income custodial parents.
- (3) The chief justice of the supreme court is requested to appoint the following members of the task force:
- (a) Two representatives from the superior court judges association, including a superior court judge and a court commissioner who is familiar with dissolution issues;
  - (b) A representative from the administrative office of the courts;
  - (c) A representative from the Washington state bar association's family law executive committee;
  - (d) A representative from a qualified legal aid provider that receives funding from the office of civil legal aid;
  - (e) A representative of the Washington state association of county clerks; and
  - (f) A guardian ad litem.
- (4) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.
- (5) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with at least one member.
- (6) Membership of the task force may also include members of the civil legal aid oversight committee, including but not limited to the legislative members of the committee.
- (7) The task force shall carefully consider all input received from interested organizations and individuals during the task force process.
- (8) The task force may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the task force.
- (9) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.
- (10) The task force shall present preliminary findings and conclusions to the governor's office, the supreme court, and the appropriate committees of the legislature by September 1, 2008. A final report and recommendations, including recommendations for legislative action, if necessary, and recommendations regarding the program under section 201 of this act, shall be completed by December 1, 2008.
- (11) This section expires June 30, 2009.

#### PART IV - Additional Services

**NEW SECTION. Sec. 401.** A new section is added to chapter 26.09 RCW to read as follows:

In order to provide judicial officers with better information and to facilitate decision making which allows for the protection of children from physical, mental, or emotional harm and in order to facilitate consistent healthy contact between both parents and their children:

- (1) Parties and witnesses who require the assistance of interpreters shall be provided access to qualified interpreters pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and within available resources, interpreters shall also be made available at dissolution-related proceedings.
- (2) Parties and witnesses who require literacy assistance shall be referred to the multipurpose service centers established in chapter 28B.04 RCW.
- (3) In matters involving guardian ad litem, the court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional review. Counties may, and to the extent state funding is provided therefor counties shall, provide indigent parties with guardian ad litem services at a reduced or waived fee.

(4) Parties may request to participate by telephone or interactive videoconference. The court may allow telephonic or interactive videoconference participation of one or more parties at any proceeding in its discretion. The court may also allow telephonic or interactive videoconference participation of witnesses.

(5) In cases involving domestic violence or child abuse, if residential time is ordered, the court may:

- (a) Order exchange of a child to occur in a protected setting;
- (b) Order residential time supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the supervisor is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor if the court determines, after a hearing, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. If the court allows a family or household member to supervise residential time, the court shall establish conditions to be followed during residential time.

(6) In cases in which the court finds that the parties do not have a satisfactory history of cooperation or there is a high level of parental conflict, the court may order the parties to use supervised visitation and safe exchange centers or alternative safe locations to facilitate the exercise of residential time.

#### PART V - Mediation

**Sec. 501.** RCW 26.09.015 and 2005 c 172 s 17 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2)(a) Each superior court may make available a mediator. The court shall use the most cost-effective mediation services that are readily available unless there is good cause to access alternative providers. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(b) In any proceeding involving issues relating to residential time or other matters governed by a parenting plan, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. Counties may, and to the extent state funding is provided therefor counties shall, provide both predecree and postdecree mediation at reduced or waived fee to the parties within one year of the filing of the dissolution petition.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

- (A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;
- (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184(3)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184(3)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by

court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

#### PART VI - Residential Time

**Sec. 601.** RCW 26.09.184 and 1991 c 367 s 7 are each amended to read as follows:

(1) **OBJECTIVES.** The objectives of the permanent parenting plan are to:

(a) Provide for the child's physical care;

(b) Maintain the child's emotional stability;

(c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

(d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;

(e) Minimize the child's exposure to harmful parental conflict;

(f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) **CONTENTS OF THE PERMANENT PARENTING PLAN.**

The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child.

(3) **CONSIDERATION IN ESTABLISHING THE PERMANENT PARENTING PLAN.** In establishing a permanent parenting plan, the court may consider the cultural heritage and religious beliefs of a child.

(4) **DISPUTE RESOLUTION.** A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In the dispute resolution process:

(a) Preference shall be given to carrying out the parenting plan;

(b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;

(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;

(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;

(e) The parties have the right of review from the dispute resolution process to the superior court; and

(f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

~~((4))~~ (5) **ALLOCATION OF DECISION-MAKING AUTHORITY.**

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW

26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.

(c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

~~((5))~~ (6) **RESIDENTIAL PROVISIONS FOR THE CHILD.** The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

~~((6))~~ (7) **PARENTS' OBLIGATION UNAFFECTED.** If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or a child support order may result in a finding of contempt of court, under RCW 26.09.160.

~~((7))~~ (8) **PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN.** The permanent parenting plan shall set forth the provisions of subsections ~~((3))~~ (4)(a) through (c), ~~((4))~~ (5)(b) and (c), and ~~((6))~~ (7) of this section.

**Sec. 602.** RCW 26.09.015 and 2005 c 172 s 17 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

(A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184~~((3))~~ (4)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184~~((3))~~ (4)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

**Sec. 603.** RCW 26.09.187 and 1989 c 375 s 10 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184((~~+~~)) (5)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184((~~+~~)) (5)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184((~~+~~)) (5)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent(~~(, including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child));~~

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions as defined in RCW 26.09.004(3), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) ~~Where the limitations of RCW 26.09.191 are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time ((only if the court finds the following:~~

~~(i) No limitation exists under RCW 26.09.191;~~

~~(ii)(A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or~~

~~(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and~~

~~(iii) The provisions are in the best interests of the child)) if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.~~

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

**Sec. 604.** RCW 26.09.197 and 1987 c 460 s 14 are each amended to read as follows:

After considering the affidavit required by RCW 26.09.194(1) and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child. In making this determination, the court shall give particular consideration to:

(1) ~~((Which parent has taken greater responsibility during the last twelve months for performing parenting functions relating to the daily needs of the child))~~ The relative strength, nature, and stability of the child's relationship with each parent; and

(2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.

The court shall also consider the factors used to determine residential provisions in the permanent parenting plan.

## PART VII - Data Tracking

**NEW SECTION. Sec. 701.** A new section is added to chapter 26.09 RCW to read as follows:

The parties to dissolution matters shall file with the clerk of the court the residential time summary report. The summary report shall be on the form developed by the administrative office of the courts in consultation with the department of social and health services division of child support. The parties must complete the form and file the form with the court order. The clerk of the court must forward the form to the division of child support on at least a monthly basis.

**NEW SECTION. Sec. 702.** A new section is added to chapter 26.18 RCW to read as follows:

(1) The administrative office of the courts in consultation with the department of social and health services, division of child support, shall develop a residential time summary report form to provide for the reporting of summary information in every case in which residential time with children is to be established or modified.

(2) The residential time summary report must include at a minimum: A breakdown of residential schedules with a reasonable degree of specificity regarding actual time with each parent, including enforcement practices, representation status of the parties,

whether domestic violence, child abuse, chemical dependency, or mental health issues exist, and whether the matter was agreed or contested.

(3) The division of child support shall compile and electronically transmit the information in the residential time summary reports to the administrative office of the courts for purposes of tracking residential time awards by parent, enforcement practices, representation status of the parties, the existence of domestic violence, child abuse, chemical dependency, or mental health issues and whether the matter was agreed or contested.

(4) The administrative office of the courts shall report the compiled information, organized by each county, on at least an annual basis. The information shall be itemized by quarter. These reports shall be made publicly available through the judicial information public access services and shall not contain any personal identifying information of parties in the proceedings.

#### **PART VIII - Miscellaneous**

**NEW SECTION. Sec. 801.** Part headings used in this act are not any part of the law.

**NEW SECTION. Sec. 802.** If specific funding for the purposes of section 306 of this act, referencing section 306 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 306 of this act is null and void.

**NEW SECTION. Sec. 803.** If specific funding for the purposes of section 701 of this act, referencing section 701 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 701 of this act is null and void.

**NEW SECTION. Sec. 804.** If specific funding for the purposes of section 702 of this act, referencing section 702 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 702 of this act is null and void.

**NEW SECTION. Sec. 805.** (1) Sections 201 and 204 of this act take effect July 1, 2009.

- (2) Section 202 of this act takes effect January 1, 2008.  
 (3) Section 501 of this act takes effect January 1, 2009."

Correct the title.

Representatives Lantz and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5470, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5470, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Condotta, DeBolt and Sullivan, B. - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5470, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 5955 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the rules were suspended and SECOND SUBSTITUTE SENATE BILL NO. 5955 was returned to second reading for purpose of amendment.

#### **SECOND READING**

**SECOND SUBSTITUTE SENATE BILL NO. 5955, by Senate Committee on Ways & Means (originally sponsored by Senators Tom, McAuliffe, Kauffman, Oemig, Kilmer, Eide, Kohl-Welles and Rasmussen)**

**Regarding educator preparation, professional development, and compensation.**

Representative P. Sullivan moved the adoption of amendment (880):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.415 RCW to read as follows:

**SCHOOL DISTRICT LEADERSHIP ACADEMY.** (1) Research supports the value of quality school and school district leadership. Effective leadership is critical to improving student learning and transforming underperforming schools and school districts into world-class learning centers.

(2) A public-private partnership is established to develop, pilot, and implement the Washington state leadership academy to focus on the development and enhancement of personal leadership characteristics and the teaching of effective practices and skills demonstrated by school and district administrators who are successful managers and instructional leaders. It is the goal of the academy to provide state-of-the-art programs and services across the state.

(3) Academy partners include the state superintendent and principal professional associations, private nonprofit foundations, institutions of higher education with approved educator preparation

programs, the professional educator standards board, the office of the superintendent of public instruction, educational service districts, the state school business officers' association, and other entities identified by the partners. The partners shall designate an independent organization to act as the fiscal agent for the academy and shall establish a board of directors to oversee and direct the academy's finances, services, and programs. The academy shall be supported by a national research institution with demonstrated expertise in educational leadership.

(4) Initial development of academy course content and activities shall be supported by private funds. Initial tasks of the academy are to:

(a) Finalize a comprehensive design of the academy and the development of the curriculum frameworks for a comprehensive leadership development program that includes coursework, practicum, mentoring, and evaluation components;

(b) Develop curriculum for individual leadership topics;

(c) Pilot the curriculum and all program components; and

(d) Modify the comprehensive design, curriculum coursework, practicum, and mentoring programs based on the research results gained from pilot activities.

(5) The board of directors shall report semiannually to the superintendent of public instruction on the financial contributions provided by foundations and other organizations to support the work of the academy. The board of directors shall report by December 31st each year to the superintendent of public instruction on the programs and services provided, numbers of participants in the various academy activities, evaluation activities regarding program and participant outcomes, and plans for the academy's future development.

(6) The board of directors shall make recommendations for changes in superintendent and principal preparation programs, the administrator licensure system, and continuing education requirements.

**NEW SECTION. Sec. 2. PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES.** (1) The purpose of the duties in this section for the professional educator standards board is to take the next steps in developing quality teaching knowledge and skill in the state's teaching ranks. The duties build upon the current teacher development foundation that requires demonstrated teaching competency, requires evidence of positive impact on student learning, and focuses on furthering state kindergarten through twelfth grade learning goals through instructional skill alignment.

(2) The professional educator standards board shall:

(a) By December 2007:

(i) Adopt new knowledge and skill standards that prepare all individuals seeking residency teacher certification to integrate mathematics across all content areas; and

(ii) Adopt new certification requirements for individuals seeking residency teacher certification as elementary education or middle level and secondary mathematics teachers to assure adequate content and instructional strategy preparation to teach to the kindergarten through twelfth grades state mathematics and science standards;

(b) By June 2009:

(i) Set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar;

(ii) Summarize its work in the development of the assessment in (b)(i) of this subsection in the annual reports required by RCW 28A.410.240; and

(iii) Review and revise the standards for higher education teacher preparation programs to incorporate updated practices to enhance teacher success in a knowledge and skill-based performance system that emphasizes strong content, applied learning, and personal, meaningful connections with students; and

(c) By December 2009, review and revise as needed teacher preparation standards and requirements to focus on diversity in cultural knowledge and respect.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.415 RCW to read as follows:

**MATH, SCIENCE, AND TARGETED SECONDARY READING INITIATIVE.** Sections 3 through 6 of this act represent core components of a comprehensive initiative to improve mathematics, science, and targeted secondary reading education and achievement through educator professional development and support. The initiative focuses on:

(1) A regional delivery system to provide professional development and support to schools and school districts through the educational service districts;

(2) A tiered support system that provides resources, services, assistance, and intervention for schools and districts, depending on their levels of need;

(3) Leveraging existing public and private resources and district-initiated activities; and

(4) Accountability through outcome-oriented performance agreements, contracts, reporting, and data collection.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.415 RCW to read as follows:

**MATH, SCIENCE, AND TARGETED SECONDARY READING INITIATIVE.** (1) Subject to funds appropriated for this purpose, the mathematics, science, and targeted secondary reading improvement initiative shall provide the capacity and resources for the superintendent of public instruction, educational service districts, school districts, and schools to conduct a broad range of activities, depending on the level of need and priority of the school or district. The focus of the initiative is on building and enhancing the quality of mathematics and science instruction.

(2) Activities supported by the initiative include, but are not limited to:

(a) Targeted professional development in content knowledge, content-specific pedagogy, differentiated instruction, effective teaching strategies, learning modules, and mathematics and science standards and curriculum;

(b) Use and analysis of diagnostic assessments and other data on student achievement to improve instruction;

(c) Curriculum alignment and development or purchase of supplemental materials;

(d) Integration of technology; and

(e) Mentors and instructional coaches.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.415 RCW to read as follows:

**MATH, SCIENCE, AND TARGETED SECONDARY READING INITIATIVE.** (1) In support of the mathematics, science, and targeted secondary reading improvement initiative, the office of the superintendent of public instruction shall:

(a) In collaboration with the educational service districts, develop a methodology for distributing funds appropriated for activities under the tiered support system in this section among the educational service districts and among the three tiers of support. The methodology shall take into account the anticipated demand and need for services by school districts in each tier and the size of those school districts. The methodology shall also reflect a higher priority and greater need for support and resources for schools and districts in tier three;

(b) Develop guidelines for educational service districts in administering grants, developing district improvement agreements, and implementing intensive intervention and support services. The guidelines shall not require all educational service districts to follow the same procedures in all circumstances, but shall ensure general equity for school districts across the state in how the districts may access resources under the initiative and the activities and services that are provided by the educational service districts;

(c) Identify the schools and school districts eligible for tier three intensive intervention and support, based on low student performance in mathematics and science. The superintendent shall consider whether the school has the capacity to feasibly integrate additional resources with any existing state or federal improvement funds. To the maximum extent possible, the identification of and the intensive intervention services provided to tier three schools and districts shall

align with the accountability plan developed by the state board of education; and

(d) In collaboration with the educational service districts, develop guidelines and a common reporting format for collecting data and information about the activities and outcomes under the initiative and designate one or more common diagnostic assessments for districts to use in reporting and monitoring student achievement.

(2)(a) If funds are appropriated, resources for the mathematics, science, and targeted secondary reading improvement initiative shall be provided through the office of the superintendent of public instruction and educational service districts to schools and school districts based on a tiered support system. The legislature's intent is that resources from the mathematics, science, and targeted secondary reading improvement initiative are provided over a four-year period.

(b) Tier one: Initiative grants. School districts may apply on a competitive basis to their educational service district for grants to support activities to improve mathematics, science, and secondary reading instruction. A district may contract with the educational service district for services, use the grant for district-initiated activities, or both. Tier one districts must demonstrate how district resources and resources from public-private partnerships shall be used to leverage the grant funds. Tier one grant recipients must identify measurable outcomes from the activities supported by the grant and report results in a prescribed format, including student achievement data from designated diagnostic assessments.

(c) Tier two: Improvement agreements. School districts may work with the office of the superintendent of public instruction and educational service districts to plan, develop, and implement a mathematics, science, and targeted secondary reading improvement initiative tailored to the needs of the district. The office of the superintendent of public instruction, the educational service district, and the school district shall develop a joint agreement that identifies the services and support to be provided by the educational service district, the activities to be conducted by the district using improvement agreement funds, and the expected measurable outcomes from the activities. Recipients of funds under a tier two improvement agreement must report results of the activities supported by the agreement in a prescribed format, including student achievement data from designated diagnostic assessments.

(d) Tier three: Intensive intervention and support. School districts and schools with low student performance in mathematics, science, and/or secondary reading as identified by the superintendent of public instruction under subsection (1) of this section are eligible for intensive intervention and support coordinated by the office of the superintendent of public instruction and/or the educational service district. School districts or individual schools may receive tier three support. Recipients of funds under tier three support must:

(i) Participate in an audit of the mathematics, science, and secondary reading instructional delivery system, including policies and practices, curriculum alignment, teacher pedagogy and content knowledge, and assessment of overall climate and practice compared to best practices;

(ii) Develop, with assistance from the educational service district, a school or district intervention plan that focuses on areas of highest need and provides intensive professional development in those areas;

(iii) Participate in professional development using the services of a technical assistance team that includes a trained and experienced facilitator and mathematics, science, or reading instructional coaches to provide job-embedded professional development; and

(iv) Identify measurable outcomes from the activities supported by the grant and report results in a prescribed format, including student achievement data from designated diagnostic assessments.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.415 RCW to read as follows:

**MATH, SCIENCE, AND TARGETED SECONDARY READING INITIATIVE.** (1) Educational service districts shall coordinate with the superintendent of public instruction to develop and maintain the capacity to provide administrative, professional development, technical assistance, and intervention services under the mathematics, science, and targeted secondary reading

improvement initiative to support school districts as required under section 5 of this act, including:

(a) Administering, reviewing, and monitoring grants for tier one grant recipients and providing contracted services;

(b) Developing, administering, and monitoring tier two improvement agreements and providing support and services under the terms of the agreements; and

(c) Coordinating and providing the intensive intervention and support for tier three schools and districts, including the instructional audit, intervention plan, and intervention team.

(2) Educational service districts shall also:

(a) Develop public-private partnerships and seek external grants and funds to leverage the state resources provided to support the mathematics and science improvement initiative;

(b) Collect, compile, and disseminate data and information about the activities and outcomes under the initiative, including student achievement data from designated diagnostic assessments; and

(c) Develop appropriate reporting and monitoring procedures to ensure accountability for the use of funds distributed to school districts through the tiered support system and for the achievement of desired outcomes.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.415 RCW to read as follows:

**REGIONAL PROFESSIONAL DEVELOPMENT PARTNERSHIPS.** The office of the superintendent of public instruction shall:

(1) Create partnerships with the educational service districts or public or private institutions of higher education with approved educator preparation programs to develop and deliver professional development learning opportunities for educators that fulfill the goals and address the activities described in sections 3 through 6 and section 9 of this act. The partnerships shall:

(a) Support school districts by providing professional development leadership, courses, and consultation services to school districts in their implementation of professional development activities, including the activities described in sections 3 through 6 and section 9 of this act; and

(b) Support one another in the delivery of state-level and regional-level professional development activities such as state conferences and regional accountability institutes; and

(2) Enter into a performance agreement with each educational service district to clearly articulate partner responsibilities and assure fidelity for the delivery of professional development initiatives including job-embedded practices. Components of such performance agreements shall include:

(a) Participation in the development of various professional development workshops, programs, and activities;

(b) Characteristics and qualifications of professional development staff supported by the program;

(c) Methods to ensure consistent delivery of professional development services; and

(d) Reporting responsibilities related to services provided, program participation, outcomes, and recommendations for service improvement.

**Sec. 8.** RCW 28A.310.350 and 1977 ex.s. c 283 s 10 are each amended to read as follows:

**EDUCATIONAL SERVICE DISTRICTS.** The basic core services and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

(1) Educational service district administration and facilities such as office space, maintenance and utilities;

(2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;

(3) Personnel services such as certification/registration services;

(4) Learning resource services such as audio visual aids;

(5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment; ~~(and)~~

- (6) Professional development services identified by statute or the omnibus appropriations act; and  
 (7) Special needs of local education agencies.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.415 RCW to read as follows:

**MATHEMATICS AND SCIENCE TEACHER PROFESSIONAL DEVELOPMENT.** (1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide guidance for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) The expected outcomes of these programs are:

- (a) Provision of meaningful, targeted professional development for all teachers in mathematics, science, or reading;  
 (b) Increased knowledge and instructional skill for mathematics, science, or reading teachers;  
 (c) Increased use of curriculum materials with supporting diagnostic and supplemental materials that align with state standards;  
 (d) Skillful guidance for students participating in alternative assessment activities;  
 (e) Increased rigor of course offerings especially in mathematics, science, and reading;  
 (f) Increased student opportunities for focused, applied mathematics and science classes;  
 (g) Increased student success on state achievement measures; and  
 (h) Increased student appreciation of the value and uses of mathematics, science, and reading knowledge and exploration of related careers.

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction regarding the use of the funds; how the use of the funds is associated with measurable improvement in the expected outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28A.415 RCW to read as follows:

**RECRUITING WASHINGTON TEACHERS.** (1) The recruiting Washington teachers program is established to recruit and provide training and support for high school students to enter the teaching profession, especially in teacher shortage areas and among under-represented groups and multilingual, multicultural students. The program shall be administered by the professional educator standards board.

(2) The program shall consist of the following components:

(a) Targeted recruitment of diverse students, including but not limited to students from under-represented groups and multilingual, multicultural students in grades nine through twelve through outreach and communication strategies. The focus of recruitment efforts shall be on encouraging students to consider and explore becoming future teachers in mathematics, science, bilingual education, special education, and English as a second language. Program enrollment is not limited to students from under-represented groups or multilingual, multicultural students;

(b) A curriculum that provides future teachers with opportunities to observe classroom instruction at all grade levels; includes preteaching internships at all grade levels with a focus on shortage areas; and covers such topics as lesson planning, learning styles, student learning data and information, the achievement gap, cultural competency, and education policy;

(c) Academic and community support services for students to help them overcome possible barriers to becoming future teachers, such as supplemental tutoring; advising on college readiness, applications, and financial aid processes; and mentoring; and

(d) Future teacher camps held on college campuses where students can attend workshops and interact with college faculty and current teachers.

(3) As part of its administration of the program, the professional educator standards board shall:

(a) Develop the curriculum and program guidelines in consultation with an advisory group of teachers, representatives of teacher preparation programs, teacher candidates, students, and representatives of diverse communities;

(b) Subject to funds appropriated for this purpose, allocate grant funds through a competitive process to partnerships of high schools, teacher preparation programs, and community-based organizations to design and deliver programs that include the components under subsection (2) of this section; and

(c) Conduct an evaluation of the effectiveness of current strategies and programs for recruiting diverse teachers, especially multilingual, multicultural teachers, in Washington and in other states. The board shall use the findings from the evaluation to revise the recruiting Washington teachers program as necessary and make other recommendations to teacher preparation programs or the legislature.

**NEW SECTION. Sec. 11.** The following acts or parts of acts are each repealed:

(52) RCW 28A.300.350 (Excellence in mathematics training program) and 1999 c 347 s 2;

(2) RCW 28A.415.200 (Minority teacher recruitment program--Intent) and 1989 c 146 s 1; and

(3) RCW 28A.415.205 (Minority teacher recruitment program) and 2005 c 497 s 211, 1991 c 238 s 75, & 1989 c 146 s 2.

**NEW SECTION. Sec. 12.** Captions used in this act are not any part of the law."

Correct the title.

Representatives P. Sullivan and Priest spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives P. Sullivan and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5955, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5955, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Sequist, Sells,

Simpson, Skinner, Sommers, Springer, Strow, Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Flannigan - 1.

Excused: Representatives Condotta, DeBolt and Sullivan, B. - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5955, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### REPORT OF CONFERENCE COMMITTEE

April 17, 2007

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, concerning the medical use of marijuana, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-3568.1/07) be adopted

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to clarify the law on medical marijuana so that the lawful use of this substance is not impaired and medical practitioners are able to exercise their best professional judgment in the delivery of medical treatment, qualifying patients may fully participate in the medical use of marijuana, and designated providers may assist patients in the manner provided by this act without fear of state criminal prosecution. This act is also intended to provide clarification to law enforcement and to all participants in the judicial system.

Sec. 2. RCW 69.51A.005 and 1999 c 2 s 2 are each amended to read as follows:

The people of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their physician's professional medical judgment and discretion.

Therefore, the people of the state of Washington intend that:

Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, ~~((would))~~ may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as ~~((primary caregivers))~~ designated providers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and

Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial.

Sec. 3. RCW 69.51A.010 and 1999 c 2 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated provider" means a person who:

(a) Is eighteen years of age or older;

(b) Has been designated in writing by a patient to serve as a designated provider under this chapter;

(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and

(d) Is the designated provider to only one patient at any one time.

(2) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.

((2)) "Primary caregiver" means a person who:

(a) Is eighteen years of age or older;

(b) Is responsible for the housing, health, or care of the patient;

(c) Has been designated in writing by a patient to perform the duties of primary caregiver under this chapter;)

(3) "Qualifying patient" means a person who:

(a) Is a patient of a physician licensed under chapter 18.71 or 18.57 RCW;

(b) Has been diagnosed by that physician as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that physician about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that physician that they may benefit from the medical use of marijuana.

(4) "Terminal or debilitating medical condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(g) Any other medical condition duly approved by the Washington state medical quality assurance ((board [commission])) commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

(5) "Valid documentation" means:

(a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent medical records, which states that, in the physician's professional opinion, the ((potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying)) patient may benefit from the medical use of marijuana; ((and))

(b) Proof of identity such as a Washington state driver's license or identocard, as defined in RCW 46.20.035; and

(c) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original.

Sec. 4. RCW 69.51A.030 and 1999 c 2 s 4 are each amended to read as follows:

A physician licensed under chapter 18.71 or 18.57 RCW shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

(1) Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual physician's medical judgment; or

(2) Providing a qualifying patient with valid documentation, based upon the physician's assessment of the qualifying patient's

medical history and current medical condition, that the ~~((potential benefits of the))~~ medical use of marijuana ~~((would likely outweigh the health risks for the))~~ may benefit a particular qualifying patient.

**Sec. 5.** RCW 69.51A.040 and 1999 c 2 s 5 are each amended to read as follows:

(1) If a law enforcement officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. A law enforcement officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance.

(2) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated ~~((primary caregiver))~~ provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

~~((2) The))~~ (3) A qualifying patient, if eighteen years of age or older, or a designated provider shall:

(a) Meet all criteria for status as a qualifying patient or designated provider;

(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and

(c) Present his or her valid documentation to any law enforcement official who questions the patient or provider regarding his or her medical use of marijuana.

~~((3) The))~~ (4) A qualifying patient, if under eighteen years of age at the time he or she is alleged to have committed the offense, shall ~~((comply))~~ demonstrate compliance with subsection ~~((2))~~ (3)(a) and (c) of this section. However, any possession under subsection ~~((2))~~ (3)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

~~((4) The designated primary caregiver shall:~~

~~(a) Meet all criteria for status as a primary caregiver to a qualifying patient;~~

~~(b) Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;~~

~~(c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;~~

~~(d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and~~

~~(e) Be the primary caregiver to only one patient at any one time.))~~

**Sec. 6.** RCW 69.51A.060 and 1999 c 2 s 8 are each amended to read as follows:

(1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.

(3) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, ~~((or))~~ in any youth center, in any correctional facility, or smoking medical marijuana in any public place as that term is defined in RCW 70.160.020.

(5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010~~((5))~~ (6)(a).

(6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.

**Sec. 7.** RCW 69.51A.070 and 1999 c 2 s 9 are each amended to read as follows:

The Washington state medical quality assurance ~~((board commission))~~ commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted ~~((by physicians or patients))~~ to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance ~~((board commission))~~ commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance ~~((board commission))~~ commission in consultation with the board of osteopathic medicine and surgery shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

**NEW SECTION. Sec. 8.** A new section is added to chapter 69.51A RCW to read as follows:

(1) By July 1, 2008, the department of health shall adopt rules defining the quantity of marijuana that could reasonably be presumed to be a sixty-day supply for qualifying patients; this presumption may be overcome with evidence of a qualifying patient's necessary medical use.

(2) As used in this chapter, "sixty-day supply" means that amount of marijuana that qualifying patients would reasonably be expected to need over a period of sixty days for their personal medical use. During the rule-making process, the department shall make a good faith effort to include all stakeholders identified in the rule-making analysis as being impacted by the rule.

(3) The department of health shall gather information from medical and scientific literature, consulting with experts and the public, and reviewing the best practices of other states regarding access to an adequate, safe, consistent, and secure source, including alternative distribution systems, of medical marijuana for qualifying patients. The department shall report its findings to the legislature by July 1, 2008."

Correct the title.

and that the bill do pass as recommended by the Conference Committee.

Senator Kohl-Welles  
Senator Keiser  
Senator Carrell

Representative Cody  
Representative Hudgins  
Representative Curtis

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Cody and Curtis spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6032 as recommended by the conference committee.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 68, Nays - 27, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Bailey, Buri, Crouse, Dunn, Ericksen, Hailey, Haler, Hinkle, Hurst, Kelley, Kretz, Kristiansen, Lovick, McCune, McDonald, O'Brien, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Strow, Sump and Warnick - 27.

Excused: Representatives Condotta, DeBolt and Sullivan, B. - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, as recommended by the Conference Committee having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 19, 2007, the 102nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

**SIXTIETH LEGISLATURE - REGULAR SESSION**

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**ONE HUNDRED SECOND DAY**

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House Chamber, Olympia, Thursday, April 19, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Steven Dunn and Jessica Reynolds. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Russ Blake, Crossroads Community Covenant Church, Yelm.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

April 18, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5224,

SUBSTITUTE SENATE BILL NO. 5412,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**MESSAGE FROM THE SENATE**

March 31, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094 with the following amendment:

*Page formatting changed to accommodate budget amendment.*

Strike everything after the enacting clause and insert the following:

**"2007-09 BIENNIUM**

**NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2009.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

**GENERAL GOVERNMENT AGENCIES--OPERATING**

**NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation. . . . . \$505,000

The appropriation in this section is subject to the following conditions and limitations: Per current law, funds will be transferred from the public service revolving fund's miscellaneous fees and penalties accounts to the grade crossing protection account--state as needed to implement the commission's railroad safety program.

**NEW SECTION. Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account--State Appropriation. . . . . \$3,054,000

Puget Sound Ferry Operations Account--State Appropriation. . . . . \$100,000

TOTAL APPROPRIATION. . . . . \$3,154,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,545,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$75,000 of the motor vehicle account state appropriation is to address transportation budget and reporting requirements.

**NEW SECTION. Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State Appropriation. . . . . \$422,000

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation. . . . . \$985,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation. . . . . \$1,358,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,007,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biodiesel fuel. The department must test fuel quality at the biodiesel manufacturer, distributor, and retailer.

**NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation. . . . . \$223,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

**NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation. . . . . \$1,596,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS).

(2) \$795,000 of the motor vehicle account--state appropriation is provided solely for development of a new transportation capital budgeting system and transition of a copy of the transportation executive information system (TEIS) to LEAP.

**TRANSPORTATION AGENCIES--OPERATING**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation. . . . .	\$2,613,000
Highway Safety Account--Federal Appropriation. . . . .	\$15,884,000
School Zone Safety Account--State Appropriation. . . . .	\$3,300,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$21,797,000</b>

**NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation. . . . .	\$907,000
Motor Vehicle Account--State Appropriation. . . . .	\$2,077,000
County Arterial Preservation Account--State Appropriation. . . . .	\$1,402,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$4,386,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$481,000 of the county arterial preservation account--state appropriation is provided solely for continued development and implementation of a maintenance management system to manage county transportation assets.

**NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation. . . . .	\$1,796,000
Transportation Improvement Account--State Appropriation. . . . .	\$1,798,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$3,594,000</b>

**NEW SECTION. Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation. . . . .	\$1,157,000
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**NEW SECTION. Sec. 205. FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation. . . . .	\$2,853,000
Multimodal Transportation Account--State Appropriation. . . . .	\$1,650,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$4,503,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$600,000 of the motor vehicle account--state appropriation is provided solely to establish a workgroup to implement Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358 (regarding state ferries) and look at other matters relating to Washington state ferries. The cochairs of the committee shall establish the workgroup comprising committee members, or their designees; an appointee by the governor; and other stakeholders as appointed by the cochairs; to assist in the committee's work. The workgroup shall report the progress of its tasks to the transportation committees of the legislature by December 15, 2007. The workgroup is tasked with the following:

(a) Implementing the recommendations of Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358 (regarding state ferries). As directed by Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358, the committee workgroup shall participate in and provide a review of the following:

- (i) The Washington transportation commission's development and interpretation of a market survey of ferry customers;
  - (ii) The department of transportation's analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration must be given to whether boat wait is the appropriate measure;
  - (iii) The department's development of operational strategies;
  - (iv) The department's development of pricing strategies. In developing these strategies, the policy, in effect on some routes, of collecting fares in only one direction must be evaluated to determine whether one-way fare pricing best serves the ferry system;
  - (v) The department's development of terminal design standards; and
  - (vi) The department's development of a long-range capital plan;
- (b) Reviewing the following Washington state ferry programs:
- (i) Ridership demand forecast;
  - (ii) Updated life cycle cost model, as directed by Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358;

and

(iii) Administrative operating costs; nonlabor and nonfuel operating costs; Eagle Harbor maintenance facility program and maintenance costs; administrative and systemwide capital costs; and vessel preservation costs; and

(c) Making recommendations regarding:

- (i) The most efficient timing and sizing of future vessel acquisitions beyond those currently authorized by the legislature. Vessel acquisition recommendations must be based on the ridership projections, level of service standards, and operational and pricing strategies reviewed by the committee and must include the impact of those recommendations on the timing and size of terminal capital investments and the state ferries' long range operating and capital finance plans; and
- (ii) Capital financing strategies for consideration in the 2009 legislative session. This work must include confirming the department's estimate of future capital requirements based on a long range capital plan and must include the department's project of developing a plan for codevelopment and public private partnership opportunities at public ferry terminals.

(2) \$50,000 of the motor vehicle account--state appropriation is provided solely to contract with the joint legislative audit and review committee to:

(a) Review the Washington state ferries' proposed capital cost allocation plan methodology, as described in Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358, and report regarding its review to the legislature not later than January, 2008.

(b) Review the Washington state ferries' assignment of preservation costs as required by Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358, for fiscal year 2008, to determine whether costs are capital costs and whether they meet the statutory requirements for preservation activities, and report its findings to the legislature not later than December 15, 2009.

(c) Review the Washington state ferries' implementation of the life cycle cost model, as required by Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358, and report to the legislature not later than June 30, 2009, on whether the model:

- (i) Complies with available industry standards or department-adopted standards when industry standards are not available;

- (ii) Is maintained and updated when asset inspections are made;
- (iii) Excludes utilities and other systems that are not replaced on a standard life cycle; and
- (iv) Provides that all assets in the life-cycle cost model are inspected and updated for asset condition at least every three years.

(3) \$250,000 of the motor vehicle account--state appropriation and \$250,000 of the multimodal transportation account--state appropriation are provided solely for the administration of a consultant study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors for deposit in the freight congestion relief account created under chapter 46.68 RCW. The findings and recommendations of the report must be submitted to the transportation committees of the legislature by December 1, 2007. Although the scope of work for the study may be expanded to include analysis of other issues relevant to the imposition of container port-related user fees, at a minimum the study must:

- (a) Assess the imposition of a shipping container based fee, port-related user fees, and other funding mechanisms on the demand elasticity of the movement of freight goods through Washington's container ports at various rates as well as forecast diversion of marine cargo at various price points;
- (b) Measure the return on investment in freight rail and highway-based infrastructure supported by the user fee and its impact on forecast growth in shipping container traffic and the movement of freight goods;
- (c) Recommend the structure of a future project recommendation body including its membership, process, and selection criteria; and
- (d) Examine existing data on the health and environmental cost impacts of maritime shipping and the movement of freight goods on air quality near Washington's container ports.

(4) \$300,000 of the multimodal transportation account--state appropriation is provided solely to implement Substitute House Bill No. 1694 (coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$100,000 of the multimodal transportation account--state appropriation is provided solely for a study of the consolidation of those transportation related functions, currently delegated to the utilities and transportation commission, within other state agencies, which the committee shall report to the legislature by December 15, 2007.

**NEW SECTION. Sec. 206. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation. . . . .	\$2,177,000
Multimodal Transportation Account--State Appropriation. . . . .	\$262,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$2,439,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the motor vehicle account--state appropriation is provided solely for the commission to conduct a market survey of ferry customers as described in Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358. Development and interpretation of the survey must be done with participation of the joint transportation committee workgroup established in section 205(1) of this act.

(2) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the commission to convene a forum of key transportation and environmental stakeholders to identify ways in which the state can directly impact the reduction of greenhouse gas emissions due to transportation, and begin to identify the impacts such policy and operational changes may have on long-term transportation revenues. The result of the forum should be to identify the major issues regarding transportation's impact on climate change and to submit recommendations to the legislature prior to the 2008 regular session regarding the next steps needed to address this issue.

**NEW SECTION. Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation. . . . .	\$697,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

(2) The freight mobility strategic investment board and the department of transportation shall develop a list of freight highway and rail projects funded by the board and the department. The board and the department shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2007, describing how the freight projects address state freight priorities. The criteria used for selecting among competing projects shall be clearly identified.

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State Appropriation. . . . .	\$227,384,000
State Patrol Highway Account--Federal Appropriation. . . . .	\$10,602,000
State Patrol Highway Account--Private/Local Appropriation. . . . .	\$410,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$238,396,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the governor and transportation committees of the senate and house of representatives by September 30th of each year.

(4) \$1,662,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (commercial vehicle enforcement). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) During the fiscal year 2008, the Washington state patrol shall continue to perform traffic accident investigations on Thurston, Mason, and Lewis county roads, and shall work with the counties to transition the traffic accident investigations on county roads to the counties by July 1, 2008.

(6) \$100,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1417 (health benefits for surviving dependents). If Substitute House Bill No. 1417 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation. . . . . \$1,597,000

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation. . . . . \$104,004,000

State Patrol Highway Account--Private/Local Appropriation. . . . . \$2,008,000

TOTAL APPROPRIATION. . . . . \$106,012,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) \$12,641,000 of the total appropriation is provided solely for automobile fuel in the 2007-2009 biennium.

(3) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--CRIMINAL HISTORY AND BACKGROUND**

**CHECKS.** In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform criminal history and background checks for state and local agencies and nonprofit and other private entities and disseminate the records resulting from these activities. The Washington state patrol is required to charge a fee for these activities, for which it is the policy of the state of Washington that the fees cover the direct and indirect costs of performing the criminal history and background checks and disseminating the information. For each type of criminal history and background check and dissemination of these records, the Washington state patrol shall, as nearly as practicable, set fees at levels sufficient to cover the direct and indirect costs. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Marine Fuel Tax Refund Account--State Appropriation. . . . . \$4,000

Motorcycle Safety Education Account--State Appropriation. . . . . \$156,000

Wildlife Account--State Appropriation. . . . . \$100,000

Highway Safety Account--State Appropriation. . . . . \$14,625,000

Motor Vehicle Account--State Appropriation. . . . . \$9,019,000

Motor Vehicle Account--Federal Appropriation. . . . . \$15,000

Department of Licensing Services Account--State Appropriation. . . . . \$126,000

TOTAL APPROPRIATION. . . . . \$24,045,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$45,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$434,000 of the highway safety account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management.

(4) \$91,000 of the motor vehicle account--state appropriation and \$152,000 of the highway safety account--state appropriation are provided solely for contracting with the office of the attorney general to investigate criminal activity uncovered in the course of the agency's licensing and regulatory activities. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with measurable data indicating the department's progress in meeting its goal of increased prosecution of illegal activity.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES**

Marine Fuel Tax Refund Account--State Appropriation. . . . . \$2,000

State Patrol Highway Account--State Appropriation. . . . . \$1,126,000

Motorcycle Safety Education Account--State Appropriation. . . . . \$72,000

Wildlife Account--State Appropriation. . . . . \$47,000

Highway Safety Account--State Appropriation. . . . .	\$27,583,000
Motor Vehicle Account--State Appropriation. . . . .	\$13,068,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	\$500,000
Department of Licensing Services Account--State Appropriation. . . . .	\$2,510,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$44,908,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$153,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$34,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$6,014,000 of the highway safety account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management.

(4) \$350,000 of the highway safety account--state appropriation is provided solely for the costs associated with the systems development of the interface that will allow insurance carriers and their agents real time, online access to drivers' records. If Substitute Senate Bill No. 5937 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$1,126,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Marine Fuel Tax Refund Account--State Appropriation. . . . .	\$26,000
State Patrol Highway Account--State Appropriation. . . . .	\$19,000
Wildlife Account--State Appropriation. . . . .	\$694,000
Highway Safety Account--State Appropriation. . . . .	\$460,000
Motor Vehicle Account--State Appropriation. . . . .	\$57,106,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$102,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	\$872,000
Department of Licensing Services Account--State Appropriation. . . . .	\$902,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$60,181,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) The department shall, working with the legislature, develop a proposal to streamline title and registration statutes to specifically address apparent conflicts, fee distribution, and other recommendations by the department that are revenue neutral and which do not change legislative policy. The department shall report the results of this review to the transportation committees of the legislature by December 1, 2007.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Motorcycle Safety Education Account--State Appropriation. . . . .	\$3,675,000
Highway Safety Account--State Appropriation. . . . .	\$99,198,000
Highway Safety Account--Federal Appropriation. . . . .	\$233,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$103,106,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,606,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$637,000 of the motorcycle safety education account--state appropriation is provided solely for implementing Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$2,424,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

High-Occupancy Toll Lanes Account--State Appropriation. . . . .	\$2,596,000
Motor Vehicle Account--State Appropriation. . . . .	\$5,600,000
Tacoma Narrows Toll Bridge Account--State Appropriation. . . . .	\$29,004,000
TOTAL APPROPRIATION. . . . .	\$37,200,000

The appropriations in this section are subject to the following conditions and limitations: \$5,000,000 of the motor vehicle account--state is provided solely to provide a reserve for the Tacoma Narrows Bridge project. This appropriation shall be held in unallotted status until the office of financial management deems that revenues applicable to the Tacoma Narrows Bridge project are not sufficient to cover the project's expenditures.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C**

Transportation Partnership Account--State Appropriation. . . . .	\$4,556,000
Motor Vehicle Account--State Appropriation. . . . .	\$66,002,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$1,096,000
Puget Sound Ferry Operations Account--State Appropriation. . . . .	\$9,188,000
Multimodal Transportation Account--State Appropriation. . . . .	\$363,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$4,000,000
TOTAL APPROPRIATION. . . . .	\$85,205,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) \$2,300,000 of the motor vehicle account--state appropriation is provided solely for preliminary work needed to transition the department to the state government network. In collaboration with the department of information services the department shall complete an inventory of the current network infrastructure, and develop an implementation plan for transition to the state government network.

(4) \$1,000,000 of the motor vehicle account--state appropriation, \$4,566,000 of the transportation partnership account--state appropriation, and \$4,000,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. Beginning September 1, 2007, and on a quarterly basis thereafter, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. The first report shall include a detailed work plan for the development and integration of the system including timelines and budget milestones. At a minimum the ensuing reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(5) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation. . . . .	\$34,553,000
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**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation. . . . .	\$6,890,000
Aeronautics Account--Federal Appropriation. . . . .	\$2,150,000
Multimodal Transportation Account--State Appropriation. . . . .	\$631,000
TOTAL APPROPRIATION. . . . .	\$9,671,000

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account--state appropriation is provided solely for the aviation planning council as provided for in RCW 47.68.410.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

Transportation Partnership Account--State Appropriation. . . . .	\$2,921,000
Motor Vehicle Account--State Appropriation. . . . .	\$50,486,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$500,000
Multimodal Transportation Account--State Appropriation. . . . .	\$250,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$2,921,000
TOTAL APPROPRIATION. . . . .	\$57,078,000

The appropriations in this section are subject to the following conditions and limitations: \$2,921,000 of the transportation partnership account--state appropriation and \$2,921,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for consultant contracts to assist the department in the delivery of the capital construction program.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**

**K**

Motor Vehicle Account--State Appropriation. . . . .	\$1,454,000
Multimodal Transportation Account--State Appropriation. . . . .	\$300,000
TOTAL APPROPRIATION. . . . .	\$1,754,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$300,000 of the multimodal account--state appropriation is provided solely for the department to hire a consultant to develop a plan for codevelopment and public-private partnership opportunities at public ferry terminals.
- (2) The department shall conduct an analysis and, if determined to be feasible, initiate requests for proposals involving the distribution of alternative fuels along state department of transportation rights-of-way.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM**

**M**

Motor Vehicle Account--State Appropriation. . . . .	\$321,684,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$2,000,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	\$5,797,000
TOTAL APPROPRIATION. . . . .	\$329,481,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.
- (2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.
- (3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.
- (4) \$1,500,000 of the motor vehicle account--federal appropriation is provided for unanticipated federal funds that may be received during the 2007-09 biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.
- (5) Funding is provided for maintenance on the state system to deliver service level targets as listed in LEAP Transportation Document 2007-C, as developed March 27, 2007. In delivering the program and aiming for these targets, the department should concentrate on the following areas:
  - (a) Eliminating the number of activities delivered in the "f" level of service at the region level; and
  - (b) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.
- (6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.
- (7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. If Substitute Senate Bill No. 5080 (waste tire fees) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation. . . . .	\$52,017,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	\$127,000
TOTAL APPROPRIATION. . . . .	\$54,194,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$654,000 of the motor vehicle account--state appropriation is provided solely for the department to time state-owned and operated traffic signals. This funding may also be used to program incident, emergency, or special event signal timing plans.
- (2) \$346,000 of the motor vehicle account--state appropriation is provided solely for the department to implement a pilot tow truck incentive program. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.
- (3) \$6,800,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By January 1, 2008, and January 1, 2009, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.
- (4) The department, in consultation with the Washington state patrol, may conduct a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present.
  - (a) In order to ensure adequate time in the 2007-09 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the department must be authorized by December 31, 2007.
  - (b) The department shall use the following guidelines to administer the program:
    - (i) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;
    - (ii) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;
    - (iii) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;
    - (iv) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;
    - (v) For purposes of the 2007-09 biennium pilot project, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated

traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account;

(vi) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use; and

(vii) By June 30, 2009, the department shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding the pilot project.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Account--State Appropriation. . . . .	\$28,439,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$30,000
Puget Sound Ferry Operations Account--State Appropriation. . . . .	\$1,321,000
Multimodal Transportation Account--State Appropriation. . . . .	\$1,223,000
TOTAL APPROPRIATION. . . . .	\$31,013,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall work with staffs from the office of financial management, the legislative evaluation and accountability program committee, and the transportation committees of the legislature to develop a common approach to state transportation budgeting and to develop a strategy to meet identified information needs. At a minimum, that effort must provide comprehensive schematic diagrams of the current and proposed transportation capital budget process, information flows, and data exchanges; common, agreed-upon data definitions and business rules; detailed transportation capital budget data and system requirements; and a strategy that includes a description of a phased implementation approach as well as associated cost and timeframe estimates. The results of this review are due to the office of financial management and the transportation committees of the legislature by September 1, 2007.

(2) \$250,000 of the multimodal account--state appropriation is provided solely for implementing a wounded combat veteran's internship program, administered by the department. The department shall seek federal funding to support the continuation of this program.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation. . . . .	\$30,691,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$19,163,000
Multimodal Transportation Account--State Appropriation. . . . .	\$1,178,000
Multimodal Transportation Account--Federal Appropriation. . . . .	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation. . . . .	\$100,000
TOTAL APPROPRIATION. . . . .	\$53,941,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds, including those expended since 2003, are provided as a loan to the RTID and shall be repaid to the state within one year following formation of the RTID. \$2,391,000 of the amount provided under this subsection shall lapse, effective January 1, 2008, if voters fail to approve formation of the RTID at the 2007 general election, as determined by the certification of the election results.

(2) \$300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(3) \$320,000 of the motor vehicle account--state appropriation and \$128,000 of the motor vehicle account--federal appropriation are provided solely for development of a freight database to help guide freight investment decisions and track project effectiveness. The database will be based on truck movement tracked through geographic information system technology. TransNow will contribute an additional \$192,000 in federal funds which are not appropriated in the transportation budget. The department shall work with the freight mobility strategic investment board to implement this project.

(4) By December 1, 2008, the department shall require confirmation from jurisdictions that plan under the growth management act, chapter 36.70A RCW, and that receive state transportation funding under this act, that the jurisdictions have adopted standards for access permitting on state highways that meet or exceed department standards in accordance with RCW 47.50.030(3). The objective of this subsection is to encourage local governments, through the receipt of state transportation funding, to adhere to best practices in access control applicable to development activity significantly impacting state transportation facilities. By January 1, 2009, the department shall submit a report to the appropriate committees of the legislature detailing the progress of the local jurisdictions in adopting the highway access permitting standards. Additionally, in consultation with the department of community, trade, and economic development, counties, and cities, the department shall by December 1, 2008, develop model guidelines regarding standard descriptions of proposed land use activities along state highway corridors for incorporation into county and city comprehensive plans.

(5) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Account--State Appropriation. . . . .	\$66,342,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$400,000
Multimodal Transportation Account--State Appropriation. . . . .	\$259,000
TOTAL APPROPRIATION. . . . .	\$67,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,665,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES. . . . .	\$1,520,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR. . . . .	\$1,150,000
(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES. . . . .	\$4,157,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL. . . . .	\$4,033,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION. . . . .	\$36,665,000
(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE. . . . .	\$1,838,000
(g) FOR ARCHIVES AND RECORDS MANAGEMENT. . . . .	\$647,000
(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES. . . . .	\$1,070,000
(i) FOR USE OF FINANCIAL SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT. . . . .	\$930,000
(j) FOR POLICY ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES. . . . .	\$1,138,000
(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE. . . . .	\$8,859,000
(l) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION. . . . .	\$158,000

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

Regional Mobility Grant Program Account--State Appropriation. . . . .	\$40,000,000
Multimodal Transportation Account--State Appropriation. . . . .	\$85,205,000
Multimodal Transportation Account--Federal Appropriation. . . . .	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation. . . . .	\$291,000
TOTAL APPROPRIATION. . . . .	\$128,078,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2006 as reported in the "Summary of Public Transportation - 2006" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2006 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,600,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B as developed March 27, 2007. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed March 27, 2007. The department shall provide annual status reports on December 15, 2007, and December 15, 2008, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants.

(5) \$17,168,087 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, regional mobility grant program projects as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed,

and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed March 27, 2007, or the LEAP Transportation Document 2006-D as developed March 8, 2006.

(6) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to study and then develop pilot programs aimed at addressing commute trip reduction strategies for K-12 students and for college and university students. The department shall submit to the legislature by January 1, 2009, a summary of the program results and recommendations for future student commute trip reduction strategies. The pilot programs are described as follows:

(a) The department shall consider approaches, including mobility education, to reducing and removing traffic congestion in front of schools by changing travel behavior for elementary, middle, and high school students and their parents; and

(b) The department shall design a program that includes student employment options as part of the pilot program applicable to college and university students.

(7) \$2,400,000 of the multimodal account--state appropriation is provided solely for establishing growth and transportation efficiency centers (GTEC). Funds are appropriated for one time only. The department shall provide in its annual report to the legislature an evaluation of the GTEC concept and recommendations on future funding levels.

(8) \$381,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1694 (reauthorizing the agency council on coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$136,000 of the multimodal transportation account--private/local appropriation is provided solely for the implementation of Senate Bill No. 5084 (updating rail transit safety plans). If Senate Bill No. 5084 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$60,000 of the multimodal transportation account--state appropriation is provided solely for low-income car ownership programs. The department shall collaborate with interested regional transportation planning organizations and metropolitan planning organizations to determine the effectiveness of the programs at providing transportation solutions for low-income persons who depend upon cars to travel to their places of employment.

(11) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional funding for the trip reduction performance program, including telework enhancement projects. Funds are appropriated for one time only.

(12) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State Appropriation.....	\$410,495,000
Multimodal Transportation Account--State Appropriation.....	\$1,830,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$412,325,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,525,000 of the total appropriation is for ferry vessel operating fuel in the 2007-2009 biennium.

(2) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semiannual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(4) \$1,830,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2008. Ferry system management shall continue to implement its agreement with the inlandboatmen's union of the pacific and the international organization of masters, mates and pilots providing for part-time passenger-only work schedules.

(5) The department shall file an alternative compliance plan with the department of ecology, as allowed by rule, regarding the transfer of oil on or near state waters.

(6) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(7) \$378,000 of the Puget Sound ferry operations account--state appropriation is provided solely to meet the United States coast guard requirements for appropriate rest hours between shifts for vessel crews on the Bainbridge to Seattle and Edmonds to Kingston ferry routes.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State Appropriation.....	\$37,036,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall publish a final long-range plan for Amtrak Cascades by September 30, 2007. By December 31, 2008, the department shall submit to the office of financial management and the transportation committees of the legislature a midrange plan for Amtrak Cascades that identifies specific steps the department would propose to achieve additional service beyond current levels.

(2)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour. When Amtrak Cascades expands the second roundtrip between Vancouver, B.C. and Seattle, the department shall negotiate for the second roundtrip to leave Bellingham southbound no later than 8:30 a.m.

(3) No Amtrak Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation. . . . .	\$8,641,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$2,567,000
TOTAL APPROPRIATION. . . . .	\$11,208,000

**TRANSPORTATION AGENCIES--CAPITAL**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation. . . . .	\$1,550,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$863,000 is provided solely for the following minor works projects: \$473,000 for replacement of twenty-one communication site underground fuel tanks; \$240,000 for communication site building replacements at Lind, Scoggans Mountain, and Lewiston Ridge; and \$150,000 for unforeseen emergency repairs.

(2) \$687,000 is provided solely for design and construction of regional waste water treatment systems for the Shelton Academy of the Washington state patrol.

**NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation. . . . .	\$64,000,000
Motor Vehicle Account--State Appropriation. . . . .	\$2,368,000
County Arterial Preservation Account--State Appropriation. . . . .	\$32,861,000
TOTAL APPROPRIATION. . . . .	\$99,229,000

The appropriations in this section are subject to the following conditions and limitations: \$2,069,000 of the motor vehicle account--state appropriation is provided solely for county ferries, as set forth in RCW 47.56.725(4), for the following projects: Pierce county replacement ferry, \$754,000; Whatcom county replacement ferry, \$815,000; and Wahkiakum county ferry ramp reconstruction, \$500,000.

**NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account--State Appropriation. . . . .	\$4,500,000
Urban Arterial Trust Account--State Appropriation. . . . .	\$129,600,000
Transportation Improvement Account--State Appropriation. . . . .	\$90,643,000
TOTAL APPROPRIATION. . . . .	\$224,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394.

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation. . . . .	\$6,202,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$584,000 of the motor vehicle account--state appropriation is for statewide administration.

(2) \$750,000 of the motor vehicle account--state appropriation is for regional minor projects.

(3) \$568,000 of the motor vehicle account--state appropriation is for the Olympic region headquarters property payments.

(4) By September 1, 2007, the department shall submit to the transportation committees of the legislature predesign plans, developed using the office of financial management's predesign process, for all facility replacement projects to be proposed in the facilities 2008 budget proposal.

(5) \$1,600,000 of the motor vehicle account--state appropriation is for site acquisition for the Tri-cities area maintenance facility.

(6) \$2,700,000 of the motor vehicle account--state appropriation is for site acquisition for the Vancouver light industrial facility.

(7) The department shall work with the office of financial management and staff of the transportation committees of the legislature to develop a statewide inventory of all department-owned surplus property that is suitable for development for department facilities or that should be sold. By December 1, 2008, the department shall report to the joint transportation committee on the findings of this study.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Transportation Partnership Account--State Appropriation. . . . .	\$1,073,581,000
Motor Vehicle Account--State Appropriation. . . . .	\$78,727,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$357,023,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	\$41,372,000
Special Category C Account--State Appropriation. . . . .	\$18,245,000
Tacoma Narrows Toll Bridge Account--State Appropriation. . . . .	\$142,484,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$615,302,000
Freight Congestion Relief Account--State Appropriation. . . . .	\$40,000,000
TOTAL APPROPRIATION. . . . .	\$2,366,734,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Highway Improvement Program (1) as developed March 30, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) The motor vehicle account--state appropriation includes up to \$11,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(3) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(4) The Tacoma Narrows toll bridge account--state appropriation includes up to \$131,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(5) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation. However, the department shall not use agricultural lands of long-term commercial significance, as that term is used under chapter 36.70A RCW, for mitigation banking.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(7) \$250,000 of the motor vehicle account--state appropriation is provided solely for an inland pacific hub study to develop an inland corridor for the movement of freight and goods to and through eastern Washington; and \$500,000 of the motor vehicle account--state appropriation is provided solely for the SR3/SR16 corridor study to plan and prioritize state and local improvements needed over the next 10-20 years to support safety, capacity development, and economic development within the corridor.

(8) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(9) The SR 519/I-90 to SR 99 intermodal access project is anticipated to cost not more than \$74,000,000, with \$19,433,000 from the freight congestion relief account and remaining amounts funded from other state, federal, and local sources.

(10) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the SR 520 bridge replacement and HOV project. The federal funds described in this subsection shall not include those federal transit administration funds distributed by formula.

(11) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right-of-way acquisition, or construction on the project if completion of the project would more likely than not reduce the capacity of the facility. Capacity shall be measured by including the consideration of the efficient movement of people and goods on the facility.

(12) The governor shall convene a collaborative process involving key leaders to determine the final project design for the Alaskan Way Viaduct.

(a) The process shall be guided by the following common principles: Public safety must be maintained; the final project shall meet both capacity and mobility needs; and taxpayer dollars must be spent responsibly.

(b) The state's project expenditures shall not exceed \$2,800,000,000.

(c) A final design decision shall be made by December 31, 2008.

(13) During the 2007-09 biennium, the department shall proceed with a series of projects on the Alaskan Way Viaduct that are common to any design alternative. Those projects include relocation of two electrical transmission lines, Battery Street tunnel upgrades, seismic upgrades from Lenora to the Battery Street tunnel, viaduct removal from Holgate to King Street, and development of transit enhancements and other improvements to mitigate congestion during construction.

(14) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I SPECIAL APPROPRIATIONS**

Transportation Partnership Account--State Appropriation.....	\$489,705,000
Motor Vehicle Account--State Appropriation.....	\$3,437,000
Motor Vehicle Account--Federal Appropriation.....	\$67,203,000
Motor Vehicle Account--Private/Local Appropriation.....	\$5,564,000
Special Category C Account--State Appropriation.....	\$28,723,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$902,239,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,496,871,000</b>

The entire appropriations in this section are subject to the following conditions and limitations: The total appropriation provided in this section includes funding for the total project costs, and not just for the anticipated expenditures for the 2007-09 biennium, for the projects listed below. If projects listed in this section are completed at a rate faster than anticipated, the appropriation authority provided remains available for the projects to continue without delay. However, the transfer authority provided in section 603 of this act shall not apply to the projects listed in this section.

(1) \$27,436,000 of the transportation partnership account--state appropriation and \$2,000 of the motor vehicle account--private/local appropriation are provided solely for the I-5/172nd St NE (SR 531) Interchange project (100553N);

(2) \$15,464,000 of the transportation partnership account--state appropriation and \$241,535,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-5/SR 16 Interchange project (300567A);

(3) \$81,303,000 of the transportation 2003 account (nickel account)--state appropriation and \$278,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Grand Mound to Maytown Stage One project (300581A);

- (4) \$37,406,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the I-5/SR 502 Interchange project (400599R);
- (5) \$36,912,000 of the transportation partnership account--state appropriation, \$18,000 of the motor vehicle account--state appropriation, and \$1,081,000 of the motor vehicle account--federal appropriation are provided solely for the SR 9/SR 96 to Marsh Rd project (100914G);
- (6) \$82,614,000 of the transportation 2003 account (nickel account)--state appropriation, \$172,000 of the motor vehicle account--state appropriation, \$190,000 of the motor vehicle account--private/local appropriation, and \$1,192,000 of the motor vehicle account--federal appropriation are provided solely for the SR 20/Fredonia to I-5 project (102039A);
- (7) \$8,343,000 of the transportation 2003 account (nickel account)--state appropriation, \$1,991,000 of the transportation partnership account--state appropriation, and \$1,656,000 of the motor vehicle account--federal appropriation are provided solely for the I-90/Two Way Transit project (109040T). Expenditure of these funds on construction is contingent upon revising the access plan for Mercer Island traffic such that Mercer Island traffic will have access to the outer roadway high occupancy vehicle (HOV) lanes during the period of operation of such lanes following the removal of Mercer Island traffic from the center roadway and prior to conversion of the outer roadway HOV lanes to high occupancy toll (HOT) lanes. Sound transit may have access to the center lanes only when alternative R8A is complete;
- (8) \$78,450,000 of the transportation partnership account--state appropriation is provided solely for the SR 167/8th St E Vic to S 277th St project (816701C);
- (9) \$90,234,000 of the transportation 2003 account (nickel account)--state appropriation, \$28,723,000 of the special category C account--state appropriation, and \$112,000 of the motor vehicle account--private/local appropriation are provided solely for the 395/NSC-US 2 to Wandermere and US 2 Lowering project (600003A);
- (10) \$46,070,000 of the transportation 2003 account (nickel account)--state appropriation, \$52,501,000 of the transportation partnership account--state appropriation, and \$1,118,000 of the motor vehicle account--private/local appropriation are provided solely for the I-405/SR 181 to SR 167 project (840502B);
- (11) \$105,839,000 of the transportation partnership account--state appropriation and \$796,000 of the motor vehicle account--federal appropriation are provided solely for the I-405/SR 515 project (840505A);
- (12) \$143,757,000 of the transportation 2003 account (nickel account)--state appropriation and \$1,171,000 of the motor vehicle account--private/local appropriation are provided solely for the I-405/I-90 to SE 8th St project (840541F). No funds may be expended from this project for the purpose of funding improvements, construction, or the movement of a rail bridge across the cedar river;
- (13) \$22,917,000 of the transportation partnership account--state appropriation and \$5,479,000 of the motor vehicle account--federal appropriation are provided solely for the I-405/NE 10th St project (840552A);
- (14) \$90,956,000 of the transportation 2003 account (nickel account)--state appropriation and \$72,000 of the motor vehicle account--private/local appropriation are provided solely for the SR 520/W Lake Sammamish Parkway to SR 202, Stage 3 project (152040A);
- (15) \$3,134,000 of the motor vehicle account--state appropriation, \$38,350,000 of the motor vehicle account--federal appropriation, and \$2,899,000 of the motor vehicle account--private/local appropriation are provided solely for the SR 539/Horton Road to Tenmile Road project (153902B);
- (16) \$80,020,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the SR 539/Tenmile Road to SR 546 project (153910A); and
- (17) \$148,196,000 of the transportation partnership account--state appropriation, \$109,000 of the motor vehicle account--state appropriation, and \$18,311,000 of the motor vehicle account--federal appropriation are provided solely for the SR 104/Hood Canal Bridge project (310407B).

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Transportation Partnership Account--State Appropriation.....	\$81,989,000
Motor Vehicle Account--State Appropriation.....	\$71,382,000
Motor Vehicle Account--Federal Appropriation.....	\$412,508,000
Motor Vehicle Account--Private/Local Appropriation.....	\$15,285,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$5,122,000
Puyallup Tribal Settlement Account--State Appropriation.....	\$11,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$597,286,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Highway Preservation Program (P) as developed March 30, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.
- (2) \$295,000 of the motor vehicle account--federal appropriation and \$5,000 of the motor vehicle account--state appropriation are provided solely for the department to determine the most cost efficient way to replace the current Keller ferry. Options reviewed shall not include an expansion of the current capacity of the Keller ferry.
- (3) \$5,513,000 of the transportation partnership account--state appropriation is provided solely for settlement of all claims by the Lower Elwha Klallam tribe relating to the Port Angeles graving dock property, including all claims raised in *Lower Elwha Klallam Tribe et al. v. State*, Thurston county superior court cause no. 05-2-01595-8. No moneys may be expended from the amount provided in this subsection unless the Lower Elwha Klallam tribe has executed a full and unconditional release of all claims against the state.
- (4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.
- (5) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) \$2,604,501 of the motor vehicle account--federal appropriation and \$3,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation. . . . .	\$9,212,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$15,951,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	\$74,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$25,237,000</b>

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$7,700,000 provided solely for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation. . . . .	\$131,800,000
Puget Sound Capital Construction Account--Federal Appropriation. . . . .	\$51,742,000
Multimodal Transportation Account--State Appropriation. . . . .	\$5,600,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$76,525,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$265,667,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$938,000 of the Puget Sound capital construction account--state appropriation is provided solely for implementing Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358 as follows:

(a) The department shall allow the joint transportation committee workgroup established in section 205(1) of this act to participate in the following elements as they are described in Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358:

(i) Development and implementation of a market survey of ferry customers;

(ii) Analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration shall be given to whether boat wait is the appropriate measure. The level of service standard shall be reestablished in conjunction with or after the market survey has been implemented;

(iii) Development of operational strategies. The operational strategies shall be reestablished in conjunction with the market survey or after the market survey has been implemented;

(iv) Development of pricing strategies. In developing these strategies, the policy, in effect on some routes, of collecting fares in only one direction shall be evaluated to determine whether one-way fare pricing best serves the ferry system. The pricing strategies must be developed in conjunction with or after the market survey has been implemented;

(v) Development of terminal design standards. The terminal design standards shall be developed after the provisions of subsections (a)(i) through (iv) and subsection (b) of this section have been developed and reviewed by the joint transportation committee; and

(vi) Development of a capital plan. The capital plan shall be developed after terminal design standards have been developed by the department and reviewed by the joint transportation committee.

(b) The department shall develop a ridership demand forecast that shall be used in the development of a long-range capital plan. If more than one forecast is developed they must be reconciled.

(c) The department shall update the life cycle cost model to meet the requirements of Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358 no later than August 1, 2007.

(d) The department shall develop a cost allocation methodology proposal to meet the requirements described in Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358. The proposal shall be completed and presented to the joint legislative audit and review committee and the joint transportation committee no later than August 1, 2007.

(2) \$6,432,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(3) \$9,325,000 of the Puget Sound capital construction account--state appropriation is provided solely for the terminal projects listed:

(a) Anacortes ferry terminal - electrical work, upland parking, interim terminal costs, interim kitchen trailer costs, and demolition costs;

(b) Bremerton ferry terminal - move terminal agent's office and overhead loading control system;

(c) Edmonds ferry terminal - right-of-way acquisition costs and federal match requirements;

(d) Port Townsend ferry terminal - wingwall preservation costs;

(e) Kingston ferry terminal - transfer span retrofit, overhead vehicle holding control system modifications;

(f) Clinton ferry terminal - septic system replacement; and

(g) Friday Harbor ferry terminal - parking resurfacing.

(4) \$5,600,000 of the multimodal transportation account--state appropriation is provided solely for right-of-way acquisition costs and tribal mitigation and archeological work costs associated with the Mukilteo ferry terminal.

(5) \$76,525,000 of the transportation 2003 account (nickel account)--state appropriation and \$62,473,000 of the Puget Sound capital construction account--state appropriation are provided solely for the procurement of four 144-vehicle auto-passenger ferry vessels.

(6) \$18,116,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor maintenance facility preservation project. These funds may not be used for relocating any warehouses not currently on the Eagle Harbor site.

(7) \$80,000 of the Puget Sound capital construction account--state appropriation is provided solely to research an asset management system to improve Washington state ferries' management of capital assets and the department's ability to estimate future preservation needs. The department shall report its findings regarding a new asset management system to the governor and the transportation committees of the legislature no later than January 15, 2008.

(8) The department shall sell the M.V. Chinook and M.V. Snohomish passenger-only fast ferries as soon as practicable and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645. Once the department ceases to provide passenger-only ferry

service, the department shall sell the M.V. Kalama and M.V. Skagit passenger-only ferries and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645.

(9) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2007-09 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation. . . . .	\$500,000
Freight Congestion Relief Account--State Appropriation. . . . .	\$25,000,000
Transportation Infrastructure Account--State Appropriation. . . . .	\$14,500,000
Multimodal Transportation Account--State Appropriation. . . . .	\$150,678,000
Multimodal Transportation Account--Federal Appropriation. . . . .	\$30,450,000
Multimodal Transportation Account--Private/Local Appropriation. . . . .	\$7,894,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$229,022,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Rail Capital Program (Y) as developed March 30, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this section, \$14,500,000 of the transportation infrastructure account--state appropriation is for low-interest loans for rail capital projects through the freight rail investment bank program. However, until June 30, 2009, \$12,000,000 of the amount provided under this subsection (1)(b), which includes proceeds from the sale of ancillary property pursuant to subsection (5) of this section, must be made available as a no interest loan to any public entity seeking to provide operating service on a state-owned rail line where the loan proceeds are used to refurbish the rail line. With respect to the remaining \$2,500,000 of the amount provided under this subsection (1)(b), the department shall issue a call for projects based upon the legislative priorities specified in Engrossed Substitute Senate Bill No. 6120. Application must be received by the department by November 1, 2007. By December 1, 2007, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(c) Within the amounts provided in this section, \$3,335,000 of the multimodal transportation account--state appropriation is for statewide-emergent freight rail assistance projects. However, the department shall perform a cost/benefit analysis of the projects according to the legislative priorities regarding public benefits specified in Engrossed Substitute Senate Bill No. 6120, and shall give priority to the following projects: Rail - Tacoma rail yard switching upgrades (\$500,000); Rail - Port of Ephrata spur rehabilitation (\$127,000); Rail - Lewis and Clark rail improvements (\$1,100,000); Rail - Port of Grays Harbor rail access improvements (\$543,000); Rail - Port of Longview rail loop construction (\$291,000); and Rail - Port of Chehalis (\$774,000). If the relative cost of any of the six projects identified in this subsection (1)(c) is not substantially less than the public benefits to be derived from the project, then the department shall not assign the funds to the project, and instead shall use those funds toward those projects identified by the department in the attachments to the "Washington State Department of Transportation FREIGHT RAIL ASSISTANCE FUNDING PROGRAM: 2007-2009 Prioritized Project List and Program Update" dated December 2006 for which the proportion of public benefits to be gained compared to the cost of the project is greatest.

(d) Within the amounts provided in this section, \$9,000,000 of the multimodal transportation account--state appropriation is for the replacement of the rail bridge across the Cedar river.

(e) Within the amounts provided in this section, \$25,000,000 of the freight congestion relief account--state appropriation is for modifications to the Stampede Pass rail tunnel to facilitate the movement of double stacked rail cars.

(f) Within the amounts provided in this section, \$200,000 of the multimodal transportation account--state appropriation is for rescoping the Kelso to Martin's Bluff - 3rd Mainline and Storage Tracks project. The rescoped project may include funds that are committed to the project by local or private funding partners. However, the rescoped project must be capable of being completed with not more than \$49,470,000 in future state funding. Subject to this funding constraint, the rescoped project must maximize capacity improvements along the rail mainline.

(2) The multimodal transportation account--state appropriation includes up to \$137,620,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Program Y, including, but not limited to the "Tacoma -- bypass of Pt. Defiance" project.

(4) If new federal funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature and the office of financial management prior to spending the funds on existing or additional projects.

(5) The Palouse River and Coulee City (PCC) rail line system is made up of the CW, P&L and PV Hooper rail lines. The state has purchased the right-of-ways to the PCC rail line system. Watco will continue to operate the PV Hooper line, as required by contract. The department shall select operator(s) for the CW and P&L rail lines for the 2007 and 2008 harvest seasons through a competitive bid process, unless no bid is submitted in response to the department's request for bids. The operating agreement(s) for the CW and P&L rail lines shall not include provision for a state operating or capital subsidy. If, upon expiration of any of the operating agreements, any intergovernmental entity or local rail district expresses interest in the operating rights to the CW, P&L and PV Hooper rail lines, then the department shall give the intergovernmental entity or local rail district the right of first refusal to the long-term operating rights of the line(s), provided however that the long-term operating rights shall be available without state operating or capital subsidy. The department shall sell any ancillary property, acquired when the state purchased the right-of-ways to the PCC rail line system, to a lessee of the ancillary property who is willing to pay fair market value for the property. The department shall deposit the proceeds from the sale of ancillary property into the transportation infrastructure account for use according to the provisions of subsection (1)(b) of this section.

(6) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Highway Infrastructure Account--State Appropriation. . . . .	\$207,000
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Highway Infrastructure Account--Federal Appropriation. . . . .	\$1,602,000
Freight Mobility Investment Account--State Appropriation. . . . .	\$12,500,000
Freight Congestion Relief Account--State Appropriation. . . . .	\$51,720,000
Transportation Partnership Account--State Appropriation. . . . .	\$6,906,000
Motor Vehicle Account--State Appropriation. . . . .	\$6,504,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$52,900,000
Freight Mobility Multimodal Account--State Appropriation. . . . .	\$12,100,000
Multimodal Transportation Account--State Appropriation. . . . .	\$27,658,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$2,706,000
Passenger Ferry Account--State Appropriation. . . . .	\$8,500,000
TOTAL APPROPRIATION. . . . .	\$183,303,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$8,500,000 of the passenger ferry account--state appropriation is provided solely for the establishment of a ferry grant program to provide operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW to operate a passenger-only ferry system.

(3) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(5) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2007, and December 1, 2008.

(6) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account-- state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(7) \$7,000,000 of the multimodal transportation account--state appropriation, \$7,000,000 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 27, 2007. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(8) Up to a maximum of \$5,000,000 of the multimodal transportation account--state appropriation and up to a maximum of \$2,000,000 of the motor vehicle account--federal appropriation are reappropriated for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP transportation document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(9) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

**NEW SECTION. Sec. 312.** (1) Up to \$881,646,000 in proceeds from the sale of bonds authorized in RCW 47.10.873 is available to support both of the transportation partnership account--state appropriations in sections 305 and 306 of this act.

(2) Up to \$858,724,000 in proceeds from the sale of bonds authorized by RCW 47.10.861 is available to support both of the transportation 2003 account (nickel account)--state appropriations in sections 305 and 306 of this act.

(3) Up to \$22,080,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394 is available to support both of the special category C account--state appropriations in sections 305 and 306 of this act. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation. . . . .	\$548,852,000
Ferry Bond Retirement Account Appropriation. . . . .	\$38,059,000
Transportation Improvement Board Bond Retirement Account--State Appropriation. . . . .	\$26,844,000
Nondebt-Limit Reimbursable Account Appropriation. . . . .	\$15,477,000
Transportation Partnership Account--State Appropriation. . . . .	\$6,612,000

Motor Vehicle Account--State Appropriation. . . . .	\$563,000
Transportation Improvement Account--State Appropriation. . . . .	\$68,000
Multimodal Transportation Account--State Appropriation. . . . .	\$1,307,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$6,440,000
Urban Arterial Trust Account--State Appropriation. . . . .	\$473,000
Special Category C Account Appropriation. . . . .	\$278,000
TOTAL APPROPRIATION. . . . .	\$644,973,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account--State Appropriation. . . . .	\$2,204,000
Motor Vehicle Account--State Appropriation. . . . .	\$188,000
Transportation Improvement Account--State Appropriation. . . . .	\$5,000
Multimodal Transportation Account--State Appropriation. . . . .	\$130,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$2,147,000
Urban Arterial Trust Account--State Appropriation. . . . .	\$38,000
Special Category C Account--State Appropriation. . . . .	\$30,000
TOTAL APPROPRIATION. . . . .	\$4,742,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

(1) Motor Vehicle Account--State Reappropriation:	
For transfer to the Tacoma Narrows Toll Bridge Account. . . . .	\$131,016,000

The department of transportation is authorized to sell up to \$131,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:	
For transfer to the Puget Sound Capital Construction Account. . . . .	\$75,000,000

The department of transportation is authorized to sell up to \$75,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

**NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties. . . . .	\$526,320,000
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**NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. . . . .	\$937,181,000
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**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers. . . . .	\$346,657,000
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**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

(1) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State. . . . .	\$3,005,000
(2) License Plate Technology Account--State Appropriation: For the Highway Safety Account--State. . . . .	\$4,500,000
(3) Motor Vehicle Account--State Appropriation:	
For transfer to the High-Occupancy Toll Lanes Operations--State Account. . . . .	\$3,000,000
(4) Motor Vehicle Account--State Appropriation:	
For transfer to the Puget Sound Capital Construction Account--State. . . . .	\$30,000,000
(5) Multimodal Transportation Account--State Appropriation:	
For transfer to the Puget Sound Ferry Operations Account--State. . . . .	\$35,000,000
(6) Advanced Right-of-Way Revolving Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State. . . . .	\$30,000,000
(7) Waste Tire Removal Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State. . . . .	\$5,600,000
(8) Motor Vehicle Account--State Appropriation:	
For transfer to the Transportation Partnership Account--State. . . . .	\$28,000,000
(9) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State. . . . .	\$7,000,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (3) of this section may be spent only on "highway purposes" as that term is construed in Article II, section 40 of the Washington state Constitution.

**NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 409.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The

legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

### COMPENSATION

**NEW SECTION. Sec. 501. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS.** The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

**NEW SECTION. Sec. 502. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS.** The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

**NEW SECTION. Sec. 503. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June, 2007, and is covered by a 2007-2009 collective bargaining agreement pursuant to chapter 41.80 RCW, as well as continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

**NEW SECTION. Sec. 504. COMPENSATION--PENSION CONTRIBUTIONS.** The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are provided to fund employer contributions to state pension funds at the rates adopted by the pension funding council.

**NEW SECTION. Sec. 505. COMPENSATION--REVISE PENSION GAIN SHARING.** The appropriations for (schools) state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to pension gain sharing as provided in House Bill No. 2391.

**NEW SECTION. Sec. 506. NONREPRESENTED EMPLOYEE COMPENSATION.** The appropriations for nonrepresented employee compensation adjustments are provided solely for:

(1) Across the Board Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective July 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2% salary increase effective July 1, 2007, and for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 2.0% salary increase effective July 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0% salary increase effective July 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes.

(3) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under the personnel system reform act of 2002.

(4) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan.

(5) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(6) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6% salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6% salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

**NEW SECTION. Sec. 507. COLLECTIVE BARGAINING AGREEMENTS.** Provisions of the collective bargaining agreements contained in sections 508 through 519 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 506 through 516 may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 508. COLLECTIVE BARGAINING AGREEMENT--IBU.** Appropriations in this act contain funding for the collective bargaining agreement reached between the governor and the inlandboatmen's union of the pacific under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1.5% to 4% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 509. COLLECTIVE BARGAINING AGREEMENT--MEBA-LICENSED.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1% to 6% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 510. COLLECTIVE BARGAINING AGREEMENT--MEBA-UNLICENSED.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008.

**NEW SECTION. Sec. 511. COLLECTIVE BARGAINING AGREEMENT--MM&P.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 2.5% to 7.5% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 512. COLLECTIVE BARGAINING AGREEMENT--MM&P-WATCH SUPERVISORS.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, watch supervisors, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 3% increase to address this specific classification which is below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 513. COLLECTIVE BARGAINING AGREEMENT--METAL TRADES COUNCIL.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Puget Sound metal trades council under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a \$0.95/hour salary adjustment to all classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 514. COLLECTIVE BARGAINING AGREEMENT--FASPAA.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the ferry agents, supervisors, & project administrators association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 10% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENT--OPEIU.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the office & professional employees international union, local 8, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the

increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a one salary range (5%) increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENT--SEIU.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employees international union, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 5% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 517. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION.** Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

**NEW SECTION. Sec. 518. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION.** Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

**NEW SECTION. Sec. 519. COLLECTIVE BARGAINING AGREEMENT--IFPTE.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

#### IMPLEMENTING PROVISIONS

**NEW SECTION. Sec. 601.** Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

**NEW SECTION. Sec. 602. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 603. FUND TRANSFERS.** (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2007-1, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year balanced plan. Unless otherwise provided in this act, the director of financial management may authorize a transfer of spending allocation within the appropriation provided and between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature;

(d) Transfers to a project may be made without an offsetting project reduction if the office of financial management finds there is sufficient appropriation authority to accommodate the allocation increase;

(e) Transfers of less than \$500,000 may be made by the department without approval from the office of financial management;

(f) Transfers may not occur to projects not identified on the applicable project list; and

(g) Transfers may not be made while the legislature is in session.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature. The request must include how the fund transfer requests will be accommodated in a balanced financial plan, consistent with legislative intent. A report of all approved transfers made under this section shall be submitted on October 1st of each fiscal year to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees and the legislative evaluation and accountability program committee to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the last legislative session, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

**NEW SECTION. Sec. 604. MEGA-PROJECT REPORTING.** Mega-projects are defined as individual or groups of related projects that cost \$1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way Viaduct, SR 520, SR 167, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia River Crossing. The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature.

**NEW SECTION. Sec. 605.** Based on the anticipated outcomes of the tolling study, to be conducted under section 206 of this act, the legislature intends that tolls be charged to offset or partially offset the costs for the following projects, and that a managed lane concept be applied in their design and implementation: State Route 520 Bridge replacement and HOV project, and widening of Interstate 405.

#### MISCELLANEOUS 2007-09 BIENNIUM

**Sec. 701.** RCW 46.68.170 and 1996 c 237 s 2 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the 2005-2007 and 2007-2009 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account.

**Sec. 702.** RCW 47.29.170 and 2006 c 370 s 604 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before (~~June 30, 2007~~) July 1, 2009.

**NEW SECTION. Sec. 703.** To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

**Sec. 704.** RCW 46.16.685 and 2003 c 370 s 4 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 fiscal biennium, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess fund balance of the license plate technology account.

**Sec. 705.** RCW 47.01.390 and 2006 c 311 s 27 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

**Sec. 706.** RCW 88.16.090 and 2005 c 26 s 2 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii) Is a resident of the state of Washington at the time of licensure as a pilot;

(iv)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may establish such other federal license requirements for applicants and pilots as it deems appropriate; and

(v) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and ranked in a manner specified by the board based on their experience, other qualifications as may be set by the board, performance on a written examination or examinations established by the board, and performance in such other evaluation exercises as may be required by the board, for entry into a board-specified training program.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may appoint a special independent committee or may contract with a firm knowledgeable and experienced in the development of professional tests and evaluations for development and grading of the examinations and other evaluation methods. Active licensed state pilots may be consulted for the general development of any examinations and evaluation exercises but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination or evaluation development committee it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the

state treasurer an annual license fee (~~of three thousand dollars~~) in an amount set by the board by rule. The fees established under this subsection may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 through the fiscal year ending June 30, 2009. The fees must be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(7) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or applicant is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

**Sec. 707.** RCW 47.12.244 and 1991 c 291 s 2 are each amended to read as follows:

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

- (1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;
  - (2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and
  - (3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.
- (4) During the 2007-09 fiscal biennium, the legislature may transfer from the advance right of way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right of way revolving fund.

**Sec. 708.** RCW 70.95.521 and 2005 c 354 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles. During the 2007-2009 fiscal biennium, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account.

**NEW SECTION. Sec. 709.** The department of transportation, in conjunction with the office of financial management, must implement the governmental accounting standards board's (GASB) statement number 34 including a complete inventory and valuation of the state's highway system. The financial reporting value of the state's highway system must be adjusted for any new additions to the system. The biennial reporting of the condition of the system must be related to the funding levels of maintaining the system. The department must maintain a current inventory of the state's highway system and estimate the actual cost to maintain and preserve the assets. In addition to the GASB statement 34, the department of transportation with the office of financial management's assistance must establish an asset replacement value for the entire state's highway system. During 2007, the speaker of the house of representatives must select one member from each caucus to work with the office of financial management and the department of transportation. The purpose of this effort is to enhance decision making that will result in strategic long-term investment decisions in transportation capital project management and asset preservation. The office of financial management will coordinate and manage the inventory and the valuation. The office of financial management must submit a final report to the legislative transportation committees on or before December 1, 2008.

**2005-07 BIENNIUM  
TRANSPORTATION AGENCIES--OPERATING**

**Sec. 801.** 2006 c 53 s 2 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation. . . . . ((~~\$1,017,000~~))  
\$1,317,000

((The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board.))

**NEW SECTION. Sec. 802.** A new section is added to 2005 c 313 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF LICENSING.**

The appropriations to the department of licensing in chapter 370, Laws of 2006 shall be expended for the programs and in the amounts specified herein. However, after May 1, 2007, unless specifically prohibited, the department may transfer motor vehicle account--state appropriations for the 2005-2007 fiscal biennium, highway safety account--state appropriations for the 2005-2007 fiscal biennium, and department of licensing services account--state appropriations for the 2005-2007 fiscal biennium between programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this section.

**NEW SECTION. Sec. 803.** A new section is added to 2005 c 313 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION.**

(1) The appropriations to the department of transportation in this act shall be expended for the programs and in the amounts specified in this act. However, in order to meet extraordinary expenses in snow and ice removal, after May 1, 2007, unless specifically prohibited by this act, the department may transfer state appropriations among operating programs after

approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose.

(2) The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate transportation committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

**Sec. 804.** 2006 c 370 s 205 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation. . . . . \$1,679,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by January 1, 2007.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

- (i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and
- (ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

~~(4) (\$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.~~

~~(a) At a minimum, the study must examine the following: (i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.~~

~~(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by November 1, 2006.~~

~~(5) \$75,000 of the motor vehicle account--state appropriation is provided solely for the joint transportation committee to contract for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.~~

~~(6) (5) The committee shall conduct an evaluation of the department of transportation surface transportation program enhancement grant program. The evaluation will include (a) information about the categories of projects submitted for consideration; (b) a review of the allocation of funds awarded across the categories of STP enhancement eligible activities; (c) a review of the criteria used to score projects; and (d) a finding by the committee whether certain categories of projects are disproportionately funded or unfunded.~~

**Sec. 805.** 2006 c 370 s 208 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State Appropriation. . . . .	( <del>\$201,063,000</del> )
	\$197,234,000
State Patrol Highway Account--Federal Appropriation. . . . .	\$10,544,000
State Patrol Highway Account--Private/Local Appropriation. . . . .	\$169,000
TOTAL APPROPRIATION. . . . .	\$( <del>211,776,000</del> )
	<u>\$207,947,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

(7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

(8)(a) \$834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) \$2,040,000 of the state patrol highway account--state appropriation is provided solely for eighteen additional commissioned officers in the vessel and terminal security division.

(11) The office of financial management shall conduct a review of the state patrol highway account and report its findings to the legislature by January 1, 2007.

**Sec. 806.** 2006 c 370 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation. . . . . ~~(\$1,358,000)~~  
\$778,000

**Sec. 807.** 2006 c 370 s 210 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation. . . . . ~~(\$91,359,000)~~  
\$91,742,000  
 State Patrol Highway Account--Private/Local Appropriation. . . . . \$2,008,000  
**TOTAL APPROPRIATION. . . . . ~~(\$93,367,000)~~**  
**\$93,750,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

**Sec. 808.** 2006 c 370 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

Tacoma Narrows Toll Bridge Account--State Appropriation.....	(( <del>\$8,294,000</del> ))
	<u>\$5,288,000</u>

**Sec. 809.** 2006 c 370 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation.....	(( <del>\$7,137,000</del> ))
	<u>\$6,925,000</u>
Aeronautics Account--Federal Appropriation.....	\$2,150,000
Multimodal Transportation Account--State Appropriation.....	\$100,000
Multimodal Transportation Account--Federal Appropriation.....	\$900,000
TOTAL APPROPRIATION.....	(( <del>\$10,287,000</del> ))
	<u>\$10,075,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(b) If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

**Sec. 810.** 2006 c 370 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation.....	(( <del>\$24,052,000</del> ))
	<u>\$23,053,000</u>
Motor Vehicle Account--Federal Appropriation.....	\$16,756,000
Multimodal Transportation Account--State Appropriation.....	\$2,279,000
Multimodal Transportation Account--Federal Appropriation.....	\$2,829,000
Multimodal Transportation Account--Private/Local Appropriation.....	\$100,000
Transportation Partnership Account--State Appropriation.....	\$2,300,000
TOTAL APPROPRIATION.....	(( <del>\$48,316,000</del> ))
	<u>\$47,317,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

(2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

(3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) \$700,000 of the motor vehicle account--state appropriation is provided solely for completing funding for a route development plan of U.S. route 2.

(7) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the legislature finds that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and that the director of the office of financial management should, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(9) \$2,300,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(10) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(11) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

(12) \$150,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

**Sec. 811.** 2006 c 370 s 225 (uncodified) is amended to read as follows:

<b>FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U</b>	
Motor Vehicle Account--State Appropriation. . . . .	(( <del>\$46,874,000</del> ))
	<u>\$47,334,000</u>
Motor Vehicle Account--Federal Appropriation. . . . .	\$400,000
TOTAL APPROPRIATION. . . . .	(( <del>\$47,274,000</del> ))
	<u>\$47,734,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((~~\$31,749,000~~))~~ \$32,209,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES. . . . .	\$1,667,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR. . . . .	\$1,026,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES. . . . .	\$4,049,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL. . . . .	\$4,548,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION. . . . .	(( <del>\$31,749,000</del> )) <u>\$32,209,000</u>
(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE. . . . .	\$1,717,000
(g) FOR ARCHIVES AND RECORDS MANAGEMENT. . . . .	\$545,000
(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES. . . . .	\$1,124,000
(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL HRMS PAYROLL SYSTEM. . . . .	\$817,000
(j) FOR PAYMENT OF THE OFFICE OF FINANCIAL MANAGEMENT ROADMAP CHARGES. . . . .	\$12,000
(k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT CAPITAL BUDGET SYSTEM CHARGES. . . . .	\$15,000
(l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES RATE INCREASES. . . . .	\$5,000

**Sec. 812.** 2006 c 370 s 226 (uncodified) is amended to read as follows:

<b>FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V</b>	
Multimodal Transportation Account--State Appropriation. . . . .	(( <del>\$87,233,000</del> )) <u>\$70,005,000</u>
Multimodal Transportation Account--Federal Appropriation. . . . .	\$2,603,000
Multimodal Transportation Account--Private/Local Appropriation. . . . .	\$155,000
TOTAL APPROPRIATION. . . . .	(( <del>\$89,991,000</del> )) <u>\$72,763,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.
  - (a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.
  - (b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:
    - (i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;
    - (ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.
- (2) Funds are provided for the rural mobility grant program as follows:
  - (a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.
  - (b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.
- (3) \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.
- (4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union.
- (5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (6)(a) ((~~\$20,000,000~~)) \$2,832,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, Regional Mobility Grant Program Projects as developed March 8, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project

activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute Senate Bill No. 6566 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute Senate Bill No. 6566 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) ~~(\$200,000)~~ \$140,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

**Sec. 813.** 2006 c 370 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State Appropriation.....	( <del>(\$372,254,000)</del> )
	<u>\$390,049,000</u>
Multimodal Transportation Account--State Appropriation. ....	\$3,660,000
<b>TOTAL APPROPRIATION.....</b>	<b>(<del>(\$375,914,000)</del>)</b>
	<u>\$393,709,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$75,280,000)~~ \$81,664,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed ~~(\$226,455,000)~~ \$236,085,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes \$6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and \$1,339,000 for labor productivity gains agreements and \$8,870,000 in full satisfaction of the arbitration awards and the negotiated collective bargaining agreements for the 2003-2005 and 2005-2007 biennia. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle until such time as a county ferry district's assumption of the route, as authorized by Substitute Senate Bill No. 6787. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules.

(7) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 814.** 2006 c 370 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State Appropriation. ....	( <del>(\$36,876,000)</del> )
	<u>\$35,626,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(2) (~~(\$2,750,000)~~) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a study of the realignment of highway and rail in the Longview industrial area (SR 432) corridor, specifically regarding whether the construction of a limited access bypass highway to reduce congestion resulting from anticipated growth in future rail and truck traffic, is a feasible alternative. In conducting the study, the department shall consult port districts, local government planning staff, and rail road companies, and other appropriate stakeholders.

(6) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a study of the need for transloading capabilities in the West Plains area that could be served by the Geiger Spur, including evaluation of prospective transloader sites, potential operators and users, and the type, size, and special needs of shippers/customers. The study must also evaluate the costs associated with building and operating a transloader site and the impact to local roadways and surrounding land uses. In conducting the study, the department shall consult with Spokane County.

**Sec. 815.** 2006 c 370 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation. . . . .	(( <del>\$8,500,000</del> ))
	<u>\$8,836,000</u>
Motor Vehicle Account--Federal Appropriation. . . . .	\$2,597,000
Multimodal Transportation Account--State Appropriation. . . . .	(( <del>\$411,000</del> ))
	<u>\$200,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$11,508,000</del> ))
	<u>\$11,633,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$211,000 of the motor vehicle account--state appropriation and ((~~\$411,000~~)) \$200,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) (~~(\$525,000)~~) \$861,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

**TRANSPORTATION AGENCIES--CAPITAL**

**Sec. 901.** 2005 c 313 s 301 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation. . . . .	(( <del>\$2,801,000</del> ))
	<u>\$4,138,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,535,000 of the appropriation is provided solely for the Shelton training academy domestic water and wastewater treatment project.
- (2) \$1,266,000 of the appropriation is provided solely for minor works projects.

**Sec. 902.** 2006 c 370 s 301 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation. . . . .	(( <del>\$64,933,000</del> ))
	<u>\$38,046,000</u>
Motor Vehicle Account--State Appropriation. . . . .	\$355,000
County Arterial Preservation Account--State Appropriation. . . . .	(( <del>\$32,697,000</del> ))
	<u>\$31,882,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$97,985,000</del> ))
	<u>\$70,283,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

**Sec. 903.** 2006 c 370 s 302 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation. . . . .	(( <del>\$101,425,000</del> ))
	<u>\$93,425,000</u>
Small City Preservation and Sidewalk Account--State Appropriation. . . . .	(( <del>\$2,000,000</del> ))
	<u>\$1,696,000</u>
Transportation Improvement Account--State Appropriation. . . . .	(( <del>\$94,401,000</del> ))
	<u>\$82,258,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$197,826,000</del> ))
	<u>\$177,379,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The transportation improvement account--state appropriation includes up to ((~~\$14,143,000~~)) \$7,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.
- (2) ((~~\$2,000,000~~)) \$1,696,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 904. 2006 c 370 s 303 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation. . . . .	(( <u>\$2,328,000</u> ))
	<u>\$1,911,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$584,000 of the motor vehicle account--state appropriation is provided solely for statewide administration.
- (2) ((\$632,000)) \$561,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.
- (3) ((\$305,000)) \$40,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.
- (4) ((\$239,000)) \$158,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.
- (5) \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

(a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.

Sec. 905. 2006 c 370 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation. . . . .	(( <u>\$17,555,000</u> ))
	<u>\$11,162,000</u>
Motor Vehicle Account--Federal Appropriation. . . . .	(( <u>\$15,068,000</u> ))
	<u>\$10,308,000</u>
Motor Vehicle Account--Local Appropriation. . . . .	(( <u>\$108,000</u> ))
	<u>\$50,000</u>
TOTAL APPROPRIATION. . . . .	(( <u>\$32,731,000</u> ))
	<u>\$21,520,000</u>

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes ((\$11,255,000)) \$11,162,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 906. 2006 c 370 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	(( <u>\$1,190,511,000</u> ))
	<u>\$1,079,697,000</u>
Motor Vehicle Account--State Appropriation. . . . .	(( <u>\$85,165,000</u> ))
	<u>\$84,385,000</u>
Motor Vehicle Account--Federal Appropriation. . . . .	(( <u>\$395,043,000</u> ))
	<u>\$352,856,000</u>
Motor Vehicle Account--Private/Local Appropriation. . . . .	(( <u>\$58,522,000</u> ))
	<u>\$46,807,000</u>
Special Category C Account--State Appropriation. . . . .	(( <u>\$3,479,000</u> ))
	<u>\$3,152,000</u>
Tacoma Narrows Toll Bridge Account Appropriation. . . . .	<u>\$274,038,000</u>
Transportation Partnership Account--State Appropriation. . . . .	(( <u>\$384,186,000</u> ))
	<u>\$282,784,000</u>
Multimodal Transportation Account--State Appropriation. . . . .	(( <u>\$1,002,000</u> ))
	<u>\$750,000</u>
TOTAL APPROPRIATION. . . . .	(( <u>\$2,391,946,000</u> ))
	<u>\$2,124,469,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ((fund)) project ((and amount)) in LEAP Transportation Document 2006-1, Highway Improvement Program (I) as developed March 8, 2006. ((~~However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.~~))

(b) Within the amounts provided in this subsection, \$6,835,000 of the transportation partnership account--state appropriation, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project 109040T: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds on construction is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(c) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(d) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is for an SR 534 access point decision report.

(f) Within the amounts provided within this subsection, \$6,000,000 of the transportation partnership account--state appropriation is for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(g) Within the amounts provided in this subsection, \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and \$4,939,000 of the transportation partnership account--state appropriation are for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

(h) Within the amounts provided in this subsection, \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are for project 154302E: SR 543 (I-5 to the international boundary).

(2) The motor vehicle account--state appropriation includes up to \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(3) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(4) The transportation partnership account--state appropriation includes up to \$150,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes up to \$17,022,000 in unexpended proceeds from the March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes up to \$880,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003.

(7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

(9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

(10) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(11) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.

(12) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(13) \$500,000 of the motor vehicle account--state appropriation is provided solely for a planning study regarding congestion mitigation improvements on state route 101 in the vicinity of the city of Aberdeen.

(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects.

(15) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.

~~((+7))~~ (16) The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the SR 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project implementation plan for the projects described in this subsection.

(a) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(b) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(c) The chair of the expert review panel shall be designated by the governor.

(d) The expert panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(i) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(ii) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(iii) Report its findings and recommendations on the items described in (d)(i) and (ii) of this subsection to the joint transportation committee, the office of financial management, and the governor no later than September 1, 2006.

(e) Upon receipt of the expert review panel's findings and recommendations under (d)(iii) of this subsection, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(f) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this subsection.

~~((+8))~~ (17)(a) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (i) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (ii) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing

requirements, and project staging and phasing plans if applicable; and (iii) the department must report these results for each project to the joint transportation committee.

(b) The requirements of this subsection shall not apply to (i) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (ii) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

**Sec. 907.** 2006 c 370 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	(( <del>\$1,687,000</del> ))
	\$1,690,000
Motor Vehicle Account--State Appropriation. . . . .	(( <del>\$94,799,000</del> ))
	\$88,954,000
Motor Vehicle Account--Federal Appropriation. . . . .	(( <del>\$435,310,000</del> ))
	\$426,297,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	(( <del>\$8,485,000</del> ))
	\$6,194,000
<del>((Puyallup Tribal Settlement Account--State Appropriation. . . . .</del>	<del>(\$11,000,000))</del>
Transportation Partnership Account--State Appropriation. . . . .	(( <del>\$24,540,000</del> ))
	\$20,180,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$575,821,000</del>))</b>
	<b>\$543,315,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ~~((fund,))~~ project ~~((and amount))~~ in LEAP Transportation Document 2006-1, Highway Preservation Program (P) as developed March 8, 2006. ~~((However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) \$740,000 of the motor vehicle account--state appropriation, \$106,149,000 of the motor vehicle account--federal appropriation, and \$10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(9) ~~((~~\$4,000,000~~))~~ \$3,200,000 of the motor vehicle account--federal appropriation and \$6,000,000 of the motor vehicle account--state appropriation, as specified in subsection (8) of this section, are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events. Slide repair on state routes 101, 4, 107, and 105 must be funded from this amount if federal emergency funds are not available.

**Sec. 908.** 2006 c 370 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation. . . . .	(( <del>\$122,324,000</del> ))
	\$100,254,000
Puget Sound Capital Construction Account--Federal Appropriation. . . . .	(( <del>\$73,590,000</del> ))
	\$62,842,000
Puget Sound Capital Construction Account--Private/Local Appropriation. . . . .	\$26,000
Multimodal Transportation Account--State Appropriation. . . . .	(( <del>\$13,249,000</del> ))
	\$10,749,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	(( <del>\$34,991,000</del> ))
	\$18,275,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$244,180,000</del>))</b>
	<b>\$192,146,000</b>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:



(8) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for a rail loop at the Port of Walla Walla.

**Sec. 910.** 2006 c 370 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

<del>(Highway Infrastructure Account--State Appropriation.</del>	.....	\$207,000
Highway Infrastructure Account--Federal Appropriation.	.....	\$1,602,000)
Motor Vehicle Account--Federal Appropriation.	.....	(( <del>\$48,998,000</del> ))
		\$16,734,000
Motor Vehicle Account--State Appropriation.	.....	(( <del>\$8,340,000</del> ))
		\$1,900,000
Transportation Partnership Account--State Appropriation.	.....	(( <del>\$2,008,000</del> ))
		\$694,000
<del>(Freight Mobility Investment Account--State Appropriation.</del>	.....	<del>\$6,000,000</del>
Passenger Ferry Account--State Appropriation.	.....	\$9,000,000)
Multimodal Transportation Account--State Appropriation.	.....	(( <del>\$39,403,000</del> ))
		\$21,860,000
Transportation 2003 Account (nickel account)--State Appropriation.	.....	(( <del>\$557,000</del> ))
		\$145,000
Freight Mobility Multimodal Account--State Appropriation.	.....	(( <del>\$9,700,000</del> ))
		\$1,150,000
<u>Freight Mobility Multimodal Account--Private/Local Appropriation.</u>	.....	<u>\$3,050,000</u>
<b>TOTAL APPROPRIATION.</b>	.....	<b>((<del>\$125,815,000</del>))</b>
		<b>\$45,533,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(4) \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) Up to \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided (~~solely~~) for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) Up to \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided (~~solely~~) to support the safe routes to school program.

(8) (~~(\$16,110,000)~~) Up to \$7,488,000 of the motor vehicle account--federal appropriation is provided (~~solely~~) for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided (~~solely~~) for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, \$4,992,000; Colville Alternate Truck Route, \$1,746,000; (~~S-228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road--Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, \$122,000;~~) and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) (~~(\$2,898,000)~~) Up to \$1,011,000 of the motor vehicle account--state appropriation is provided (~~solely~~) for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided (~~solely~~) for the respective projects: Duwamish Intelligent Transportation Systems (ITS), (~~(\$2,382,000)~~) \$495,000; Port of Kennewick/Piert Road, \$516,000.

(10) Up to \$6,000,000 of the multimodal account--state appropriation is provided (~~solely~~) for the local freight 'D' street grade separation project.

(11) The department shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference shall be given to projects that provide a local match.

(12) ~~(\$18,370,000)~~ Up to \$12,000,000 of the multimodal transportation account--state appropriation, ~~(\$6,000,000)~~ up to \$2,440,000 of the freight mobility multimodal account--state appropriation, and up to \$2,008,000 of the transportation partnership account--state appropriation ~~(, and \$6,000,000 of the freight mobility investment account--state appropriation)~~ are provided ~~((solely))~~ for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2006-1, Local Programs (Z) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) Up to \$5,000,000 of the multimodal transportation account--state appropriation and up to \$2,000,000 of the motor vehicle account--federal appropriation are provided ~~((solely))~~ for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-B, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15) Up to \$9,700,000 of the motor vehicle account--federal appropriation is provided ~~((solely))~~ for the intersection and corridor safety program projects as identified on the LEAP Transportation Document 2006-A, Intersection and Corridor Safety Program Projects as developed March 8, 2006.

(16) Up to \$19,500,000 of the motor vehicle account--federal appropriation is provided ~~((solely))~~ for rural county two-lane roadway pilot projects including \$7,500,000 already under contract. Any further allocations shall be prioritized by the department based on high-accident-corridor criteria. For purposes of this subsection, "high-accident-corridor" means a highway corridor of one mile or more where analysis of collision history indicates that the section has higher than average collision and severity factors.

(17) Up to \$2,500,000 of the motor vehicle account--state appropriation is provided ~~((solely))~~ for the Yakima downtown futures initiative.

(18) Up to \$810,000 of the multimodal transportation account--state appropriation is provided ~~((solely))~~ for the projects identified in this subsection: Des Moines creek trail, \$250,000; SR 282 to Port of Ephrata connector, \$385,000; Mount Baker Ridge viewpoint, \$175,000.

~~((20))~~ (19) Up to \$688,000 of the motor vehicle account--federal appropriation is provided ~~((solely))~~ for completion of the Coal Creek Parkway project.

~~((21))~~ \$9,000,000 of the passenger ferry account--state appropriation is provided solely for the implementation of the passenger-only ferry grant program created in Substitute Senate Bill No. 6787. If Substitute Senate Bill No. 6787 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.)

(20) \$827,000 of the motor vehicle account--federal appropriation is provided solely for the projects identified in this subsection: The Franklin county slide project, \$800,000; and the Loomis-Oroville Road guardrail replacement project, \$27,000.

(21) \$252,000 of the multimodal transportation account--state appropriation is provided solely for the Winthrop pedestrian and bike path project.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 1001.** 2006 c 370 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation.....	<del>(\$334,313,000)</del>
	\$329,713,000
Nondebt-Limit Reimbursable Account Appropriation.....	<del>(\$6,091,000)</del>
	\$5,791,000
Ferry Bond Retirement Account Appropriation.....	\$38,241,000
Transportation Improvement Board Bond Retirement Account--State Appropriation.....	\$30,923,000
Motor Vehicle Account--State Appropriation.....	<del>(\$682,000)</del>
	\$782,000
Transportation Improvement Account--State Appropriation.....	\$120,000
Multimodal Transportation Account--State Appropriation.....	<del>(\$370,000)</del>
	\$390,000
Transportation 2003 Account (Nickel Account) Appropriation.....	\$6,600,000
Transportation Partnership Account--State Appropriation.....	<del>(\$1,125,000)</del>
	\$975,000
TOTAL APPROPRIATION.....	<del>(\$418,465,000)</del>
	\$413,535,000

**Sec. 1002.** 2006 c 370 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Account--State Appropriation.....	\$248,000
Transportation Improvement Account--State Appropriation.....	<del>(\$13,000)</del>
	\$18,000
Multimodal Transportation Account--State Appropriation.....	\$35,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$2,200,000
Transportation Partnership Account--State Appropriation.....	\$375,000
TOTAL APPROPRIATION.....	<del>(\$2,871,000)</del>
	\$2,876,000

**Sec. 1003.** 2006 c 370 s 404 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**  
 Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties. . . . . ~~(\$487,612,000)~~  
\$468,391,000

**Sec. 1004.** 2006 c 370 s 405 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--TRANSFERS**  
 Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers. . . . . ~~(\$1,037,342,000)~~  
\$1,031,321,000

**Sec. 1005.** 2006 c 370 s 406 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS**  
 (1) RV Account--State Appropriation:  
 For transfer to the Motor Vehicle Account--State. . . . . ~~(\$2,000,000)~~  
\$2,104,000  
 (2) Motor Vehicle Account--State Appropriation:  
 For transfer to Puget Sound Capital Construction Account--State. . . . . ~~(\$73,000,000)~~  
\$70,223,000  
 (3) Highway Safety Account--State Appropriation:  
 For transfer to the Motor Vehicle Account--State. . . . . \$5,000,000  
 (4) Motor Vehicle Account--State Appropriation:  
 For transfer to the Puget Sound Ferry Operations Account--State. . . . . ~~(\$31,000,000)~~  
\$50,680,000  
 (5) Motor Vehicle Account--State Appropriation:  
 For transfer to the Transportation Partnership Account--State. . . . . \$33,127,000  
 (6) Highway Safety Account--State Appropriation:  
 For transfer to the Multimodal Transportation Account--State. . . . . \$25,980,000  
 (7) Transportation Partnership Account--State Appropriation:  
 For transfer to the Small City Pavement and Sidewalk Account--State. . . . . \$1,000,000  
 (8) Transportation Partnership Account--State Appropriation:  
 For transfer to the Transportation Improvement Account--State. . . . . \$2,500,000  
 (9) Transportation Partnership Account--State Appropriation:  
 For transfer to the County Arterial Preservation Account--State. . . . . \$1,500,000  
 (10) License Plate Technology Account--State Appropriation:  
 For transfer to the Motor Vehicle Account--State. . . . . \$2,500,000  
 (11) Multimodal Transportation Account--State Appropriation:  
 For transfer to the Transportation Partnership Account--State. . . . . \$29,417,000  
 (12) Motor Vehicle Account--State Appropriation:  
 For transfer to the Freight Mobility Multimodal Account--State, up to a maximum of. . . . . ~~(\$3,700,000)~~  
\$3,537,000  
 (13) Multimodal Transportation Account--State Appropriation:  
 For transfer to the Tacoma Narrows Toll Bridge Account--State. . . . . \$1,300,000  
 (14) Multimodal Transportation Account--State Appropriation:  
 For transfer to the Freight Mobility Multimodal Account--State. . . . . \$4,610,000  
 (15) Motor Vehicle Account--State Appropriation:  
For transfer to the Tacoma Narrows Toll Bridge  
Account--State. . . . . \$5,288,000  
(16) Multimodal Transportation Account--State Appropriation: For transfer to the Transportation  
Infrastructure Account--State. . . . . \$11,000,000

The transfers identified in this section are subject to the following conditions and limitations:

- (a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.
- (b) The amount transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.
- (c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.
- (d) The amount transferred in subsection (13) of this section is appropriated as a nonreimbursable state financial contribution to the project and does not require repayment.

**MISCELLANEOUS**

**Sec. 1101.** RCW 46.68.060 and 1969 c 99 s 11 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the 2005-2007 fiscal biennium, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

**NEW SECTION. Sec. 1102.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1103.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.390, 88.16.090, 47.12.244, 70.95.521, and 46.68.060; amending 2006 c 53 s 2 (uncodified); amending 2006 c 370 ss 205, 208, 209, 210, 215, 218, 224, 226, 227, 228, 229, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 404, 405, and 406 (uncodified); amending 2005 c 313 s 301 (uncodified); adding new sections to 2005 c 313 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

as the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed the following members as Conferees: Representatives Clibborn, Flannigan and Jarrett.

**SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1138,  
HOUSE BILL NO. 1450,  
HOUSE BILL NO. 1598,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 1965,  
ENGROSSED HOUSE BILL NO. 2070,  
SUBSTITUTE SENATE BILL NO. 6141,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011,

**MESSAGE FROM THE SENATE**

April 17, 2007

Mr. Speaker:

The Senate insists on its position to HOUSE BILL NO. 1051 and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House insisted on its position regarding the Senate amendments to HOUSE BILL NO. 1051 and again asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

April 18, 2007

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1041. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Beginning on page 3, line 19, strike all of section 5 and insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 23B.10 RCW to read as follows:

(1) Unless the articles of incorporation (a) specifically prohibit the adoption of a bylaw pursuant to this section, (b) alter the vote specified in RCW 23B.07.280(2), or (c) allow for or do not exclude cumulative voting, a public company may elect in its bylaws to be governed in the election of directors as follows:

(i) Each vote entitled to be cast may be voted for, voted against, or withheld for one or more candidates up to that number of candidates that is equal to the number of directors to be elected but without cumulating the votes, or a shareholder may indicate an abstention for one or more candidates;

(ii) To be elected, a candidate must have received the number, percentage, or level of votes specified in the bylaws; provided that holders of shares entitled to vote in the election and constituting a quorum are present at the meeting. Except in a contested election as provided in (c)(v) of this subsection, a candidate who does not receive the number, percentage, or level of votes specified in the bylaws but who was a director at the time of the election shall continue to serve as a director for a term that shall terminate on the date that is the earlier of (A) the date specified in the bylaw, but not

longer than ninety days from the date on which the voting results are determined pursuant to section 6(2) of this act, or (B) the date on which an individual is selected by the board of directors to fill the office held by such director, which selection shall be deemed to constitute the filling of a vacancy by the board to which RCW 23B.08.100 applies;

(iii) A bylaw adopted pursuant to this section may provide that votes cast against and/or withheld as to a candidate are to be taken into account in determining whether the number, percentage, or level of votes required for election has been received. Unless the bylaw specifies otherwise, only votes cast are to be taken into account and a ballot marked "withheld" in respect to a share is deemed to be a vote cast. Unless the bylaws specify otherwise, shares otherwise present at the meeting but for which there is an abstention or as to which no authority or direction to vote in the election is given or specified, are not deemed to be votes cast in the election;

(iv) The board of directors may select any qualified individual to fill the office held by a director who did not receive the specified vote for election referenced in (c)(ii) of this subsection; and

(v) Unless the bylaw specifies otherwise, a bylaw adopted pursuant to this subsection (1) shall not apply to an election of directors by a voting group if (A) at the expiration of the time fixed under a provision requiring advance notification of director candidates, or (B) absent such a provision, at a time fixed by the board of directors which is not more than fourteen days before notice is given of the meeting at which the election is to occur, there are more candidates for election by the voting group than the number of directors to be elected, one or more of whom are properly proposed by shareholders. An individual shall not be considered a candidate for purposes of this subsection (1)(c)(v) if the board of directors determines before the notice of meeting is given that such individual's candidacy does not create a bona fide election contest.

(2) A bylaw containing an election to be governed by this section may be repealed or amended:

(a) If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides; or

(b) If adopted by the board of directors, by the board of directors or the shareholders."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1041 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1041, as amended by the Senate.

**MOTION**

On motion of Representative Santos, Representative Eickmeyer was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1041, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Alexander, DeBolt and Dunn - 3.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE HOUSE BILL NO. 1041, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 18, 2007

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1573. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language, and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results.

**NEW SECTION. Sec. 2.** Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program and award grants to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program.

(1) For purposes of sections 2 through 7 of this act, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(a) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include foster care youth, youth involved in the juvenile justice system, and students receiving special education services under chapter 28A.155 RCW;

(b) Coaches or mentors for students as necessary;

(c) Staff responsible for coordination of community partners that provide a seamless continuum of academic and nonacademic support in schools and communities;

(d) Retrieval or reentry activities; and

(e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.

(2) One of the grants awarded under this section shall be for a two-year demonstration project focusing on providing fifth through twelfth grade students with a program that utilizes technology and is integrated with state standards, basic academics, cross-cultural exposures, and age-appropriate preemployment training. The project shall:

(a) Establish programs in two western Washington and one eastern Washington urban areas;

(b) Identify at-risk students in each of the distinct communities and populations and implement strategies to close the achievement gap;

(c) Collect and report data on participant characteristics and outcomes of the project, including the characteristics and outcomes specified under section 3(1)(e) of this act; and

(d) Submit a report to the legislature by December 1, 2009.

**NEW SECTION. Sec. 3.** (1) The office of the superintendent of public instruction shall:

(a) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(b) Develop and monitor requirements for grant recipients to:

(i) Identify students who both fail the Washington assessment of student learning and drop out of school;

(ii) Identify their own strengths and gaps in services provided to youth;

(iii) Set their own local goals for program outcomes;

(iv) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(v) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(c) In setting the requirements under (b) of this subsection, encourage creativity and provide for flexibility in implementing the local building bridges program;

(d) Identify and disseminate successful practices;

(e) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(i) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's housing status, whether a student is a foster youth or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(ii) Washington assessment of student learning scores;

(iii) Dropout rates;

(iv) On-time graduation rates;

(v) Extended graduation rates;

(vi) Credentials obtained;

(vii) Absenteeism rates;

(viii) Truancy rates; and

(ix) Credit retrieval;

(f) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership. The third-party contractor shall also evaluate the performance and effectiveness of

the partnerships relative to the type of entity, as identified in section 4 of this act, serving as the lead agency for the partnership; and

(g) Report to the legislature by December 1, 2008.

(2) In performing its duties under this section, the office of the superintendent of public instruction is encouraged to consult with the work group identified in section 7 of this act.

**NEW SECTION. Sec. 4.** In awarding the grants under section 2 of this act, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates above the statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership. The superintendent of public instruction shall ensure that grants are distributed proportionately between school districts and other recipients. This requirement may be waived if the superintendent of public instruction finds that the quality of the programs or applications from these entities does not warrant the awarding of the grants proportionately.

**NEW SECTION. Sec. 5.** To be eligible for a grant under section 2 of this act, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agencies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

(4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners.

**NEW SECTION. Sec. 6.** (1) Educational service districts, in collaboration with area workforce development councils, shall:

(a) Provide technical assistance to local partnerships established under a grant awarded under section 2 of this act in collecting and using performance data; and

(b) At the request of a local partnership established under a grant awarded under section 2 of this act, provide assistance in the development of a functional sustainability plan, including the identification of potential funding sources for future operation.

(2) Local partnerships established under a grant awarded under section 2 of this act may contract with an educational service district, workforce development council, or a private agency for specialized training in such areas as cultural competency, identifying diverse learning styles, and intervention strategies for students at risk of dropping out of school.

**NEW SECTION. Sec. 7.** (1) The office of the superintendent of public instruction shall establish a state-level work group that

includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The state-level leadership group shall consist of one representative from each of the following agencies and organizations: The workforce training and education coordinating board; career and technical education including skill centers; relevant divisions of the department of social and health services; the juvenile courts; the Washington association of prosecuting attorneys; the Washington state office of public defense; the employment security department; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; the department of health; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in section 5 of this act, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in section 3(1)(e) of this act; and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3) The work group shall report to the legislature and the governor on an annual basis beginning December 1, 2007, with recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

**NEW SECTION. Sec. 8.** (1) During the 2007-2009 biennium, school districts that contract with eligible alternative educational service providers to provide education programs, including GED preparation, that generate course credits towards high school graduation, for students who are at risk of dropping out of school, or who have dropped out of school, may continue to use allocations under RCW 28A.150.250 to fund contracts with those providers. For purposes of this section, "eligible alternative educational service providers" includes community and technical colleges and community-based organizations that meet all state requirements for receiving state K-12 formula allocations. Students attending these programs will be considered full-time equivalent students if they are enrolled in programming totaling at least twenty-five hours per week. A student will not be considered enrolled if their consecutive days of absence from school exceed twenty school days and attendance has not resumed.

(2) All school districts with contracts with eligible alternative educational service providers shall provide information to the office of the superintendent of public instruction including, but not limited to: (a) The number of students enrolled in those programs; (b) the amount of weekly instructional hours provided; (c) the location of the instruction program provided; and (d) the number and types of staff providing the instruction in the programs. By December 1, 2008, the office of the superintendent of public instruction shall submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the information provided by the school districts pursuant to this subsection.

(3) The state-level work group established under section 7 of this act shall examine issues related to school districts' use of basic education allocations under this section including, but not limited to, findings or other relevant communications by the state auditor. The work group shall develop recommendations and submit a report to the appropriate legislative committees by December 1, 2009.

**NEW SECTION. Sec. 9.** Sections 2 through 7 of this act are each added to chapter 28A.175 RCW.

**NEW SECTION. Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "retrieval;" strike the remainder of the title and insert "adding new sections to chapter 28A.175 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1573 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives P. Sullivan and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1573, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1573, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Ahern, Chandler, Dunn and Orcutt - 4.

Excused: Representative Eickmeyer - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1573, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 17, 2007

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1694. Under suspension of the rules the bill was returned to second reading for purpose

of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.06B.010 and 1999 c 385 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In ~~((some))~~ too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

**Sec. 2.** RCW 47.06B.020 and 1998 c 173 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The council is composed of ~~((nine))~~ ten voting members and ~~((eight))~~ four nonvoting, legislative members.

(2) The ~~((nine))~~ ten voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((six))~~ seven members appointed by the governor as follows:

(a) One representative from the office of the governor;

(b) ~~((Two))~~ Three persons who are consumers of special needs transportation services, which must include:

(i) One person designated by the executive director of the governor's committee on disability issues and employment; and

(ii) One person who is designated by the executive director of the developmental disabilities council;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; and

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association.

(3) The ~~((eight))~~ four nonvoting members are legislators as follows:

(a) ~~((Four))~~ Two members from the house of representatives, ~~((two))~~ one from each of the two largest caucuses, appointed by the speaker of the house of representatives, ~~((two who are members of))~~ including at least one member from the house transportation policy and budget committee ~~((and two who are members of))~~ or the house appropriations committee; and

(b) ~~((Four))~~ Two members from the senate, ~~((two))~~ one from each of the two largest caucuses, appointed by the president of the senate, ~~((two members of))~~ including at least one member from the senate transportation committee ~~((and two members of))~~ or the senate ways and means committee.

(4) Gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

(5) The secretary of transportation or a designee shall serve as the chair.

(6) The department of transportation shall provide necessary staff support for the council.

(7) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and

spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(8) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

(9) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

(10) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

**Sec. 3.** RCW 47.06B.030 and 1999 c 385 s 5 are each reenacted and amended to read as follows:

(1) To assure implementation of ((the Program for)) an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on coordinated transportation((, the council, in coordination with stakeholders,)) shall adopt a biennial work plan that must, at a minimum:

((1) Develop guidelines for local planning of coordinated transportation in accordance with this chapter;

(2) Initiate local planning processes by contacting the board of commissioners and county councils in each county and encouraging them to convene local planning forums for the purpose of implementing special needs coordinated transportation programs at the community level;

(3) Work with local community forums to designate a local lead organization that shall cooperate and coordinate with private and nonprofit transportation brokers and providers, local public transportation agencies, local governments, and user groups;

(4) Provide a forum at the state level in which state agencies will discuss and resolve coordination issues and program policy issues that may impact transportation coordination and costs;

(5) Provide guidelines for state agencies to use in creating policies, rules, or procedures to encourage the participation of their constituents in community-based planning and coordination, in accordance with this chapter;

(6) Facilitate state-level discussion and action on problems and barriers identified by the local forums that can only be resolved at either the state or federal level;

(7) Develop and test models for determining the impacts of facility siting and program policy decisions on transportation costs;

(8) Develop methodologies and provide support to local and state agencies in identifying transportation costs;

(9) Develop guidelines for setting performance measures and evaluating performance;

(10) Develop monitoring reporting criteria and processes to assess state and local level of participation with this chapter;

(11) Administer and manage grant funds to develop, test, and facilitate the implementation of coordinated systems;

(12) Develop minimum standards for safety, driver training, and vehicles, and provide models for processes and technology to support coordinated service delivery systems;

(13) Provide a clearinghouse for sharing information about transportation coordination best practices and experiences;

(14) Promote research and development of methods and tools to improve the performance of transportation coordination in the state;

(15) Provide technical assistance and support to communities;

(16) Facilitate, monitor, provide funding as available, and give technical support to local planning processes;

(17) Form, convene, and give staff support to stakeholder work groups as needed to continue work on removing barriers to coordinated transportation;

(18) Advocate for the coordination of transportation for people with special transportation needs at the federal, state, and local levels;

(19) Recommend to the legislature changes in laws to assist coordination of transportation services;

(20) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets;

(21) Report to the legislature by December 1, 2000, on council activities including, but not limited to, the progress of community planning processes, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary))

(a) Focus on projects that identify and address barriers in laws, policies, and procedures;

(b) Focus on results; and

(c) Identify and advocate for transportation system improvements for persons with special transportation needs.

(2) The council shall, as necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation.

(3) To improve the service experienced by persons with special transportation needs, the council shall develop statewide guidelines for customer complaint processes so that information about policies regarding the complaint processes is available consistently and consumers are appropriately educated about available options. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council.

(4) The council shall represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning by advising the emergency management council on how to address transportation needs for high-risk individuals during and after disasters.

**Sec. 4.** RCW 47.06B.040 and 1999 c 385 s 6 are each amended to read as follows:

((The council may request, and may require as a condition of receiving coordination grants, selected county governments to convene local planning forums and invite participation of all entities, including tribal governments, that serve or transport persons with special transportation needs. Counties are encouraged to coordinate and combine their forums and planning processes with other counties, as they find it appropriate. The local community forums must:

(1) Designate a lead organization to facilitate the community planning process on an ongoing basis;

(2) Identify functional boundaries for the local coordinated transportation system;

(3) Clarify roles and responsibilities of the various participants;

(4) Identify community resources and needs;

(5) Prepare a plan for developing a coordinated transportation system that meets the intent of this chapter, addresses community needs, and efficiently uses community resources to address unmet needs;

(6) Implement the community coordinated transportation plan;

(7) Develop performance measures consistent with council guidelines;

(8) Develop a reporting process consistent with council guidelines;

(9) Raise issues and barriers to the council when resolution is needed at either the state or federal level;

(10) Develop a process for open discussion and input on local policy and facility siting decisions that may have an impact on the special needs transportation costs and service delivery of other programs and agencies in the community.))

The agency council on coordinated transportation shall review and recommend certification of local plans developed by regional transportation planning organizations based on meeting federal requirements. Each regional transportation planning organization must submit to the council an updated plan that includes the elements, consistent with federal planning requirements, identified by the council beginning on July 1, 2007, and every four years thereafter.

Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

**Sec. 5.** RCW 47.80.023 and 1998 c 171 s 8 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

(9) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.06B RCW to read as follows:

The agency council on coordinated transportation shall submit a progress report on council activities to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The information will be reported in a form established by the council.

**NEW SECTION. Sec. 7.** (1) The joint transportation committee, in consultation with the agency council on coordinated transportation and the joint legislative audit and review committee, as deemed appropriate by the committee, shall conduct a study and

review the legal and programmatic changes and best practices necessary for effective coordination of transportation services at the regional level for persons with special transportation needs.

(2) The study shall:

(a) Include a comprehensive, statewide survey of existing transportation resources for persons with special transportation needs;

(b) Identify opportunities for improving coordination by determining a uniform system of:

(i) Measuring and reporting trip costs;

(ii) Provider billing practices;

(iii) Provider agreements and reporting requirements; and

(iv) Sharing eligibility information and trip requirements; and

(c) Make recommendations for:

(i) Improving access to customer services;

(ii) Integrating services of transportation service providers and brokers; and

(iii) Best practices to effectively coordinate transportation services for persons with special transportation needs.

(3) In conducting the study, the committee shall:

(a) Convene one or more meetings to consult with local and regional special needs transportation providers, brokers, users of transit services, representatives of nonprofit organizations that provide related transportation services, including hopelink, and representatives of other agencies and organizations, including the department of social and health services;

(b) Identify federal funding and related program barriers to improved coordination between state and federal programs and to reasonable cost sharing for those programs;

(c) Review and consider other relevant model coordinated special needs transportation systems throughout the nation as a source of best practices for Washington state, including the ACCESS transportation system in Pittsburgh, Pennsylvania;

(d) Evaluate using nontraditional service providers, such as public utility districts;

(e) Evaluate methods to influence facility siting decisions for state agencies serving persons with special transportation needs in order to make facilities accessible; and

(f) Evaluate appropriate standards and strategies for a decentralized broker system, including the state's role in this system.

(4) The committee shall provide a draft final report to the transportation committees of the senate and the house of representatives by December 15, 2008.

**Sec. 8.** RCW 47.06B.900 and 1999 c 385 s 7 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~(2007)~~ 2010, as provided in RCW 47.06B.901.

**Sec. 9.** RCW 47.06B.901 and 1999 c 385 s 8 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~(2008)~~ 2011:

(1) RCW 47.06B.010 and 2007 c ... s 1 (section 1 of this act), 1999 c 385 s 1, & 1998 c 173 s 1;

(2) RCW 47.06B.012 and 1999 c 385 s 2;

(3) ~~(RCW 47.06B.015 and 1999 c 385 s 3;~~

~~(4))~~ RCW 47.06B.020 and ((1999 c 385 s 4)) 2007 c ... s 2 (section 2 of this act) & 1998 c 173 s 2;

~~((5))~~ (4) RCW 47.06B.030 and 2007 c ... s 3 (section 3 of this act), 1999 c 385 s 5, & 1998 c 173 s 3; ((and

~~(6))~~ (5) RCW 47.06B.040 and 2007 c ... s 4 (section 4 of this act) & 1999 c 385 s 6; and

(6) Section 6 of this act.

**NEW SECTION. Sec. 10.** 1999 c 372 s 13 is repealed.

**NEW SECTION. Sec. 11.** RCW 47.06B.015 (Program for Agency Coordinated Transportation) and 1999 c 385 s 3 are each repealed."

On page 1, line 2 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 47.06B.010, 47.06B.020, 47.06B.040, 47.80.023, 47.06B.900, and 47.06B.901;

reenacting and amending RCW 47.06B.030; adding a new section to chapter 47.06B RCW; creating a new section; repealing RCW 47.06B.015; and repealing 1999 c 372 s 13."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1694 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Flannigan and Jarrett spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1694, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1694, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Eickmeyer - 1.

SUBSTITUTE HOUSE BILL NO. 1694, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1041 passed the House as amended by the Senate.

The Speaker (Representative Lovick presiding) stated the question before the House to be the vote by which Substitute House Bill No. 1041 passed the House as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1041, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1041, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 17, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5830 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 5830 was returned to second reading for purpose of amendment.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5830, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Brown, Rasmussen, Keiser, Kohl-Welles, McAuliffe and Shin)**

#### Providing home visitation services for families.

Representative Kagi moved the adoption of amendment (882):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.121 RCW to read as follows:

The legislature finds that:

(1) The years from birth to three are critical in building the social, emotional, and cognitive developmental foundations of a young child. Research into the brain development of young children reveals that children are born learning.

(2) The farther behind children are in their social, emotional, physical, and cognitive development, the more difficult it will be for them to catch up.

(3) A significant number of children age birth to five years are born with two or more of the following risk factors and have a greater chance of failure in school and beyond: Poverty; single or no parent; no parent employed full time or full year; all parents with disability; and mother without a high school degree.

(4) Parents and children involved in home visitation programs exhibit better birth outcomes, enhanced parent and child interactions, more efficient use of health care services, enhanced child development including improved school readiness, and early

detection of developmental delays, as well as reduced welfare dependence, higher rates of school completion and job retention, reduction in frequency and severity of maltreatment, and higher rates of school graduation.

The legislature intends to promote the use of voluntary home visitation services to families as an early intervention strategy to alleviate the effect on child development of factors such as poverty, single parenthood, parental unemployment or underemployment, parental disability, or parental lack of a high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.121 RCW to read as follows:

The definitions in this section apply throughout sections 1 through 4 of this act unless the context clearly requires otherwise.

(1) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(2) "Home visitation" means providing services in the permanent or temporary residence, or in other familiar surroundings, of the family receiving such services.

(3) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.121 RCW to read as follows:

(1) Within available funds, the children's trust of Washington shall fund evidence-based and research-based home visitation programs for improving parenting skills and outcomes for children. Home visitation programs must be voluntary and must address the needs of families to alleviate the effect on child development of factors such as poverty, single parenthood, parental unemployment or underemployment, parental disability, or parental lack of high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes.

(2) The children's trust of Washington shall develop a plan with the department of social and health services, the department of health, the department of early learning, and the family policy council to coordinate or consolidate home visitation services for children and families and report to the appropriate committees of the legislature by December 1, 2007, with their recommendations for implementation of the plan.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.121 RCW to read as follows:

To recognize the focus on home visitation services, the Washington council for the prevention of child abuse and neglect is hereby renamed the children's trust of Washington. All references to the Washington council for the prevention of child abuse and neglect in the Revised Code of Washington shall be construed to mean the children's trust of Washington.

**NEW SECTION. Sec. 5.** RCW 43.70.530 (Home visitor program) and 1998 c 245 s 75 & 1993 c 179 s 2 are each repealed."

Correct the title.

Representatives Kagi and Haler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5830, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5830, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE SENATE BILL NO. 5830, as amended by the House, having received the necessary constitutional majority, was declared passed.

### REPORT OF CONFERENCE COMMITTEE

April 18, 2007

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, addressing the issue of stolen metal property, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-3596.2/07) be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under section 3 of this act.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four inch gaps; aluminum decking, bleachers, or

risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Record" means a paper, electronic, or other method of storing information.

(7) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(8) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving nonferrous metal property and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(9) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(10) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(11) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

**NEW SECTION. Sec. 2. RECORDS REQUIRED FOR PURCHASING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC.** (1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

**NEW SECTION. Sec. 3. REQUIREMENTS FOR PURCHASING OR RECEIVING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC.** (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a street address under the requirements of section 2 of this act. For transactions valued at greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under section 2 of this act, no earlier than ten days after the transaction was made. A transaction occurs on the date provided in the record required under section 2 of this act.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**NEW SECTION. Sec. 4. RECORD FOR COMMERCIAL ACCOUNTS.** (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver nonferrous metal property and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal property and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

**NEW SECTION. Sec. 5. REPORTING TO LAW ENFORCEMENT.** (1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of nonferrous metal property and commercial metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any nonferrous metal property or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

**NEW SECTION. Sec. 6. PRESERVING EVIDENCE OF METAL THEFT.** (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of nonferrous metal property or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of nonferrous metal property or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

**NEW SECTION. Sec. 7. UNLAWFUL VIOLATIONS.** It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten

years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under section 2 of this act knowing that the nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under section 2 of this act constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of section 3(4) of this act.

**NEW SECTION. Sec. 8. CIVIL PENALTIES.** (1) Each violation of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act shall be punishable, upon conviction, by a fine of not more than one thousand dollars.

(2) Within two years of being convicted of a violation of any of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act, each subsequent violation shall be punishable, upon conviction, by a fine of not more than two thousand dollars.

**NEW SECTION. Sec. 9. EXEMPTIONS.** The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

**Sec. 10.** RCW 9.94A.535 and 2005 c 68 s 3 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to

the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property or nonferrous metal property, as defined in section I of this act.

**NEW SECTION. Sec. 11.** Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

**NEW SECTION. Sec. 12.** RCW 9.91.110 (Metal buyers--Records of purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

**NEW SECTION. Sec. 13.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and that the bill do pass as recommended by the Conference Committee.

Senator Kline	Representative Morrell
Senator Tom	Representative Hurst
Senator McCaslin	Representative Warnick

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5312 and advanced the bill as recommended by the conference committee to final passage.

#### **FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Hurst, Warnick and Morrell spoke in favor of the passage of the bill, as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5312, as recommended by the conference committee.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5312, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko,

Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the Committee on Rules was relieved of further consideration of SENATE BILL NO. 6167, and the bill was placed on the Second Reading calendar.

There being no objection, the Committee on Rules was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5085, and the bill was placed on the Second Reading calendar.

#### **MESSAGE FROM THE SENATE**

April 19, 2007

Mr. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE NO. 1094. The President has appointed the following members as Conferees: Senators Haugen, Marr and Swecker, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### **MESSAGE FROM THE SENATE**

April 19, 2007

Mr. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092. The President has appointed the following members as Conferees: Senators Fraser, Regala and Brandland, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### **MESSAGE FROM THE SENATE**

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House insisted on its position regarding the House's amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044 and asked the Senate to concur therein.

#### **SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5085, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Murray)**

**Providing that transportation accounts receive one hundred percent of their proportionate share of earnings.**

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 100<sup>th</sup> Day, April 17, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5085, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5085, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5085, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6167, by Senators Pridemore, Zarelli and Prentice; by request of Department of Retirement Systems

#### Clarifying the director's authority to determine interest in certain public retirement systems.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6167.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6167 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SENATE BILL NO. 6167, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 19, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.92.080 and 2004 c 275 s 39 are each amended to read as follows:

For a student to be eligible for a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the board in accordance with RCW 28B.92.030 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.92.030(1).

(4) Until June 30, 2011, to the extent funds are specifically appropriated for this purpose, and subject to any terms and conditions specified in the omnibus appropriations act, be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030(1).

(5) Have complied with all the rules and regulations adopted by the board for the administration of this chapter.

**Sec. 2.** RCW 28B.92.060 and 2005 c 93 s 3 are each amended to read as follows:

In awarding need grants, the board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The board shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to:

(a) Financial need as determined by the amount of the family contribution; and

(b) Other considerations, such as whether the student is a former foster youth.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed, except that eligible former foster youth shall be assured receipt of a grant.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new

associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.92.070.

(4) In computing financial need, the board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions. Any child support payments received by students who are parents attending less than half-time shall not be used in computing financial need.

(5)(a) A student who is enrolled in three to six credit-bearing quarter credits, or the equivalent semester credits, may receive a grant for up to one academic year before beginning a program that leads to a degree or certificate.

(b) An eligible student enrolled on a less-than-full-time basis shall receive a prorated portion of his or her state need grant for any academic period in which he or she is enrolled on a less-than-full-time basis, as long as funds are available.

(c) An institution of higher education may award a state need grant to an eligible student enrolled in three to six credit-bearing quarter credits, or the semester equivalent, on a provisional basis if:

(i) The student has not previously received a state need grant from that institution;

(ii) The student completes the required free application for federal student aid;

(iii) The institution has reviewed the student's financial condition, and the financial condition of the student's family if the student is a dependent student, and has determined that the student is likely eligible for a state need grant; and

(iv) The student has signed a document attesting to the fact that the financial information provided on the free application for federal student aid and any additional financial information provided directly to the institution is accurate and complete, and that the student agrees to repay the institution for the grant amount if the student submitted false or incomplete information.

(6) As used in this section, "former foster youth" means a person who is at least eighteen years of age, but not more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.92 RCW to read as follows:

Institutions of higher education are encouraged to review their policies and procedures regarding financial aid for students taking a less-than-half-time course load, and to implement policies and procedures providing students taking a less-than-half-time course load with the same access to institutional aid, including tuition waivers, as provided to students enrolled half time or more.

**Sec. 4.** RCW 28B.15.820 and 2004 c 275 s 66 are each amended to read as follows:

(1) Each institution of higher education, including technical colleges, shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; or (c) to provide financial aid to needy students as provided in subsection (10) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least ~~(six)~~ three credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 and 28B.15.013, and who is a "needy student" as defined in RCW 28B.92.030.

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through (8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally-administered financial aid programs. First priority in the use of these

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funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to needy single parents, to assist these students with their educational expenses, including expenses associated with child care and transportation.

**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "grant," strike the remainder of the title and insert "amending RCW 28B.92.080, 28B.92.060, and 28B.15.820; adding a new section to chapter 28B.92 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hasegawa and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1179, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1179, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1088. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.36.005 and 1991 c 326 s 11 are each amended to read as follows:

The legislature intends to ~~((encourage the development of community-based interagency collaborative efforts to plan for and provide mental health services to children in a manner that))~~ substantially improve the delivery of children's mental health services in Washington state through the development and implementation of a children's mental health system that:

- (1) Values early identification, intervention, and prevention;
- (2) Coordinates existing categorical children's mental health programs and funding, through efforts that include elimination of duplicative care plans and case management;
- (3) Treats each child in the context of his or her family, and provides services and supports needed to maintain a child with his or her family and community;
- (4) Integrates families into treatment through choice of treatment, participation in treatment, and provision of peer support;
- (5) Focuses on resiliency and recovery;
- (6) Relies to a greater extent on evidence-based practices;
- (7) Is sensitive to the unique cultural circumstances of children of color~~((, eliminates duplicative case management,))~~ and children in families whose primary language is not English;
- (8) Integrates educational support services that address students' diverse learning styles; and
- (9) To the greatest extent possible, blends categorical funding to offer more service and support options to each child.

**Sec. 2.** RCW 71.36.010 and 1991 c 326 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state, tribal, or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in state or federal law.

(3) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(4) "County authority" means the board of county commissioners or county executive.

~~((4))~~ (5) "Department" means the department of social and health services.

~~((5))~~ (6) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

~~((6))~~ (7) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(8) "Family" means a child's biological parents, adoptive parents, foster parents, guardian, legal custodian authorized pursuant to Title 26 RCW, a relative with whom a child has been placed by the department of social and health services, or a tribe.

(9) "Promising practice" or "emerging best practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "Regional support network" means a county authority or group of county authorities or other nonprofit entity that ~~((have))~~ has

entered into contracts with the secretary pursuant to chapter 71.24 RCW.

((7)) (11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(12) "Secretary" means the secretary of social and health services.

(13) "Wraparound process" means a family driven planning process designed to address the needs of children and youth by the formation of a team that empowers families to make key decisions regarding the care of the child or youth in partnership with professionals and the family's natural community supports. The team produces a community-based and culturally competent intervention plan which identifies the strengths and needs of the child or youth and family and defines goals that the team collaborates on achieving with respect for the unique cultural values of the family. The "wraparound process" shall emphasize principles of persistence and outcome-based measurements of success.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.36 RCW to read as follows:

**ELEMENTS OF A CHILDREN'S MENTAL HEALTH SYSTEM.** (1) It is the goal of the legislature that, by 2012, the children's mental health system in Washington state include the following elements:

(a) A continuum of services from early identification, intervention, and prevention through crisis intervention and inpatient treatment, including peer support and parent mentoring services;

(b) Equity in access to services for similarly situated children, including children with co-occurring disorders;

(c) Developmentally appropriate, high quality, and culturally competent services available statewide;

(d) Treatment of each child in the context of his or her family and other persons that are a source of support and stability in his or her life;

(e) A sufficient supply of qualified and culturally competent children's mental health providers;

(f) Use of developmentally appropriate evidence-based and research-based practices;

(g) Integrated and flexible services to meet the needs of children who, due to mental illness or emotional or behavioral disturbance, are at risk of out-of-home placement or involved with multiple child-serving systems.

(2) The effectiveness of the children's mental health system shall be determined through the use of outcome-based performance measures. The department and the evidence-based practice institute established in section 7 of this act, in consultation with parents, caregivers, youth, regional support networks, mental health services providers, health plans, primary care providers, tribes, and others, shall develop outcome-based performance measures such as:

(a) Decreased emergency room utilization;

(b) Decreased psychiatric hospitalization;

(c) Lessening of symptoms, as measured by commonly used assessment tools;

(d) Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, when necessary;

(e) Decreased runaways from home or residential placements;

(f) Decreased rates of chemical dependency;

(g) Decreased involvement with the juvenile justice system;

(h) Improved school attendance and performance;

(i) Reductions in school or child care suspensions or expulsions;

(j) Reductions in use of prescribed medication where cognitive behavioral therapies are indicated;

(k) Improved rates of high school graduation and employment; and

(l) Decreased use of mental health services upon reaching adulthood for mental disorders other than those that require ongoing treatment to maintain stability.

Performance measure reporting for children's mental health services should be integrated into existing performance measurement and reporting systems developed and implemented under chapter 71.24 RCW.

**NEW SECTION. Sec. 4.** **REGIONAL SUPPORT NETWORK SERVICES--CHILDREN'S ACCESS TO CARE STANDARDS AND BENEFIT PACKAGE.** As part of the system transformation initiative, the department of social and health services shall undertake the following activities related specifically to children's mental health services:

(1) The development of recommended revisions to the access to care standards for children. The recommended revisions shall reflect the policies and principles set out in RCW 71.36.005, 71.36.010, and section 3 of this act, and recognize that early identification, intervention and prevention services, and brief intervention services may be provided outside of the regional support network system. Revised access to care standards shall assess a child's need for mental health services based upon the child's diagnosis and its negative impact upon his or her persistent impaired functioning in family, school, or the community, and should not solely condition the receipt of services upon a determination that a child is engaged in high risk behavior or is in imminent need of hospitalization or out-of-home placement. Assessment and diagnosis for children under five years of age shall be determined using a nationally accepted assessment tool designed specifically for children of that age. The recommendations shall also address whether amendments to RCW 71.24.025 (26) and (27) and 71.24.035(5) are necessary to implement revised access to care standards;

(2) Development of a revised children's mental health benefit package. The department shall ensure that services included in the children's mental health benefit package reflect the policies and principles included in RCW 71.36.005 and section 3 of this act, to the extent allowable under medicaid, Title XIX of the federal social security act. Strong consideration shall be given to developmentally appropriate evidence-based and research-based practices, family-based interventions, the use of natural and peer supports, and community support services. This effort shall include a review of other states' efforts to fund family-centered children's mental health services through their medicaid programs;

(3) Consistent with the timeline developed for the system transformation initiative, recommendations for revisions to the children's access to care standards and the children's mental health services benefits package shall be presented to the legislature by January 1, 2009.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.09 RCW to read as follows:

**IMPROVING MEDICATION MANAGEMENT AND CARE COORDINATION.** (1)(a) The department, in consultation with the evidence-based practice institute established in section 7 of this act, shall develop and implement policies to improve prescribing practices for treatment of emotional or behavioral disturbances in children, improve the quality of children's mental health therapy through increased use of evidence-based and research-based practices and reduced variation in practice, improve communication and care coordination between primary care and mental health providers, and prioritize care in the family home or care which integrates the family where out-of-home placement is required.

(b) The department shall identify those children with emotional or behavioral disturbances who may be at high risk due to off-label use of prescription medication, use of multiple medications, high medication dosage, or lack of coordination among multiple prescribing providers, and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to obtaining second opinions from experts in child psychiatry.

(c) The department shall review the psychotropic medications of all children under five and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to obtaining second opinions from experts in child psychiatry.

(d) The department shall track prescriptive practices with respect to psychotropic medications with the goal of reducing the use of medication.

(e) The department shall encourage the use of cognitive behavioral therapies and other treatments which are empirically

supported or evidence-based, in addition to or in the place of prescription medication where appropriate.

(2) The department shall convene a representative group of regional support networks, community mental health centers, and managed health care systems contracting with the department under RCW 74.09.522 to:

(a) Establish mechanisms and develop contract language that ensures increased coordination of and access to medicaid mental health benefits available to children and their families, including ensuring access to services that are identified as a result of a developmental screen administered through early periodic screening, diagnosis, and treatment;

(b) Define managed health care system and regional support network contractual performance standards that track access to and utilization of services; and

(c) Set standards for reducing the number of children that are prescribed antipsychotic drugs and receive no outpatient mental health services with their medication.

(3) The department shall submit a report on progress and any findings under this section to the legislature by January 1, 2009.

**NEW SECTION. Sec. 6.** A new section is added to chapter 71.36 RCW to read as follows:

**MEDICAID ELIGIBLE CHILDREN IN TEMPORARY JUVENILE DETENTION.** The department shall explore the feasibility of obtaining a medicaid state plan amendment to allow the state to receive medicaid matching funds for health services provided to medicaid enrolled youth who are temporarily placed in a juvenile detention facility. Temporary placement shall be defined as until adjudication or up to sixty continuous days, whichever occurs first.

**NEW SECTION. Sec. 7.** A new section is added to chapter 71.24 RCW to read as follows:

**CHILDREN'S MENTAL HEALTH PROVIDERS.** (1) The department shall provide flexibility in provider contracting to regional support networks for children's mental health services. Beginning with 2007-2009 biennium contracts, regional support network contracts shall authorize regional support networks to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, children's hospital and regional medical center, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and on-line resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under section 3(2) of this act and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the department in collaboration with the evidence-based practice institute shall implement a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program. The program shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

**NEW SECTION. Sec. 8.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The department shall adopt rules and policies providing that when youth who were enrolled in a medical assistance program immediately prior to confinement are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with county juvenile court administrators and regional support networks, shall establish procedures for coordination between department field offices, juvenile rehabilitation administration institutions, and county juvenile courts that result in prompt reinstatement of eligibility and speedy eligibility determinations for youth who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services' applications on behalf of confined youth in anticipation of their release from confinement;

(b) Expedited review of applications filed by or on behalf of confined youth and, to the extent practicable, completion of the review before the youth is released; and

(c) Mechanisms for providing medical assistance services' identity cards to youth eligible for medical assistance services immediately upon their release from confinement.

(3) For purposes of this section, "confined" or "confinement" means detained in a facility operated by or under contract with the department of social and health services, juvenile rehabilitation administration, or detained in a juvenile detention facility operated under chapter 13.04 RCW.

(4) The department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined youth who is likely to be eligible for a medical assistance program.

**NEW SECTION. Sec. 9.** Educational service district boards may partner with regional support networks to respond to a request for proposal for operation of a wraparound model site under this act and, if selected, may contract for the provision of services to coordinate care and facilitate the delivery of services and other supports under a wraparound model.

**NEW SECTION. Sec. 10.** WRAPAROUND MODEL OF INTEGRATED CHILDREN'S MENTAL HEALTH SERVICES DELIVERY. To the extent funds are specifically appropriated for

this purpose, the department of social and health services shall contract for implementation of a wraparound model of integrated children's mental health services delivery in up to four regional support network regions in Washington state in which wraparound programs are not currently operating, and in up to two regional support network regions in which wraparound programs are currently operating. Contracts in regions with existing wraparound programs shall be for the purpose of expanding the number of children served.

(1) Funding provided may be expended for: Costs associated with a request for proposal and contracting process; administrative costs associated with successful bidders' operation of the wraparound model; the evaluation under subsection (5) of this section; and funding for services needed by children enrolled in wraparound model sites that are not otherwise covered under existing state programs. The services provided through the wraparound model sites shall include, but not be limited to, services covered under the medicaid program. The department shall maximize the use of medicaid and other existing state-funded programs as a funding source. However, state funds provided may be used to develop a broader service package to meet needs identified in a child's care plan. Amounts provided shall supplement, and not supplant, state, local, or other funding for services that a child being served through a wraparound site would otherwise be eligible to receive.

(2) The wraparound model sites shall serve children with serious emotional or behavioral disturbances who are at high risk of residential or correctional placement or psychiatric hospitalization, and who have been referred for services from the department, a county juvenile court, a tribal court, a school, or a licensed mental health provider or agency.

(3) Through a request for proposal process, the department shall contract, with regional support networks, alone or in partnership with either educational service districts or entities licensed to provide mental health services to children with serious emotional or behavioral disturbances, to operate the wraparound model sites. The contractor shall provide care coordination and facilitate the delivery of services and other supports to families using a strength-based, highly individualized wraparound process. The request for proposal shall require that:

(a) The regional support network agree to use its medicaid revenues to fund services included in the existing regional support network's benefit package that a medicaid-eligible child participating in the wraparound model site is determined to need;

(b) The contractor provide evidence of commitments from at least the following entities to participate in wraparound care plan development and service provision when appropriate: Community mental health agencies, schools, the department of social and health services children's administration, juvenile courts, the department of social and health services juvenile rehabilitation administration, and managed health care systems contracting with the department under RCW 74.09.522; and

(c) The contractor will operate the wraparound model site in a manner that maintains fidelity to the wraparound process as defined in RCW 71.36.010.

(4) Contracts for operation of the wraparound model sites shall be executed on or before April 1, 2008, with enrollment and service delivery beginning on or before July 1, 2008.

(5) The evidence-based practice institute established in section 7 of this act shall evaluate the wraparound model sites, measuring outcomes for children served. Outcomes measured shall include, but are not limited to: Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, school attendance, school performance, recidivism, emergency room utilization, involvement with the juvenile justice system, decreased use of psychotropic medication, and decreased hospitalization.

(6) The evidence-based practice institute shall provide a report and recommendations to the appropriate committees of the legislature by December 1, 2010.

**NEW SECTION. Sec. 11.** A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose the department shall revise its medicaid healthy options

managed care and fee-for-service program standards under medicaid, Title XIX of the federal social security act to improve access to mental health services for children who do not meet the regional support network access to care standards. Effective July 1, 2008, the program standards shall be revised to allow outpatient therapy services to be provided by licensed mental health professionals, as defined in RCW 71.34.020, and up to twenty outpatient therapy hours per calendar year, including family therapy visits integral to a child's treatment.

(2) This section expires July 1, 2010.

**NEW SECTION. Sec. 12.** (1) The evidence-based practice institute established in section 7 of this act, in consultation with the Washington state institute for public policy, shall review and summarize current law with respect to inpatient and outpatient mental health treatment for minors.

(2) The review shall include current practices to determine the percentage of cases in which parents are engaged by treatment providers and the extent to which they are actively involved in the treatment of their minor children.

(3) The evidence-based practice institute shall provide a report and recommendations to the appropriate legislative committees by December 1, 2008.

(4) This section expires December 1, 2008.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 71.36.020 (Plan for early periodic screening, diagnosis, and treatment services) and 2003 c 281 s 4 & 1991 c 326 s 13; and

(2) RCW 71.36.030 (Children's mental health services delivery system--Local planning efforts) and 1991 c 326 s 14.

**NEW SECTION. Sec. 14.** Captions used in this act are not part of the law.

**NEW SECTION. Sec. 15.** If specific funding for the purposes of sections 4, 5, 7, 8, 10, and 11 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2007, each section not referenced is null and void."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.36.005 and 71.36.010; adding new sections to chapter 71.36 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; creating new sections; repealing RCW 71.36.020 and 71.36.030; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1088 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dickerson and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1088, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1088, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Anderson, Chandler, Dunn and Roach - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1088, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 19, 2007

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1333. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW

13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

~~((e))~~ (d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(3) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(4) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

**Sec. 2.** RCW 13.34.025 and 2002 c 52 s 2 are each amended to read as follows:

(1) The department of social and health services shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department must:

~~((+))~~ (a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

~~((=))~~ (b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

~~((>))~~ (c) Access training for department staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers, to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 26.44 RCW to read as follows:

(1) Each county shall revise and expand its existing child sexual abuse investigation protocol to address investigations of child fatality, child physical abuse, and criminal child neglect cases and to incorporate the statewide guidelines for first responders to child fatalities developed by the criminal justice training commission. The protocols shall address the coordination of child fatality, child physical abuse, and criminal child neglect investigations between the county and city prosecutor's offices, law enforcement, children's protective services, local advocacy groups, emergency medical services, and any other local agency involved in the investigation of such cases. The protocol revision and expansion shall be developed by the prosecuting attorney in collaboration with the agencies referenced in this section.

(2) Revised and expanded protocols under this section shall be adopted and in place by July 1, 2008. Thereafter, the protocols shall be reviewed every two years to determine whether modifications are needed.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.101 RCW to read as follows:

(1) The commission, in consultation with the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys, shall develop a curriculum related to child abuse and neglect to be included in the basic law enforcement training that must be successfully completed within the first fifteen months of employment of all law enforcement personnel.

(2) The curriculum must be incorporated into the basic law enforcement training program by July 1, 2008.

**NEW SECTION. Sec. 5.** (1) The joint legislative audit and review committee shall analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as it existed on the effective date of this section.

(2) The joint legislative audit and review committee shall submit to appropriate committees of the legislature a report and recommendations by December 1, 2007.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts, in consultation with the attorney general's office and the department of social and health services, shall compile an annual report, providing information about cases that fail to meet statutory guidelines to achieve permanency for dependent children.

(2) The administrative office of the courts shall submit the annual report required by this section to appropriate committees of the legislature by December 1st of each year, beginning on December 1, 2007.

**Sec. 7.** RCW 74.13.330 and 1990 c 284 s 23 are each amended to read as follows:

Foster parents are responsible for the protection, care, supervision, and nurturing of the child in placement. As an integral part of the foster care team, foster parents shall, if appropriate and they desire to: Participate in the development of the service plan for the child and the child's family; assist in family visitation, including monitoring; ~~(and)~~ model effective parenting behavior for the natural

family; and be available to help with the child's transition back to the natural family.

**Sec. 8.** RCW 71.24.035 and 2006 c 333 s 201 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall be designated for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are defendants in dependency cases, in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, ~~((and))~~ low-income persons, and parents who are defendants in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support

networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good

physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(14) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

**NEW SECTION. Sec. 9.** This act may be known and cited as Sirita's law."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.138, 13.34.025, 74.13.330, and 71.24.035; adding a new section to chapter 26.44 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 13.34 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1333 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1333, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1333, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1333, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate recessed from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1334. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that in order to allow courts to make well-informed placement decisions for children in the care of the state, the courts must have accurate information, including documentation supporting assertions or recommendations made by social workers, when appropriate.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.34 RCW to read as follows:

In any proceeding under this chapter, if the department submits a report to the court in which the department is recommending a new placement or a change in placement, the department shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The department shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department relating to visitation with a child, the

department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department relating to the psychological status of a person, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department relating to injuries to a child, the department shall attach a summary of the physician's report relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department relating to a home study, licensing action, or background check information, the department shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

**NEW SECTION. Sec. 3.** This act shall be known and cited as the Rafael Gomez act.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "proceedings;" strike the remainder of the title and insert "adding a new section to chapter 13.34 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1334 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1334, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1334, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville,

Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1334, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 19, 2007

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1377. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.15.020 and 2006 c 265 s 401, 2006 c 90 s 1, and 2006 c 54 s 7 are each reenacted and amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; ~~(or)~~

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule,

follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**Sec. 2.** RCW 13.34.130 and 2003 c 227 s 3 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a

disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for ~~((placement))~~ supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or ((in a home not required to be licensed pursuant to chapter 74.15 RCW)) (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: ((†)) (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and ((††)) (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(5) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.130; and reenacting and amending RCW 74.15.020."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1377 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi, Haler and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1377, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1377, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers,

Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

HOUSE BILL NO. 1377, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 20, 2007, the 103rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

SIXTIETH LEGISLATURE - REGULAR SESSION

ONE HUNDRED THIRD DAY

House Chamber, Olympia, Friday, April 20, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Megan Kinney and Josh Albright. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Janet Tanaka, Bahai Assembly of Thurston County East.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

April 19, 2007

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2007

Mr. Speaker:

The President has signed:

- ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008,
- SUBSTITUTE HOUSE BILL NO. 1037,
- HOUSE BILL NO. 1038,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052,
- HOUSE BILL NO. 1073,
- HOUSE BILL NO. 1077,
- SUBSTITUTE HOUSE BILL NO. 1079,
- SECOND SUBSTITUTE HOUSE BILL NO. 1096,
- SUBSTITUTE HOUSE BILL NO. 1099,
- SECOND SUBSTITUTE HOUSE BILL NO. 1106,
- SUBSTITUTE HOUSE BILL NO. 1140,
- ENGROSSED HOUSE BILL NO. 1214,
- HOUSE BILL NO. 1220,
- SUBSTITUTE HOUSE BILL NO. 1255,
- SUBSTITUTE HOUSE BILL NO. 1256,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260,
- HOUSE BILL NO. 1331,
- HOUSE BILL NO. 1366,
- SUBSTITUTE HOUSE BILL NO. 1409,
- ENGROSSED HOUSE BILL NO. 1413,
- SUBSTITUTE HOUSE BILL NO. 1417,
- HOUSE BILL NO. 1418,
- HOUSE BILL NO. 1449,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461,
- SUBSTITUTE HOUSE BILL NO. 1472,
- HOUSE BILL NO. 1476,
- SECOND SUBSTITUTE HOUSE BILL NO. 1488,
- SECOND SUBSTITUTE HOUSE BILL NO. 1506,
- ENGROSSED HOUSE BILL NO. 1525,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569,
- HOUSE BILL NO. 1644,
- SUBSTITUTE HOUSE BILL NO. 1651,
- SECOND SUBSTITUTE HOUSE BILL NO. 1656,
- SUBSTITUTE HOUSE BILL NO. 1679,
- HOUSE BILL NO. 1722,
- SUBSTITUTE HOUSE BILL NO. 1777,
- SUBSTITUTE HOUSE BILL NO. 1805,

- SECOND SUBSTITUTE HOUSE BILL NO. 1811,
- HOUSE BILL NO. 1859,
- SECOND SUBSTITUTE HOUSE BILL NO. 1906,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916,
- HOUSE BILL NO. 1949,
- SECOND SUBSTITUTE HOUSE BILL NO. 1980,
- SUBSTITUTE HOUSE BILL NO. 1988,
- HOUSE BILL NO. 2004,
- SECOND SUBSTITUTE HOUSE BILL NO. 2055,
- HOUSE BILL NO. 2079,
- SUBSTITUTE HOUSE BILL NO. 2087,
- ENGROSSED HOUSE BILL NO. 2113,
- SUBSTITUTE HOUSE BILL NO. 2115,
- SUBSTITUTE HOUSE BILL NO. 2118,
- SUBSTITUTE HOUSE BILL NO. 2129,
- HOUSE BILL NO. 2135,
- SUBSTITUTE HOUSE BILL NO. 2209,
- HOUSE BILL NO. 2236,
- HOUSE BILL NO. 2240,
- SUBSTITUTE HOUSE BILL NO. 2261,
- SECOND SUBSTITUTE HOUSE BILL NO. 2262,
- SUBSTITUTE HOUSE BILL NO. 2275,
- HOUSE BILL NO. 2281,
- SUBSTITUTE HOUSE BILL NO. 2304,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
- HOUSE BILL NO. 2357,
- SUBSTITUTE HOUSE BILL NO. 2366,
- SUBSTITUTE HOUSE BILL NO. 2378,
- SUBSTITUTE HOUSE BILL NO. 2394,
- HOUSE JOINT MEMORIAL NO. 4017,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**MESSAGE FROM THE SENATE**

April 19, 2007

Mr. Speaker:

The Senate has passed:

- HOUSE BILL NO. 2395,
- HOUSE BILL NO. 2396,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2007

Mr. Speaker:

The President has signed:

- SUBSTITUTE HOUSE BILL NO. 1138,
- HOUSE BILL NO. 1450,
- HOUSE BILL NO. 1598,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833,
- SUBSTITUTE HOUSE BILL NO. 1965,
- ENGROSSED HOUSE BILL NO. 2070,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2007

Mr. Speaker:

The President has signed:

- HOUSE BILL NO. 1005,
- SUBSTITUTE HOUSE BILL NO. 1029,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050,
- HOUSE BILL NO. 1065,
- SUBSTITUTE HOUSE BILL NO. 1082,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,

HOUSE BILL NO. 1166,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1201,  
 ENGROSSED HOUSE BILL NO. 1217,  
 HOUSE BILL NO. 1224,  
 SUBSTITUTE HOUSE BILL NO. 1233,  
 SUBSTITUTE HOUSE BILL NO. 1244,  
 SUBSTITUTE HOUSE BILL NO. 1259,  
 SUBSTITUTE HOUSE BILL NO. 1267,  
 SUBSTITUTE HOUSE BILL NO. 1276,  
 SUBSTITUTE HOUSE BILL NO. 1287,  
 HOUSE BILL NO. 1293,  
 SUBSTITUTE HOUSE BILL NO. 1298,  
 SUBSTITUTE HOUSE BILL NO. 1304,  
 SUBSTITUTE HOUSE BILL NO. 1319,  
 SUBSTITUTE HOUSE BILL NO. 1328,  
 HOUSE BILL NO. 1371,  
 SUBSTITUTE HOUSE BILL NO. 1396,  
 SUBSTITUTE HOUSE BILL NO. 1397,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1401,  
 SUBSTITUTE HOUSE BILL NO. 1407,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422,  
 HOUSE BILL NO. 1443,  
 SUBSTITUTE HOUSE BILL NO. 1445,  
 HOUSE BILL NO. 1457,  
 HOUSE BILL NO. 1505,  
 HOUSE BILL NO. 1520,  
 HOUSE BILL NO. 1543,  
 SUBSTITUTE HOUSE BILL NO. 1565,  
 SUBSTITUTE HOUSE BILL NO. 1583,  
 HOUSE BILL NO. 1592,  
 HOUSE BILL NO. 1599,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1636,  
 SUBSTITUTE HOUSE BILL NO. 1646,  
 ENGROSSED HOUSE BILL NO. 1648,  
 SUBSTITUTE HOUSE BILL NO. 1654,  
 HOUSE BILL NO. 1671,  
 SUBSTITUTE HOUSE BILL NO. 1761,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779,  
 SUBSTITUTE HOUSE BILL NO. 1802,  
 HOUSE BILL NO. 1820,  
 SUBSTITUTE HOUSE BILL NO. 1832,  
 SUBSTITUTE HOUSE BILL NO. 1837,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,  
 SUBSTITUTE HOUSE BILL NO. 1891,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1896,  
 ENGROSSED HOUSE BILL NO. 1898,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1922,  
 SUBSTITUTE HOUSE BILL NO. 1929,  
 HOUSE BILL NO. 1966,  
 SUBSTITUTE HOUSE BILL NO. 2007,  
 HOUSE BILL NO. 2034,  
 SUBSTITUTE HOUSE BILL NO. 2049,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5009,  
 SUBSTITUTE SENATE BILL NO. 5207,  
 SECOND SUBSTITUTE SENATE BILL NO. 5470,  
 SECOND SUBSTITUTE SENATE BILL NO. 5790,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

#### INTRODUCTION & FIRST READING

HB 2408 By Representatives Simpson and Van De Wege

AN ACT Relating to property tax increases by port districts; and amending RCW 84.55.120.

Referred to Committee on Finance.

#### HB 2409

By Representatives O'Brien, Pearson, Sells, Alexander, Clibborn, Bailey, Ericks, Armstrong, Rolfes, Priest, Morris, Ahern, Goodman, Orcutt, Appleton, Hankins, Upthegrove, Skinner, Hudgins, Sump, Hasegawa, Ross, Hurst, Lovick, Warnick, Van De Wege, Strow, Lantz, Fromhold, McDonald, Haler, Hunt, Linville, Kelley, Seaquist, Schual-Berke, Rodne, Campbell and Blake

AN ACT Relating to institutions of higher education mapping; creating a new section; and making an appropriation.

Referred to Committee on Public Safety & Emergency Preparedness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the Committee on Rules was relieved of further consideration of HOUSE BILL NO. 2284, and the bill was placed on the Second Reading calendar.

#### MESSAGE FROM THE SENATE

April 18, 2007

Mr. Speaker:

The Senate insists on its position to SUBSTITUTE HOUSE BILL NO. 1091 and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House insisted on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1091, and again asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 19, 2007

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights; and

(d) Absent good cause, the child must be at least twelve years old at the time the petition is filed.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(10) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(11) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

(12) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

**Sec. 2.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 1 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.20A RCW to read as follows:

The state is not liable for civil damages resulting from any act or omission in the delivery of child welfare services or child protective services through the children's administration of the department of social and health services unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists.

**Sec. 4.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

~~((a))~~ (2) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b). The person must be willing and available to care for the child and be able to meet any special needs of the child and the court must find that such placement is in the best interests of the child. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court. If a child is not initially placed with a relative or other suitable person requested by the parent pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative or other suitable person requested by the parent pursuant to this section. Nothing within this subsection ~~((a))~~ (2) establishes an entitlement to services or a right to a particular placement.

~~((b))~~ (3) Whenever a child is taken into custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. ~~((In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into~~

custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary.

~~(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.)~~

**Sec. 5.** RCW 13.34.062 and 2004 c 147 s 2 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by ((RCW 13.34.060)) this section shall be in substantially the following form:

**"NOTICE**

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get

a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

~~((2))~~ (3) If child protective services is not required to give notice under ((RCW 13.34.060(2) and subsection (1) of)) this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

~~((3))~~ (4) Reasonable efforts to advise and to give notice, as required in ((RCW 13.34.060(2) and subsections (1) and (2) of)) this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

~~((4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.~~

~~((5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.~~

~~((b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and~~

location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.

—(c) The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

—(6) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

—(7) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.))

Sec. 6. RCW 13.34.065 and 2001 c 332 s 3 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The ((juvenile court probation counselor)) department of social and health services shall submit a recommendation to the court as to the further need for shelter care ((unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department)) in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount

consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether restraining orders, or orders expelling an allegedly abusive parent from the home, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. However, the court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

((2)) (5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

((a)) (i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

((b)) (ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

((c)) (B) The release of such child would present a serious threat of substantial harm to such child; or

((d)) (C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. ~~((The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090. —(3))~~ If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

~~((4))~~ (8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

~~((5))~~ (b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

**Sec. 7.** RCW 13.34.130 and 2003 c 227 s 3 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the

child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (i) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (ii) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

~~((5))~~ (6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement,

but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

**Sec. 8.** RCW 13.34.136 and 2004 c 146 s 1 are each amended to read as follows:

(1) ~~((Whenever a child is ordered removed from the child's home;))~~ A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) ~~The agency ((charged with his or her care shall provide the court with))~~ supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

~~((2))~~ (3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~((3))~~ (5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 9.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first (~~at a~~). The purpose of the hearing ((in which it)) shall be ((determined)) to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145~~((3))~~ (1)(a) or 13.34.134. ~~((The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.))~~

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) ~~((Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered))~~ Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

~~((iii))~~ (vii) Whether ~~((the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and))~~ preference has been given to placement with the child's relatives;

~~((iii))~~ (iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

~~((vi))~~ (vii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((vii))~~ (vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

~~((viii))~~ (x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

~~((2))~~ (3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

~~((3))~~ (4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((4))~~ (5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

**Sec. 10.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read as follows:

(1) ~~((A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.~~

~~((a))~~ Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

~~((b))~~ The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

~~((c))~~ Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

~~((d))~~ For purposes related to permanency planning:

~~((i))~~ "Guardianship" means a dependency guardianship, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

~~((ii))~~ "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

~~((iii))~~ "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

~~((2))~~ Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make

a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

~~(3)~~ The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

~~((4))~~ (b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in ~~(subsection (3) of)~~ this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

~~((5))~~ (c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

~~((6))~~ (3) At the permanency planning hearing, the court shall ~~(enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency)~~ conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the

appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138. ~~(If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.)~~

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((7))~~ (5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) ~~((Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.~~

~~—(11) Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.138, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.~~

~~—(12)) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.~~

~~((13)) (11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.~~

~~((14)) (12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.~~

**Sec. 11.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being

provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

**NEW SECTION. Sec. 12.** (1) The secretary of the department of social and health services shall work in conjunction with the University of Washington to study the need for and the feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent classification. The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington jointly shall facilitate a work group composed of: (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate; and the speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives; (b) four foster parents, including two representatives from the foster parent association of Washington state; (c) the director of the institute for children and families at the University of Washington; (d) a representative of the Washington federation of state employees; and (e) four or more child welfare professionals with subject matter expertise from the public, private, or academic communities.

(2) To promote the exchange of ideas and collaboration, the secretary and the director also shall convene at least two focused stakeholder meetings seeking input from a broad range of foster parents, social workers, and community members. To facilitate the exchange of ideas, the department of social and health services shall provide to the work group the contact information for licensed foster parents for the sole purpose of communicating with foster parents regarding issues relevant to foster parents. The work group shall keep the contact information confidential and shall develop guidelines for the use and maintenance of this contact information among work group members.

(3) The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington shall report the recommendations of the work group to the appropriate committees of the legislature by January 1, 2008.

**NEW SECTION. Sec. 13.** Section 12 of this act expires January 1, 2008.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "welfare;" strike the remainder of the title and insert "amending RCW 13.34.200, 13.34.060, 13.34.062, 13.34.065, 13.34.130, 13.34.136, 13.34.138, and 13.34.145; reenacting and amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 43.20A RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means a health sciences and services authority created pursuant to this chapter.

(2) "Board" means the governing board of trustees of an authority.

(3) "Director" means the director of the higher education coordinating board.

(4) "Health sciences and services" means biosciences that advance new therapies and procedures to combat disease and promote public health.

(5) "Local government" means a city, town, or county.

(6) "Sponsoring local government" means a city, town, or county that creates a health sciences and services authority.

**NEW SECTION. Sec. 2. PURPOSE.** The health sciences and services program is created to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health.

**NEW SECTION. Sec. 3. CREATION.** A local government must establish by ordinance or resolution an authority. At a minimum, the ordinance must:

(1) Specify the powers to be exercised by the authority;

(2) Reserve the local government's right to dissolve the authority after its contractual responsibilities have expired;

(3) Establish an administrative board, including: (a) The number of board members; (b) the times and terms of appointment for each board position; (c) the amount of compensation, if any, to be paid to board members; (d) the procedures for removing board members and filing vacancies; and (e) the qualifications for the appointment of individuals to the board;

(4) Establish the authority's boundaries, which must be contiguous tracts of land;

(5) Ensure that private and public funds provided to the authority will be segregated;

(6) Establish guidelines under which the authority may invest its funds;

(7) Provide the requirements for auditing the records of the authority; and

(8) Require the local government's legal counsel to also provide legal services to the authority.

**NEW SECTION. Sec. 4. APPLICATIONS.** (1) The higher education coordinating board may approve applications submitted by local governments for an area's designation as a health sciences and services authority under this chapter. The director shall determine the division to review applications submitted by local governments under this chapter. The application for designation shall be in the form and manner and contain such information as the higher education coordinating board may prescribe, provided the application shall:

(a) Contain sufficient information to enable the director to determine the viability of the proposal;

(b) Demonstrate that an ordinance or resolution has been passed by the legislative authority of a local government that delineates the boundaries of an area that may be designated an authority;

(c) Be submitted on behalf of the local government, or, if that office does not exist, by the legislative body of the local government;

(d) Demonstrate that the public funds directed to programs or facilities in the authority will leverage private sector resources and contributions to activities to be performed;

(e) Provide a plan or plans for the development of the authority as an entity to advance as a cluster for health sciences education, health sciences research, biotechnology development, biotechnology product commercialization, and/or health care services; and

(f) Demonstrate that the state has previously provided funds to health sciences and services programs or facilities in the applicant city, town, or county.

(2) The director shall determine the division to develop criteria to evaluate the application. The criteria shall include:

(a) The presence of infrastructure capable of spurring development of the area as a center of health sciences and services;

(b) The presence of higher education facilities where undergraduate or graduate coursework or research is conducted; and

(c) The presence of facilities in which health services are provided.

(3) There shall be no more than one authority statewide.

(4) An authority may only be created in a county with a population of less than one million persons.

(5) The director may reject or approve an application. When denying an application, the director must specify the application's deficiencies. The decision regarding such designation as it relates to a specific local government is final; however, a rejected application may be resubmitted.

(6) Applications are due December 31, 2007, and must be processed within sixty days of submission.

(7) The director may, at his or her discretion, amend the boundaries of an authority upon the request of the local government.

(8) The higher education coordinating board may adopt any rules necessary to implement this act within one hundred twenty days of the effective date of this section.

(9) The joint legislative audit and review committee shall conduct an audit of the authority and report to the legislature by December 1, 2012. The report shall evaluate the effectiveness of the authority in providing the advancement of new therapies and procedures to combat disease and improve public health. The audit shall also look into where and how funds have been spent and if the funds have effectively executed the mission of the authority.

**NEW SECTION. Sec. 5. BOARD.** (1) An authority shall be overseen by a board with not more than fourteen members. The authority board shall select the chair. Board members must have some experience with the mission of the authority. The board members shall be appointed as follows:

(a) The governor shall appoint three members;

(b) The county legislative authority in which the authority resides shall appoint three members;

(c) The mayor of the city in which the authority is created, or the mayor of the largest city within the authority if created by a county, shall appoint three members; and

(d) Up to five additional members may be appointed by the board.

(2) A simple majority of the board members shall constitute a quorum.

(3) The board shall annually elect a secretary and any other officers it deems necessary.

(4) The local government shall designate an individual with financial experience to serve as treasurer. The individual may be a city or county treasurer, city or county auditor, or a private party. If the treasurer is a private party, the local government shall require a bond in an amount and under such terms and conditions as the local government deems necessary to protect the authority. The treasurer shall have the power to create and maintain funds, issue warrants, and invest funds in its possession.

(5) The board may adopt bylaws or rules for their own governance.

(6) Meetings of the board shall be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the board so requests. Meetings of the board may be held at any location and board members may

participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

**NEW SECTION. Sec. 6. POWERS AND DUTIES.** (1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including the authority may:

(a) Sue and be sued in its own name;

(b) Make and execute agreements, contracts, and other instruments, with any public or private entity or person, in accordance with this chapter;

(c) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;

(d) Establish such special funds, and control deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(e) Enter into contracts with public and private entities for research to be conducted in this state;

(f) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(g) Exercise any other power reasonably required to implement the purposes of this chapter; and

(h) Hire staff and pay administrative costs; however, such expenses shall be paid from moneys provided by the sponsoring local government and moneys received from gifts, grants, and bequests and the interest earned on the authority's accounts and investments.

(2) In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(a) Use the authority's public moneys, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, promote bioscience-based economic development, and advance new therapies and procedures to combat disease and promote public health;

(b) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities to receive moneys in consideration of the authority's promise to leverage those moneys with the revenue generated by the tax authorized under section 11 of this act and contributions from other public entities and private entities, in order to use those moneys to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(c) Hold funds received by the authority in trust for their use pursuant to this chapter to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(d) Manage its funds, obligations, and investments as necessary and consistent with its purpose, including the segregation of revenues into separate funds and accounts;

(e) Make grants to entities pursuant to contract to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Grant agreements shall specify the deliverables to be provided by the recipient pursuant to the grant. Grants to private entities may only be provided under a contractual agreement that ensures the state will receive appropriate consideration, such as an assurance of job creation or retention, or the delivery of services that provide for the public health, safety, and welfare. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (i) The quality of the proposed research; (ii) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (iii) its potential to leverage additional funding; (iv) its potential to provide health care benefits; (v) its potential to stimulate employment; and (vi) evidence of public and private collaboration;

(f) Create one or more advisory boards composed of scientists, industrialists, and others familiar with health sciences and services; and

(g) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

(3) The records of the authority shall be subject to audit by the office of the state auditor.

(4) The authority must apply for a Washington state quality award within four years of its creation.

**NEW SECTION. Sec. 7. GENERAL INDEBTEDNESS--GENERAL OBLIGATION BONDS.** (1) A local government that creates a health sciences and services authority may incur general indebtedness, and issue general obligation bonds, to finance the grants and other programs and retire the indebtedness in whole or in part from the funds distributed pursuant to section 11 of this act and subject to the following requirements:

(a) The ordinance adopted by the local government creating the authority and authorizing the use of the excise tax in section 11 of this act indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices.

(2) The general indebtedness incurred under this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the grants and other programs or associated debt service on the general indebtedness.

**NEW SECTION. Sec. 8. LIMITATION ON BONDS ISSUED.** The bonds issued by a local government under section 7 of this act shall not constitute an obligation of the state of Washington, either general or special.

**NEW SECTION. Sec. 9. LIABILITY.** (1) Members of the board, as well as other persons acting on behalf of the authority, while acting within the scope of their employment or agency, shall not be subject to personal liability resulting from their official duties conferred on them under this chapter.

(2) The state, the local government that created the authority, and the authority shall not be liable for any loss, damage, harm, or other consequences resulting directly or indirectly from grants provided by the authority or from programs, services, research, or other activities funded with such grants.

**NEW SECTION. Sec. 10. DISSOLUTION.** The board may petition the sponsoring local government to be dissolved upon a showing that it has no reason to exist and that any assets it retains must be returned to the state treasurer.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a local jurisdiction that has created a health sciences and services authority under section 3 of this act may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the local jurisdiction. The rate of the tax shall not exceed 0.015 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of the tax on behalf of the authority at no cost to the authority.

(3) The amounts received under this section may only be used in accordance with section 6 of this act or to finance and retire the indebtedness incurred pursuant to section 7 of this act, in whole or in part.

**Sec. 12.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Financial or proprietary information supplied to the liquor control board including the amount of beer or wine sold by a domestic winery, brewery, microbrewery, or certificate of approval holder under RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or wine purchased by a retail licensee in connection with a retail licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of shipments of beer or wine.

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~((and))~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit((-));

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

**Sec. 13.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~((and))~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit((-));

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information,

if revealed, would reasonably be expected to result in private loss to providers of this information.

**NEW SECTION. Sec. 14. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 15. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 16. CODIFICATION.** Sections 1 through 10 of this act constitute a new chapter in Title 35 RCW.

**NEW SECTION. Sec. 17. EXPIRATION DATE.** Section 12 of this act expires June 30, 2008.

**NEW SECTION. Sec. 18. EFFECTIVE DATE.** Section 13 of this act takes effect June 30, 2008."

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.270 and 42.56.270; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; creating a new section; providing an effective date; and providing an expiration date."

as the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705, and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 19, 2007

Mr. Speaker:

The Senate refuses to recede from its amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Weinstein, Fraser and Brandland, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House insisted on its position regarding the Senate's amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359, refused to grant a Conference thereon, and again asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 18, 2007

Mr. Speaker:

The Senate insists on its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368 and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Curtis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1368, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1368, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 19, 2007

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1909. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.48.130 and 1995 c 366 s 13 are each amended to read as follows:

(1) A person who violates a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both a fine and imprisonment.

(2) In any prosecution for a violation of this chapter's requirements to obtain or possess a specialized forest products permit or true copy thereof, an authorization, sales invoice, or bill of lading, it is an affirmative defense, if established by the defendant by a preponderance of the evidence, that: (a) The specialized forest products were harvested from the defendant's own land; or (b) the

specialized forest products were harvested with the permission of the landowner.

**NEW SECTION. Sec. 2.** (1) The specialized forest products work group is established. The work group must consist of appropriate representation from: The department of natural resources; county sheriffs; county prosecutors; industrial and small forest landowners; tribes; recreational and professional wood carvers; cedar and specialty wood processors; and other appropriate persons invited by the commissioner of public lands.

(2) The specialized forest products work group must review the current specialized forest products statute, chapter 76.48 RCW, as well as applicable theft laws. The specialized forest products work group must evaluate the statute, as well as its application, and make recommendations, if any, to ensure that the specialized forest products requirements: Provide reasonable tools for law enforcement and reasonably protect landowners from theft; are not unduly burdensome to harvesters, those possessing or transporting specialized forest products, or cedar or specialty wood processors or buyers; are clear and may be readily understood by law enforcement and the public; and are administered and enforced consistently throughout the state.

(3) The specialized forest products work group must be staffed by the department of natural resources.

(4) The specialized forest products work group must provide a report to the appropriate committees of the legislature containing its recommendations, as well as draft legislation implementing its recommendations, by December 1, 2007.

(5) This section expires July 1, 2008.

**Sec. 3.** RCW 76.48.020 and 2005 c 401 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees which contains the information required by RCW 76.48.080, a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(2) "Bill of lading" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product.

(3) "Cascara bark" means the bark of a Cascara tree.

(4) "Cedar processor" means any person who purchases, takes, or retains possession of cedar products or cedar salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

(5) "Cedar products" means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(7) "Christmas trees" means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(8) "Cut or picked evergreen foliage," commonly known as brush, means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape, rhododendron, mosses, bear grass, scotch broom (*Cytisus scoparius*), and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones, berries, any foliage that does not remain green year-round, or seeds.

(9) "Harvest" means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection or contact with the land or vegetation upon which it is or was growing or (b) from the position in which it is lying upon the land.

(10) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close

enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

((11)) (11) "Huckleberry" means the following species of edible berries, if they are not nursery grown: *Vaccinium membranaceum*, *Vaccinium deliciosum*, *Vaccinium ovatum*, *Vaccinium parvifolium*, *Vaccinium globulare*, *Vaccinium ovalifolium*, *Vaccinium alaskaense*, *Vaccinium caespitosum*, *Vaccinium occidentale*, *Vaccinium uliginosum*, *Vaccinium myrtilloides*, and *Vaccinium scoparium*.

((12)) (12) "Landowner" means, with regard to real property, the private owner, the state of Washington or any political subdivision, the federal government, or a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at a public or private timber sale.

((13)) (13) "Native ornamental trees and shrubs" means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

((14)) (14) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

((15)) (15) "Person" includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

((16)) (16) "Processed cedar products" means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, rails, or rounds less than one foot in length.

((17)) (17) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

((18)) (18) "Specialized forest products" means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, specialty wood, wild edible mushrooms, and Cascara bark.

((19)) (19) "Specialized forest products permit" means a printed document in a form printed by the department of natural resources, or true copy thereof, that is signed by a landowner or his or her authorized agent or representative, referred to in this chapter as "permittors" and validated by the county sheriff and authorizes a designated person, referred to in this chapter as "permittee," who has also signed the permit, to harvest and transport a designated specialized forest product from land owned or controlled and specified by the permittor and that is located in the county where the permit is issued.

((20)) (20) "Specialty wood" means wood that is:

(a) In logs less than eight feet in length, chunks, slabs, stumps, or burls; and

(b) One or more of the following:

(i) Of the species western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder;

(ii) Without knots in a portion of the surface area at least twenty-inches long and seven and a quarter inches wide when measured from the outer surface toward the center; or

(iii) Suitable for the purposes of making musical instruments or ornamental boxes.

((21)) (21) "Specialty wood buyer" means the first person that receives any specialty wood product after it leaves the harvest site.

((22)) (22) "Specialty wood processor" means any person who purchases, takes, or retains possession of specialty wood products or specialty wood salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

((23)) (23) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site by any means.

((24)) (24) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee

and permit for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permit for, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

~~((24))~~ (25) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

**Sec. 4.** RCW 76.48.030 and 1995 c 366 s 2 are each amended to read as follows:

It is unlawful for any person to:

(1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;

(2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; ~~((or))~~

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative; or

(4) Harvest huckleberries in any amount using a rake, mechanical device, or any other method that damages the huckleberry bush.

**NEW SECTION. Sec. 5.** (1) By December 1, 2007, the department of natural resources must review the uses of and demands on the state's wild huckleberry resource, and estimate whether the current consumptive uses of wild huckleberries are sustainable and compatible among the various consumptive users of the resource. Based upon this review, the department of natural resources must deliver recommendations to the appropriate committees of the legislature as to whether a state-permitting requirement to harvest, possess, or transport wild huckleberries would remedy any problems identified during the review, whether the specialized forest products permit would be the most effective permitting program to utilize, and what permit conditions or requirements should be placed on the harvest, possession, or transportation of wild huckleberries.

(2) This section expires July 1, 2008."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 76.48.130, 76.48.020, and 76.48.030; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1909 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orcutt and B. Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1909, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1909, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Straw, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1909, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the Committee on Rules was relieved of further consideration of SENATE BILL NO. 5434, and the bill was placed on the Second Reading calendar.

#### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fourth order of business.

#### INTRODUCTION & FIRST READING

ESSB 6157

By Senate Committee on Ways & Means  
(originally sponsored by Senator  
Prentice)

AN ACT Relating to reducing offender recidivism by increasing access and coordination of offender services in communities through inventories of services and community transition coordination network pilot programs; by improving local law and justice councils to focus their efforts on effective use of correctional resources and coordination between state and local law enforcement and corrections agencies; by developing and implementing individual reentry plans that describe actions and services to prepare offenders for release from jail or prison and require an offender to participate in available programming directed in their plan in order to qualify for fifty percent earned early release; by excluding the use of an individual reentry plan as the basis in civil actions against local governments; by requiring an offender released to community supervision to be returned to the county of origin unless it is inappropriate due to matters of victim safety, lack of family or other supports for the offender in other locations, or negative influences on the offender in that community; by requiring the department of corrections to prepare a list of counties and rural multicounty areas for anticipated siting of work release, community justice centers and other community-based correctional facilities while making substantial efforts to provide for the equitable distribution of the facilities; by studying and identifying evidence-based practices for work release; by increasing the use of effective practices in residential and nonresidential transition facilities for offenders under the jurisdiction of the

department of corrections; by permitting partial confinement in lieu of earned early release up to three months; by requiring, upon a finding at a third violation hearing that the offender committed a violation, the return of an offender to total confinement to serve up to the remaining portion of his or her sentence unless it is determined that returning the offender would interfere with the offender's ability to maintain community supports or participate in treatment and would increase the likelihood of reoffending; by requiring an offender arrested for a new felony while under community custody, community placement, or community supervision to be held in confinement until a hearing before the department or until a formal charge is filed, whichever is earlier; by prohibiting an offender under community custody, community placement, or community supervision who is found guilty of a new felony after the effective date of this act from qualifying for fifty percent earned early release; by creating a task force to study and review the current laws and policy regarding community custody and community supervision; by conducting a community corrections workload study; by improving educational opportunities; by providing liability protection for landlords who rent to former offenders and entities participating in the transitional housing program under certain conditions; by encouraging housing authorities to formulate rental policies not overly burdensome to previously incarcerated individuals; by establishing a transitional housing program for offenders in need of stable housing; by allowing funds to be disbursed from a personal inmate savings account in order to assist an offender to secure appropriate housing; by establishing expedited procedures for released offenders to obtain a driver's license or identification card; by reviewing and recommending changes to occupational licensing laws; and by adding appropriations for sections 305(2) and (4), section 304(1)(b)(ii)(D) and (E), and section 307 of this act; amending RCW 72.09.300, 72.09.015, 9.94A.728, 9.94A.737, 72.09.460, 72.09.480, and 72.09.111; adding new sections to chapter 72.09 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 35.82 RCW; adding a new section to chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new sections; making appropriations; and providing expiration dates.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6157 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

#### MESSAGES FROM THE SENATE

April 20, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5009,  
SECOND SUBSTITUTE SENATE BILL NO. 5164,  
SUBSTITUTE SENATE BILL NO. 5207,  
SUBSTITUTE SENATE BILL NO. 5224,  
SUBSTITUTE SENATE BILL NO. 5412,  
SECOND SUBSTITUTE SENATE BILL NO. 5470,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627,  
SECOND SUBSTITUTE SENATE BILL NO. 5790,  
SENATE BILL NO. 6167,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 20, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1566,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:  
SUBSTITUTE SENATE BILL NO. 5340,  
SECOND SUBSTITUTE SENATE BILL NO. 5955,  
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Prentice, Zarelli, Hatfield, Brandland, Brown, Poulsen, Pridemore and McAuliffe)**

**Concerning public facilities for economic development purposes.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, 100<sup>th</sup> Day, April 17, 2007.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5557, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5557, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove,

Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Hasegawa - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 19, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5097 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5097 to page 2, line 15; insisted on its amendment to page 4, line 27, and advanced the bill as amended by the House to final passage.

#### FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

Representatives Quall and Curtis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5097, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5097, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5097, as amended by the House having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1277. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.102.020 and 2006 c 181 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means ~~((five))~~ seven million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the ~~((creation of a revenue development area. For a local government that meets the requirements of RCW 39.102.040(2), "base year" is the calendar year after it amends its ordinance as provided in RCW 39.102.040(2)))~~ calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award, provided that the approval is granted before October 15th. If approval by the board is received on or after October 15th but on or before December 31st, the "base year" is the second calendar year following the calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award.

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was ~~((created))~~ approved by the board, except that if a local government reduces the rate of such tax after the revenue development area was ~~((created))~~ approved by the board, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~((creates))~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ((creation)) approval of the revenue development area ((within the boundaries of the area that became the revenue development area)) by the board, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the ~~((creation))~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ~~((created))~~ approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ((by July 1, 2006;)) during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes

received by the sponsoring local government during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ~~(July 1, 2007)~~ in 2008. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, ~~((dedicated))~~ other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13)(a) "Revenues from local public sources" means ~~((federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing))~~:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) ~~The placement of new construction, improvements~~ ~~((or both))~~ to property, or both, on the assessment roll ~~((s after the revenue development area is created))~~, where the new construction ~~((or))~~ and improvements ~~((occur entirely after the revenue development area is created))~~ are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW

84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) ~~((If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of the buildings in the years following their initial placement on the assessment rolls:~~

(c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased ~~((due to new construction or improvements to property occurring after the revenue development area is created))~~ as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during

construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; ~~(and)~~ (f) administrative expenses and feasibility studies reasonably necessary and related to these costs ~~(including related)~~; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is ~~(created)~~ adopted for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is ~~(created)~~ adopted, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area ~~(created)~~ adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that ~~(creates)~~ adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes,

other than the local sales and use taxes authorized by RCW 82.14.475, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~(creates)~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~(creation)~~ approval of the revenue development area ~~(within the boundaries of the area that became the revenue development area)~~ by the board, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the ~~(creation)~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ~~(created)~~ approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ~~(by July 1, 2006;)~~ during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ~~(July 1, 2007)~~ in 2008. The amount of base year adjustment determined by the department is final.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

(33) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

**Sec. 2.** RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW ~~(that)~~ and has not issued bonds to finance any public improvement ~~(shall be)~~ may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without ~~(creating)~~ adopting a new ~~(increment)~~ revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the

estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve ((qualified)) competitive project((s, up to the annual state contribution limit)) awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline.

(c) Except as provided in RCW 39.102.050(2), a total of no more than five million dollars in competitive project awards shall be approved for local infrastructure financing. ((Except as provided in RCW 39.102.050, approvals shall be based on the following criteria))

(d) The project selection criteria and weighting developed prior to the effective date of this act for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall, in consultation with the Washington state economic development commission, develop the relative weight to be assigned to the following criteria:

((~~(a)~~)) (i) The ((project)) project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

((~~(b)~~)) (ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

((~~(c)~~)) (iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

((~~(d)~~)) (iv) The estimated wages and benefits for the project is greater than the average labor market area;

((~~(e)~~)) (v) The estimated state and local net employment change over the life of the project;

((~~(f)~~)) (vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

((~~(g)~~)) (vii) The estimated state and local net property tax change over the life of the project; ((and

—(~~(g)~~)) (viii) The estimated state and local sales and use tax increase over the life of the project;

(ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c); and

(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the

transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

(e)(i) Except as provided in this subsection (4)(e), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.

(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:

(A) The sponsoring local government is located in more than one county; and

(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.

(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.

(5) ((A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval.)) Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification ((shall)) must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

**Sec. 3.** RCW 39.102.050 and 2006 c 181 s 203 are each amended to read as follows:

(1) In addition to a competitive process, demonstration projects are provided to determine the feasibility of the local infrastructure financing tool. Notwithstanding RCW 39.102.040, the board shall approve each demonstration project ((before approving any other application)). Demonstration project applications must be received by the board no later than July 1, 2008. The Bellingham waterfront redevelopment project award shall not exceed one million dollars per year, the Spokane river district project award shall not exceed one million dollars per year, and the Vancouver riverwest project award shall not exceed five hundred thousand dollars per year. The board shall approve by September 15, 2007, demonstration project applications submitted no later than July 1, 2007. The board shall approve by September 18, 2008, demonstration project applications submitted by July 1, 2008.

(2) If before board approval of the final competitive project award in 2008, a demonstration project has not received approval by the board, the state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive application process. If a demonstration project has received a partial award before the approval of the final competitive project award, the remaining state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive process.

**Sec. 4.** RCW 39.102.060 and 2006 c 181 s 204 are each amended to read as follows:

The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries, as of January 1st of the year the application is submitted to the board under RCW 39.102.040, may not exceed seventy dollars at the time the revenue development area is designated;

(3) ~~(No more than one revenue development area may be created in a county))~~ No revenue development area shall have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW or any part of another revenue development area created under this chapter;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

(9) A revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

**Sec. 5.** RCW 39.102.090 and 2006 c 181 s 207 are each amended to read as follows:

(1) To ~~((create))~~ adopt a revenue development area, a sponsoring local government, and any cosponsoring local government, must adopt an ordinance establishing the revenue development area that:

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in RCW 39.102.060;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in RCW 39.102.070 are met and the findings in RCW 39.102.080 are complete.

(2) The sponsoring local government, and any cosponsoring local government, must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing ~~((at least thirty days))~~ before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government and the governing body of any cosponsoring local government, or by a committee of those governing bodies that includes at least a majority of the whole governing body or bodies. The public hearing is subject to the notice requirements in RCW 39.102.100.

(3) The sponsoring local government, and any cosponsoring local government, shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government and participating taxing district within which the revenue development area is located, the board, and the department.

**Sec. 6.** RCW 39.102.110 and 2006 c 181 s 301 are each amended to read as follows:

(1) A sponsoring local government or participating local government that has received approval by the board to use local infrastructure financing may use annually its local excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated by participating local governments must cease ~~((when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area))~~

on the date specified in the written agreement required in RCW 39.102.080(1), or if no date is specified then the date when the local tax under RCW 82.14.475 expires. Any participating local government is authorized to dedicate local excise tax allocation revenues to the sponsoring local government as authorized in RCW 39.102.080(1).

(2) A sponsoring local government shall provide the board accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under RCW 39.102.150 are retired.

**Sec. 7.** RCW 39.102.120 and 2006 c 181 s 302 are each amended to read as follows:

(1) Commencing in the second calendar year following ~~((the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing))~~ board approval of a revenue development area, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development area to the property tax allocation revenue value and property tax allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer ~~((necessary or))~~ obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the allocation of tax

receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of portions of the local regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to each such taxing district.

(5) The allocation of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW.

**Sec. 8.** RCW 82.14.475 and 2006 c 181 s 401 are each amended to read as follows:

(1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under the authority of this section:

(i) Before July 1, 2008;

(ii) Before approval by the board under RCW 39.102.040; and

(iii) ~~((Except as provided in (b) of this subsection, unless))~~ Before the sponsoring local government has received ((and dedicated to the payment of bonds authorized in RCW 39.102.150, in whole or in part, both)) local excise tax allocation revenues ((and)) local property tax allocation revenues, or both, during the preceding calendar year.

(b) ~~((The requirement to receive local property tax allocation revenues under (a) of this subsection is waived if the revenue development area coincides with or is contained entirely within the boundaries of an increment area adopted by a local government under the authority of chapter 39.89 RCW for the purposes of utilizing community revitalization financing.~~

~~—(c))~~ The tax imposed under this section shall expire when the bonds issued under the authority of RCW 39.102.150 are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in RCW 39.102.040;

(d) ~~((Except when the requirement to receive local property tax allocation revenues is waived as provided in subsection (3)(b) of this section,))~~ Neither the local excise tax allocation revenues nor the local property tax allocation revenues ((can be)) may constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c). This requirement applies beginning January 1st of the fifth calendar year after the calendar year in which the sponsoring local government begins allocating local excise tax allocation revenues under RCW 39.102.110;

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with RCW 39.102.140, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in RCW 39.102.020(29)(c). The department shall consider information from reports described in RCW 39.102.140 when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than ~~((five))~~ seven million five hundred thousand dollars. ~~((The tax distributions shall be available to the sponsoring local government, and any cosponsoring local government, imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under RCW 39.102.150;))~~

(10) The definitions in RCW 39.102.020 apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

(12) Subject to section 14 of this act, the tax imposed under the authority of this section may be applied either to provide for the payment of debt service on bonds issued under RCW 39.102.150 by the sponsoring local government or to pay public improvement costs on a pay-as-you-go basis, or both.

(13) The tax imposed under the authority of this section shall cease to be imposed if the sponsoring local government or cosponsoring local government fails to issue bonds under the authority of RCW 39.102.150 by June 30th of the fifth fiscal year in which the local tax authorized under this section is imposed.

**Sec. 9.** RCW 39.102.140 and 2006 c 181 s 403 are each amended to read as follows:

(1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, ~~((and))~~ local property tax allocation revenues, ~~other revenues from local public sources, and taxes under RCW 82.14.475~~~~((and revenues from local public sources))~~ received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with RCW 39.102.070.

(2) The board shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

**Sec. 10.** RCW 39.102.150 and 2006 c 181 s 501 are each amended to read as follows:

(1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax allocation revenues, local property tax allocation revenues, and sales and use taxes imposed under the authority of RCW 82.14.475 that it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by RCW ~~((39.102.090))~~ 39.102.100.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the

public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of RCW 82.14.475 and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under RCW 82.14.475, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under RCW 82.14.475 are subject to the use restriction in RCW 39.102.130.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 11.** RCW 39.102.130 and 2006 c 181 s 402 are each amended to read as follows:

Money collected from the taxes imposed under RCW 82.14.475 ~~((shall))~~ may be used only for the purpose of ((principal and interest payments on bonds issued under the authority of RCW 39.102.150)) paying debt service on bonds issued under the authority of RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis as provided in section 14 of this act, or both.

NEW SECTION. **Sec. 12.** RCW 39.102.180 (General indebtedness, general obligation bonds--Authority--Security) and 2006 c 181 s 504 are each repealed.

NEW SECTION. **Sec. 13.** A new section is added to chapter 39.102 RCW to read as follows:

The department of revenue and the community economic revitalization board may adopt any rules under chapter 34.05 RCW they consider necessary for the administration of this chapter.

**NEW SECTION. Sec. 14.** A new section is added to chapter 39.102 RCW to read as follows:

Local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, that are dedicated to local infrastructure financing, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, may not be used to pay for public improvement costs on a pay-as-you-go basis after the date that the sponsoring local government that issued the bonds as provided in RCW 39.102.150 is required to begin paying debt service on those bonds.

**NEW SECTION. Sec. 15.** This act applies retroactively as well as prospectively.

**NEW SECTION. Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17.** This act expires June 30, 2039."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.090, 39.102.110, 39.102.120, 82.14.475, 39.102.140, 39.102.150, and 39.102.130; adding new sections to chapter 39.102 RCW; creating a new section; repealing RCW 39.102.180; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1277 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Kelley and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1277, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1277, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove,

Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representatives Condotta and Kristiansen - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1277, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

April 20, 2007

Mr. Speaker:

The Senate insists on its position on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303, and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Dickerson and Kretz spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1303, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1303, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 79, Nays - 19, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Armstrong, Chandler, Condotta, Crouse, DeBolt, Ericksen, Hailey, Hinkle, Jarrett, Kretz, Kristiansen, Pearson, Roach, Ross, Schindler, Skinner, Sump and Warnick - 19.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

April 18, 2007

Mr. Speaker:

The Senate insists on its position on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432 and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives P. Sullivan and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1432, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1432, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1674 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.06.460 and 2005 c 208 s 1 are each amended to read as follows:

(1) The governor is authorized to enter into cigarette tax contracts with the Squaxin Island Tribe, the Nisqually Tribe, Tulalip Tribes, the Muckleshoot Indian Tribe, the Quinault Nation, the Jamestown S'Klallam Indian Tribe, the Port Gamble S'Klallam Tribe, the Stillaguamish Tribe, the Sauk-Suiattle Tribe, the Skokomish Indian

Tribe, the Yakama Nation, the Suquamish Tribe, the Nooksack Indian Tribe, the Lummi Nation, the Chehalis Confederated Tribes, the Upper Skagit Tribe, the Snoqualmie Tribe, the Swinomish Tribe, the Samish Indian Nation, the Quileute Tribe, the Kalispel Tribe, the Confederated Tribes of the Colville Reservation, the Cowlitz Indian Tribe, the Lower Elwha Klallam Tribe, ~~((and))~~ the Makah Tribe, the Hoh Tribe, and the Spokane Tribe. Each contract adopted under this section shall provide that the tribal cigarette tax rate be one hundred percent of the state cigarette and state and local sales and use taxes within three years of enacting the tribal tax and shall be set no lower than eighty percent of the state cigarette and state and local sales and use taxes during the three-year phase-in period. The three-year phase-in period shall be shortened by three months each quarter the number of cartons of nontribal manufactured cigarettes is at least ten percent or more than the quarterly average number of cartons of nontribal manufactured cigarettes from the six-month period preceding the imposition of the tribal tax under the contract. Sales at a retailer operation not in existence as of the date a tribal tax under this section is imposed are subject to the full rate of the tribal tax under the contract. The tribal cigarette tax is in lieu of the state cigarette and state and local sales and use taxes, as provided in RCW 43.06.455(3).

(2) A cigarette tax contract under this section is subject to RCW 43.06.455.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

On page 1, line 2 of the title, after "Tribe;" strike the remainder of the title and insert "amending RCW 43.06.460; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1674 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1674, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1674, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien,

Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

HOUSE BILL NO. 1674, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1902 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.08.855 and 2006 c 172 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale to an eligible farmer of:

(a) Replacement parts for qualifying farm machinery and equipment;

(b) Labor and services rendered in respect to the installing of replacement parts; and

(c) Labor and services rendered in respect to the repairing of qualifying farm machinery and equipment, provided that during the course of repairing no tangible personal property is installed, incorporated, or placed in, or becomes an ingredient or component of, the qualifying farm machinery and equipment other than replacement parts.

(2)(a) Notwithstanding anything to the contrary in this chapter, if (replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a separate charge for the parts, the tax levied by RCW 82.08.020 does not apply to the separately stated charge to an eligible farmer for replacement parts but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the parts or, if no separately stated retail price is available, the seller's cost for the parts. However, the exemption provided by this section shall not apply if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a single nonitemized charge for providing the parts and service) a single transaction involves services that are not exempt under this section and services that would be exempt under this section if provided separately, the exemptions provided in subsection (1)(b) and (c) of this section apply if: (i) The seller makes a separately itemized charge for labor and services described in subsection (1)(b) or (c) of this section; and (ii) the separately itemized charge does not exceed the seller's usual and customary charge for such services.

(b) If the requirements in (a)(i) and (ii) of this subsection (2) are met, the exemption provided in subsection (1)(b) or (c) of this section applies to the separately itemized charge for labor and services described in subsection (1)(b) or (c) of this section.

(3)(a) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. An exemption is available only when the buyer provides the seller with an exemption certificate issued by the department containing such information as the department requires. The exemption certificate shall be in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(b) The department shall provide an exemption certificate to an eligible farmer or renew an exemption certificate, upon application by that eligible farmer. The application must be in a form and

manner prescribed by the department and shall contain the following information as required by the department:

(i) The name and address of the applicant;

(ii) The uniform business identifier or tax reporting account number of the applicant, if the applicant is required to be registered with the department;

(iii) The type of farming engaged in;

(iv) Either a copy of the applicant's information as provided in (b)(iv)(A) of this subsection or a declaration as provided in (b)(iv)(B) of this subsection, as elected by the applicant:

(A) A copy of the applicant's Schedule F of Form 1040, Form 1120, or other applicable form filed with the internal revenue service indicating the applicant's gross sales or harvested value of agricultural products ((by the applicant in the calendar) for the tax year ((immediately preceding the year that the application was made to the department) covered by the return. If ((application is made before the due date of the applicant's)) the applicant has not filed a federal income tax return for the prior ((calendar) tax year(;;)) or ((any extension of the due date)) is not required to file a federal income tax return, the applicant shall provide ((a copy of the appropriate federal income tax form that was due for the second calendar year immediately preceding the year that the application is made to the department. If the applicant is not required to file federal income tax returns, the department may require the applicant to provide copies of other documents establishing the amount of the applicant's gross sales of agricultural products for the relevant calendar year)) copies of other documents establishing the amount of the applicant's gross sales or harvested value of agricultural products for the tax year immediately preceding the year in which an application for exemption under this section is submitted to the department;

(B) A declaration signed under penalty of perjury as provided in RCW 9A.72.085 that the applicant is an eligible farmer as defined in subsection (4)(b) of this section. Any person who knowingly makes a materially false statement on an application submitted to the department under the provisions of this section shall be guilty of perjury in the second degree under chapter 9A.72 RCW. In addition, the person is liable for payment of any taxes for which an exemption under this section was claimed, with interest at the rate provided for delinquent taxes, retroactively to the date the exemption was claimed, and penalties as provided under chapter 82.32 RCW;

(v) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(vi) The signature of the authorized individual; and

(vii) Other information the department may require to verify the applicant's eligibility for the exemption.

(c)(i) Except as otherwise provided in this section, exemption certificates take effect on the date issued by the department are not transferable and are valid for the remainder of the calendar year in which the certificate is issued and the following four calendar years. The department shall attempt to notify holders of exemption certificates of the impending expiration of the certificate at least sixty days before the certificate expires and shall provide an application for renewal of the certificate.

(ii) When a certificate holder merely changes identity or form of ownership of an entity and there is no change in beneficial ownership, the exemption certificate shall be transferred to the new entity upon written notice to the department by the transferor or transferee.

(d)(i) ((Exemption certificates issued to persons who are eligible farmers under subsection (4)(b)(iii) of this section are conditioned on the person making at least ten thousand dollars of gross sales of agricultural products grown, raised, or produced by that person in the first full calendar year that the person engages in business as a farmer)) A person who is an eligible farmer as defined in subsection (4)(b)(iii) of this section shall be issued a conditional exemption certificate. The exemption certificate is conditioned upon:

(A) The eligible farmer having gross sales or a harvested value of agricultural products grown, raised, or produced by that person of at least ten thousand dollars in the first full tax year in which the person engages in business as a farmer; or

(B) The eligible farmer, during the first full tax year in which that person engages in business as a farmer, growing, raising, or

producing agricultural products having an estimated value at any time during that year of at least ten thousand dollars, if the person will not sell or harvest an agricultural product during the first full tax year in which the person engages in business as a farmer.

(i) ~~((A person who is issued a conditional exemption certificate must provide the department with a copy of the person's Schedule F of Form 1040, Form 1120, or other applicable form filed with the internal revenue service indicating the gross sales of agricultural products by the person in the first full calendar year that the person engaged in business as a farmer. If a person is not required to file federal income tax returns, the person shall provide copies of other documents establishing the amount of the person's gross sales of agricultural products for the first full calendar year that the person engaged in business as a farmer. The documentation required in this subsection (3)(d)(ii) is due no later than December 31st of the year immediately following the first full calendar year in which the person engaged in business as a farmer.~~

~~((iii))) If a person fails to ((provide the required documentation to the department by the due date or any extension granted by the department, or if)) meet the condition provided in (d)(i)(A) or (B) of this subsection ((is not met)), the department shall revoke the exemption certificate. The department shall notify the person in writing of the revocation and the person's responsibility, and due date, for ((repayment)) payment of any taxes for which an exemption under this section was claimed. Any taxes for which an exemption under this section was claimed shall be due and payable within thirty days of the date of the notice revoking the certificate. The department shall assess interest on the taxes for which the exemption was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are ((repaid)) paid. Penalties shall not be imposed on any tax required to be ((repaid)) paid under this subsection (3)(d)(ii) if full payment is received by the due date. Nothing in this subsection (3)(d) prohibits a person from reapplying for an exemption certificate.~~

(4) The definitions in this subsection apply to this section.

(a) "Agricultural products" has the meaning provided in RCW 82.04.213.

(b) "Eligible farmer" means:

(i) A farmer as defined in RCW 82.04.213 whose gross ~~((proceeds of))~~ sales or harvested value of agricultural products grown, raised, or produced by that person is at least ten thousand dollars ~~((in))~~ for the ~~((calendar))~~ tax year immediately preceding the year in which ~~((a claim of exemption is made under this section))~~ an application for exemption under this section is submitted to the department;

(ii) The transferee of an exemption certificate under subsection (3)(c)(ii) of this section where the transferred certificate expires before the transferee engages in farming operations for a full ~~((calendar))~~ tax year, if the combined gross ~~((proceeds of))~~ sales ~~((by))~~ or harvested value of agricultural products that the transferor and transferee ~~((of agricultural products that they))~~ have grown, raised, or produced meet the requirements of (b)(i) of this subsection;

(iii) A farmer as defined in RCW 82.04.213, who does not meet the definition of "eligible farmer" in (b)(i) or (ii) of this subsection, and who did not engage in farming for the entire ~~((calendar))~~ tax year immediately preceding the year in which application for exemption under this section is ~~((made and who did not engage in farming in any other year))~~ submitted to the department, because the farmer is either new to farming or newly returned to farming; or

(iv) Anyone who otherwise meets the definition of "eligible farmer" in this subsection except that they are not a "person" as defined in RCW 82.04.030.

(c) "Farm vehicle" has the same meaning as in RCW 46.04.181.

(d) "Harvested value" means the number of units of the agricultural product that were grown, raised, or produced, multiplied by the average sales price of the agricultural product. For purposes of this subsection (4)(d), "average sales price" means the average price per unit of agricultural product received by farmers in this state as reported by the United States department of agriculture's national agricultural statistics service for the twelve-month period that coincides with, or that ends closest to, the end of the relevant tax year, regardless of whether the prices are subject to revision. If the

price per unit of an agricultural product received by farmers in this state is not available from the national agricultural statistics service, average sales price may be determined by using the average price per unit of agricultural product received by farmers in this state as reported by a recognized authority for the agricultural product.

(e) "Qualifying farm machinery and equipment" means machinery and equipment used primarily by an eligible farmer for growing, raising, or producing agricultural products. "Qualifying farm machinery and equipment" does not include:

(i) ~~((Farm vehicles and other))~~ Vehicles as ~~((those terms are defined in chapter 46.04 RCW, except))~~ defined in RCW 46.04.670, other than farm tractors as defined in RCW 46.04.180, farm vehicles, and other farm implements. For purposes of this subsection (4)~~((e))~~(e)(i), "farm implement" means machinery or equipment manufactured, designed, or reconstructed for agricultural purposes and used primarily by an eligible farmer to grow, raise, or produce agricultural products, but does not include lawn tractors and all-terrain vehicles;

(ii) Aircraft;

(iii) Hand tools and hand-powered tools; and

(iv) Property with a useful life of less than one year.

~~((f))~~(f)(i) "Replacement parts" means those parts that replace an existing part, or which are essential to maintain the working condition, of a piece of qualifying farm machinery or equipment. ~~((However, "replacement parts" shall not include paint, fuel, oil, grease, hydraulic fluids, antifreeze, and similar items))~~

(ii) Paint, fuel, oil, hydraulic fluids, antifreeze, and similar items are not replacement parts except when installed, incorporated, or placed in qualifying farm machinery and equipment during the course of installing replacement parts as defined in (f)(i) of this subsection or making repairs as described in subsection (1)(c) of this section.

(g) "Tax year" means the period for which a person files its federal income tax return, irrespective of whether the period represents a calendar year, fiscal year, or some other consecutive twelve-month period. If a person is not required to file a federal income tax return, "tax year" means a calendar year.

**Sec. 2.** RCW 82.12.855 and 2006 c 172 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use by an eligible farmer of:

(a) Replacement parts for qualifying farm machinery and equipment;

(b) Labor and services rendered in respect to the installing of replacement parts; and

(c) Labor and services rendered in respect to the repairing of qualifying farm machinery and equipment, provided that during the course of repairing no tangible personal property is installed, incorporated, or placed in, or becomes a component of, the qualifying farm machinery and equipment other than replacement parts.

(2)(a) Notwithstanding anything to the contrary in this chapter, if ~~((replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a separate charge for the parts, the tax imposed by this chapter does not apply to the separately stated charge to an eligible farmer for replacement parts but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the parts or, if no separately stated retail price is available, the seller's cost for the parts. However, the exemption provided by this section shall not apply if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a single nonitemized charge for providing the parts and service))~~ a single transaction involves services that are not exempt under this section and services that would be exempt under this section if provided separately, the exemptions provided in subsection (1)(b) and (c) of this section apply if: (i) The seller makes a separately itemized charge for labor and services described in subsection (1)(b) or (c) of this section; and (ii) the separately itemized charge does not exceed the seller's usual and customary charge for such services.

(b) If the requirements in (a)(i) and (ii) of this subsection (2) are met, the exemption provided in subsection (1)(b) or (c) of this section applies to the separately itemized charge for labor and services described in subsection (1)(b) or (c) of this section.

(3) The definitions and recordkeeping requirements in RCW 82.08.855, other than the exemption certificate requirement, apply to this section.

(4) If a person is an eligible farmer as defined in RCW 82.08.855(4)(b)(iii) who cannot prove income because the person is new to farming or newly returned to farming, the exemption under this section will apply only if one of the conditions in RCW 82.08.855(3)(d)(i)(A) or (B) is met. If the conditions are not met, any taxes for which an exemption under this section was claimed and interest on such taxes must be paid. Amounts due under this subsection shall be in accordance with RCW 82.08.855(3)(d)(ii), except that the due date for payment is January 31st of the year immediately following the first full tax year in which the person engaged in business as a farmer.

(5) Except as provided in subsection (4) of this section, the department shall not assess the tax imposed under this chapter against a person who no longer qualifies as an eligible farmer with respect to the use of any articles or services exempt under subsection (1) of this section, if the person was an eligible farmer when the person first put the articles or services to use in this state."

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 82.08.855 and 82.12.855; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1902 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Grant and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1902, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1902, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Anderson, Chase and Hasegawa - 3.

ENGROSSED HOUSE BILL NO. 1902, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2220. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) The sea grant program at the University of Washington shall, consistent with this section, commission a series of scientific research studies that examines the possible effects, including the cumulative effects, of the current prevalent geoduck aquaculture techniques and practices on the natural environment in and around Puget Sound, including the Strait of Juan de Fuca. The sea grant program shall use funding provided from the geoduck aquaculture research account created in section 2 of this act to review existing literature, directly perform research identified as needed, or to enter into and manage contracts with scientific organizations or institutions to accomplish these results.

(2) Prior to entering into a contract with a scientific organization or institution, the sea grant program must:

(a) Analyze, through peer review, the credibility of the proposed party to the contract, including whether the party has credible experience and knowledge and has access to the facilities necessary to fully execute the research required by the contract; and

(b) Require that all proposed parties to a contract fully disclose any past, present, or planned future personal or professional connections with the shellfish industry or public interest groups.

(3) All research commissioned under this section must be subjected to a rigorous peer review process prior to being accepted and reported by the sea grant program.

(4) In prioritizing and directing research under this section, the sea grant program shall meet with the department of ecology at least annually and rely on guidance submitted by the department of ecology. The department of ecology shall convene the shellfish aquaculture regulatory committee created in section 4 of this act as necessary to serve as an oversight committee to formulate the guidance provided to the sea grant program. The objective of the oversight committee, and the resulting guidance provided to the sea grant program, is to ensure that the research required under this section satisfies the planning, permitting, and data management needs of the state, to assist in the prioritization of research given limited funding, and to help identify any research that is beneficial to complete other than what is listed in subsection (5) of this section.

(5) To satisfy the minimum requirements of subsection (1) of this section, the sea grant program shall review all scientific research that is existing or in progress that examines the possible effect of currently prevalent geoduck practices, on the natural environment, and prioritize and conduct new studies as needed, to measure and assess the following:

(a) The environmental effects of structures commonly used in the aquaculture industry to protect juvenile geoducks from predation;

(b) The environmental effects of commercial harvesting of geoducks from intertidal geoduck beds, focusing on current prevalent harvesting techniques, including a review of the recovery rates for benthic communities after harvest;

(c) The extent to which geoducks in standard aquaculture tracts alter the ecological characteristics of overlying waters while the

tracts are submerged, including impacts on species diversity, and the abundance of other benthic organisms;

(d) Baseline information regarding naturally existing parasites and diseases in wild and cultured geoducks, including whether and to what extent commercial intertidal geoduck aquaculture practices impact the baseline;

(e) Genetic interactions between cultured and wild geoduck, including measurements of differences between cultured geoducks and wild geoducks in terms of genetics and reproductive status; and

(f) The impact of the use of sterile triploid geoducks and whether triploid animals diminish the genetic interactions between wild and cultured geoducks.

(6) If adequate funding is not made available for the completion of all research required under this section, the sea grant program shall consult with the shellfish aquaculture regulatory committee, via the department of ecology, to prioritize which of the enumerated research projects have the greatest cost/benefit ratio in terms of providing information important for regulatory decisions; however, the study identified in subsection (5)(b) of this section shall receive top priority. The prioritization process may include the addition of any new studies that may be appropriate in addition to, or in place of, studies listed in this section.

(7) When appropriate, all research commissioned under this section must address localized and cumulative effects of geoduck aquaculture.

(8) The sea grant program and the University of Washington are prohibited from retaining greater than fifteen percent of any funding provided to implement this section for administrative overhead or other deductions not directly associated with conducting the research required by this section.

(9) Individual commissioned contracts under this section may address single or multiple components listed for study under this section.

(10) All research commissioned under this section must be completed and the results reported to the appropriate committees of the legislature by December 1, 2013. In addition, the sea grant program shall provide the appropriate committees of the legislature with annual reports updating the status and progress of the ongoing studies that are completed in advance of the 2013 deadline.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.20 RCW to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by section 1 of this act. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 3.** RCW 79.135.100 and 1984 c 221 s 10 are each amended to read as follows:

(1) If state-owned aquatic lands are used for aquaculture production or harvesting, rents and fees shall be established through competitive bidding or negotiation.

(2) After an initial twenty-three acres are leased, the department is prohibited from offering leases that would permit the intertidal commercial aquaculture of geoducks on more than fifteen acres of state-owned aquatic lands a year until December 1, 2014.

(3) Any intertidal leases entered into by the department for geoduck aquaculture must be conditioned in such a way that the department can engage in monitoring of the environmental impacts of the lease's execution, without unreasonably diminishing the economic viability of the lease, and that the lease tracts are eligible to be made part of the studies conducted under section 1 of this act.

(4) The department must notify all abutting landowners and any landowner within three hundred feet of the lands to be leased of the intent of the department to lease any intertidal lands for the purposes of geoduck aquaculture.

**NEW SECTION. Sec. 4.** (1) The shellfish aquaculture regulatory committee is established to, consistent with this section, serve as an advisory body to the department of ecology on regulatory processes and approvals for all current and new shellfish aquaculture activities, and the activities conducted pursuant to RCW 90.58.060, as the activities relate to shellfish. The shellfish aquaculture regulatory committee is advisory in nature, and no vote or action of the committee may overrule existing statutes, regulations, or local ordinances.

(2) The shellfish aquaculture regulatory committee shall develop recommendations as to:

(a) A regulatory system or permit process for all current and new shellfish aquaculture projects and activities that integrates all applicable existing local, state, and federal regulations and is efficient both for the regulators and the regulated; and

(b) Appropriate guidelines for geoduck aquaculture operations to be included in shoreline master programs under section 5 of this act. When developing the recommendations for guidelines under this subsection, the committee must examine the following:

(i) Methods for quantifying and reducing marine litter; and

(ii) Possible landowner notification policies and requirements for establishing new geoduck aquaculture farms.

(3)(a) The members of the shellfish aquaculture regulatory committee shall be appointed by the director of the department of ecology as follows:

(i) Two representatives of county government, one from a county located on the Puget Sound, and one from a county located on the Pacific Ocean;

(ii) Two individuals who are professionally engaged in the commercial aquaculture of shellfish, one who owns or operates an aquatic farm in Puget Sound, and one who owns or operates an aquatic farm in state waters other than the Puget Sound;

(iii) Two representatives of organizations representing the environmental community;

(iv) Two individuals who own shoreline property, one of which does not have a commercial geoduck operation on his or her property and one of which who does have a commercial geoduck operation on his or her property; and

(v) One representative each from the following state agencies: The department of ecology, the department of fish and wildlife, the department of agriculture, and the department of natural resources.

(b) In addition to the other participants listed in this subsection, the governor shall invite the full participation of two tribal governments, at least one of which is located within the drainage of the Puget Sound.

(4) The department of ecology shall provide administrative and clerical assistance to the shellfish aquaculture regulatory committee and all agencies listed in subsection (3) of this section shall provide technical assistance.

(5) Nonagency members of the shellfish aquaculture regulatory committee will not be compensated, but are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) Any participation by a Native American tribe on the shellfish aquaculture regulatory committee shall not, under any circumstances, be viewed as an admission by the tribe that any of its activities, or those of its members, are subject to any of the statutes, regulations, ordinances, standards, or permit systems reviewed, considered, or proposed by the committee.

(7) The shellfish aquaculture regulatory committee is authorized to form technical advisory panels as needed and appoint to them members not on the shellfish aquaculture regulatory committee.

(8) The department of ecology shall report the recommendations and findings of the shellfish aquaculture regulatory committee to the appropriate committees of the legislature by December 1, 2007, with a further report, if necessary, by December 1, 2008.

**NEW SECTION. Sec. 5.** (1) The department of ecology shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under this section. The guidelines adopted under this section must be prepared with the advice of the shellfish aquaculture regulatory committee created in section 4 of this act, which shall

serve as the advisory committee for the development of the guidelines.

(2) The guidelines required under this section must be filed for public review and comment no later than six months after the delivery of the final report by the shellfish aquaculture regulatory committee created in section 4 of this act.

(3) The department of ecology shall update the guidelines required under this section, as necessary, after the completion of the geoduck research by the sea grant program at the University of Washington required under section 1 of this act.

**Sec. 6.** RCW 77.115.040 and 1993 sp.s. c 2 s 58 are each amended to read as follows:

(1) All aquatic farmers, as defined in RCW 15.85.020, shall register with the department. The director shall assign each aquatic farm a unique registration number and develop and maintain in an electronic database a registration list of all aquaculture farms. The department shall establish procedures to annually update the aquatic farmer information contained in the registration list. The department shall coordinate with the department of health using shellfish growing area certification data when updating the registration list.

(2) Registered aquaculture farms shall provide the department ((production statistical data)) with the following information:

- (a) The name of the aquatic farmer;
- (b) The address of the aquatic farmer;
- (c) Contact information such as telephone, fax, web site, and email address, if available;
- (d) The number and location of acres under cultivation, including a map displaying the location of the cultivated acres;
- (e) The name of the landowner of the property being cultivated or otherwise used in the aquatic farming operation;
- (f) The private sector cultured aquatic product being propagated, farmed, or cultivated; and
- (g) Statistical production data.

(3) The state veterinarian shall be provided with registration and statistical data by the department."

On page 1, line 1 of the title, after "shellfish;" strike the remainder of the title and insert "amending RCW 79.135.100 and 77.115.040; adding new sections to chapter 28B.20 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2220 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lantz and Sump spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2220, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2220, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell,

Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 2220, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds from the 2006 Washington state ferries financing study that the state has limited information on state ferry users and markets. Accurate user and market information is vital in order to find ways to maximize the ferry systems' current capacity and to make the most efficient use of citizens' tax dollars. Therefore, it is the intent of the legislature that Washington state ferries be given the tools necessary to maximize the utilization of existing capacity and to make the most efficient use of existing assets and tax dollars. Furthermore, it is the intent of the legislature that the department of transportation adopt adaptive management practices in its operating and capital programs so as to keep the costs of the Washington state ferries system as low as possible while continuously improving the quality and timeliness of service.

**Sec. 2.** RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

(1) The legislature declares the following transportation facilities and services to be of statewide significance: The interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal plan are essential state public facilities under RCW 36.70A.200.

(2) The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the

department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities. When setting the level of service standards under this section for state ferry routes, the department may allow for a standard that is adjustable for seasonality.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.60 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs.

(2) "Capital plan" means the state ferry system plan developed by the department as described in RCW 47.06.050(2) and adopted by the commission.

(3) "Capital project" has the same meaning as used in budget instructions developed by the office of financial management.

(4) "Commission" means the transportation commission created in RCW 47.01.051.

(5) "Improvement project" has the same meaning as in the budget instructions developed by the office of financial management. If the budget instructions do not define improvement project, then it has the same meaning as "program project" in the budget instructions. If a project meets both the improvement project and preservation project definitions in this section it must be defined as an improvement project. New vessel acquisitions must be defined as improvement projects.

(6) "Life-cycle cost model" means that portion of a capital asset inventory system which, among other things, is used to estimate future preservation needs.

(7) "Maintenance cost" has the same meaning as used in budget instructions developed by the office of financial management.

(8) "Preservation project" has the same meaning as used in budget instructions developed by the office of financial management.

(9) "Route" means all ferry sailings from one location to another, such as the Seattle to Bainbridge route or the Port Townsend to Keystone route.

(10) "Sailing" means an individual ferry sailing for a specific route, such as the 5:00 p.m. sailing from Seattle to Bremerton.

(11) "Travel shed" means one or more ferry routes with distinct characteristics as determined by the department.

**NEW SECTION. Sec. 4.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall, with the involvement of the department, conduct a survey to gather data on ferry users to help inform level of service, operational, pricing, planning, and investment decisions. The survey must include, but is not limited to:

- (a) Recreational use;
- (b) Walk-on customer use;
- (c) Vehicle customer use;
- (d) Freight and goods movement demand; and
- (e) Reactions to potential operational strategies and pricing policies described under section 7 of this act and RCW 47.60.290.

(2) The commission shall develop the survey after providing an opportunity for ferry advisory committees to offer input.

(3) The survey must be updated at least every two years and maintained to support the development and implementation of adaptive management of ferry services.

**Sec. 5.** RCW 47.60.290 and 1983 c 3 s 136 are each amended to read as follows:

~~((Subject to the provisions of RCW 47.60.326;)) (1) The department ((is hereby authorized and directed to)) shall annually review ((tariffs and charges as)) fares and pricing policies applicable to the operation of the Washington state ferries ((for the purpose of~~

~~establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries)).~~

(2) Beginning in 2008, the department shall develop fare and pricing policy proposals that must:

(a) Recognize that each travel shed is unique, and might not have the same farebox recovery rate and the same pricing policies;

(b) Use data from the current survey conducted under section 4 of this act;

(c) Be developed with input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the survey conducted in section 4 of this act;

(d) Generate the amount of revenue required by the biennial transportation budget;

(e) Consider the impacts on users, capacity, and local communities; and

(f) Keep fare schedules as simple as possible.

(3) While developing fare and pricing policy proposals, the department must consider the following:

(a) Options for using pricing to level vehicle peak demand; and

(b) Options for using pricing to increase off-peak ridership.

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under section 5 of this act, or September 1, 2009, whichever is later.

**NEW SECTION. Sec. 7.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall develop, and the commission shall review, operational strategies to ensure that existing assets are fully utilized and to guide future investment decisions. These operational strategies must, at a minimum:

(a) Recognize that each travel shed is unique and might not have the same operational strategies;

(b) Use data from the current survey conducted under section 4 of this act;

(c) Be consistent with vehicle level of service standards;

(d) Choose the most efficient balance of capital and operating investments by using a life-cycle cost analysis; and

(e) Use methods of collecting fares that maximize efficiency and achieve revenue management control.

(2) After the commission reviews recommendations by the department, the commission and department shall make joint

recommendations to the legislature for the improvement of operational strategies.

(3) In developing operational strategies, the following, at a minimum, must be considered:

- (a) The feasibility of using reservation systems;
  - (b) Methods of shifting vehicular traffic to other modes of transportation;
  - (c) Methods of improving on-dock operations to maximize efficiency and minimize operating and capital costs;
  - (d) A cost-benefit analysis of remote holding versus over-water holding;
  - (e) Methods of reorganizing holding areas and minimizing on-dock employee parking to maximize the dock size available for customer vehicles;
  - (f) Schedule modifications;
  - (g) Efficiencies in exit queuing and metering;
  - (h) Interoperability with other transportation services;
  - (i) Options for leveling vehicle peak demand; and
  - (j) Options for increasing off-peak ridership.
- (4) Operational strategies must be reevaluated periodically and, at a minimum, before developing a new capital plan.

**Sec. 8.** RCW 47.60.330 and 2003 c 374 s 5 are each amended to read as follows:

(1) Before a substantial change to the service levels provided to ferry users, the department shall consult with affected ferry users by public hearing and by review with the affected ferry advisory committees.

(2) Before ((a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges)) adding or eliminating a ferry route, the department ((of transportation)) shall consult with affected ferry users and receive legislative approval. ((The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c).

~~— Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission each fiscal year.~~

~~(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.~~

~~(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1)(a) or (c) of this section.)~~

**NEW SECTION. Sec. 9.** A new section is added to chapter 47.60 RCW to read as follows:

(1) Appropriations made for the Washington state ferries capital program may not be used for maintenance costs.

(2) Appropriations made for preservation projects shall be spent only on preservation and only when warranted by asset condition, and shall not be spent on master plans, right-of-way acquisition, or other nonpreservation items.

(3) Systemwide and administrative capital program costs shall be allocated to specific capital projects using a cost allocation plan

developed by the department. Systemwide and administrative capital program costs shall be identifiable.

**NEW SECTION. Sec. 10.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall maintain a life-cycle cost model on capital assets such that:

(a) Available industry standards are used for estimating the life of an asset, and department-adopted standard life cycles derived from the experience of similar public and private entities are used when industry standards are not available;

(b) Standard estimated life is adjusted for asset condition when inspections are made;

(c) It does not include utilities or other systems that are not replaced on a standard life cycle; and

(d) It does not include assets not yet built.

(2) All assets in the life-cycle cost model must be inspected and updated in the life-cycle cost model for asset condition at least every three years.

(3) The life-cycle cost model shall be used when estimating future system preservation needs.

**NEW SECTION. Sec. 11.** A new section is added to chapter 47.60 RCW to read as follows:

(1) Preservation funding requests shall only be for assets in the life-cycle cost model.

(2) Preservation funding requests that exceed five million dollars per project must be accompanied by a predesign study. The predesign study must include all elements required by the office of financial management.

**NEW SECTION. Sec. 12.** A new section is added to chapter 47.60 RCW to read as follows:

The department shall develop terminal design standards that:

(1) Adhere to vehicle level of service standards as described in RCW 47.06.140;

(2) Adhere to operational strategies as described in section 7 of this act; and

(3) Choose the most efficient balance between capital and operating investments by using a life-cycle cost analysis.

**NEW SECTION. Sec. 13.** A new section is added to chapter 47.60 RCW to read as follows:

The capital plan must adhere to the following:

(1) A current ridership demand forecast;

(2) Vehicle level of service standards as described in RCW 47.06.140;

(3) Operational strategies as described in section 7 of this act; and

(4) Terminal design standards as described in section 12 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 47.60 RCW to read as follows:

(1) Terminal improvement project funding requests must adhere to the capital plan.

(2) Requests for terminal improvement design and construction funding must be submitted with a predesign study that:

(a) Includes all elements required by the office of financial management;

(b) Separately identifies basic terminal elements essential for operation and their costs;

(c) Separately identifies additional elements to provide ancillary revenue and customer comfort and their costs;

(d) Includes construction phasing options that are consistent with forecasted ridership increases;

(e) Separately identifies additional elements requested by local governments and the cost and proposed funding source of those elements;

(f) Separately identifies multimodal elements and the cost and proposed funding source of those elements; and

(g) Identifies all contingency amounts.

**NEW SECTION. Sec. 15.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under chapter . . . (Engrossed Substitute House Bill No. 1094), Laws of 2007, as it exists on the effective date of this section, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

**NEW SECTION. Sec. 16.** The following acts or parts of acts are each repealed:

(3) RCW 47.60.150 (Fixing of charges--Deposit of revenues) and 2003 c 374 s 3, 1999 c 94 s 26, & 1990 c 42 s 405; and

(4) RCW 47.60.326 (Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission) and 2005 c 270 s 1, 2003 c 374 s 4, 2001 1st sp.s. c 1 s 1, 1999 c 94 s 27, 1990 c 42 s 406, 1983 c 15 s 25, & 1981 c 344 s 5."

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; creating a new section; repealing RCW 47.60.150 and 47.60.326; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Rolfes and Jarrett spoke in favor of the passage of the bill.

### COLLOQUY

Representative Jarrett: "Engrossed Substitute House Bill 2358 states that ferry fares may not be increased until the fare rules contain pricing policies, or September 1, 2009, whichever is later. Is it intended that the Department of Transportation and the Transportation Commission will be able to implement operational and pricing strategies as directed by the bill, so long as they do not increase fares?"

Representative Rolfes: "Yes. The language would allow the agencies to implement operational and pricing strategies, so long as they do not increase individual or overall ferry fare levels. Operational and pricing strategies such as fees persons may choose to pay for reservations, promotional discounts, or other options that do not involve mandatory increased fees would be allowed under this language."

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2358, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2358, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Ericksen, Kristiansen, Pearson, Roach and Schindler - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 31, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1128 with the following amendment:

*Page formatting changed due to budget amendment.*

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2007, and ending June 30, 2009, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2008)	\$33,397,000
General Fund--State Appropriation (FY 2009)	\$33,470,000
Pension Funding Stabilization Account Appropriation	\$560,000
<b>TOTAL APPROPRIATION</b>	<b>\$67,427,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the general fund--state appropriation for fiscal year 2008 is for a joint legislative task force on the underground economy in the construction industry. For purposes of this subsection, "underground economy" means contracting and construction activities in which payroll is unreported or underreported with consequent nonpayment of payroll taxes to federal and state agencies including nonpayment of workers' compensation and unemployment compensation taxes. The purpose of the task force is to formulate a state policy to establish cohesion and transparency between state agencies to increase the oversight and regulation of the underground economy practices in the construction industry. For this purpose, the task force shall contract with the institute for public policy.

(1) The task force shall consist of: (a) The chair and ranking minority member of the senate labor, commerce, research and development committee; (b) the chair and ranking minority member of the house of representatives commerce and labor committee; (c) four members representing the construction industry, selected from nominations submitted by statewide construction industry organizations and appointed jointly by the president of the senate and the speaker of the house of representatives; and (d) four members representing construction laborers, selected from nominations submitted by statewide labor organizations and appointed jointly by the president of the senate and the speaker of the house of representatives. The employment security department, the department of labor and industries, and the department of revenue shall cooperate with the task force and shall each maintain a liaison representative as a nonvoting member of the task force. The departments shall provide information and data as the task force or the institute may reasonably request.

(2) The task force shall choose its chair or cochair from among its legislative membership and shall use legislative facilities and staff support. The task force may hire additional staff with specific technical expertise. Legislative members shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force will be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee. The task force shall report its findings and recommendations to the legislature by January 1, 2008.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund--State Appropriation (FY 2008)	\$25,710,000
General Fund--State Appropriation (FY 2009)	\$27,723,000
Pension Funding Stabilization Account Appropriation	\$467,000
<b>TOTAL APPROPRIATION</b>	<b>\$53,900,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the general fund--state appropriation for fiscal year 2008 is for a joint legislative task force on the underground economy in the construction industry as described in section 101 of this act.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2008)	\$3,200,000
General Fund--State Appropriation (FY 2009)	\$2,866,000
Pension Funding Stabilization Account Appropriation	\$36,000
<b>TOTAL APPROPRIATION</b>	<b>\$6,102,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs that support both hunting and fishing programs as well as nongame programs, including appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and shall provide the results of its analysis to the legislature by January 2008.

(5) The joint legislative audit and review committee shall conduct an analysis of performance measures used for housing programs targeted for specific populations, including farm workers, homeless families, and vulnerable and special needs populations. The analysis shall include: (a) An evaluation of existing performance measures as they relate to statutory requirements and the goals and mission of the program; and (b) a determination of the validity of performance measure data. The committee shall provide a report to the legislature by January 1, 2009.

(6) The joint legislative audit and review committee shall analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as it existed on the effective date of this section. The joint legislative audit and review committee shall submit to appropriate committees of the legislature a report and recommendations by December 1, 2007.

(7) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children in families administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative to the other states. The findings shall be reported to the legislature by December 1, 2007.

(8) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund--State Appropriation (FY 2008)	\$1,771,000
General Fund--State Appropriation (FY 2009)	\$1,932,000
Pension Funding Stabilization Account Appropriation	\$41,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,744,000</b>

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account--State Appropriation	\$3,373,000
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**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2008)	\$8,854,000
General Fund--State Appropriation (FY 2009)	\$8,878,000
Pension Funding Stabilization Account Appropriation	\$92,000
<b>TOTAL APPROPRIATION</b>	<b>\$17,824,000</b>

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2008)	\$4,680,000
General Fund--State Appropriation (FY 2009)	\$5,050,000
Pension Funding Stabilization Account Appropriation	\$75,000
<b>TOTAL APPROPRIATION</b>	<b>\$9,805,000</b>

**NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.** In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2008)	\$6,972,000
General Fund--State Appropriation (FY 2009)	\$6,995,000
<b>TOTAL APPROPRIATION</b>	<b>\$13,967,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**

General Fund--State Appropriation (FY 2008)	\$2,113,000
General Fund--State Appropriation (FY 2009)	\$2,107,000

TOTAL APPROPRIATION..... \$4,220,000

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2008). . . . . \$15,372,000  
 General Fund--State Appropriation (FY 2009). . . . . \$16,027,000  
 TOTAL APPROPRIATION..... \$31,399,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Senate Bill No. 5351 (judges' travel reimbursement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2008). . . . . \$1,088,000  
 General Fund--State Appropriation (FY 2009). . . . . \$1,090,000  
 TOTAL APPROPRIATION..... \$2,178,000

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2008). . . . . \$26,141,000  
 General Fund--State Appropriation (FY 2009). . . . . \$26,240,000  
 Public Safety and Education Account--State Appropriation (FY 2008). . . . . \$29,333,000  
 Public Safety and Education Account--State Appropriation (FY 2009). . . . . \$25,982,000  
 Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008).. . . . \$2,695,000  
 Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009).. . . . \$2,785,000  
 Judicial Information Systems Account--State Appropriation. . . . . \$38,500,000  
 Public Benefit and Research Services Account--State Appropriation. . . . . \$3,500,000  
 TOTAL APPROPRIATION..... \$155,176,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,800,000 of the public safety and education account appropriation is provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of mailing petitions via certified mail or personal service as required by RCW 28A.225.030(5).

(3)(a) \$17,244,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. By accepting these funds, the county juvenile court administrators shall not require any public agency or political subdivision of the state to serve by certified mail or by personal service notification of a contempt or show cause hearing related to a petition filed by a school district pursuant to RCW 28A.225.030(5) unless reimbursement for the cost of certified mail or personal service is provided by the court. The administrator for the courts shall not retain any portion of these funds to cover administrative costs. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs. These funds are sufficient to cover the cost of implementing Engrossed Senate Bill No. 5983 (truancy hearing notices).

(b) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(c) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(5) \$3,500,000 of the public benefit and research services account--state appropriation is provided solely for the provision of interpreter services. If Senate Bill No. 5902 (Sunday sales) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,845,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$1,950,000 is for distribution to the county superior courts to fund and train twenty full-time equivalent family court liaisons, starting January 1, 2008;

(b) \$86,000 is for distribution to the county clerks for reimbursement costs related to the family law handbook;

(c) \$700,000 is for distribution to the counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$600,000 is for distribution to the counties for predecree and postdecree mediation services for a reduced or waived fee, starting January 1, 2009; and

(e) Funding is sufficient to cover costs associated with sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(7)(a) \$22,003,000 of the judicial information systems account appropriation is provided solely for the development and implementation of the core case management system. The amount provided in this subsection may not be expended until the following conditions have been met:

- (i) Completion of a feasibility study detailing a linkage between the objectives of the core case management system, the technology efforts required, and the impacts of the new investments on existing infrastructure and business functions including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts and the specific requirements and business processes needs of varying size courts at the municipal, district, and superior level, and the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and
- (ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility study.
- (b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.
- (c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

**NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2008)	\$18,904,000
General Fund--State Appropriation (FY 2009)	\$18,884,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$6,649,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$6,588,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$1,911,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$1,975,000
<b>TOTAL APPROPRIATION</b>	<b>\$54,911,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.
- (2) The office of public defense shall cooperate with the Washington state institute for public policy in facilitating access to data in order for the institute to conduct a cost-benefit analysis of the program providing legal representation to indigent parents in dependency proceedings.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund--State Appropriation (FY 2008)	\$11,882,000
General Fund--State Appropriation (FY 2009)	\$12,992,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$787,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$813,000
<b>TOTAL APPROPRIATION</b>	<b>\$26,474,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$120,000 of the general fund--state appropriation for fiscal year 2008 and \$120,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue support for the existing agricultural dispute resolution system funded through the office of civil legal aid for disputes between farmers and farm workers. The office of civil legal aid shall report to the appropriate legislative committees on the effectiveness of this program by December 31, 2008.
- (2) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2008 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2009 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.
- (3) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to enhance funding for qualified legal aid programs for legal representation of indigent persons in matters relating to domestic violence in domestic relations and family law matters. If Second Substitute Senate Bill No. 5470 (dissolution) is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 116. FOR THE OFFICE OF PUBLIC GUARDIANSHIP**

General Fund--State Appropriation (FY 2008)	\$1,000,000
General Fund--State Appropriation (FY 2009)	\$1,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5320 (office of public guardianship). If the bill is not enacted by June 30, 2007, the appropriations in this section shall lapse.

**NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2008)	\$6,477,000
General Fund--State Appropriation (FY 2009)	\$6,506,000
General Fund--Federal Appropriation	\$5,000
Economic Development Strategic Reserve Account--State Appropriation	\$4,000,000
Oil Spill Prevention Account--State Appropriation	\$205,000
<b>TOTAL APPROPRIATION</b>	<b>\$17,193,000</b>

**NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2008)	\$776,000
General Fund--State Appropriation (FY 2009)	\$793,000
General Fund--Private/Local Appropriation	\$90,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,659,000</b>

**NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2008).	\$2,432,000
General Fund--State Appropriation (FY 2009).	\$2,335,000
TOTAL APPROPRIATION.	\$4,767,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 is for a feasibility study to determine the cost of designing, developing, implementing, and maintaining: (a) Software or other applications to accommodate electronic filing by lobbyists reporting under RCW 42.17.150 and 42.17.170, by lobbyist employers reporting under RCW 42.17.180, and by public agencies reporting under RCW 42.17.190; (b) a database and query system that results in data that is readily available to the public for review and analysis and that is compatible with current computer architecture, technology, and operating systems, including but not limited to Windows and Apple operating systems. The commission shall contract for the feasibility study and consult with the department of information services. The study may include other elements, as determined by the commission, that promote public access to information about lobbying activity reportable under chapter 42.17 RCW. The study shall be provided to the legislature by January 2008.

**NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2008).	\$32,495,000
General Fund--State Appropriation (FY 2009).	\$19,974,000
General Fund--Federal Appropriation.	\$7,132,000
General Fund--Private/Local Appropriation.	\$114,000
Archives and Records Management Account--State Appropriation.	\$8,170,000
Department of Personnel Service Account--State Appropriation.	\$732,000
Local Government Archives Account--State Appropriation.	\$13,511,000
Election Account--Federal Appropriation.	\$39,003,000
TOTAL APPROPRIATION.	\$121,131,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,104,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,421,000 of the general fund--state appropriation for fiscal year 2008 and \$3,893,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) \$9,687,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the costs of the presidential primary, including a voters' pamphlet.

**NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund--State Appropriation (FY 2008).	\$318,000
General Fund--State Appropriation (FY 2009).	\$333,000
TOTAL APPROPRIATION.	\$651,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2008).	\$251,000
General Fund--State Appropriation (FY 2009).	\$243,000
TOTAL APPROPRIATION.	\$494,000

**NEW SECTION. Sec. 123. FOR THE STATE TREASURER**

State Treasurer's Service Account--State Appropriation. . . . . \$14,661,000

**NEW SECTION. Sec. 124. FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2008). . . . . \$750,000  
 General Fund--State Appropriation (FY 2009). . . . . \$762,000  
 State Auditing Services Revolving Account--State Appropriation. . . . . \$14,323,000  
**TOTAL APPROPRIATION.** . . . . \$15,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and \$762,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

**NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2008). . . . . \$156,000  
 General Fund--State Appropriation (FY 2009). . . . . \$225,000  
**TOTAL APPROPRIATION.** . . . . \$381,000

**NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2008). . . . . \$5,534,000  
 General Fund--State Appropriation (FY 2009). . . . . \$5,775,000  
 General Fund--Federal Appropriation. . . . . \$3,911,000  
 Public Safety and Education Account--State Appropriation (FY 2008). . . . . \$1,093,000  
 Public Safety and Education Account--State Appropriation (FY 2009). . . . . \$1,133,000  
 New Motor Vehicle Arbitration Account--State Appropriation. . . . . \$1,244,000  
 Legal Services Revolving Account--State Appropriation. . . . . \$206,590,000  
 Tobacco Prevention and Control Account--State Appropriation. . . . . \$270,000  
**TOTAL APPROPRIATION.** . . . . \$225,550,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$6,200,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) The office of the attorney general shall cooperate with the Washington state institute for public policy in facilitating access to data in order for the institute to conduct a cost-benefit analysis of the program providing legal representation to indigent parents in dependency proceedings.

**NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2008). . . . . \$730,000  
 General Fund--State Appropriation (FY 2009). . . . . \$763,000  
**TOTAL APPROPRIATION.** . . . . \$1,493,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2008). . . . . \$56,934,000  
 General Fund--State Appropriation (FY 2009). . . . . \$56,909,000  
 General Fund--Federal Appropriation. . . . . \$251,014,000  
 General Fund--Private/Local Appropriation. . . . . \$14,180,000  
 Public Safety and Education Account--State Appropriation (FY 2008). . . . . \$2,756,000  
 Public Safety and Education Account--State Appropriation (FY 2009). . . . . \$2,705,000  
 Public Works Assistance Account--State Appropriation. . . . . \$2,949,000  
 Tourism Promotion and Development Account--State Appropriation. . . . . \$1,000,000  
 Drinking Water Assistance Administrative Account--State Appropriation. . . . . \$356,000  
 Lead Paint Account--State Appropriation. . . . . \$6,000  
 Building Code Council Account--State Appropriation. . . . . \$1,142,000

Low-Income Weatherization Assistance Account--State Appropriation. . . . .	\$8,365,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).....	\$3,621,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).....	\$3,630,000
Manufactured Home Installation Training Account--State Appropriation. . . . .	\$147,000
Community and Economic Development Fee Account--State Appropriation. . . . .	\$1,824,000
Washington Housing Trust Account--State Appropriation. . . . .	\$32,074,000
Homeless Families Service Account--State Appropriation. . . . .	\$300,000
Public Facility Construction Loan Revolving Account--State Appropriation. . . . .	\$612,000
TOTAL APPROPRIATION. . . . .	\$440,524,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) 3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2008 as follows:

- (a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;
- (d) \$110,000 to the department to support the governor's council on substance abuse;
- (e) \$97,000 to the department to continue evaluation of the justice assistance grant program; and
- (f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs.

The amounts in this subsection represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of the amounts in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(4) \$345,000 of the general fund--state appropriation for fiscal year 2008 and \$345,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to fund domestic violence legal advocacy.

(5) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(6) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(7) \$1,545,000 of the general fund--state appropriation for fiscal year 2008 and \$1,546,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(9) \$2,250,000 of the general fund--state appropriation for fiscal year 2008 and \$2,250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5090 (innovation partnership zones). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$608,000 of the general fund--state appropriation for fiscal year 2008 and \$605,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5643 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for KCTS public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington; multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided solely for Substitute Senate Bill No. 5116 (creating a public/private tourism partnership). Of this amount, \$815,000 is for distribution of 125,000 copies per year of the Washington state visitors' guide for the 2007-09 fiscal biennium. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

(15) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department's individual development account program.

(17) \$226,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

(18) \$3,970,000 of the general fund--state appropriation for fiscal year 2008 and \$3,858,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5070 (offenders who are leaving confinement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a grant to the Amer-I-Can program to reduce gang violence.

(20) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

(21) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

(22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2008 and \$623,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

(24) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state economic development commission as an independent state agency consistent with Second Substitute Senate Bill No. 5995 (economic development commission). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(26) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to time-of-use pricing, (b) meter savings from direct load control programs, (c) manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

(28) \$12,000 of the general fund--state appropriation for fiscal year 2008 and \$13,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Synergy Group to coordinate the resources of Lake Stevens area nonprofit organizations to prevent redundancy in charitable efforts.

(29)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided for a pilot program to provide assistance for three jurisdictions to enforce financial fraud and identity theft laws. Three pilot enforcement areas shall be established on January 1, 2008, two in the two largest counties by population west of the crest of the Cascade mountains and one in the largest county by population east of the crest of the Cascade mountains. Funding received for the purpose of this subsection through appropriations, gifts, and grants shall be divided equally between the three pilot enforcement areas. This funding is intended to provide for additional deputy prosecutors, law enforcement, clerical staff, and other support for the prosecution of financial fraud and identity theft crimes. The funding shall not be used to supplant existing funding and cannot be used for any purpose other than enforcement of financial fraud and identity theft laws. Appropriated state funds must be used to match gifts and grants of private-sector funds for the purposes of this subsection, and expenditure of appropriated state funds may not exceed expenditure of private funds.

(b) The department shall appoint a task force in each county with a pilot enforcement area. Each task force shall include the following members:

- (i) Two members from financial institutions;
- (ii) One member of the Washington association of county prosecutors;
- (iii) One member of the Washington association of sheriffs and police chiefs;
- (iv) One member of the Washington state association of municipal attorneys; and
- (v) One law enforcement officer.

(c) The task force in each county shall provide advice and expertise in order to facilitate the prosecutor's efforts to prosecute and reduce the incidence of financial fraud and identity theft crimes, including check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments, organized counterfeit check rings, and organized identity theft rings.

(30) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.

(31) \$85,000 of the public works assistance account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(32) The legislature finds that funds for the arts generated by Senate Bill No. 5986 will expand access to the biennial Building for the Arts competitive grant program. The department shall propose modifications to requirements for projects in counties receiving tax revenues specifically provided for the arts.

(33) \$237,000 of the general fund--state appropriation for fiscal year 2008 and \$237,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.

(34) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Benton and Franklin county juvenile and drug courts. The grant is contingent upon the counties providing equivalent matching funds.

(35) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.

(36) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.

**NEW SECTION. Sec. 129. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2008)	\$589,000
General Fund--State Appropriation (FY 2009)	\$598,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,187,000</b>

**NEW SECTION. Sec. 130. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2008)	\$22,704,000
General Fund--State Appropriation (FY 2009)	\$22,001,000
General Fund--Federal Appropriation	\$23,525,000
General Fund--Private/Local Appropriation	\$1,265,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
<b>TOTAL APPROPRIATION</b>	<b>\$69,520,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and \$580,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$320,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$165,000 of the general fund--state appropriation for fiscal year 2008 and \$115,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to develop options for a new K-12 pupil transportation funding formula. The office of financial management shall contract with consultants with expertise in both pupil transportation and K-12 finance formulas. The office of financial management and the contractors shall consult with the legislative fiscal committees and the office of the superintendent of public instruction. The office of financial management shall submit a final report to the governor, the house of representatives appropriations committee, and senate ways and means committee by November 15, 2008.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

**NEW SECTION. Sec. 131. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation	\$31,610,000
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**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Account--State Appropriation	\$28,421,000
Higher Education Personnel Services Account--State Appropriation	\$1,726,000
<b>TOTAL APPROPRIATION</b>	<b>\$30,147,000</b>

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account--State Appropriation	\$25,051,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2008)	\$256,000
General Fund--State Appropriation (FY 2009)	\$267,000
TOTAL APPROPRIATION	\$523,000

**NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2008)	\$252,000
General Fund--State Appropriation (FY 2009)	\$258,000
TOTAL APPROPRIATION	\$510,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

General Fund--State Appropriation (FY 2008)	\$200,000
General Fund--State Appropriation (FY 2009)	\$250,000
Dependent Care Administrative Account--State Appropriation	\$423,000
Department of Retirement Systems Expense Account--State Appropriation	\$47,547,000
TOTAL APPROPRIATION	\$48,420,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (5) \$2,207,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5779 or House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2008)	\$92,671,000
General Fund--State Appropriation (FY 2009)	\$93,944,000
Timber Tax Distribution Account--State Appropriation	\$5,451,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$109,000
Waste Tire Removal Account--State Appropriation	\$2,000
Real Estate Excise Tax Grant Account--State Appropriation	\$3,900,000
State Toxics Control Account--State Appropriation	\$73,000
Oil Spill Prevention Account--State Appropriation	\$14,000
Pension Funding Stabilization Account Appropriation	\$2,370,000
TOTAL APPROPRIATION	\$198,534,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$98,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute Senate Bill No. 5007 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (2) \$66,000 of the general fund--state appropriation for fiscal year 2008 and \$56,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Engrossed Second Substitute Senate Bill No. 5070 (offenders leaving confinement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (3) \$25,000 of the general fund--state appropriation for fiscal year 2008 is for the department to study the effects of Senate Bill No. 5434 (taxation of tangible personal property originating from or destined to foreign countries). Senate Bill No. 5434 is not intended to create any barriers in the importation or exportation of goods to or from Washington. The department shall analyze the taxation of businesses engaged in the importation and exportation of goods to or from Washington and determine if there are any unintended consequences resulting from the

bill for both state and local taxes. The department shall report the findings to the senate ways and means committee and the house of representatives finance committee by December 1, 2007.

**NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account--State Appropriation. . . . . \$18,460,000

**NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2008). . . . . \$1,409,000  
 General Fund--State Appropriation (FY 2009). . . . . \$1,268,000  
 TOTAL APPROPRIATION. . . . . \$2,677,000

**NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL**

County Research Services Account--State Appropriation. . . . . \$847,000  
 City and Town Research Services--State Appropriation. . . . . \$4,458,000  
 Public Benefit and Research Services Account--State Appropriation. . . . . \$400,000  
 TOTAL APPROPRIATION. . . . . \$5,705,000

The appropriations in this section are subject to the following conditions and limitations: \$400,000 of the public benefit and research services account--state appropriation is contingent on enactment of Senate Bill No. 5902 (Sunday sales). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account--State Appropriation. . . . . \$3,294,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2008). . . . . \$569,000  
 General Fund--State Appropriation (FY 2009). . . . . \$568,000  
 General Fund--Federal Appropriation. . . . . \$3,642,000  
 General Administration Service Account--State Appropriation. . . . . \$33,770,000  
 TOTAL APPROPRIATION. . . . . \$38,549,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall negotiate on behalf of the office of minority and women's business enterprises with the office's landlord to ensure enforcement of the improved building agreements stipulated in section 22 of the office's current lease dated June 8, 2005.
- (2) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES**

General Fund--State Appropriation (FY 2008). . . . . \$4,590,000  
 General Fund--State Appropriation (FY 2009). . . . . \$2,250,000  
 General Fund--Federal Appropriation. . . . . \$700,000  
 Health Services Account--State Appropriation (FY 2008). . . . . \$1,000,000  
 Health Services Account--State Appropriation (FY 2009). . . . . \$1,000,000  
 Public Safety and Education Account--State Appropriation (FY 2008). . . . . \$2,223,000  
 Public Safety and Education Account--State Appropriation (FY 2009). . . . . \$2,078,000  
 Data Processing Revolving Account--State Appropriation. . . . . \$6,288,000  
 TOTAL APPROPRIATION. . . . . \$20,129,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,340,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.
- (2) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.
- (3) \$1,000,000 of the health services account appropriation for fiscal year 2008 and \$1,000,000 of the health services account appropriation for fiscal year 2009 are provided solely for a feasibility study and pilot project to develop an emergency medical response health management record system. The department shall contract for or conduct a feasibility study to determine whether the project can be done within the funds appropriated. If remaining funds are sufficient for implementation, the department shall contract to provide health management record services, such as those developed with patients in Whatcom county, to provide integrated care management that are web-services enabled. The record system developed by the pilot project will begin to provide services to emergency medical personnel within two years in at least King, Snohomish, Thurston, and Whatcom counties and the city of Vancouver. The requirements of the pilot project contract shall require the initial development of specific evaluation criteria and a report on the performance of the system according to those criteria no later than June 30, 2009.
- (4) The department of information services shall form an interagency work group to conduct a review of the opportunities to improve access to online databases at lower costs for institutions of higher education and state agencies by utilizing the combined purchasing power of the state. In addition to the department of information services, the work group shall include representatives from the higher education coordinating board, the state board for community and technical colleges, the state library, the office of financial management, a research university, a regional university, a community college, the house of representatives, the senate, and at least two members of the public. The work group shall review approaches used in other states to provide cost efficient and equitable access to digital resources for faculty and students at public institutions of higher education, state employees, and the public, including review of the extent to which other states centrally fund group licenses. Based on this analysis, the department shall report its recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of corrections, in consultation with the state health care authority, the association of sheriffs and police chiefs, the association of county officials, the state association of counties, and the association of Washington cities to conduct a demonstration project that facilitates and expedites the transfer of inmate health information between state and local correctional facilities. The demonstration project shall include at least one county jail, one city jail, and one state correctional facility. The department shall use technology that could be expanded to include all correctional facilities in the state. Prior to December 31, 2008, the department shall complete an evaluation study of the demonstration project to include information on the costs necessary to implement a statewide program, anticipated savings created to state and local governments, the benefits of such a system, any relevant data from other states that have implemented similar statewide programs, and whether any statutory changes are necessary to implement a statewide system. The department may contract for development, implementation, and evaluation of the demonstration project.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

**NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation. . . . .	\$1,525,000
Insurance Commissioners Regulatory Account--State Appropriation. . . . .	\$42,342,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$43,867,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account--state appropriation is provided solely for implementation of Substitute House Bill No. 1532 or Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account--state appropriation is provided solely for the implementation of Senate Bill No. 5930 (recommendations of the blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account--State Appropriation. . . . .	\$2,512,000
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**NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account--State Appropriation. . . . .	\$277,000
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The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Operating Account--State Appropriation. . . . .	\$5,361,000
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The appropriation in this section is subject to the following conditions and limitations: During the 2007-2009 fiscal biennium, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

**NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2008). . . . .	\$1,715,000
General Fund--State Appropriation (FY 2009). . . . .	\$1,723,000
Liquor Control Board Construction and Maintenance Account--State Appropriation. . . . .	\$8,517,000
Liquor Revolving Account--State Appropriation. . . . .	\$188,179,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$200,134,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,277,000 of the liquor revolving account--state appropriation is provided solely for the implementation of increased information technology service support. The department shall submit a project plan to the department of information services for the implementation of increased information technology service support. Amounts provided in this subsection may not be expended without prior approval of the project plan by the department of information services. In approving the project plan, the department of information services shall ensure that the project is feasible, consistent with the architecture and infrastructure of the state, consistent with a statewide enterprise view of delivering services, and that the agency or state will be able to support the system in the future. The department of information services may require successful completion of each project phase prior to authorizing the agency to proceed with the project phase and may also require quality assurance plans.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Senate Bill No. 5902 (Sunday sales). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation. . . . .	\$1,019,000
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The appropriation in this section is subject to the following conditions and limitations: \$9,000 of the volunteer firefighters' and reserve officers' administrative account appropriation is provided solely to implement House Bill No. 1475 (additional board members). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund--State Appropriation (FY 2008). . . . .	\$160,000
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Public Service Revolving Account--State Appropriation.....	\$29,461,000
Pipeline Safety Account--State Appropriation.....	\$2,978,000
Pipeline Safety Account--Federal Appropriation.....	\$1,535,000
TOTAL APPROPRIATION.....	\$34,134,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

(2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.

(3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband technologies. The survey must collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its finding to the appropriate legislative committees by December 31, 2007.

**NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2008).....	\$11,203,000
General Fund--State Appropriation (FY 2009).....	\$11,066,000
General Fund--Federal Appropriation.....	\$103,922,000
General Fund--Private/Local Appropriation.....	\$2,000
Enhanced 911 Account--State Appropriation.....	\$31,972,000
Disaster Response Account--State Appropriation.....	\$12,852,000
Disaster Response Account--Federal Appropriation.....	\$55,553,000
Military Department Rent and Lease Account--State Appropriation.....	\$374,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$320,000
Nisqually Earthquake Account--State Appropriation.....	\$556,000
Nisqually Earthquake Account--Federal Appropriation.....	\$1,269,000
TOTAL APPROPRIATION.....	\$229,089,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,924,000 of the disaster response account--state appropriation and \$55,769,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,250,000 of the general fund--state appropriation for fiscal year 2008 and \$1,250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

**NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2008).....	\$2,926,000
General Fund--State Appropriation (FY 2009).....	\$2,970,000
Department of Personnel Service Account--State Appropriation.....	\$3,081,000

TOTAL APPROPRIATION..... \$8,977,000

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund--State Appropriation (FY 2008).	\$1,078,000
General Fund--State Appropriation (FY 2009).	\$1,055,000
General Fund--Federal Appropriation.	\$1,593,000
General Fund--Private/Local Appropriation..	\$14,000
TOTAL APPROPRIATION.....	\$3,740,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5542 (barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 154. FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2008).	\$1,844,000
General Fund--State Appropriation (FY 2009).	\$1,860,000
TOTAL APPROPRIATION.....	\$3,704,000

**NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account--State Appropriation.	\$36,910,000
State Convention and Trade Center Operating Account--State Appropriation..	\$53,748,000
TOTAL APPROPRIATION.....	\$90,658,000

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 13,000 persons during the 2007-2009 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN IN FAMILIES ADMINISTRATION**

General Fund--State Appropriation (FY 2008).	\$308,846,000
General Fund--State Appropriation (FY 2009).	\$316,164,000
General Fund--Federal Appropriation.	\$477,500,000
General Fund--Private/Local Appropriation..	\$500,000
Domestic Violence Prevention Account--State Appropriation..	\$1,000,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$3,251,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$3,254,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)..	\$2,934,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)..	\$2,934,000
Pension Funding Stabilization Account--State Appropriation.	\$2,298,000
TOTAL APPROPRIATION.....	\$1,118,681,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and \$3,063,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as

a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a pilot project in Clark county to identify reactive attachment disorder in children and provide them with appropriate and recommended intervention services. The pilot project shall be open to children receiving services from the department's children's administration division. The department shall contract with a social service provider in Clark county to deliver a comprehensive and integrated approach to the assessment, diagnosis, and treatment of reactive attachment disorder. The goal of the pilot project is to develop an intake tool and evidence-based intervention services to permit early recognition and treatment of children with reactive attachment disorder served by the department's children's administration division.

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5321 (addressing child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$1,250,000 of the general fund--state appropriation for fiscal year 2008 and \$1,250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5909 (needs of children who have been in foster care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$3,150,000 of the general fund--state appropriation for fiscal year 2008, \$3,200,000 of the general fund--state appropriation for fiscal year 2009, and \$3,600,000 of the general fund--federal appropriation are provided solely to expand the department's provision of court-ordered remedial services to parents and caregivers involved in dependency proceedings who are determined by the court to be unable to pay for services. Remedial services are those defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities. This subsection does not create an entitlement to services.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems.

(18) The department shall cooperate with the Washington state institute for public policy in facilitating access to data in their administrative systems regarding a cost-benefit analysis of the program providing legal representation to parents involved in dependency or termination proceedings.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth to twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008)	\$86,351,000
General Fund--State Appropriation (FY 2009)	\$88,252,000
General Fund--Federal Appropriation	\$5,712,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$19,544,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$19,737,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$2,510,000
Pension Funding Stabilization Account--State Appropriation	\$2,200,000
<b>TOTAL APPROPRIATION</b>	<b>\$225,404,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$1,425,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$1,425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and \$3,066,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and \$1,287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following programs in juvenile rehabilitation administration institutions identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these programs at a limited number of institutions to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to three county juvenile courts, or groups of courts, including the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall:

(a) Develop intermediate client outcomes according to the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and a concluding report by June 30, 2009. The courts shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2008)	\$300,175,000
General Fund--State Appropriation (FY 2009)	\$312,172,000
General Fund--Federal Appropriation	\$378,358,000
General Fund--Private/Local Appropriation	\$11,948,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,002,653,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$105,583,000 of the general fund--state appropriation for fiscal year 2008 and \$106,707,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. These funds shall be distributed proportionally to each regional support network's percentage of the total state population. Included in these amounts are inflationary increases of 1.6 percent effective July 2007 and an additional 1.0 percent effective July 2008.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program and for use of state hospital beds for short-term commitments.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(f) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(g) \$5,147,000 of the general fund--state appropriation for fiscal year 2008 and \$5,242,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(h) \$1,548,000 of the general fund--state appropriation for fiscal year 2008 and \$1,579,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(i) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

(j) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(k) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(l) \$774,000 of the general fund--state appropriation for fiscal year 2008 and \$789,000 of the general fund--state appropriation for fiscal year 2009 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative during the 2003-05 biennium. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(m) \$796,000 of the general fund--state appropriation for fiscal year 2008, \$1,422,000 of the general fund--state appropriation for fiscal year 2009, and \$908,000 of the general fund--federal appropriation are provided solely to phase-in new payment rates for medicaid psychiatric inpatient services. Under the new system, consistent with the way rates are set for the treatment of physical illnesses, payment rates for psychiatric inpatient care are to be set at the statewide industry average per diem cost, adjusted for regional wage differences and for differences in capital costs. To facilitate the transition to this new system, for hospitals that are expected to provide over 200 patient days of inpatient psychiatric care per year, rates shall not increase by more than an additional 10 percent each year, nor decrease by more than an additional 5 percent each year, until all hospitals are paid at the adjusted statewide average rate.

(n) \$5,077,000 of the general fund--state appropriation for fiscal year 2008 and \$5,077,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase payment rates for nonmedicaid psychiatric inpatient services above fiscal year 2005 levels. The department shall pay a standard statewide per diem rate for nonmedicaid psychiatric inpatient services, adjusted for regional wage differences, and hospital-specific capital and medical education costs, with no provision for phase-in.

(o) \$3,093,000 of the general fund--state appropriation and \$1,902,000 of the general fund--federal appropriation for fiscal year 2008 are provided solely to increase compensation for community mental health direct care staff effective January 2008. \$9,454,000 of the general fund--state appropriation and \$5,905,000 of the general fund--federal appropriation for fiscal year 2009 are provided solely to continue the January 2008 increase, and to provide an additional compensation increase for direct care staff effective January 2009. As used in this subsection, "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness. The term excludes employees whose duties are primarily administrative, and contractors.

In order to obtain compensation pass-through funding, a community mental health agency must first provide a plan and budget to its regional support network demonstrating how the full amount of the pass-through, except for the appropriate employer share of applicable payroll taxes, will be used to increase wages or benefits for direct care staff. Upon approval of the plan, in order to access the funds, the agency must submit to the regional support network and to the department of social and health services a legally binding written certification that it will increase compensation for its direct care staff as provided in the plan and budget. An agency's plan shall be approved and it shall be deemed to have met the certification requirement by submitting an executed collective bargaining agreement that increases compensation for direct care staff by an amount commensurate with the additional funding provided. If judged appropriate by the regional support network or the department, participating agencies shall be audited to determine whether their certification has been fulfilled.

(p) Within funds provided in this subsection (1), medicaid capitation rates shall be increased by 1.6 percent effective July 2007, and by an additional 1.0 percent effective July 2008.

(q) \$2,071,000 of the general fund--state appropriation for fiscal year 2008 and \$1,733,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$128,971,000
General Fund--State Appropriation (FY 2009)	\$119,903,000
General Fund--Federal Appropriation	\$142,713,000
General Fund--Private/Local Appropriation	\$52,563,000
Pension Funding Stabilization Account--State Appropriation	\$7,058,000
<b>TOTAL APPROPRIATION</b>	<b>\$451,208,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$1,015,000
General Fund--State Appropriation (FY 2009)	\$1,003,000
General Fund--Federal Appropriation	\$3,047,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,065,000</b>

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$4,820,000
General Fund--State Appropriation (FY 2009)	\$4,816,000
General Fund--Federal Appropriation	\$7,366,000
<b>TOTAL APPROPRIATION</b>	<b>\$17,002,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008)	\$346,918,000
General Fund--State Appropriation (FY 2009)	\$377,897,000
General Fund--Federal Appropriation	\$635,925,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,360,740,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,799,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$9,268,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,598,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), \$1,096,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities).

(f) \$1,380,000 of the general fund--state appropriation for fiscal year 2008, \$3,817,000 of the general fund--state appropriation for fiscal year 2009, and \$1,103,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$218,000 of the general fund--state appropriation for fiscal year 2008 and \$205,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$6,223,000 of the general fund--state appropriation for fiscal year 2008, \$11,665,000 of the general fund--state appropriation for fiscal year 2009, and \$18,917,000 of the general fund--federal appropriation are provided solely for rate increases for community residential providers, including supported living and group homes. Of this amount, \$3,342,000 of the general fund--state appropriation for fiscal year 2009 and \$6,893,000 of the general fund--federal appropriation are provided solely for administrative rates only to those agencies whose average administrative rates are below the rate standard for their programs.

(i) \$1,164,000 of the general fund--state appropriation for fiscal year 2008, \$1,525,000 of the general fund--state appropriation for fiscal year 2009, and \$2,840,000 of the general fund--federal appropriation are provided solely for vendor rate increases for adult family homes and boarding homes, including those currently receiving exceptional rates.

(j) \$24,000 of the general fund--state appropriation for fiscal year 2008, \$25,000 of the general fund--state appropriation for fiscal year 2009, and \$51,000 of the general fund--federal appropriation are provided solely for an annual increase in the personal needs allowance, as required by Substitute Senate Bill No. 5517 (personal needs allowance). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$73,783,000
General Fund--State Appropriation (FY 2009)	\$73,916,000
General Fund--Federal Appropriation	\$160,884,000
General Fund--Private/Local Appropriation	\$21,613,000
Pension Funding Stabilization Account--State Appropriation	\$5,614,000
<b>TOTAL APPROPRIATION</b>	<b>\$335,810,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$10,000 of the general fund--state appropriation for fiscal year 2008, \$10,000 of the general fund--state appropriation for fiscal year 2009, and \$21,000 of the general fund--federal appropriation are provided solely for an annual increase in the personal needs allowance as required by Substitute Senate Bill No. 5517 (personal needs allowance). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008).	\$2,207,000
General Fund--State Appropriation (FY 2009).	\$2,266,000
General Fund--Federal Appropriation.	\$2,700,000
<b>TOTAL APPROPRIATION.</b>	<b>\$7,173,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008).	\$17,000
General Fund--State Appropriation (FY 2009).	\$15,000
General Fund--Federal Appropriation.	\$16,708,000
<b>TOTAL APPROPRIATION.</b>	<b>\$16,740,000</b>

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES**

**PROGRAM**

General Fund--State Appropriation (FY 2008).	\$700,056,000
General Fund--State Appropriation (FY 2009).	\$746,395,000
General Fund--Federal Appropriation.	\$1,537,437,000
General Fund--Private/Local Appropriation.	\$19,001,000
Pension Funding Stabilization Account--State Appropriation.	\$1,448,000
<b>TOTAL APPROPRIATION.</b>	<b>\$3,004,337,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$156.73 for fiscal year 2008 and shall not exceed \$165.60 for fiscal year 2009. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007.

(3) In accordance with Substitute Senate Bill No. 5905 (capital authorization), the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010. If Substitute Senate Bill No. 5905 is not enacted by June 30, 2007, the department shall issue certificates of capital authorization in the amounts in this subsection in accordance with chapter 74.46 RCW.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,804,000 of the general fund--state appropriation for fiscal year 2008 and \$1,804,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9)(a) \$14,250,000 of the fiscal year 2009 general fund--state appropriation and \$15,145,000 of the general fund--federal appropriation are provided solely to increase nursing facility payment rates.

(b) \$250,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with an outside entity to review the current payment methodologies for nursing homes, boarding homes, and adult family homes and make recommendations for revisions to, restructuring of, or replacement of existing payment methodologies no later than October 1, 2007, to the governor and the appropriate fiscal and policy committees of the legislature.

A joint legislative task force on long-term care residential facility payment systems is established to review the report and make recommendations to the legislature no later than December 31, 2007. The task force shall consist of eight legislators. The president of the senate shall appoint two members of the majority caucus and two members of the minority caucus. The speaker of the house of representatives shall appoint two members of the majority caucus and two members of the minority caucus. Each body shall select members of committees with jurisdiction over health and long-term care and fiscal matters. The task force shall give strong consideration to the report of the outside entity, as well as the following principles in the course of its deliberation:

(i) A continuum of residential care settings should be available to medicaid-eligible adults so as to honor consumer choice;

(ii) Payment methodologies for care provided in adult family homes, boarding homes, and nursing homes should be based upon resident acuity, with payment rates that recognize the impact of differing state and federal regulatory requirements upon facility costs, but also address current disparities in payments to facilities serving residents with similar nursing or personal care needs;

(iii) Payment methodologies should be designed to support retention of qualified direct care staff through training, wages, and benefits offered to direct care staff, with special consideration given to nursing homes, boarding homes, and adult family homes that care for a disproportionate number of medicaid-eligible residents relative to their peer facilities;

(iv) Performance measures related to critical issues such as staff retention and resident outcomes should be developed, with payment linked to facility performance on the measures; and

(v) Payment methodologies should be simplified, with greater ease of administration for the department and providers, and greater predictability and stability in payments.

The task force expires December 31, 2007.

(10) \$7,998,000 of the general fund--state appropriation for fiscal year 2008, \$10,736,000 of the general fund--state appropriation for fiscal year 2009, and \$19,561,000 of the general fund--federal appropriation are provided solely for vendor rate increases for adult family homes and boarding homes, including those currently receiving exceptional rates.

(11) \$215,000 of the general fund--state appropriation for fiscal year 2008, \$223,000 of the general fund--state appropriation for fiscal year 2009, and \$462,000 of the general fund--federal appropriation are provided solely for an annual increase in the personal needs allowance as required by Substitute Senate Bill No. 5517 (personal needs allowance). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$52,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$95,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5285 or Substitute House Bill No. 1246 (residential services). If neither bill is enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities and adult family homes that specialize in caring for such conditions by up to 50 beds each, for a total of 100 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008).	\$587,993,000
General Fund--State Appropriation (FY 2009).	\$620,753,000
General Fund--Federal Appropriation.	\$988,317,000
General Fund--Private/Local Appropriation.	\$27,920,000
Pension Funding Stabilization Account--State Appropriation.	\$4,592,000
<b>TOTAL APPROPRIATION.</b>	<b>\$2,229,575,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,252,000 of the general fund--state appropriation for fiscal year 2008, \$369,691,000 of the general fund--state appropriation for fiscal year 2009, and \$782,540,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a post-TANF work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund--federal by activity;

(e) Within the amounts provided, increase the spending for the limited English proficiency pathway by \$3,000,000 above the amounts allotted by the department for the program for the 2005-2007 biennium; and

(f) Within the amounts provided, increase the spending for naturalization services by \$1,500,000 above the amounts allotted by the department for the program for the 2005-2007 biennium.

(2) \$5,401,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 5244 (implementing the deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2008).	\$69,986,000
General Fund--State Appropriation (FY 2009).	\$70,060,000
General Fund--Federal Appropriation.	\$138,881,000
General Fund--Private/Local Appropriation.	\$632,000
Criminal Justice Treatment Account--State Appropriation.	\$17,743,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	\$24,538,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	\$24,538,000
Problem Gambling Account--State Appropriation.	\$1,567,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$1,044,000

Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	\$1,043,000
Pension Funding Stabilization Account--State Appropriation . . . . .	\$146,000
TOTAL APPROPRIATION . . . . .	\$350,178,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,153,000 of the general fund--state appropriation for fiscal year 2008 and \$3,152,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$6,150,000 of the general fund--state appropriation for fiscal year 2008, \$7,755,000 of the general fund--state appropriation for fiscal year 2009, and \$3,724,000 of the general fund--federal appropriation are provided solely for vendor rate increases for outpatient treatment providers.

(3) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients, including a report to the office of financial management and the appropriate policy and fiscal committees of the legislature on a quarterly basis with the following information by treatment modality, category of person treated (general assistance-unemployable, SSI-eligible, other medicaid, youth, priority populations etc.), and by county for both the expansion and nonexpansion target populations:

- (a) Total funds spent and number of clients treated and services provided;
- (b) Total assumed cost offsets in medical assistance on a total and per client basis for the expansion population; and
- (c) Outcome or success rate data, if available.

(4) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$698,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2008) . . . . .	\$1,584,606,000
General Fund--State Appropriation (FY 2009) . . . . .	\$1,659,518,000
General Fund--Federal Appropriation . . . . .	\$4,300,327,000
General Fund--Private/Local Appropriation . . . . .	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation . . . . .	\$15,076,000
Health Services Account--State Appropriation (FY 2008) . . . . .	\$356,441,000
Health Services Account--State Appropriation (FY 2009) . . . . .	\$388,186,000
Pension Funding Stabilization Account--State Appropriation . . . . .	\$646,000
TOTAL APPROPRIATION . . . . .	\$8,306,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit a report to the governor and legislature by November 1, 2007, which evaluates whether savings continue to exceed costs for this program. If the certified public expenditures program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment

allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount that is the total of (a) the total payment for claims for services rendered during the fiscal year calculated according to the methodology employed by the legislature in the omnibus appropriations act for implementation in fiscal year 2008 and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and is subject to an interim cost settlement within eleven months after the end of the fiscal year. A final cost settlement shall be performed within two years after the end of the related fiscal year. To the extent that a final cost settlement determines that a hospital has received funds in excess of what it would have received under the methodology in place in fiscal year 2008 as described in this subsection, the hospital must repay these amounts to the state when requested. \$74,477,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and \$70,668,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) \$7,314,000 of the general fund--state appropriation for fiscal year 2008, \$7,800,000 of the general fund--state appropriation for fiscal year 2009, and \$48,995,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5305 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$6,529,000 of the general fund--state appropriation for fiscal year 2008 and \$6,651,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(16) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. A report is due to the legislative fiscal committees by December 1, 2007.

(17) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$268,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(18) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in accordance with chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093). By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

- (a) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;
- (b) Development of data linkages with the office of superintendent of public instruction for free and reduced price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;
- (c) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;
- (d) Outreach contracts with local governmental entities, community based organizations, and tribes;
- (e) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;
- (f) Results of efforts to maximize federal matching funds, wherever possible; and
- (g) Plans for sustaining outreach programs proven to be successful.

(19) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006, as well as any persons who age in or otherwise qualify for continuous enrollment in such a plan on or after November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature on or before December 1, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(20) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2007.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008).	\$11,631,000
General Fund--State Appropriation (FY 2009).	\$12,348,000
General Fund--Federal Appropriation.	\$90,885,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation.	\$1,793,000
Pension Funding Stabilization Account--State Appropriation.	\$116,000
<b>TOTAL APPROPRIATION.</b>	<b>\$116,773,000</b>

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM**

General Fund--State Appropriation (FY 2008).	\$48,899,000
General Fund--State Appropriation (FY 2009).	\$51,382,000
<b>TOTAL APPROPRIATION.</b>	<b>\$100,281,000</b>

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008).	\$31,206,000
General Fund--State Appropriation (FY 2009).	\$30,687,000
General Fund--Federal Appropriation.	\$63,399,000
General Fund--Private/Local Appropriation.	\$810,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$1,226,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$1,226,000
Pension Funding Stabilization Account--State Appropriation.	\$1,408,000
<b>TOTAL APPROPRIATION.</b>	<b>\$129,962,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.
- (2) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.
- (3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding for evidence-based programs through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and two additional community networks supporting counties or groups of counties in evaluating programs funding through a block grant by the juvenile rehabilitation administration. If counties or groups of counties do not request decategorized funding, the amounts proportionate to grants of \$50,000 per year per community network shall lapse.
- (4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2008).	\$56,492,000
General Fund--State Appropriation (FY 2009).	\$56,611,000
General Fund--Federal Appropriation.	\$54,635,000
<b>TOTAL APPROPRIATION.</b>	<b>\$167,738,000</b>

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--Federal Appropriation.	\$4,664,000
State Health Care Authority Administrative Account--State Appropriation.	\$54,136,000
Medical Aid Account--State Appropriation.	\$521,000
Health Services Account--State Appropriation (FY 2008).	\$273,385,000
Health Services Account--State Appropriation (FY 2009).	\$299,131,000
<b>TOTAL APPROPRIATION.</b>	<b>\$631,837,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.
- (2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.
- (3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security

payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$1,984,000 of the health services account--state appropriation for fiscal year 2008 and \$6,315,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.

(5) Appropriations in this act include specific funding for health records banking under section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(6) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

(7) \$784,000 of the health services account--state appropriation for fiscal year 2008, \$1,676,000 of the health service account--state appropriation for fiscal year 2009, \$540,000 of the general fund--federal appropriation, and \$22,480,000 of the state health care authority administrative account appropriation are provided for the development of a new benefits administration and insurance accounting system.

(8) \$2,137,000 of the health services account--state appropriation for fiscal year 2008 is provided solely for the implementation of the health insurance connector, in accordance with section 19 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 2007, the amount provided in this subsection shall lapse.

(9) \$664,000 of the health services account--state appropriation for fiscal year 2008 and \$664,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the implementation of the Washington quality forum, pursuant to section 8 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(10) \$600,000 of the health services account--state appropriation for fiscal year 2008 and \$600,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the implementation of the state employee health pilot, pursuant to section 36 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(11) \$500,000 of the health services account--state appropriation for fiscal year 2008 and \$500,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

(12) \$1,000,000 of the health services account--state appropriation for fiscal year 2008 and \$1,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for community clinics to provide dental services to the low-income and uninsured.

**NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2008)	\$3,177,000
General Fund--State Appropriation (FY 2009)	\$2,976,000
General Fund--Federal Appropriation	\$1,328,000
<b>TOTAL APPROPRIATION</b>	<b>\$7,481,000</b>

**NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	\$16,789,000
Medical Aid Account--State Appropriation	\$16,790,000
<b>TOTAL APPROPRIATION</b>	<b>\$33,599,000</b>

**NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Public Safety and Education Account--State Appropriation (FY 2008)	\$13,774,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$13,787,000
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$460,000
<b>TOTAL APPROPRIATION</b>	<b>\$28,169,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$1,014,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,015,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for four additional basic law enforcement academies in fiscal year 2008 and four additional basic law enforcement academies in fiscal year 2009. Continued funding for these additional academies is contingent upon the result of an office of financial management forecast for future student demand for basic law enforcement academies at the criminal justice training centers in Burien and Spokane.

(3) \$1,146,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,219,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to implement a crime mapping enhancement to the national incident-based reporting system (NIBRS), and the continued development, maintenance, and operation of the jail booking and reporting system (JBRS), and the statewide automated victim information and notification system (SAVIN).

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2008)	\$7,973,000
General Fund--State Appropriation (FY 2009)	\$7,961,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$15,190,000

Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	\$16,327,000
Public Safety and Education Account--Federal Appropriation. . . . .	\$10,000,000
Asbestos Account--State Appropriation. . . . .	\$848,000
Electrical License Account--State Appropriation. . . . .	\$37,970,000
Farm Labor Revolving Account--Private/Local Appropriation. . . . .	\$28,000
Worker and Community Right-to-Know Account--State Appropriation. . . . .	\$1,844,000
Public Works Administration Account--State Appropriation. . . . .	\$3,728,000
Accident Account--State Appropriation. . . . .	\$212,218,000
Accident Account--Federal Appropriation. . . . .	\$13,622,000
Medical Aid Account--State Appropriation. . . . .	\$225,414,000
Medical Aid Account--Federal Appropriation. . . . .	\$3,186,000
Plumbing Certificate Account--State Appropriation. . . . .	\$1,562,000
Pressure Systems Safety Account--State Appropriation. . . . .	\$3,417,000
Family Leave Account--State Appropriation. . . . .	\$18,665,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$579,953,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 or Engrossed Substitute House Bill No. 2073 (vocational rehabilitation services). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 or Engrossed Substitute House Bill No. 2073 (vocational rehabilitation services). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$182,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (claims suppression). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (worker's compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$18,665,000 of the family leave account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5659 (family and medical leave insurance). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$75,000 of the accident account--state appropriation and \$75,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$69,000 of the general fund--state appropriation for fiscal year 2008, \$62,000 of the general fund--state appropriation for fiscal year 2009, \$145,000 of the electrical license account--state appropriation, and \$15,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6106 (trade regulation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund--State Appropriation (FY 2008). . . . .	\$1,797,000
General Fund--State Appropriation (FY 2009). . . . .	\$1,795,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$3,592,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$224,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1220 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

## (1) HEADQUARTERS

General Fund--State Appropriation (FY 2008)	\$2,029,000
General Fund--State Appropriation (FY 2009)	\$2,043,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
Veterans Innovations Program Account Appropriation	\$1,437,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,519,000</b>

## (2) FIELD SERVICES

General Fund--State Appropriation (FY 2008)	\$4,987,000
General Fund--State Appropriation (FY 2009)	\$5,090,000
General Fund--Federal Appropriation	\$972,000
General Fund--Private/Local Appropriation	\$2,988,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,062,000
<b>TOTAL APPROPRIATION</b>	<b>\$15,099,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

## (3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$5,623,000
General Fund--State Appropriation (FY 2009)	\$5,175,000
General Fund--Federal Appropriation	\$41,331,000
General Fund--Private/Local Appropriation	\$30,197,000
<b>TOTAL APPROPRIATION</b>	<b>\$82,326,000</b>

**NEW SECTION. Sec. 221. FOR THE HOME CARE QUALITY AUTHORITY**

General Fund--State Appropriation (FY 2008)	\$1,708,000
General Fund--State Appropriation (FY 2009)	\$1,718,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,426,000</b>

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2008)	\$77,428,000
General Fund--State Appropriation (FY 2009)	\$76,093,000
General Fund--Federal Appropriation	\$474,041,000
General Fund--Private/Local Appropriation	\$108,238,000
Hospital Commission Account--State Appropriation	\$1,190,000
Health Professions Account--State Appropriation	\$57,772,000
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$12,579,000
Safe Drinking Water Account--State Appropriation	\$2,939,000
Drinking Water Assistance Account--Federal Appropriation	\$16,272,000
Waterworks Operator Certification--State Appropriation	\$1,493,000
Drinking Water Assistance Administrative Account--State Appropriation	\$326,000
Water Quality Account--State Appropriation (FY 2008)	\$1,866,000
Water Quality Account--State Appropriation (FY 2009)	\$1,870,000
State Toxics Control Account--State Appropriation	\$2,912,000
Medical Test Site Licensure Account--State Appropriation	\$1,988,000
Youth Tobacco Prevention Account--State Appropriation	\$1,512,000
Public Health Supplemental Account--Private/Local Appropriation	\$2,472,000
Accident Account--State Appropriation	\$280,000
Medical Aid Account--State Appropriation	\$46,000
Health Services Account--State Appropriation (FY 2008)	\$42,067,000
Health Services Account--State Appropriation (FY 2009)	\$46,596,000
Tobacco Prevention and Control Account--State Appropriation	\$52,709,000
Oyster Reserve Land Account--State Appropriation	\$302,000
<b>TOTAL APPROPRIATION</b>	<b>\$983,591,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) By January 1, 2008, the department shall submit to the appropriate policy and fiscal committees of the legislature an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the evaluation shall determine whether these economic benefits exceed the state expenditures to subsidize the cost of the licensing and regulatory program.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in

this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$302,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$62,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(9) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program. Of the amounts appropriated in this subsection, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary to offset reductions in federal funding.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through December 2007. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(11) \$17,000 of the general fund--state appropriation for fiscal year 2008, \$17,000 of the general fund--state appropriation for fiscal year 2009, and \$1,501,000 of the health professions account--state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5509 (health care providers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(14) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(15) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(16) \$580,000 of the general fund--state appropriation for fiscal year 2008, \$420,000 of the general fund--state appropriation for fiscal year 2009, and \$700,000 of the general fund--federal appropriation are provided solely for implementation of prescription drug monitoring under Engrossed Second Substitute Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop rules for approving drainfield remediation technologies as part of the Puget Sound recovery efforts towards environmentally responsible septic use.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund--State Appropriation (FY 2008)	\$55,050,000
General Fund--State Appropriation (FY 2009)	\$48,490,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$13,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$13,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,393,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,404,000
Pension Funding Stabilization Account--State Appropriation	\$1,280,000
<b>TOTAL APPROPRIATION</b>	<b>\$107,643,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$75,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for implementation of Substitute Senate Bill No. 5980 (sex offender notification). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$208,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for implementation of Senate Bill No. 5332 (victim notification). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$93,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5643 (children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(f) In making expenditures for appropriations made in this section for contracts for chemical dependency treatment for offenders in corrections facilities, including corrections centers and community supervision facilities, the department shall seek vendors that have demonstrated effectiveness in the treatment of offenders, where at least 50 percent of those offenders treated remain drug-free for at least two years.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008)	\$572,372,000
General Fund--State Appropriation (FY 2009)	\$606,963,000
General Fund--Federal Appropriation	\$3,455,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,492,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,492,000
Pension Funding Stabilization Account--State Appropriation	\$11,800,000
TOTAL APPROPRIATION	\$1,197,574,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008)	\$122,634,000
General Fund--State Appropriation (FY 2009)	\$131,598,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$8,526,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$8,629,000
Pension Funding Stabilization Account--State Appropriation	\$2,800,000
TOTAL APPROPRIATION	\$274,187,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$966,000
General Fund--State Appropriation (FY 2009)	\$2,513,000
TOTAL APPROPRIATION	\$3,479,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2008 and \$110,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical

assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

**(5) INTERAGENCY PAYMENTS**

General Fund--State Appropriation (FY 2008) . . . . .	\$34,326,000
General Fund--State Appropriation (FY 2009). . . . .	\$34,495,000
<b>TOTAL APPROPRIATION.</b> . . . .	<b>\$68,821,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2008). . . . .	\$2,312,000
General Fund--State Appropriation (FY 2009). . . . .	\$2,356,000
General Fund--Federal Appropriation. . . . .	\$17,003,000
General Fund--Private/Local Appropriation. . . . .	\$20,000
<b>TOTAL APPROPRIATION.</b> . . . .	<b>\$21,691,000</b>

**NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--Federal Appropriation. . . . .	\$261,495,000
General Fund--Private/Local Appropriation. . . . .	\$32,413,000
Unemployment Compensation Administration Account--Federal Appropriation. . . . .	\$241,802,000
Administrative Contingency Account--State Appropriation. . . . .	\$30,716,000
Employment Service Administrative Account--State Appropriation. . . . .	\$30,656,000
<b>TOTAL APPROPRIATION.</b> . . . .	<b>\$597,082,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.
- (2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).
- (3) \$12,348,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions.
- (4) \$447,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (5) \$276,000 of the administrative contingency account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5070 (offender re-entry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (6) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.
- (7) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.
- (8) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2008). . . . .	\$506,000
General Fund--State Appropriation (FY 2009). . . . .	\$520,000
General Fund--Federal Appropriation. . . . .	\$9,000
General Fund--Private/Local Appropriation. . . . .	\$1,010,000
<b>TOTAL APPROPRIATION.</b> . . . .	<b>\$2,045,000</b>

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2008). . . . .	\$46,999,000
General Fund--State Appropriation (FY 2009). . . . .	\$46,163,000
General Fund--Federal Appropriation. . . . .	\$80,586,000
General Fund--Private/Local Appropriation. . . . .	\$13,316,000
Special Grass Seed Burning Research Account--State Appropriation. . . . .	\$14,000
Reclamation Account--State Appropriation. . . . .	\$3,872,000
Flood Control Assistance Account--State Appropriation. . . . .	\$3,891,000
State Emergency Water Projects Revolving Account--State Appropriation. . . . .	\$390,000
Waste Reduction/Recycling/Litter Control--State Appropriation. . . . .	\$19,224,000
State Drought Preparedness--State Appropriation. . . . .	\$117,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation. . . . .	\$382,000
Vessel Response Account--State Appropriation. . . . .	\$1,438,000

Freshwater Aquatic Algae Control Account--State Appropriation.....	\$509,000
Site Closure Account--State Appropriation.....	\$661,000
Water Quality Account--State Appropriation (FY 2008).....	\$16,314,000
Water Quality Account--State Appropriation (FY 2009).....	\$15,523,000
Wood Stove Education and Enforcement Account--State Appropriation.....	\$360,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$2,162,000
State Toxics Control Account--State Appropriation.....	\$91,511,000
State Toxics Control Account--Private/Local Appropriation.....	\$381,000
Local Toxics Control Account--State Appropriation.....	\$18,212,000
Water Quality Permit Account--State Appropriation.....	\$36,488,000
Underground Storage Tank Account--State Appropriation.....	\$3,605,000
Environmental Excellence Account--State Appropriation.....	\$504,000
Biosolids Permit Account--State Appropriation.....	\$1,290,000
Hazardous Waste Assistance Account--State Appropriation.....	\$5,462,000
Air Pollution Control Account--State Appropriation.....	\$6,211,000
Oil Spill Prevention Account--State Appropriation.....	\$12,035,000
Air Operating Permit Account--State Appropriation.....	\$2,967,000
Freshwater Aquatic Weeds Account--State Appropriation.....	\$1,649,000
Oil Spill Response Account--State Appropriation.....	\$7,078,000
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State Appropriation.....	\$440,000
Water Pollution Control Revolving Account--Federal Appropriation.....	\$2,145,000
TOTAL APPROPRIATION.....	\$441,913,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided for wetland mitigation. If Substitute Senate Bill No. 5145 is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate fiscal committees of the legislature.

(4) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(6) \$1,206,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(7) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(8) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(9) \$490,000 of the state toxics control account and \$1,290,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department of ecology shall provide a progress report on implementing this plan to the appropriate committees of the legislature by December 31, 2008.

(12) \$435,000 of the general fund--state appropriation for fiscal year 2008 and \$360,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to clarify Spokane area water rights by mapping and documenting rights, assessing information system needs, enhancing water source metering and reporting, and consulting with local interests to determine whether to proceed with a general water right adjudication.

(13) \$53,000 of the oil spill prevention account--state appropriation for fiscal year 2009 is provided solely for the implementation of Senate Bill No. 5552 (discharges of oil). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5745 (solid fuel burning devices). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(15) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal for the west Seattle Fauntleroy community and Federal Way's Dumas bay. The department may only use up to \$50,000 of these amounts for its costs associated with administering this activity.

(17) \$149,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(18) \$65,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, \$152,000 of the water quality account--state appropriation for fiscal year 2008, and \$103,000 of the water quality account--state

appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2008)	\$46,362,000
General Fund--State Appropriation (FY 2009)	\$47,494,000
General Fund--Federal Appropriation	\$4,450,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State Appropriation	\$1,111,000
Off Road Vehicle Account--State Appropriation	\$224,000
Snowmobile Account--State Appropriation	\$4,811,000
Aquatic Lands Enhancement Account--State Appropriation	\$347,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$23,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$24,000
Parks Renewal and Stewardship Account--State Appropriation	\$34,636,000
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
<b>TOTAL APPROPRIATION</b>	<b>\$139,853,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.

(4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.

(5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacing vehicles and equipment.

(7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.

(8) \$600,000 of the general fund--federal appropriation for fiscal year 2008 and \$1,100,000 of the general fund--federal appropriation for fiscal year 2009 are provided solely for the recreational boating safety program.

(9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the state parks and recreation commission to establish an outdoor education and recreation grant program. Priority for the grants shall be programs for students who qualify for free and reduced-price lunch, who are most likely to fail academically, or who have the greatest potential to drop out of school.

(11) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund--State Appropriation (FY 2008)	\$1,546,000
General Fund--State Appropriation (FY 2009)	\$1,580,000
General Fund--Federal Appropriation	\$18,236,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$257,000
Water Quality Account--State Appropriation (FY 2008)	\$100,000
Water Quality Account--State Appropriation (FY 2009)	\$100,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation	\$2,506,000
Nonhighway and Off-Road Vehicles Activities Program Account--State Appropriation	\$1,004,000
<b>TOTAL APPROPRIATION</b>	<b>\$25,616,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.

(2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund--State Appropriation (FY 2008).	\$1,102,000
General Fund--State Appropriation (FY 2009).	\$1,105,000
TOTAL APPROPRIATION.	\$2,207,000

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2008).	\$2,783,000
General Fund--State Appropriation (FY 2009).	\$2,797,000
General Fund--Federal Appropriation.	\$1,178,000
Water Quality Account--State Appropriation (FY 2008).	\$7,335,000
Water Quality Account--State Appropriation (FY 2009).	\$7,350,000
TOTAL APPROPRIATION.	\$21,443,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2008).	\$53,004,000
General Fund--State Appropriation (FY 2009).	\$49,132,000
General Fund--Federal Appropriation.	\$51,024,000
General Fund--Private/Local Appropriation.	\$36,379,000
Off Road Vehicle Account--State Appropriation.	\$405,000
Aquatic Lands Enhancement Account--State Appropriation.	\$5,859,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$266,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$322,000
Recreational Fisheries Enhancement--State Appropriation.	\$3,495,000
Warm Water Game Fish Account--State Appropriation.	\$2,876,000
Eastern Washington Pheasant Enhancement Account--State Appropriation.	\$751,000
Aquatic Invasive Species Enforcement Account--State Appropriation.	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation.	\$842,000
Wildlife Account--State Appropriation.	\$62,397,000
Wildlife Account--Federal Appropriation.	\$33,324,000
Wildlife Account--Private/Local Appropriation.	\$12,872,000
Game Special Wildlife Account--State Appropriation.	\$1,943,000
Game Special Wildlife Account--Federal Appropriation.	\$8,877,000
Game Special Wildlife Account--Private/Local Appropriation.	\$475,000
Water Quality Account--State Appropriation (FY 2008).	\$160,000
Water Quality Account--State Appropriation (FY 2009).	\$160,000
Environmental Excellence Account--State Appropriation.	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation.	\$2,750,000
Oil Spill Prevention Account--State Appropriation.	\$1,048,000
Oyster Reserve Land Account--State Appropriation.	\$412,000
Wildlife Rehabilitation Account--State Appropriation.	\$352,000
TOTAL APPROPRIATION.	\$329,344,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$633,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

(8) Within the amount provided for the agency, the department shall implement a joint management and collaborative enforcement agreement with the confederated tribes of the Colville and the Spokane tribe.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of a ballast water management program as described in Second Substitute Senate Bill No. 5923 (aquatic invasive species enforcement and control). The department shall coordinate with the department of ecology and the office of financial management to evaluate the feasibility of synchronizing ballast water program and spills program inspections. The department will submit recommendations to the office of financial management by November 1, 2007.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$880,000 of the general fund--state appropriation for fiscal year 2008 and \$881,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$113,000 of the general fund--state appropriation for fiscal year 2008, \$113,000 of the general fund--state appropriation for fiscal year 2009, and \$204,000 of the aquatic invasive species enforcement account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(21) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(22) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property. Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site.

(23) Within existing funds, the department of fish and wildlife in coordination with department of ecology shall evaluate environmental impacts of proposed sinking vessels in Puget Sound for dive attractions.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2008) . . . . .	\$47,326,000
General Fund--State Appropriation (FY 2009) . . . . .	\$48,399,000
General Fund--Federal Appropriation. . . . .	\$24,991,000
General Fund--Private/Local Appropriation.. . . .	\$1,235,000
Forest Development Account--State Appropriation. . . . .	\$55,290,000
Off-Road Vehicle Account--State Appropriation.. . . .	\$4,114,000
Surveys and Maps Account--State Appropriation. . . . .	\$2,440,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$7,338,000
Resources Management Cost Account--State Appropriation. . . . .	\$91,759,000
Surface Mining Reclamation Account--State Appropriation. . . . .	\$3,235,000
Disaster Response Account--State Appropriation. . . . .	\$5,000,000
Forest and Fish Support Account--State Appropriation. . . . .	\$4,000,000
Water Quality Account--State Appropriation (FY 2008).. . . .	\$1,328,000
Water Quality Account--State Appropriation (FY 2009).. . . .	\$1,331,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation. . . . .	\$1,325,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation. . . . .	\$34,000
State Toxics Control Account--State Appropriation. . . . .	\$80,000
Air Pollution Control Account--State Appropriation. . . . .	\$557,000
Derelict Vessel Removal Account--State Appropriation. . . . .	\$3,641,000
Agricultural College Trust Management Account--State Appropriation. . . . .	\$1,984,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$305,407,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund--state appropriation for fiscal year 2008 and \$162,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$11,463,000 of the general fund--state appropriation for fiscal year 2008, \$13,792,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$2,500,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$52,000 of the general fund--state appropriation for fiscal year 2008 and \$52,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$143,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$182,000 of the resources management cost account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6011 (Maury island reserve). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(17) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the removal of two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(18) \$762,000 of the general fund--state appropriation for fiscal year 2008 and \$1,011,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) \$48,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for implementation of Substitute Senate Bill No. 5844 (specialized forest products). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(20) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(21) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and \$500,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An assessment by the center for international trade in forest products of the highest valued markets for timber products and recommendations for forest management approaches that would improve the position of Washington's forest and timber products industry in those high-valued markets. The college and the department shall also develop a pilot project on the Olympic experimental forest to test the economic viability of selective harvest of certain high-valued trees at such low intensity and with minimal-impact harvest techniques such that the forest ecosystem values are not diminished.

(b) The development of silvicultural and forest management techniques and technology that maintain and restore forest conditions that are resistant and resilient to fire, insects, disease, and other damaging agents. Recommendations for a research approach that will determine the long-term efficacy of different forest health treatments shall also be included.

(c) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to forest energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(d) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(22) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

- (a) Work with private and public land management entities to identify and evaluate land ownership possibilities;
- (b) Perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and
- (c) Implement real estate transactions based on the results of the studies.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2008) . . . . .	\$12,560,000
General Fund--State Appropriation (FY 2009) . . . . .	\$12,354,000
General Fund--Federal Appropriation. . . . .	\$10,853,000
General Fund--Private/Local Appropriation. . . . .	\$413,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$2,022,000
Energy Freedom Account--State Appropriation. . . . .	\$500,000
Water Quality Account--State Appropriation (FY 2008). . . . .	\$574,000
Water Quality Account--State Appropriation (FY 2009). . . . .	\$575,000
State Toxics Control Account--State Appropriation. . . . .	\$4,016,000
Water Quality Permit Account--State Appropriation. . . . .	\$52,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$43,919,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.
- (2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.
- (3) \$307,000 of the general fund--state appropriation for fiscal year 2008 and \$280,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account--State Appropriation. . . . .	\$772,000
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**NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP**

General Fund--State Appropriation (FY 2008). . . . .	\$500,000
General Fund--State Appropriation (FY 2009). . . . .	\$500,000
General Fund--Federal Appropriation. . . . .	\$1,155,000
General Fund--Private/Local Appropriation. . . . .	\$2,500,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$500,000
Water Quality Account--State Appropriation (FY 2008). . . . .	\$3,458,000
Water Quality Account--State Appropriation (FY 2009). . . . .	\$3,459,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$12,072,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,000,000 of the water quality account--state appropriation for fiscal year 2008, \$1,000,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.
- (2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are appropriated to the office of the governor for operation of the Puget Sound action team, and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 of the amounts provided in this subsection shall lapse.

**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2008).	\$1,667,000
General Fund--State Appropriation (FY 2009).	\$1,915,000
Architects' License Account--State Appropriation.	\$720,000
Cemetery Account--State Appropriation.	\$222,000
Professional Engineers' Account--State Appropriation.	\$3,277,000
Real Estate Commission Account--State Appropriation.	\$8,317,000
Master License Account--State Appropriation.	\$13,165,000
Uniform Commercial Code Account--State Appropriation.	\$2,925,000
Real Estate Education Account--State Appropriation.	\$275,000
Real Estate Appraiser Commission Account--State Appropriation.	\$1,564,000
Business Professions Account--State Appropriation.	\$10,203,000
Real Estate Research Account--State Appropriation.	\$319,000
Funeral Directors And Embalmers Account--State Appropriation.	\$542,000
Geologists' Account--State Appropriation.	\$56,000
Data Processing Revolving Account--State Appropriation.	\$29,000
Derelict Vessel Removal Account--State Appropriation.	\$31,000
Home Inspector's Account--State Appropriation.	\$624,000
<b>TOTAL APPROPRIATION.</b>	<b>\$45,851,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$624,000 of the home inspector's account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5788 (licensing of home inspectors). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2008).	\$39,946,000
General Fund--State Appropriation (FY 2009).	\$38,587,000
General Fund--Federal Appropriation.	\$5,094,000
General Fund--Private/Local Appropriation.	\$1,223,000
Death Investigations Account--State Appropriation.	\$5,306,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$1,377,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$1,385,000
Enhanced 911 Account--State Appropriation.	\$572,000
County Criminal Justice Assistance Account--State Appropriation.	\$3,040,000
Municipal Criminal Justice Assistance Account--State Appropriation.	\$1,242,000
Fire Service Trust Account--State Appropriation.	\$131,000
Disaster Response Account--State Appropriation.	\$2,000
Fire Service Training Account--State Appropriation.	\$7,557,000
Aquatic Invasive Species Enforcement Account--State Appropriation.	\$248,000
State Toxics Control Account--State Appropriation.	\$472,000
Fingerprint Identification Account--State Appropriation.	\$6,517,000
DNA Data Base Account--State Appropriation.	\$170,000
<b>TOTAL APPROPRIATION.</b>	<b>\$112,869,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh act -- the children's safety and violent crime reduction act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection exclusively to review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this subsection to provide these services only to those districts that are located in counties without qualified review capabilities.

(4) \$21,000 of the general fund--state appropriation for fiscal year 2008 and \$21,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time bonuses of \$5,000 for troopers who completed trooper basic training after July 1, 2003, and who have served a continuous commission of four years within the districts to which they are assigned by the Washington state patrol without accepting a transfer, other than a transfer granted for promotion or hardship. This one-time bonus is: Not subject to collective bargaining; available only at the discretion of the chief, who shall consider the trooper's record of service when deciding whether to award the bonus; and is not to be included as compensation for any retirement, pension, or disability purpose.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2008) . . . . .	\$20,831,000
General Fund--State Appropriation (FY 2009) . . . . .	\$21,190,000
General Fund--Federal Appropriation . . . . .	\$21,527,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$63,548,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,965,000 of the general fund--state appropriation for fiscal year 2008 and \$12,351,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall (i) develop a comprehensive set of recommendations for an accountability system; (ii) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and (iii) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

(c) \$4,543,000 of the general fund--state appropriation for fiscal year 2008 and \$5,803,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

(i) \$930,000 in fiscal year 2008 and \$1,070,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection (1)(d)(i), the professional educator standards board shall: (A) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; (B) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; (C) create a new professional level teacher assessment; (D) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; and (E) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and

(ii) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and \$4,289,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection (1)(d)(ii):

(A) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education as follows: (I) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified subject areas; and (II) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas; and

(C) Remaining amounts in this subsection (1)(d)(ii) shall be used to continue existing alternative routes to certification programs;

(iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection (1)(d) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established Engrossed Second Substitute Senate Bill No. 5813 (relating to improving mathematics, technology, English as a second language, special education, and science education); and

(iv) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Engrossed Second Substitute Senate Bill No. 5813 (relating to improving mathematics, technology, English as a second language, special education, and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

(d) \$555,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for increased attorney general fees related to education litigation.

(e) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(g) \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(h) \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(i) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(j) \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(k) \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5102 (legislative youth advisory council) or Substitute House Bill No. 1052 (legislative youth advisory council). If neither bill is enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(l) \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5643 (children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(m) \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(n) \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(o) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2008)	\$15,072,000
General Fund--State Appropriation (FY 2009)	\$15,748,000
General Fund--Federal Appropriation	\$55,890,000
<b>TOTAL APPROPRIATION</b>	<b>\$86,710,000</b>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

(viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5097 (school safety). Specifically, the funding is provided for the educational service districts to collaborate with the office of superintendent of public instruction's school safety center and the school safety advisory committee to award grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(b) TECHNOLOGY

\$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$641,000 of the general fund--state appropriation for fiscal year 2008 and \$1,318,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the special services pilot projects authorized in House Bill No. 2136 or Senate Bill No. 6094 (core subject instruction). If neither bill is enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(ii) \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the Cispus environmental learning center.

(iii) \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support vocational student leadership organizations.

(iv) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington civil liberties education program.

(v) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(vi) \$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(vii) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(viii) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(ix) \$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(x) \$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

(xi) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5497 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(xii) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the communities in school program in Pierce county.

(xiii) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of superintendent of public instruction to contract with a company to develop and implement a pilot program for providing indigenous learning curriculum and standards specific online learning programs based on the recommended standards in chapter 205, Laws of 2005 (Washington's tribal history). The specific content areas covered by the pilot program will include social studies and science. The contractor selected will have experience in developing and implementing indigenous learning curricula and if possible will be affiliated with a recognized Washington state tribe. The pilot program will be implemented in a minimum of three school districts in collaboration with Washington tribes and school districts. To the extent possible and appropriate, the pilot program will involve organizations including, the University of Washington's mathematics science and engineering achievement, the digital learning commons, the virtual possibilities network, the museum of arts and culture in Spokane, Eastern Washington University, and Washington State University.

(xiv) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5714 (Spanish and Chinese language instruction). Within the amounts specifically appropriated for this purpose, the amounts are provided for a pilot program in two school districts to provide sequentially articulated Spanish and Chinese language instruction in elementary schools. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(xv) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support and expand the mentoring advanced placement program in current operation in southwest Washington.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2008).	\$4,485,724,000
General Fund--State Appropriation (FY 2009).	\$4,556,783,000
Education Legacy Trust Account--State Appropriation (FY 2008).	\$4,714,000
Education Legacy Trust Account--State Appropriation (FY 2009).	\$4,673,000
Pension Funding Stabilization Account Appropriation.	\$226,624,000
<b>TOTAL APPROPRIATION.</b>	<b>\$9,278,518,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.63 percent in the 2007-08 school year and 16.40 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.24 percent in the 2007-08 school year and 18.54 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$9,907 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,331 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$18,877 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$16,622,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$558,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$390,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$4,714,000 of the education legacy trust account appropriation for fiscal year 2008 and \$4,673,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

(f) \$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 5.1 percent from the 2007-08 school year to the 2008-09 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.** (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 24, 2007, at 07:29 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 24, 2007, at 07:29 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 14.63 percent for school year 2007-08 and 16.40 percent for school year 2008-09 for certificated staff and for classified staff 17.24 percent for school year 2007-08 and 18.54 percent for the 2008-09 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

## K-12 Salary Allocation Schedule For Certificated Instructional Staff

## 2007-08 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	32,746	33,630	34,547	35,465	38,412	40,310	39,260	42,207	44,107
1	33,187	34,083	35,011	35,970	38,948	40,836	39,696	42,674	44,560
2	33,607	34,512	35,450	36,483	39,452	41,359	40,135	43,104	45,012
3	34,039	34,953	35,901	36,967	39,930	41,884	40,552	43,513	45,468
4	34,464	35,418	36,372	37,474	40,455	42,423	40,988	43,969	45,938
5	34,902	35,861	36,824	37,988	40,958	42,965	41,432	44,403	46,410
6	35,353	36,291	37,287	38,508	41,464	43,482	41,887	44,843	46,860
7	36,145	37,097	38,106	39,394	42,393	44,467	42,739	45,737	47,812
8	37,304	38,308	39,340	40,735	43,775	45,925	44,079	47,120	49,269
9		39,562	40,646	42,091	45,202	47,425	45,434	48,547	50,770
10			41,967	43,516	46,669	48,966	46,861	50,014	52,310
11				44,984	48,204	50,547	48,328	51,550	53,891
12				46,404	49,781	52,194	49,853	53,126	55,540
13					51,397	53,882	51,431	54,741	57,226
14					53,020	55,632	53,056	56,471	58,977
15					54,400	57,080	54,435	57,939	60,511
16 or more					55,487	58,220	55,523	59,097	61,720

## K-12 Salary Allocation Schedule For Certificated Instructional Staff

## 2008-09 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	33,898	34,814	35,762	36,713	39,763	41,728	40,641	43,691	45,658
1	34,354	35,282	36,243	37,236	40,318	42,272	41,093	44,175	46,128
2	34,789	35,726	36,697	37,766	40,840	42,814	41,547	44,621	46,596
3	35,237	36,183	37,164	38,267	41,335	43,357	41,979	45,044	47,067
4	35,676	36,664	37,651	38,793	41,878	43,915	42,430	45,516	47,554
5	36,130	37,123	38,120	39,324	42,399	44,476	42,890	45,965	48,043
6	36,597	37,567	38,598	39,863	42,923	45,011	43,361	46,421	48,508
7	37,416	38,402	39,446	40,780	43,885	46,031	44,243	47,346	49,494
8	38,616	39,655	40,724	42,168	45,315	47,541	45,630	48,778	51,002
9		40,954	42,076	43,572	46,792	49,093	47,032	50,255	52,556
10			43,443	45,047	48,310	50,688	48,509	51,773	54,150
11				46,566	49,900	52,326	50,028	53,363	55,787
12				48,036	51,533	54,030	51,606	54,995	57,493
13					53,205	55,777	53,240	56,667	59,239
14					54,885	57,589	54,922	58,457	61,052
15					56,313	59,088	56,350	59,977	62,639



Highly Capable (per formula student)	\$11.18	\$20.93
Transitional Bilingual Education (per eligible bilingual student)	\$29.94	\$56.05
Learning Assistance (per formula student)	\$7.59	\$14.22

(h) The appropriations in this section include \$925,000 for fiscal year 2008 and \$1,940,000 for fiscal year 2009 for salary increase adjustments for substitute teachers.

(2) \$66,185,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$682.54 per month for the 2007-08 and 2008-09 school years. The appropriations in this section provide for a rate increase to \$707.00 per month for the 2007-08 school year and \$732.00 per month for the 2008-09 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$0.22	\$0.45
Highly Capable (per formula student)	\$1.50	\$3.05
Transitional Bilingual Education (per eligible bilingual student)	\$3.97	\$8.01
Learning Assistance (per formula student)	\$0.93	\$1.89

(3) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2008).	\$262,882,000
General Fund--State Appropriation (FY 2009).	\$264,573,000
Education Legacy Trust Account--State Appropriation (FY 2008).	\$12,500,000
Education Legacy Trust Account--State Appropriation (FY 2009).	\$12,500,000
<b>TOTAL APPROPRIATION.</b>	<b>\$552,455,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$848,000 of this fiscal year 2008 appropriation and a maximum of \$866,000 of the fiscal year 2009 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2008 appropriation and \$5,000 of the fiscal year 2009 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$44.88 per weighted mile in the 2007-08 school year and \$45.44 per weighted mile in the 2008-09 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) \$12,500,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$12,500,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the office of superintendent of public instruction, in consultation with the joint legislative audit and review committee, to develop an equitable funding methodology to provide additional assistance to school districts for their pupil transportation costs beyond the levels otherwise provided in this section. The allocation methodology for the amounts provided in this subsection shall be based primarily on the findings and analysis from the joint legislative and audit review committee's K-12 pupil transportation study completed in December 2006.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2008).	\$3,159,000
General Fund--State Appropriation (FY 2009).	\$3,159,000
General Fund--Federal Appropriation.	\$280,398,000
<b>TOTAL APPROPRIATION.</b>	<b>\$286,716,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the 2009 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$59,000 of the general fund--state appropriation for fiscal year 2008 and \$59,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008) . . . . .	\$548,413,000
General Fund--State Appropriation (FY 2009). . . . .	\$566,972,000
General Fund--Federal Appropriation. . . . .	\$435,735,000
TOTAL APPROPRIATION. . . . .	\$1,551,120,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) All districts shall use the excess cost methodology first developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2007-08 and 2008-09 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$30,690,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

- (a) One staff from the office of superintendent of public instruction;
- (b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and
- (c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) Pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities), the office of superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process. The safety net oversight committee shall study the excess cost accounting method and explore options for a possible replacement, including an option that reflects the full amount of special education funding and the legislative direction to ensure that as a class, special education students are entitled to the full basic education allocation.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008, \$50,000 of the general fund--state appropriation for fiscal 2009, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(19) \$262,000 of the general fund--state appropriation for fiscal year 2008 and \$251,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2008)	\$5,647,000
General Fund--State Appropriation (FY 2009)	\$7,375,000
<b>TOTAL APPROPRIATION</b>	<b>\$13,022,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,665,000 of the general fund--state appropriation in fiscal year 2008 and \$3,351,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2008)	\$202,394,000
General Fund--State Appropriation (FY 2009)	\$212,310,000
<b>TOTAL APPROPRIATION</b>	<b>\$414,704,000</b>

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008)	\$18,343,000
General Fund--State Appropriation (FY 2009)	\$18,510,000
<b>TOTAL APPROPRIATION</b>	<b>\$36,853,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2008 and \$196,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2008).	\$7,385,000
General Fund--State Appropriation (FY 2009).	\$7,468,000
<b>TOTAL APPROPRIATION.</b>	<b>\$14,853,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$373.36 per funded student for the 2007-08 school year and \$377.49 per funded student for the 2008-09 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2008 appropriation and \$170,000 of the fiscal year 2009 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2008 appropriation and \$90,000 of the fiscal year 2009 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**

General Fund--Federal Appropriation.	\$43,450,000
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**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2008).	\$56,507,000
General Fund--State Appropriation (FY 2009).	\$65,567,000
Education Legacy Trust Account--State Appropriation (FY 2008).	\$67,713,000
Education Legacy Trust Account--State Appropriation (FY 2009).	\$59,610,000
General Fund--Federal Appropriation.	\$152,610,000
<b>TOTAL APPROPRIATION.</b>	<b>\$402,007,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,966,000 of the general fund--state appropriation for fiscal year 2008, \$19,946,000 of the general fund--state appropriation for fiscal year 2009, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) \$6,000,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$6,000,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments), including section 2 and section 5 of that act, or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science). If neither bill is enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Additionally, the funding provided in this subsection is subject to the following conditions and limitations:

(a) The funding may be spent on reviewing, developing, and implementing approved alternative assessments authorized in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science).

(b) The funding may also be used for reviewing, developing, and implementing end of course examinations pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science).

(c) The funding may be used for increased costs associated with additional full-time equivalent students directly resulting from additional course taking requirements specified in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science).

(d) Beginning on September 1, 2007, the office of the superintendent of public instruction shall submit quarterly reports to the office of financial management and the appropriate policy and fiscal committees of the legislature detailing the actions taken pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science) and amounts spent of each aspect of the legislation.

(3) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the second grade assessments.

(4) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and \$1,414,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(5) \$100,000 of the general fund--state appropriation in fiscal year 2008 is provided solely to support the development of state standards in mathematics that reflect international content and performance levels. Activities include collecting appropriate research, consulting with mathematics standards experts, and convening state education practitioners and community members in an inclusive process to recommend new standards.

(6) \$1,664,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,664,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of science standards and curriculum as follows:

(a) \$100,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development and communication of state standards in science that reflect international content and performance levels. Activities include collecting appropriate research, consulting with mathematics standards experts, and convening state education practitioners and community members in an inclusive process to recommend new standards.

(b) \$677,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$677,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the evaluation of science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state's international standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students learn and teachers teach the content of the international standards.

(c) \$887,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$887,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level 1 and Level 2 in science.

(7) \$5,711,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$7,366,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for allocations to districts for salaries and benefits for three additional professional development days for middle and high school math teachers and three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. The allocations shall be used in coordination with and to augment the learning improvement days in section 503(7) of this act. The allocations shall be used as follows:

(a) For middle school teachers during the 2007-08 school year, the three math professional development days shall focus on development of basic mathematics knowledge and instructional skills and the three science professional development days shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year, the three math professional development days shall focus on skills related to implementing the new international mathematics standards and the three science professional development days shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the three math professional development days shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills and the three science professional development days shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year, the three math professional development days shall focus on skills related to implementing the new international mathematics standards and the three science professional development days shall focus on skills related to implementing the new international science standards.

(8) \$1,649,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$3,727,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a math and science instructional coaches demonstration project. Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science. The Washington institute for public policy will evaluate the effectiveness of the demonstration projects as provided in part VI of this act.

(9) \$2,500,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,500,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Engrossed Second Substitute Senate Bill No. 5813 (creating educational opportunities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(10) \$453,000 of the general fund--state appropriation for fiscal year 2008 and \$453,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of superintendent of public instruction to identify no more than three mathematics basic curricula as well as diagnostic and supplemental materials for elementary, middle, junior high, and high school that align with the new international math standards.

(11) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5528 (review of the essential academic learning requirements in mathematics). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The funding provided in this subsection, combined with the other amounts provided in sections 501 and 513 of this act, are assumed to support the state board of education's responsibilities in reviewing and recommending revised mathematics essential academic learning requirement and grade level expectations, including costs associated with contracting for an expert consultant and the convening of a mathematics advisory

panel. Additionally, the funding is intended to support costs associated with the office of superintendent of public instruction's responsibilities pursuant to state board of education and legislative direction.

(12) \$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(13) \$3,382,000 of the general fund--state appropriation for fiscal year 2008 and \$3,382,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(14) \$675,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support state college readiness assessment fees for eleventh grade students. The office of the superintendent of public instruction shall allocate funds for this purpose to school districts based on the number of eleventh grade students who complete the college readiness exam. School districts shall use these funds to reimburse institutions of higher education for the assessments students take and report to the office of the superintendent of public instruction on the number of assessments provided.

(15) \$12,897,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$28,846,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for grants for voluntary all-day kindergarten at the highest poverty schools students. To qualify, recipient schools must review the quality of their programs and make appropriate changes, use a kindergarten assessment tool, and demonstrate strong connections and communication with early learning providers and parents. The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who is eligible for the federal free and reduced price lunch program and who is enrolled in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide all-day kindergarten programs for 10 percent of kindergarten enrollment eligible for free and reduced price lunch in the 2007-08 school year and 20 percent of kindergarten enrollment eligible for free and reduced price lunch in the 2008-09 school year.

(16) \$1,201,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,852,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely to establish a middle and high school math and science class size pilot program. The funding is intended to fund at least ten schools in establishing actual average class sizes of 25 in mathematics and science classes in grades 6 through 12. The office of superintendent of public instruction, in direct collaboration with the Washington institute for public policy to ensure a research valid sample, will select the schools to participate in the pilot program. To the maximum extent possible, schools participating in the grant program shall also be selected to ensure adequate representation based on school district size and geographic location throughout the state.

(17) \$1,770,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,292,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for grants for four demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5843 (enhancing student learning opportunities).

(18) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(19) \$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills. Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Washington institute for public policy shall evaluate the effectiveness of the practices supported by the grants as provided in section 608(4) of this act. Recipients of these grants shall cooperate with the institute for public policy in the collection of program data.

(20) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement of diagnostic assessments pursuant to RCW 28A.655.200.

(21) \$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(22) \$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(23) \$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(24) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(25)(a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(26) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(27) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

(28) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

(29) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

- (i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;
- (ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;
- (iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;
- (iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;
- (v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;
- (vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and
- (vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(30) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(31) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

(b) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(c) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(d) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

(32) \$2,500,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,500,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to support and award after-school program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(33) \$1,629,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,638,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(34) \$200,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$200,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the development of mathematics support activities provided by community organizations in after school programs. The office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

(35) \$4,500,000 of the general fund--state appropriation for fiscal year 2008, \$4,500,000 of the general fund--state appropriation for fiscal year 2009, \$722,000 of the education legacy trust account--state appropriation for fiscal year 2008, and \$785,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(36) \$1,010,000 of the general fund--state appropriation for fiscal year 2008 and \$1,010,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

(37) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(38) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(39) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(40) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(41) \$24,800,000 of the education legacy trust account--state appropriation for fiscal year 2008 is provided solely for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$6,000 for each elementary school, \$12,000 for each middle or junior high school, and \$22,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

(42) \$125,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$125,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Engrossed Second Substitute Senate Bill No. 5813 (creating educational opportunities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(43)(a) \$6,055,000 of the general fund--state appropriation for fiscal year 2008, \$8,191,000 of the general fund--state appropriation for fiscal year 2009, \$3,095,000 of the education legacy trust account--state appropriation for fiscal year 2008, and \$4,256,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

- (i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and \$5,100 per teacher in fiscal year 2009;
- (ii) For national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum; and
- (iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. The annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "schools where at least 70 percent of the student headcount enrollment is eligible for the federal free or reduced price lunch program" shall be defined as: (i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program was at least 70 percent; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

(44) \$1,250,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,250,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely to cover costs associated with certificated instructional staff who have met the eligibility requirements and have successfully received their certification from the national board for professional teaching standards after September 1, 2007. The assessment fee for national certification is provided in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. The fee payment shall not be considered earnable compensation as defined in RCW 41.32.010 or compensation earnable as defined in RCW 41.40.010 and 41.35.010. Within the amounts provided in this subsection, the office of superintendent of public instruction may provide the assessment fee for up to one thousand national board for professional teaching standards recipients. If more than one thousand certified instructional staff seek funding assistance for national board certification, the office of superintendent of public instruction will develop a method of prioritizing to stay within the amounts provided in this subsection.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2008)	\$65,520,000
General Fund--State Appropriation (FY 2009)	\$69,139,000

General Fund--Federal Appropriation. . . . .	\$45,243,000
TOTAL APPROPRIATION. . . . .	\$179,902,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$827.37 per eligible bilingual student in the 2007-08 school year and \$838.44 in the 2008-09 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.
- (5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.
- (6) Pursuant to RCW 28A.150.260, during the 2007-09 biennium, the office of superintendent of public instruction shall not make changes to the requirements in effect as of January 1, 2007, for entry or exit to the transitional bilingual program without prior legislative approval.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2008). . . . .	\$70,994,000
General Fund--State Appropriation (FY 2009). . . . .	\$73,011,000
General Fund--Federal Appropriation. . . . .	\$360,660,000
Education Legacy Trust Account--State Appropriation (FY 2008). . . . .	\$28,034,000
Education Legacy Trust Account--State Appropriation (FY 2009). . . . .	\$31,731,000
TOTAL APPROPRIATION. . . . .	\$564,430,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
  - (a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
    - (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$238.75 per funded student for the 2007-08 school year and \$242.20 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
    - (c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:
      - (i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and
      - (ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.
    - (d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.
  - (2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.
  - (3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.
  - (4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.
  - (5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS**

General Fund--State Appropriation (FY 2008). . . . .	\$23,884,000
General Fund--State Appropriation (FY 2009). . . . .	\$25,135,000
TOTAL APPROPRIATION. . . . .	\$49,019,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the Washington assessment of student learning in the spring of their tenth grade year or on a subsequent retake. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.
  - (2) School district allocations for promoting academic success programs shall be calculated as follows:
    - (a) Allocations shall be made to districts only for students actually served in a promoting academic success program.
    - (b) A portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were more than one standard error of measurement from meeting standard on the WASL in their most recent attempt to pass the WASL.
    - (c) The other portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were less than one standard error of measurement from meeting standard but did not meet standard on the WASL in their most recent attempt to pass the WASL.

(d) Districts with at least one but less than 20 student units combining the student units generated from (b) and (c) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (e) and (f)(i) of this subsection.

(e) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(f) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.86 in school year 2007-08 and \$13.11 in school year 2008-09 for maintenance, operations, and transportation;
- (ii) \$12.35 in school year 2007-08 and \$12.58 in school year 2008-09 for pre- and post-remediation assessments;
- (iii) \$17.49 in school year 2007-08 and \$17.83 in school year 2008-09 per reading remediation student unit;
- (iv) \$8.23 in school year 2007-08 and \$8.39 in school year 2008-09 per mathematics remediation student unit; and
- (v) \$8.23 in school year 2007-08 and \$8.39 in school year 2008-09 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) By November 15th of each year, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature and to the office of financial management on the use of these funds in the prior school year, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State Appropriation (FY 2008) . . . . .	\$423,414,000
Student Achievement Account--State Appropriation (FY 2009) . . . . .	\$446,357,000
TOTAL APPROPRIATION . . . . .	\$869,771,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007-08 school year and \$459.45 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** (1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2008, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2008 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

**NEW SECTION. Sec. 519. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.** State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

## PART VI HIGHER EDUCATION

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection and described in section 603 and part IX of this act shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff.

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(e) By January 1, 2008, the office of financial management shall work with the institutions of higher education, and with staff from the legislative fiscal committees and the legislative evaluation and accountability program, to identify ways in which the office's "compensation impact model" should be revised or replaced to make the system less costly for institutions to maintain, and more transparent, informative, and useful to the legislature and institutions, while providing information needed to accurately and efficiently negotiate and budget employee compensation changes.

(3) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(4) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2007-08 and 2008-09 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2007-08 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2006-07 academic year.

For the 2008-09 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2007-08 academic year.

(5) For the 2007-09 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2007-09 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2007-09 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) From within the appropriations in sections 603 through 609 of this act, institutions of higher education shall increase compensation for nonrepresented employees in accordance with the following:

(a) Across the Board Adjustments.

(i) Appropriations are provided for a 3.2% salary increase effective July 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(ii) Appropriations are provided for a 2.0% salary increase effective July 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(b) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes.

(c) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW.

(d) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v State*.

(e) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(f) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6% salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(g) The appropriations are also sufficient for the research and the regional higher education institutions to provide average salary increases of 3.2% effective July 1, 2007, and of 2.0% effective July 1, 2008, for faculty, exempt administrative and professional staff, graduate assistants, and for all other nonclassified employees.

**NEW SECTION. Sec. 602.** (1) The appropriations in sections 603 through 609 of this act provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
University of Washington		
Main campus	33,722	34,077
Bothell campus	1,790	2,040
Tacoma campus	2,139	2,409
Washington State University		
Main campus	19,112	19,272
Tri-Cities campus	820	895
Vancouver campus	1,888	2,113
Central Washington University		
Eastern Washington University	9,046	9,284
The Evergreen State College	4,165	4,213
Western Washington University	12,022	12,175
State Board for Community and Technical Colleges	136,097	139,127

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needed by the forecast division for tracking and monitoring state-supported college enrollment.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2008)	\$639,652,000
General Fund--State Appropriation (FY 2009)	\$655,556,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$50,832,000
Education Legacy Trust Account--State Appropriation (FY 2009)	\$39,417,000
Pension Funding Stabilization Account Appropriation	\$49,800,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,435,257,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 1,020 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) \$5,720,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$11,440,000 of the general fund--state appropriation for fiscal year 2009 are to expand high-demand enrollments by 650 student FTEs in fiscal year 2008 and by an additional 650 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics and health sciences. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$560,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,400,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(5) \$4,575,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$9,150,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted enrollment levels shall increase by 750 student FTEs each year.

(6) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase by at least these amounts relative to full-time faculty salaries after all salary increases are collectively bargained.

(7) \$2,450,000 of the education legacy trust account appropriation for fiscal year 2008 and \$4,900,000 of the education legacy trust account appropriation for fiscal year 2009 are to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.

(8) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the establishment of a single math placement test to be used at colleges and universities statewide.

(9) \$630,000 of the education legacy trust account appropriation for fiscal year 2008 and \$1,260,000 of the education legacy trust account appropriation for fiscal year 2009 are to increase enrollment in apprenticeship training programs by 100 student FTEs in each fiscal year.

(10) \$2,000,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,000,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65% for TRIO students and other low-income and first-generation students served through this appropriation.

(11)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

- (i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;
- (ii) Increase the percentage and number of students prepared for work to 23,490; and
- (iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(12) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$2,502,000 of the general fund--state appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(15) \$2,725,000 of the general fund--state appropriation for fiscal year 2008 and \$2,725,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(16) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.

(17) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by 3.7% effective July 1, 2007, and by 2.8% effective July 1, 2008.

(18) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2% effective July 1, 2007, and by an average of 2.0% effective July 1, 2008.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**  
 General Fund--State Appropriation (FY 2008). . . . . \$372,427,000

General Fund--State Appropriation (FY 2009) . . . . .	\$384,086,000
General Fund--Private/Local Appropriation. . . . .	\$300,000
Education Legacy Trust Account--State Appropriation (FY 2008). . . . .	\$17,359,000
Education Legacy Trust Account--State Appropriation (FY 2009). . . . .	\$26,572,000
Accident Account--State Appropriation. . . . .	\$6,621,000
Medical Aid Account--State Appropriation. . . . .	\$6,449,000
TOTAL APPROPRIATION. . . . .	\$813,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,248,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$10,496,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$2,325,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$4,650,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$250,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$250,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85% for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007.

(8) \$1,095,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,735,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, check points, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The check points previously agreed by the board and the University of Washington are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;

(d) Improve the six-year graduation rate for baccalaureate students to 74.7%;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0%;

(f) Improve the freshman retention rate to 93.0%;

(g) Improve time to degree for baccalaureate students to 92% at the Seattle campus and 92.5% at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$165,000 of the general fund--state appropriation for fiscal year 2008 and \$165,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Puget Sound conservation and recovery plan, Puget Sound partnership early implementation items, and the agency action items UW-01 and UW-02. The department shall consult and sign performance agreements with the leadership council of the Puget Sound partnership created by Engrossed Substitute Senate Bill No. 5372 regarding these items.

(11) \$750,000 of the education legacy trust account appropriation for fiscal year 2008 and \$750,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have such the chance to study, work, or volunteer outside the United States.

(12) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(14) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(15) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(16) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

- (a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:
  - (i) Variable costs such as fuel, etc;
  - (ii) Quasi-variable costs such as:
    - (A) Tires, brakes, wrappers, and other safety related equipment;
    - (B) Vehicle insurance, taxes, fees, etc;
    - (C) Maintenance costs such as oil, lubrication, and minor repairs; and
    - (D) Depreciation and replacement costs;
  - (b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;
  - (c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;
  - (d) An evaluation of comparable trucking services; and
  - (e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2008)	\$233,016,000
General Fund--State Appropriation (FY 2009)	\$239,755,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$16,640,000
Education Legacy Trust Account--State Appropriation (FY 2009)	\$18,648,000
Pension Funding Stabilization Account Appropriation	\$2,450,000
<b>TOTAL APPROPRIATION</b>	<b>\$510,509,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,913,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$3,826,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand general enrollments by 310 student FTEs in fiscal year 2008 and by an additional 310 student FTEs in fiscal year 2009.
- (2) \$1,125,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,550,000 of the education legacy trust account--state appropriation for fiscal year 2009 are to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high-demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.
- (3) \$885,000 of the education legacy trust account appropriation for fiscal year 2008 and \$1,471,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.
- (4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.
- (5) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the center for bio-products and bio-energy. The center is to draw upon and focus resources from throughout the university on research into the identification of Washington-grown crops most suitable to bio-energy production, the bio-fuel production process, and the development of coproducts from bio-fuel crops.
- (6) \$250,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$250,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand the number of TRIO eligible students served in the student support services program at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85% for TRIO students in this program.
- (7) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.
- (8) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.
- (9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.
- (10) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property

rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007.

(11) \$4,294,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,066,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(12) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(13) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;
- (d) Improve the six-year graduation rate for baccalaureate students to 63.2%;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4%;
- (f) Improve the freshman retention rate to 84.8%;
- (g) Improve time to degree for baccalaureate students to 92%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(14) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(15) \$210,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Puget Sound conservation and recovery plan, Puget Sound partnership early implementation items, and agency action item WSU-01. The department shall consult and sign performance agreements with the leadership council of the Puget Sound partnership created by Engrossed Substitute Senate Bill No. 5372 regarding these items.

(16) \$1,400,000 of the general fund--state appropriation for fiscal year 2008 and \$1,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two competitive grant pools that will fund small research projects that will produce immediate practical outcomes for the state's agriculture industry. To assure that funds are allocated to issues of greatest relevance to producers, priorities for the grant competition will be established by an advisory board comprised of food and agriculture industry representatives. One of the two research pools will specifically address topics such as organic and sustainable production, and greenhouse gas mitigation.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(18) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	\$48,497,000
General Fund--State Appropriation (FY 2009)	\$49,794,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$7,007,000
Education Legacy Trust Account--State Appropriation (FY 2009)	\$8,646,000
Pension Funding Stabilization Account Appropriation	\$4,758,000
<b>TOTAL APPROPRIATION</b>	<b>\$118,702,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,530,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand general enrollments by 50 student FTEs in fiscal year 2008 and by an additional 180 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$390,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$780,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85% for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2035;

- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 550;
- (d) Improve the six-year graduation rate for baccalaureate students to 50.0%;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0%;
- (f) Improve the freshman retention rate to 76.0%;
- (g) Improve time to degree for baccalaureate students to 81.0%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008). . . . .	\$47,433,000
General Fund--State Appropriation (FY 2009). . . . .	\$48,924,000
Education Legacy Trust Account--State Appropriation (FY 2008). . . . .	\$7,481,000
Education Legacy Trust Account--State Appropriation (FY 2009). . . . .	\$10,338,000
Pension Funding Stabilization Account Appropriation. . . . .	\$4,330,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$118,506,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85% for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1%;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3%;
- (f) Improve the freshman retention rate to 78.2%;
- (g) Improve time to degree for baccalaureate students to 86.6%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board on the progress of the comprehensive "wildcat transitions" student outreach and retention program funded in this budget, and of its other efforts to develop and implement outreach programs designed to increase awareness of higher education to K-12 populations.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2008). . . . .	\$30,269,000
General Fund--State Appropriation (FY 2009). . . . .	\$30,044,000
Education Legacy Trust Account--State Appropriation (FY 2008). . . . .	\$2,033,000
Education Legacy Trust Account--State Appropriation (FY 2009). . . . .	\$2,725,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$65,071,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$562,000 of the education legacy trust account--state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.

(2) \$260,000 of the education legacy trust account--state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80% for students served in this program, with a goal of reaching a retention rate in excess of 85%.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 1182;
- (b) Increase the number of advanced degrees conferred per year at all campuses to 92;
- (c) Improve the six-year graduation rate for baccalaureate students to 57.0%;
- (d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8%;
- (e) Improve the freshman retention rate to 73.9%;
- (f) Improve time to degree for baccalaureate students to 97.0%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Second Substitute Senate Bill No. 5627 (basic education funding). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are for the Washington state institute for public policy to evaluate the effectiveness of the schools selected to implement middle and high school math and science class size reduction demonstration pilots in part V of this act. By March 1, 2008, the Washington state institute for public policy shall submit a preliminary report to the office of financial management and the appropriate policy and fiscal committees of the legislature identifying its proposed method and timeline for evaluating the class size demonstration schools.

(9) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are for the Washington state institute for public policy to evaluate the effectiveness of the LASER program funded in part V of this act. By June 30, 2008, the Washington state institute for public policy shall submit a final report to the office of financial management and the appropriate policy and fiscal committees of the legislature.

(10) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are for the Washington state institute for public policy to conduct evaluations of the K-3 demonstration projects and the math and science instructional coach pilot program.

(11) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are for the Washington state institute for public policy to review chapter 207, Laws of 2002 (bullying in schools), and the outcomes resulting from the legislation and to make recommendations for continued improvement. The study shall, at a minimum, determine: (a) Whether the policies have been developed and implemented in all elementary, middle, and high schools; (b) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; (c) whether there are still issues that need to be addressed in light of the original intent of the legislation; and (d) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, the institute shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of superintendent of public instruction by September 1, 2008.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(14) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis of the office of public defense's program providing legal representation to indigent parents involved in dependency or termination cases. The institute shall consult with the department of social and health services, the attorney general's office, and the office of public defense. The study shall include an analysis of the length of time a child spends in the foster care system, reunification rates, and subsequent removals from the home, and reentry into the foster care system.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	\$65,603,000
General Fund--State Appropriation (FY 2009)	\$67,606,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$5,110,000
Education Legacy Trust Account--State Appropriation (FY 2009)	\$6,735,000
<b>TOTAL APPROPRIATION</b>	<b>\$145,054,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations, and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80% for students served in this program, with a goal of reaching a retention rate in excess of 85%.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,968;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 375;
- (d) Improve the six-year graduation rate for baccalaureate students to 62.8%;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4%;
- (f) Improve the freshman retention rate to 85.0%;
- (g) Improve time to degree for baccalaureate students to 95.6%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Western Washington University shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2008)	\$7,405,000
General Fund--State Appropriation (FY 2009)	\$7,446,000
General Fund--Federal Appropriation	\$4,315,000
<b>TOTAL APPROPRIATION</b>	<b>\$19,166,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5155 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to contract with the college success foundation to assist current or former foster care youth who are attending or who are interested in attending college or other postsecondary training.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2008)	\$162,779,000
General Fund--State Appropriation (FY 2009)	\$182,295,000
General Fund--Federal Appropriation	\$13,085,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$59,779,000

Education Legacy Trust Account--State Appropriation (FY 2009).....	\$57,655,000
TOTAL APPROPRIATION.....	\$475,593,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$153,740,000 of the general fund--state appropriation for fiscal year 2008, \$171,734,000 of the general fund--state appropriation for fiscal year 2009, \$55,579,000 of the education legacy trust account appropriation for fiscal year 2008, \$51,119,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below seventy-five percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 75 percent of the state median shall be fifty percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$3,700,000 of the education legacy trust account appropriation for fiscal year 2008 and \$3,700,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the gaining early awareness and readiness for undergraduate programs project to up to 30 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to award additional future teacher conditional scholarships to students preparing to teach in shortage areas such as mathematics, bilingual, and special education.

(7) \$2,336,000 of the education legacy trust account appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 5155 (passport to college) to support scholarships for eligible students and incentive payments to their colleges. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for community scholarship matching grants. To be eligible for the matching grant, a nonprofit group organized under section 501(c)(3) of the federal internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. State matching grants of \$2,000 each shall be provided, up to a total of \$46,000 per organization per year, with preference given to organizations affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

**NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2008).....	\$1,634,000
General Fund--State Appropriation (FY 2009).....	\$1,610,000
General Fund--Federal Appropriation.....	\$53,938,000
TOTAL APPROPRIATION.....	\$57,182,000

The appropriations in this section are subject to the following conditions and limitations: \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$320,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

- (1) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and
- (2) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

**NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2008).....	\$1,656,000
General Fund--State Appropriation (FY 2009).....	\$1,679,000
TOTAL APPROPRIATION.....	\$3,335,000

**NEW SECTION. Sec. 614. FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2008).....	\$62,710,000
General Fund--State Appropriation (FY 2009).....	\$71,648,000
General Fund--Federal Appropriation.....	\$217,546,000
General Fund--Private/Local Appropriation.....	\$6,000
TOTAL APPROPRIATION.....	\$351,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,477,000 of the general fund--state appropriation for fiscal year 2008 and \$61,296,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of this amount, \$10,284,000 is part of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided, the department shall increase the number of children receiving early childhood education and assistance program services by 3,000 slots.

(c) Within the amounts provided, the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the early learning advisory committee.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop a detailed implementation proposal for the voluntary quality rating and improvement system. The department shall work with the early learning advisory committee to develop a rating system for child care providers in the state. An interim report on the proposal will be provided to the education and fiscal committees of the legislature by December 1, 2007. After development of the interim proposal, the department shall randomly sample eligible child care centers and licensed family home providers to determine the following: (a) Interest in participating in the voluntary rating system; (b) the rating of the center or provider on the proposed rating scale; and (c) improvements the center or provider would need to make in order to participate in the voluntary system. The department shall compile the survey reports to develop its final implementation proposal, to be reported to the education and fiscal committees of the legislature by October 1, 2008. The department shall include implementation costs in its 2009-2011 biennial budget request.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the education and fiscal committees of the legislature by October 1, 2008.

(6) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(7) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning with the 2007-09 biennium, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2008)	\$5,726,000
General Fund--State Appropriation (FY 2009)	\$5,854,000
General Fund--Private/Local Appropriation	\$1,458,000
<b>TOTAL APPROPRIATION</b>	<b>\$13,038,000</b>

**NEW SECTION. Sec. 616. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2008)	\$8,438,000
General Fund--State Appropriation (FY 2009)	\$8,570,000
General Fund--Private/Local Appropriation	\$232,000
<b>TOTAL APPROPRIATION</b>	<b>\$17,240,000</b>

**NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 2008)	\$2,434,000
General Fund--State Appropriation (FY 2009)	\$2,447,000
General Fund--Federal Appropriation	\$1,382,000
General Fund--Private/Local Appropriation	\$153,000
<b>TOTAL APPROPRIATION</b>	<b>\$6,416,000</b>

**NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2008)	\$3,621,000
General Fund--State Appropriation (FY 2009)	\$3,488,000
<b>TOTAL APPROPRIATION</b>	<b>\$7,109,000</b>

**NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2008)	\$1,771,000
General Fund--State Appropriation (FY 2009)	\$1,838,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,609,000</b>

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2008)	\$724,362,000
General Fund--State Appropriation (FY 2009)	\$764,561,000
State Building Construction Account--State Appropriation	\$8,970,000
Columbia River Basin Water Supply Development Account--State Appropriation	\$148,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	\$23,000
State Taxable Building Construction Account--State Appropriation	\$168,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$1,790,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation	\$2,624,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,502,646,000</b>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account--State Appropriation.....	\$22,553,000
Accident Account--State Appropriation.....	\$5,204,000
Medical Aid Account--State Appropriation.....	\$5,204,000
TOTAL APPROPRIATION.....	\$32,961,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2008).....	\$27,068,000
General Fund--State Appropriation (FY 2009).....	\$27,825,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation.....	\$136,332,000
TOTAL APPROPRIATION.....	\$191,225,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2008).....	\$1,357,000
General Fund--State Appropriation (FY 2009).....	\$1,357,000
State Building Construction Account--State Appropriation.....	\$1,546,000
Columbia River Basin Water Supply Development Account--State Appropriation.....	\$17,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation.....	\$3,000
State Taxable Building Construction Account--State Appropriation.....	\$122,000
Gardner-Evans Higher Education Construction Account--State Appropriation.....	\$452,000
TOTAL APPROPRIATION.....	\$4,854,000

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL**

Disaster Response Account--State Appropriation.....	\$4,000,000
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The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY**

General Fund--State Appropriation (FY 2008).....	\$2,000,000
General Fund--State Appropriation (FY 2009).....	\$2,000,000
TOTAL APPROPRIATION.....	\$4,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purposes specified in section 705 of this act.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT**

General Fund--State Appropriation (FY 2008).....	\$6,729,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund--State Appropriation (FY 2008).....	\$850,000
General Fund--State Appropriation (FY 2009).....	\$850,000
TOTAL APPROPRIATION.....	\$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT**

General Fund--State Appropriation (FY 2008).....	\$1,188,000
General Fund--State Appropriation (FY 2009).....	\$1,509,000
TOTAL APPROPRIATION.....	\$2,697,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

**NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE**

Health Services Account--State Appropriation (FY 2008).....	\$24,000,000
Health Services Account--State Appropriation (FY 2009).....	\$24,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$48,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

<b>Health District</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2007-09 Biennium</b>
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,595	\$237,191
Grays Harbor Health Department	\$183,870	\$183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
<b>TOTAL APPROPRIATIONS</b>	<b>\$24,000,000</b>	<b>\$24,000,000</b>	<b>\$48,000,000</b>

**NEW SECTION. Sec. 711. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2007, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2008)	\$46,200,000
General Fund--State Appropriation (FY 2009)	\$50,400,000
<b>TOTAL APPROPRIATION</b>	<b>\$96,600,000</b>

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2008)	\$9,600,000
General Fund--State Appropriation (FY 2009)	\$10,200,000
<b>TOTAL APPROPRIATION</b>	<b>\$19,800,000</b>

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2008)	\$2,200,000
General Fund--State Appropriation (FY 2009)	\$2,300,000
Health Services Account--State Appropriation (FY 2008)	\$2,000
Health Services Account--State Appropriation (FY 2009)	\$1,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$5,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,000
Water Quality Account--State Appropriation (FY 2008)	\$2,000
General Fund--Federal Appropriation	\$400,000
General Fund--Private/Local Appropriation	\$100,000
Special Account Retirement Contribution Increase Revolving Appropriation	\$589,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,600,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations to reflect increased employer contributions to the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system as a result of modifications to benefit eligibility pursuant to Senate Bill No. 5175 (annual increases in certain retirement allowances). If the bill is not enacted by June 30, 2007, the appropriations in this section shall lapse.

(2) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2008)	(\$800,000)
General Fund--State Appropriation (FY 2009)	(\$800,000)
<b>TOTAL APPROPRIATION</b>	<b>(\$1,600,000)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce school district funding allocations to reflect lower employer contribution rates in the teachers' retirement system due to savings resulting from Substitute House Bill No. 1262 (public employment of retirees). If the bill is not enacted by June 30, 2007, the appropriations in this section shall lapse.

(2) From the appropriations provided in this act to school districts for retirement system contributions, the director of financial management shall reduce allotments from the general fund--state by \$800,000 in fiscal year 2008 and \$800,000 in fiscal year 2009. The allotment reductions shall be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2008)	\$50,000
General Fund--State Appropriation (FY 2009)	\$50,000
<b>TOTAL APPROPRIATION</b>	<b>\$100,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase school district funding allocations to reflect higher employer contribution rates in the school employees' retirement system resulting from Substitute House Bill No. 1264 (portability of retirement benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this section shall lapse.

(2) From the appropriations provided in this act to school districts for contributions to the school employees' retirement system, the director of financial management shall increase allotments from the general fund--state by \$50,000 in fiscal year 2008 and \$50,000 in fiscal year 2009.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2008)	(\$67,000,000)
General Fund--State Appropriation (FY 2009)	(\$88,000,000)

Pension Funding Stabilization Account--State Appropriation (FY 2008) . . . . .	\$67,000,000
Pension Funding Stabilization Account--State Appropriation (FY 2009) . . . . .	\$88,000,000
TOTAL APPROPRIATION . . . . .	\$0

The appropriations in this section are subject to the following conditions and limitations:

(1) From the appropriations provided in this act to state agencies for retirement system contributions, the director of financial management shall reduce allotments from the general fund--state by \$67,000,000 in fiscal year 2008 and \$88,000,000 in fiscal year 2009. The allotment reductions shall be placed in unallotted status and remain unexpended.

(2) The pension funding stabilization account--state appropriations in this section are provided solely to replace general fund--state appropriations to state agencies for the purpose of retirement system contributions.

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund--State Appropriation (FY 2008) . . . . .	\$10,097,000
General Fund--State Appropriation (FY 2009) . . . . .	\$10,098,000
TOTAL APPROPRIATION . . . . .	\$20,195,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 718. FOR THE GOVERNOR--COMPENSATION--PENSION RATE CHANGES**

General Fund--State Appropriation (FY 2008) . . . . .	\$755,000
General Fund--State Appropriation (FY 2009) . . . . .	\$1,747,000
Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$97,000
Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	\$222,000
Judicial Information Systems Account--State Appropriation . . . . .	\$163,000
Department of Retirement Systems Account--State Appropriation . . . . .	\$31,000
TOTAL APPROPRIATION . . . . .	\$3,015,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be expended solely for pension rate changes for legislative and judicial employees, as adopted by the pension funding council. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document number H17 - 2007, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT**

General Fund--State Appropriation (FY 2008) . . . . .	\$525,000
General Fund--State Appropriation (FY 2009) . . . . .	\$525,000
TOTAL APPROPRIATION . . . . .	\$1,050,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the reading achievement account.

**NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER QUALITY CAPITAL ACCOUNT**

Water Quality Account--State Appropriation (FY 2008) . . . . .	\$25,135,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the water quality capital account. If House Bill No. 1137 (water quality capital account) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- WATER POLLUTION CONTROL REVOLVING ACCOUNT**

Water Quality Account--State Appropriation (FY 2008) . . . . .	\$7,027,000
Water Quality Account--State Appropriation (FY 2009) . . . . .	\$7,027,000
TOTAL APPROPRIATION . . . . .	\$14,054,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the water pollution control revolving account.

**NEW SECTION. Sec. 722. INCENTIVE SAVINGS--FY 2008.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2008, from the total amount of unspent fiscal year 2008 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 723. INCENTIVE SAVINGS--FY 2009.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2009, from the total amount of unspent fiscal year 2009 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EXTRAORDINARY CRIMINAL JUSTICE COSTS**

General Fund--State Appropriation (FY 2008). . . . . \$908,000

The appropriation in this section is subject to the following conditions and limitations: Of the amount in this section the director of financial management shall distribute \$746,000 to Yakima county and \$162,000 to Grant county for extraordinary criminal justice costs.

**NEW SECTION. Sec. 725. FOR THE GOVERNOR--WORKERS COMPENSATION CHANGES**

General Fund--State Appropriation (FY 2008). . . . . (\$1,000)  
 General Fund--State Appropriation (FY 2009). . . . . \$1,000  
 Public Safety and Education Account--State Appropriation (FY 2008). . . . . (\$2,000)  
 Public Safety and Education Account--State Appropriation (FY 2009). . . . . (\$1,000)  
 Department of Retirement Systems Expense Account--State Appropriation. . . . . \$1,000  
**TOTAL APPROPRIATION. . . . . (\$2,000)**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be expended solely for changes to workers compensation charges by the department of labor and industries. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified, and to the state agencies specified in OFM document #2007 -R01, dated December 19, 2006, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND**

General Fund--State Appropriation (FY 2008). . . . . \$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the developmental disabilities endowment trust fund to serve as state matching funds for private contributions.

**NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FERRY COUNTY PUBLIC UTILITY DISTRICT**

General Fund--State Appropriation (FY 2008). . . . . \$25,000  
 General Fund--State Appropriation (FY 2009). . . . . \$25,000  
**TOTAL APPROPRIATION. . . . . \$50,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to the Ferry county public utility district to provide a demand-responsive special needs transportation program that is compliant with the federal Americans with disabilities act.

**NEW SECTION. Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COUNTY SUBSTANCE ABUSE PROGRAMS**

General Fund--State Appropriation (FY 2008). . . . . \$600,000  
 General Fund--State Appropriation (FY 2009). . . . . \$600,000  
**TOTAL APPROPRIATION. . . . . \$1,200,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to counties that are eligible for funding for chemical dependency or substance abuse treatment programs pursuant to RCW 70.96A.325.

**PART VIII  
 OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions. . . . . \$7,325,000  
 General Fund Appropriation for public utility district excise tax distributions. . . . . \$49,656,000  
 General Fund Appropriation for prosecuting attorney distributions. . . . . \$3,999,000  
 General Fund Appropriation for boating safety and education distributions. . . . . \$4,833,000  
 General Fund Appropriation for other tax distributions. . . . . \$42,000  
 Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies. . . . . \$2,192,000  
 Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution. . . . . \$148,000  
 Timber Tax Distribution Account Appropriation for distribution to "timber" counties. . . . . \$89,346,000  
 County Criminal Justice Assistance Appropriation. . . . . \$58,906,000  
 Municipal Criminal Justice Assistance Appropriation. . . . . \$23,359,000  
 Liquor Excise Tax Account Appropriation for liquor excise tax distribution. . . . . \$45,472,000  
 Liquor Revolving Account Appropriation for liquor profits distribution. . . . . \$93,399,000  
 City-County Assistance Account Appropriation for local government financial assistance distribution. . . . . \$31,272,000  
 Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions  
 to mitigate the unintended revenue redistribution effect of the sourcing law changes. . . . . \$31,600,000  
**TOTAL APPROPRIATION. . . . . \$441,549,000**

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation . . . . . \$2,174,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation . . . . . \$1,449,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution . . . . . \$2,950,000  
 General Fund Appropriation for federal flood control funds distribution . . . . . \$74,000  
 Forest Reserve Fund Appropriation for federal forest reserve fund distribution . . . . . \$84,500,000  
**TOTAL APPROPRIATION. . . . . \$87,524,000**

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS.**

State Treasurer's Service Account: For transfer to the state general fund,  
 \$12,500,000 for fiscal year 2008 and \$7,500,000 for fiscal year 2009. . . . . \$20,000,000  
 General Fund: For transfer to the water quality account, \$12,200,000 for fiscal  
 year 2008 and \$12,201,000 for fiscal year 2009. . . . . \$24,401,000  
 Education Legacy Trust Account: For transfer to the student achievement account for  
 fiscal year 2009. . . . . \$90,800,000  
 Drinking Water Assistance Account: For transfer to the drinking water assistance repayment  
 account, an amount not to exceed. . . . . \$25,000,000  
 Public Works Assistance Account: For transfer to the drinking water assistance account,  
 \$3,600,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009. . . . . \$7,200,000  
 Public Works Assistance Account: For transfer to the job development account, \$25,000,000  
 for fiscal year 2008 and \$25,000,000 for fiscal year 2009. . . . . \$50,000,000  
 Tobacco Settlement Account: For transfer to the health services account, in an amount not to  
 exceed the actual amount of the annual base payment to the tobacco settlement account. . . . . \$165,915,000  
 Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount  
 not to exceed the actual amount of the strategic contribution supplemental payment  
 to the tobacco settlement account. . . . . \$70,000,000  
 Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008  
 and \$3,942,500 for fiscal year 2009. . . . . \$7,885,000  
 Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000  
 for fiscal year 2008 and \$3,466,000 for fiscal year 2009. . . . . \$6,932,000  
 Health Services Account: For transfer to the tobacco prevention and control account, \$10,226,552 for  
 fiscal year 2008 and \$10,109,109 for fiscal year 2009. . . . . \$20,336,000  
 General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009. . . . . \$31,600,000

If Substitute Senate Bill No. 5089 (streamlined sales tax) is not enacted by June 30, 2009, this transfer shall lapse.

**PART IX  
 MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2005-07 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 903. INFORMATION TECHNOLOGY ENTERPRISE SERVICES.** Agencies shall make use of the department of information services when acquiring information technology services, products, and assets.

"Information technology services" means the acquisition, provisioning, or approval of hardware, software, and purchased or personal services provided by the department of information services.

If an information technology enterprise service is provided by the department, or an agency has a specific requirement to acquire hardware, software, or purchased or personal services directly, the agency shall consult with the department of information services.

**NEW SECTION. Sec. 904. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 905. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 906. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest

including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 907. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 908. VOLUNTARY SEPARATION INCENTIVES.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section. Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by June 30, 2009.

**NEW SECTION. Sec. 909. VOLUNTARY RETIREMENT INCENTIVES.** Agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2009, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2007-09 biennium.

**NEW SECTION. Sec. 910. COMPENSATION--REVISE PENSION GAIN SHARING**

General Fund--State Appropriation (FY 2008).	-\$1,260,000
General Fund--State Appropriation (FY 2009).	-\$1,260,000
Health Services Account--State Appropriation (FY 2008).	-\$9,000
Health Services Account--State Appropriation (FY 2009).	-\$9,000
Public Safety and Education Account (FY 2008).	-\$24,000
Public Safety and Education Account (FY 2009).	-\$24,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	-\$1,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	-\$1,000
Water Quality Account--State Appropriation (FY 2008).	-\$7,000
Water Quality Account--State Appropriation (FY 2009).	-\$7,000
General Fund--Federal Appropriation.	-\$780,000
General Fund--Private/Local Appropriation.	-\$98,000
Dedicated Funds and Accounts Appropriation.	-\$1,092,000
<b>TOTAL APPROPRIATION.</b>	<b>-\$4,572,000</b>

(1) The appropriations in this section are provided solely for adjustments to state agency appropriations to reflect changes to pension gain sharing as provided in Substitute Senate Bill No. 5779 or House Bill No. 2391 (revise pension gain sharing). The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H01 - 2007, and adjust appropriations schedules accordingly.

(2) The appropriations in this act for school districts and institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to pension gain sharing as provided in Substitute Senate Bill No. 5779 or House Bill No. 2391 (revise pension gain sharing).

**NEW SECTION. Sec. 911. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 2008).	\$1,785,000
General Fund--State Appropriation (FY 2009).	\$3,714,000
Health Services Account--State Appropriation (FY 2008).	\$51,000
Health Services Account--State Appropriation (FY 2009).	\$106,000
Public Safety and Education Account (FY 2008).	\$53,000
Public Safety and Education Account (FY 2009).	\$108,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	\$3,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	\$5,000
Water Quality Account--State Appropriation (FY 2008).	\$14,000
Water Quality Account--State Appropriation (FY 2009).	\$31,000
General Fund--Federal Appropriation.	\$1,332,000
General Fund--Private/Local Appropriation.	\$127,000
Dedicated Funds and Accounts Appropriation.	\$3,124,000
<b>TOTAL APPROPRIATION.</b>	<b>\$10,453,000</b>

The appropriations in this section shall be expended solely for nonrepresented state employee health benefits for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and \$65.97 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and \$65.97 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(4) The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H02 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 912. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS.** The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and \$65.97 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and \$65.97 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 913. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June 2007 and is covered by a 2007-2009 collective bargaining agreement negotiated pursuant to chapter 41.80 RCW, and the continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

**NEW SECTION. Sec. 914. ACROSS THE BOARD SALARY ADJUSTMENTS**

General Fund--State Appropriation (FY 2008)	\$13,277,000
General Fund--State Appropriation (FY 2009)	\$21,997,000
Health Services Account--State Appropriation (FY 2008)	\$316,000
Health Services Account--State Appropriation (FY 2009)	\$523,000
Public Safety and Education Account (FY 2008)	\$429,000
Public Safety and Education Account (FY 2009)	\$711,000
Equal Justice Subaccount--State Appropriation (FY 2008)	\$8,000
Equal Justice Subaccount--State Appropriation (FY 2009)	\$12,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$21,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$35,000
Water Quality Account--State Appropriation (FY 2008)	\$109,000
Water Quality Account--State Appropriation (FY 2009)	\$180,000
General Fund--Federal Appropriation	\$9,461,000
General Fund--Private/Local Appropriation	\$792,000
Dedicated Funds and Accounts Appropriation	\$21,141,000
<b>TOTAL APPROPRIATION</b>	<b>\$69,012,000</b>

The appropriations for nonrepresented employee compensation adjustments provided in this section are solely for Across the Board Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective July 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2% salary increase effective July 1, 2007, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 2.0% salary increase effective July 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0% salary increase effective July 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number S7J - 2007 dated March 23, 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 915. SALARY SURVEY**

General Fund--State Appropriation (FY 2008).	\$3,898,000
General Fund--State Appropriation (FY 2009).	\$3,979,000
Health Services Account--State Appropriation (FY 2008).	\$202,000
Health Services Account--State Appropriation (FY 2009).	\$207,000
Public Safety and Education Account (FY 2008).	\$60,000
Public Safety and Education Account (FY 2009).	\$64,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	\$2,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	\$2,000
Water Quality Account--State Appropriation (FY 2008).	\$19,000
Water Quality Account--State Appropriation (FY 2009).	\$19,000
General Fund--Federal Appropriation.	\$1,586,000
General Fund--Private/Local Appropriation.	\$264,000
Dedicated Funds and Accounts Appropriation.	\$3,986,000
<b>TOTAL APPROPRIATION.</b>	<b>\$14,288,000</b>

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this section are provided solely for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H04 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 916. AGENCY REQUEST CONSOLIDATION**

General Fund--State Appropriation (FY 2008).	\$260,000
General Fund--State Appropriation (FY 2009).	\$264,000
Public Safety and Education Account (FY 2008).	\$1,000
Public Safety and Education Account (FY 2009).	\$1,000
General Fund--Private/Local Appropriation.	\$2,000
Dedicated Funds and Accounts Appropriation.	\$180,000
<b>TOTAL APPROPRIATION.</b>	<b>\$708,000</b>

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this section are provided solely for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v State*. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H05 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 917. CLASSIFICATION CONSOLIDATION**

General Fund--State Appropriation (FY 2008).	\$538,000
General Fund--State Appropriation (FY 2009).	\$544,000
Health Services Account--State Appropriation (FY 2008).	\$5,000
Health Services Account--State Appropriation (FY 2009).	\$5,000
Public Safety and Education Account (FY 2008).	\$1,000
Public Safety and Education Account (FY 2009).	\$1,000
General Fund--Federal Appropriation.	\$225,000
General Fund--Private/Local Appropriation.	\$18,000
Dedicated Funds and Accounts Appropriation.	\$4,242,000
<b>TOTAL APPROPRIATION.</b>	<b>\$5,579,000</b>

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this section are provided solely for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H06 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 918. ADDITIONAL PAY STEP**

General Fund--State Appropriation (FY 2008).	\$2,773,000
General Fund--State Appropriation (FY 2009).	\$2,808,000
Health Services Account--State Appropriation (FY 2008).	\$154,000
Health Services Account--State Appropriation (FY 2009).	\$156,000

Public Safety and Education Account (FY 2008)	\$175,000
Public Safety and Education Account (FY 2009)	\$177,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$3,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$3,000
Water Quality Account--State Appropriation (FY 2008)	\$12,000
Water Quality Account--State Appropriation (FY 2009)	\$12,000
General Fund--Federal Appropriation	\$1,529,000
General Fund--Private/Local Appropriation	\$132,000
Dedicated Funds and Accounts Appropriation	\$3,861,000
<b>TOTAL APPROPRIATION</b>	<b>\$11,795,000</b>

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this section are provided solely for a new pay step L for those who have been in step K for at least one year. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H07 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 919. SHIFT DIFFERENTIAL**

General Fund--State Appropriation (FY 2008)	\$13,000
General Fund--State Appropriation (FY 2009)	\$21,000
<b>TOTAL APPROPRIATION</b>	<b>\$34,000</b>

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, the appropriations in this section are provided solely for shift differential pay. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H08 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 920. RETAIN FISCAL YEAR 2007 PAY INCREASE**

General Fund--State Appropriation (FY 2008)	\$6,747,000
General Fund--State Appropriation (FY 2009)	\$6,845,000
Health Services Account--State Appropriation (FY 2008)	\$157,000
Health Services Account--State Appropriation (FY 2009)	\$159,000
Public Safety and Education Account (FY 2008)	\$211,000
Public Safety and Education Account (FY 2009)	\$215,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$10,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$10,000
Water Quality Account--State Appropriation (FY 2008)	\$54,000
Water Quality Account--State Appropriation (FY 2009)	\$55,000
General Fund--Federal Appropriation	\$3,352,000
General Fund--Private/Local Appropriation	\$279,000
Dedicated Funds and Accounts Appropriation	\$7,935,000
<b>TOTAL APPROPRIATION</b>	<b>\$26,029,000</b>

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, the appropriations in this section are provided solely for continuation of the 1.6% salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6% salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H09 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 921. COLLECTIVE BARGAINING AGREEMENTS.** (1) Provisions of collective bargaining agreements contained in this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 913 through 948 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

(2) Some contracts contain implementation of the department of personnel's phase 4 classification consolidation. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v. State/Shroll v. State*.

**NEW SECTION. Sec. 922. COLLECTIVE BARGAINING AGREEMENT--WFSE**

General Fund--State Appropriation (FY 2008)	\$55,778,000
General Fund--State Appropriation (FY 2009)	\$74,419,000
Health Services Account--State Appropriation (FY 2008)	\$175,000
Health Services Account--State Appropriation (FY 2009)	\$234,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,206,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,545,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$3,075,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$3,466,000
Water Quality Account--State Appropriation (FY 2008)	\$394,000
Water Quality Account--State Appropriation (FY 2009)	\$514,000
General Fund--Federal Appropriation	\$62,123,000
General Fund--Private/Local Appropriation	\$6,775,000

Dedicated Funds and Accounts Appropriation.....	\$70,458,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$280,162,000</b>

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their salary range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H10 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENT--WPEA**

General Fund--State Appropriation (FY 2008).....	\$6,151,000
General Fund--State Appropriation (FY 2009).....	\$7,933,000
Water Quality Account--State Appropriation (FY 2008).....	\$11,000
Water Quality Account--State Appropriation (FY 2009).....	\$15,000
General Fund--Federal Appropriation.....	\$1,872,000
General Fund--Private/Local Appropriation.....	\$196,000
Dedicated Funds and Accounts Appropriation.....	\$9,337,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$25,515,000</b>

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H11 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS**

General Fund--State Appropriation (FY 2008).....	\$40,992,000
General Fund--State Appropriation (FY 2009).....	\$49,019,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$90,011,000</b>

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the brotherhood of teamsters under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 2.9% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates, and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007.

Also effective July 1, 2007, corrections and custody officers 1s, 2s, and 3s in Franklin, Snohomish, and Walla Walla counties will receive 5% geographic pay. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H12 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 925. COLLECTIVE BARGAINING AGREEMENT--UFCW**

Liquor Revolving Account--State Appropriation.....	\$3,004,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$3,004,000</b>

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the united food and commercial workers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H13 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 926. COLLECTIVE BARGAINING AGREEMENT--IFPTE LOCAL 17**

General Fund--State Appropriation (FY 2008).....	\$53,000
General Fund--State Appropriation (FY 2009).....	\$70,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$123,000</b>

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select

classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H14 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 927. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199**

General Fund--State Appropriation (FY 2008).	\$8,189,000
General Fund--State Appropriation (FY 2009).	\$9,353,000
General Fund--Federal Appropriation.	\$8,124,000
General Fund--Private/Local Appropriation.	\$2,575,000
<b>TOTAL APPROPRIATION.</b>	<b>\$28,241,000</b>

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the service employee's international union, local 1199 NW under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H15 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 928. COLLECTIVE BARGAINING AGREEMENT--COALITION**

General Fund--State Appropriation (FY 2008).	\$3,083,000
General Fund--State Appropriation (FY 2009).	\$3,830,000
General Fund--Federal Appropriation.	\$426,000
General Fund--Private/Local Appropriation.	\$488,000
Dedicated Funds and Accounts Appropriation.	\$4,365,000
<b>TOTAL APPROPRIATION.</b>	<b>\$12,192,000</b>

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the coalition under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates, and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. These increases will be effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H16 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington federation of state employees in higher education under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

**NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington public employees association in higher education under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

**NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining units A, B, and E. For employees covered under this agreement, provisions include a 3.2% pay increase effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25% below market rate; a new 2.5% step L on the salary grid; and movement of all classified staff at or below pay range 30 to step G of their range, effective July 1, 2007.

**NEW SECTION. Sec. 932. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE BARGAINING UNIT PTE.** Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the public school employees bargaining unit PTE. For employees covered under this agreement, the provisions include a 3.2% increase effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25% below market rate; a new 2.5% step L on the salary grid; and implementation of phase four of the department of personnel's class consolidation project.

**NEW SECTION. Sec. 933. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE BARGAINING UNIT D.** Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the public school employees bargaining unit D. For employees covered under this agreement, the provisions include a 3.2% increase effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25% below market rate; a new 2.5% step L on the salary grid; and implementation of phase four of the department of personnel's class consolidation project.

**NEW SECTION. Sec. 934. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the Central Washington University and the Washington federation of state employees. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0% effective July 1, 2006; phase four of the department of personnel's class consolidation project; implementation of the 2006 department of personnel's salary survey for classes more than 25% below market rate; and a new 2.5% step L on the salary grid.

**NEW SECTION. Sec. 935. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE BU 1.** Appropriations in this act reflect the collective bargaining agreement reached between the Eastern Washington University and the Washington federation of state employees bargaining unit 1. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0%; phase four of the department of personnel's class consolidation project; a new 2.5% step L on the salary grid; and the potential for two \$200 one-time payments.

**NEW SECTION. Sec. 936. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE BU 2.** Appropriations in this act reflect the collective bargaining agreement reached between the Eastern Washington University and the Washington federation of state employees bargaining unit 2. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0%; phase four of the department of personnel's class consolidation project; a new 2.5% step L on the salary grid; and the potential for two \$200 one-time payments.

**NEW SECTION. Sec. 937. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WSU POLICE GUILD.** Appropriations in this act reflect the collective bargaining agreement reached between the Washington State University and the Washington State University police guild. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0%; effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25% below market rate; and a new 2.5% step L on the salary grid.

**NEW SECTION. Sec. 938. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the Washington State University and the Washington federation of state employees. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25% below market rate; and a new 2.5% step L on the salary grid.

**NEW SECTION. Sec. 939. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE CAMPUS--WIDE BARGAINING UNIT.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the Washington federation of state employees campus-wide bargaining unit. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; recruitment and retention adjustments for specific classes; increases for classes more than 80% below market according to a survey by the University of Washington; and an additional pay step in fiscal year 2009.

**NEW SECTION. Sec. 940. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE POLICE MANAGEMENT BARGAINING UNIT.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the Washington federation of state employees police management bargaining unit. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; longevity pay for those with service of 5 years (1%), 10 years (2%), 15 years (3%), 20 years (4%), and 25 years (5%); and a new top step effective fiscal year 2009.

**NEW SECTION. Sec. 941. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--UWPOA.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the University of Washington police officers association. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second pay increase of 2.0% effective July 1, 2008; an additional top step on the pay grid effective fiscal year 2009; and increases in midcareer pay increments.

**NEW SECTION. Sec. 942. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--SEIU 925.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the service employees' international union 925. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second pay increase of 3.0% effective July 1, 2008; and market rate adjustments for specific job classes.

**NEW SECTION. Sec. 943. COLLECTIVE BARGAINING AGREEMENT--YAKIMA VALLEY COMMUNITY COLLEGE--WPEA/UFCW.** Appropriations in this act reflect the collective bargaining agreement reached between the Yakima Valley community college and the Washington public employees' association/united food and commercial workers union local 365. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; an increase of 2.0% effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25% below market rate; phase four of the department of personnel's class consolidation project; agency requests for reclassification that meet the criteria outlined in RCW 41.06.152; and a new 2.5% step L on the salary grid.

**NEW SECTION. Sec. 944. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION**  
 Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)..... \$468,000  
 Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)..... \$782,000

TOTAL APPROPRIATION..... \$1,250,000

Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

**NEW SECTION. Sec. 945. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION**

General Fund--State Appropriation (FY 2008). . . . . \$30,000  
 General Fund--State Appropriation (FY 2009). . . . . \$53,000  
 TOTAL APPROPRIATION..... \$83,000

Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

**NEW SECTION. Sec. 946. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS AND LIEUTENANTS ASSOCIATIONS HEALTH BENEFITS**

General Fund--State Appropriation (FY 2008). . . . . \$32,000  
 General Fund--State Appropriation (FY 2009). . . . . \$65,000  
 TOTAL APPROPRIATION..... \$97,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section provide funding solely for the health benefits provided in the collective bargaining agreements negotiated with the Washington state patrol troopers' association and the Washington state patrol lieutenant's association under chapter 41.56 RCW. The agreements include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009.

**NEW SECTION. Sec. 947. COLLECTIVE BARGAINING AGREEMENT--SEIU LOCAL 775 HOMECARE WORKERS.**

Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union local 775 under the provisions of chapter 74.39 RCW. For those covered under this agreement, provisions include a base wage increase of \$.30 per hour effective July 1, 2007, a base wage increase of \$.30 per hour effective July 1, 2008, an additional step to the wage grid for providers with over 14,000 hours, an additional \$1.00 per hour for mentor and trainer pay, implementation of mileage reimbursement by July 1, 2008, and state payment of the provider's share of workers compensation. In addition, the state will increase the contribution to health care by 10% on July 1, 2008, to \$550 per month, and implement an agreed upon approach to shared living.

**NEW SECTION. Sec. 948. COLLECTIVE BARGAINING AGREEMENT--SEIU LOCAL 925 CHILDCARE WORKERS.**

Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union local 925 under the provisions of chapter 74.15 RCW. For those covered under this agreement, provisions include a subsidy rate increase of 7% for licensed homes and 4% for exempt providers effective July 1, 2007, a subsidy rate increase of 3% for both licensed and exempt providers on July 1, 2008, elimination of a reduced rate for additional children per family on July 1, 2007, for exempt providers, additional incentive pay for nonstandard hours and infant care, training for providers on licensing requirements, and health care for eligible licensed home providers.

**NEW SECTION. Sec. 949. FISCAL GROWTH FACTOR--WASHINGTON STATE GAMBLING COMMISSION.** During the 2007-2009 fiscal biennium, the gambling commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

**Sec. 950.** RCW 28B.15.910 and 2006 c 229 s 2 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington 21 percent
- (b) Washington State University 20 percent
- (c) Eastern Washington University 11 percent
- (d) Central Washington University ((8)) 10 percent
- (e) Western Washington University 10 percent
- (f) The Evergreen State College ((6)) 10 percent
- (g) Community colleges as a whole 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;

- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621(2);
- (n) RCW 28B.15.730;
- (o) RCW 28B.15.740;
- (p) RCW 28B.15.750;
- (q) RCW 28B.15.756;
- (r) RCW 28B.50.259; and
- (s) RCW 28B.70.050.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- |                                   |           |
|-----------------------------------|-----------|
| (a) Washington State University   | 1 percent |
| (b) Eastern Washington University | 3 percent |
| (c) Central Washington University | 3 percent |

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver.

**Sec. 951.** RCW 41.05.065 and 2006 c 299 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

- (a) Methods of maximizing cost containment while ensuring access to quality health care;
- (b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;
- (c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;
- (d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;
- (e) Effective coordination of benefits;
- (f) Minimum standards for insuring entities; and
- (g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans.

To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(h) During the 2007-2009 fiscal biennium, the board may not make changes to the benefit plans offered to enrollees that increase the net actuarial cost of the plans as compared to the same, or most similar plans, offered for calendar year 2007.

(3) The board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) The board shall develop a health savings account option for employees that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired

employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section.

**Sec. 952.** RCW 43.08.250 and 2005 c 518 s 926, 2005 c 457 s 8, and 2005 c 282 s 44 are each reenacted and amended to read as follows:

(1) The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons under RCW 2.53.030, winter recreation parking, drug court operations, and state game programs. (~~During~~) Through the fiscal biennium ending June 30, (~~2007~~) 2009, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the administrative office of the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

(2)(a) The equal justice subaccount is created as a subaccount of the public safety and education account. The money received by the state treasurer from the increase in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in the equal justice subaccount and shall be appropriated only for:

- (i) Criminal indigent defense assistance and enhancement at the trial court level, including a criminal indigent defense pilot program;
- (ii) Representation of parents in dependency and termination proceedings;
- (iii) Civil legal representation of indigent persons; and
- (iv) Contribution to district court judges' salaries and to eligible elected municipal court judges' salaries.

(b) For the 2005-07 fiscal biennium, an amount equal to twenty-five percent of revenues to the equal justice subaccount, less one million dollars, shall be appropriated from the equal justice subaccount to the administrator for the courts for purposes of (a)(iv) of this subsection. For the 2007-09 fiscal biennium and subsequent fiscal biennia, an amount equal to fifty percent of revenues to the equal justice subaccount shall be appropriated from the equal justice subaccount to the administrator for the courts for the purposes of (a)(iv) of this subsection.

**Sec. 953.** RCW 43.10.180 and 2005 c 518 s 927 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the (~~2005-~~) 2007-2009 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

**Sec. 954.** RCW 46.09.170 and 2004 c 105 s 6 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one

cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the ~~((2003-05))~~ 2007-09 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to ~~((the interagency committee for outdoor recreation;))~~ the department of natural resources ~~((, the department of fish and wildlife, and the state parks and recreation commission))~~ for planning and designing consistent off-road vehicle signage at department-managed recreation sites, and for planning recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

**Sec. 955.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following

activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

**Sec. 956.** RCW 70.146.030 and 2005 c 518 s 940 and 2005 c 514 s 1108 are each reenacted and amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.24.026(2)(d), ~~((82.26.025;))~~ and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ~~((2005))~~ 2007, to June 30, ~~((2007))~~ 2009, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for other water resources and water quality activities, for water conveyance projects, shoreline technical assistance, Puget Sound education and outreach and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31st of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

**Sec. 957.** RCW 74.08A.340 and 2006 c 265 s 209 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the departments of early learning and social and health services shall expend funds defined in subsection (1) of this section that constitute the working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

NEW SECTION. Sec. 958. The governor's committee on disability issues and employment is supported through resources provided by state agencies. Within appropriations contained in this act, the office of financial management shall direct agencies that report directly to the governor to enter into contracts with the governor's committee on disability issues and employment for a total level not to exceed \$377,000 for fiscal year 2008 and \$398,000 for fiscal year 2009.

**PART X  
GENERAL GOVERNMENT**

**Sec. 1001.** 2006 c 372 s 108 (uncodified) is amended to read as follows:

**SUPREME COURT FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2006)	\$6,095,000
General Fund--State Appropriation (FY 2007)	(( <del>\$6,397,000</del> ))
	<u>\$6,401,000</u>
Pension Funding Stabilization Account Appropriation	\$37,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$12,529,000</del>))</b>
	<u>\$12,533,000</u>

**Sec. 1002.** 2006 c 372 s 111 (uncodified) is amended to read as follows:

**COURT OF APPEALS FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2006)	\$13,916,000
General Fund--State Appropriation (FY 2007)	(( <del>\$14,393,000</del> ))
	<u>\$14,447,000</u>
Pension Funding Stabilization Account Appropriation	\$80,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$28,389,000</del>))</b>
	<u>\$28,443,000</u>

**Sec. 1003.** 2006 c 372 s 112 (uncodified) is amended to read as follows:

**ADMINISTRATOR FOR THE COURTS FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2006)	\$19,834,000
General Fund--State Appropriation (FY 2007)	(( <del>\$21,298,000</del> ))
	<u>\$21,340,000</u>
Public Safety and Education Account--State Appropriation	(( <del>\$50,277,000</del> ))
	<u>\$50,300,000</u>
Judicial Information Systems Account--State Appropriation	\$26,051,000
Pension Funding Stabilization Account Appropriation	\$96,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$117,556,000</del>))</b>
	<u>\$117,621,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

(8) \$569,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the juror pay pilot and research project.

(9) No contract committing judicial information systems account moneys in the 2007-2009 biennium for replacement of the core case management system shall be agreed to until the feasibility study specified in section 113 of this act is completed.

**Sec. 1004.** 2006 c 372 s 114 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund--State Appropriation (FY 2006)	\$3,083,000
General Fund--State Appropriation (FY 2007)	\$3,232,000
Public Safety and Education Account--State Appropriation	\$4,705,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$2,987,000
<b>TOTAL APPROPRIATION</b>	<b>\$14,007,000</b>

The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2007 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

**Sec. 1005.** 2006 c 372 s 118 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2006)	\$21,593,000
General Fund--State Appropriation (FY 2007)	<del>(\$18,473,000)</del>
	<u>\$19,028,000</u>
General Fund--Federal Appropriation	\$7,099,000
General Fund--Private/Local Appropriation	\$207,000
Archives and Records Management Account--State Appropriation	\$8,210,000
Department of Personnel Services Account--State Appropriation	\$721,000
Local Government Archives Account--State Appropriation	\$12,398,000
Election Account--Federal Appropriation	\$53,010,000
Pension Funding Stabilization Account Appropriation	\$66,000
<b>TOTAL APPROPRIATION</b>	<del>(\$121,777,000)</del> <u>\$122,332,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,472,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and \$2,382,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *Washington State Democratic Party, et al. v. Sam S. Reed, et al.*, United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB and related appeal. The expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total settlement costs shall not exceed the appropriation in this subsection.

(7) \$131,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

**Sec. 1006.** 2006 c 372 s 122 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2006)	\$1,258,000
General Fund--State Appropriation (FY 2007)	<del>(\$351,000)</del>
	<u>\$748,000</u>
State Auditing Services Revolving Account--State Appropriation	\$14,011,000
Pension Funding Stabilization Account Appropriation	\$4,000
<b>TOTAL APPROPRIATION</b>	<del>(\$15,624,000)</del> <u>\$16,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance).

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

**Sec. 1007.** 2006 c 372 s 124 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2006)	\$5,724,000
General Fund--State Appropriation (FY 2007)	\$5,844,000
General Fund--Federal Appropriation	\$3,428,000
Public Safety and Education Account--State Appropriation	\$2,307,000
New Motor Vehicle Arbitration Account--State Appropriation	\$1,315,000
Legal Services Revolving Account--State Appropriation	( <del>(\$191,627,000)</del> )
	<u>\$195,307,000</u>
Tobacco Prevention and Control Account--State Appropriation	\$270,000
Pension Funding Stabilization Account Appropriation	\$21,000
<b>TOTAL APPROPRIATION</b>	<b>(<del>(\$210,536,000)</del>)</b>
	<u>\$214,216,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

**Sec. 1008.** 2006 c 372 s 126 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2006)	\$67,758,000
General Fund--State Appropriation (FY 2007)	( <del>(\$60,229,000)</del> )
	\$61,267,000
General Fund--Federal Appropriation	( <del>(\$258,085,000)</del> )
	<u>\$257,888,000</u>
General Fund--Private/Local Appropriation	\$12,422,000
Public Safety and Education Account--State Appropriation	\$5,443,000
Public Works Assistance Account--State Appropriation	\$3,430,000
Tourism Development and Promotion Account Appropriation	\$300,000
Drinking Water Assistance Administrative Account--State Appropriation	\$345,000
Lead Paint Account--State Appropriation	\$6,000
Building Code Council Account--State Appropriation	\$1,133,000
Administrative Contingency Account--State Appropriation	\$1,809,000
Low-Income Weatherization Assistance Account--State Appropriation	\$8,362,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$7,234,000
Manufactured Home Installation Training Account--State Appropriation	\$240,000
Community and Economic Development Fee Account--State Appropriation	\$1,570,000
Washington Housing Trust Account--State Appropriation	\$33,536,000
Homeless Families Services Account--State Appropriation	\$300,000
Public Facility Construction Loan Revolving Account--State Appropriation	\$616,000
Pension Funding Stabilization Account Appropriation	\$87,000
<b>TOTAL APPROPRIATION</b>	<b>(<del>(\$462,905,000)</del>)</b>
	<u>\$463,746,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

- (a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$20,000 to the department for tribal law enforcement;
- (e) \$345,000 to the department to continue domestic violence legal advocacy;
- (f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;
- (h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;
- (i) \$97,000 to the department to continue evaluation of this grant program;
- (j) \$290,000 to the office of financial management for criminal history records improvement;
- (k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and
- (l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

- (a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;
- (d) \$110,000 to the department to support the governor's council on substance abuse;
- (e) \$97,000 to the department to continue evaluation of the justice assistance grant program;
- (f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and
- (g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

(4) \$1,658,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for multijurisdictional drug task forces. The funding for this amount, and the amounts provided in subsection (3)(a) and (b) of this section, will be distributed in a manner so that all drug task forces funded in fiscal year 2004 will receive funding in fiscal year 2007 at amounts similar to the amounts received in fiscal year 2004.

(5) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

(6) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education, and \$1,052,000 is provided solely for a targeted vendor rate increase.

(7) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(8) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(9) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

(11) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

(12) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

(13) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

(15) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

(16) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

(17) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

(19) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

(20) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(21) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

(22) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

(23) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

(24) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

(26) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing statewide sexual assault services.

(27) \$96,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Olympic loop of the great Washington state birding trail.

(28) \$529,000 of the general fund--federal appropriation is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

(29) \$150,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to assist the suburban cities association, King county, and the cities of Seattle and Bellevue to comply with the most acute buildable lands needs countywide. Of this amount, \$50,000 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(30) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(31) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(32) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement two demonstration pilot projects related to transfer of development rights in cooperation with Snohomish and Pierce county legislative authorities. Projects may receive no more than \$100,000.

(34) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(35) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(36) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(37) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(38) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((43))~~ (42) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

~~((44))~~ (43) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the developmental disabilities council to contract for legal services for individuals with developmental disabilities who are served or are entering the community protection

program in the department of social and health services division of developmental disabilities. Funding shall be prioritized for those individuals who do not have paid legal guardians, but is available to all community protection clients, subject to available funds.

~~((45))~~ (44) \$100,000 of the fiscal year 2006 general fund--state appropriation is provided solely for tourism branding and marketing associated with the January 2007 United States figure skating championships in Spokane. It is the intent of the legislature to provide an additional \$500,000 during the 2007-09 fiscal biennium for the payment of one-half of the hosting fee if Spokane is designated as the host city of the 2009 world figure skating championships. The funds provided under this section are contingent on an equal amount of matching funds from nonstate sources.

~~((46))~~ (45) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Pacific northwest economic region as matching funds for use in the development and operation of a regional tourism initiative in coordination with the department and consistent with the governor's initiatives on marketing, tourism, and trade. The department and the Pacific northwest economic region will jointly establish appropriate deliverables. The first \$25,000 of this amount will be released when the Pacific northwest economic region has secured at least \$75,000 in funding from other public and private sources. The final \$25,000 of this amount will be released when the Pacific northwest economic region has secured an additional \$75,000 in funding from other public and private sources. A minimum of 25 percent of the matching funds raised by the Pacific northwest economic region for the initiative shall be from private sources.

~~((47))~~ (46) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the international trade alliance of Spokane to partnership with other regional governments to strengthen and diversify the regional economy.

~~((48))~~ (47) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to contract for a study that will provide recommendations on a small harbor dredging cooperative among the port districts of Pacific County and Wahkiakum County. The recommendations shall include options for an organizational framework, as well as the long-term financing of the cooperative.

~~((49))~~ (48) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific-Algona senior center, a nonprofit food program serving low-income seniors.

~~((50))~~ (49) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the northwest Korean sports and cultural festival.

~~((51))~~ (50) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to allow Washington state tribes to continue participation in the *Forest and Fish Report* currently out for public comment as a habitat conservation plan under the endangered species act. In the event federal funding is reinstated, the amount provided in this subsection shall lapse.

~~((52))~~ (51) \$5,000 of the general fund--state appropriation for fiscal year 2006 is provided for Tacoma's international music festival.

~~((53))~~ (52) \$200,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$113,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Mimms Academy in Tacoma to facilitate a pilot project concerning expelled and suspended students.

~~((54))~~ (53) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the King county sexual assault resource center to provide for a Spanish-speaking therapist position, parent/child victim education, and prevention education.

~~((55))~~ (54) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a study of methamphetamine action teams and drug task forces as provided by Engrossed Substitute Senate Bill No. 6239, sections 110 and 204 (controlled substances). The department shall report findings and recommendations to the legislature by November 1, 2006. If the bill is not enacted by June 30, 2006, the amount provided in this section shall lapse.

~~((56))~~ (55) \$84,000 of the general fund--state appropriation for fiscal year 2006 and \$84,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for distribution to Benton and Franklin counties to continue the Benton-Franklin juvenile drug court program. The counties shall provide an equivalent amount of matching funds.

~~((57))~~ (56) \$7,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the owners of the following minor league baseball facilities for major and minor restoration and repair of facilities projects: Tacoma Rainiers (\$2,500,000); Spokane Indians (\$2,000,000); Tri-Cities Dust Devils (\$1,000,000); Yakima Bears (\$750,000); and Everett AquaSox (\$750,000). The department shall not retain any portion for administrative purposes.

~~((58))~~ (57) \$40,000 of the fiscal year 2006 general fund--state appropriation and \$1,510,000 of the fiscal year 2007 general fund--state appropriation are provided solely for the department to enter into funding agreements with the mountains to sound greenway trust to accomplish the following projects: Squak mountain trail upgrades; Tiger mountain trailhead and trails upgrades; Rattlesnake mountain trail and trailhead construction; greenway legacy planning; Snoqualmie point view park construction; and state route 18/interstate 90 interchange protection.

~~((59))~~ (58) \$149,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to implement a human trafficking task force as described in section 1 of Substitute Senate Bill No. 6652 (human trafficking), authorizing a task force through June 30, 2011, to provide guidance in responding to the crime of human trafficking, and in providing services to human trafficking victims.

~~((60))~~ (59) \$140,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5330 (economic development grants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((61))~~ (60) \$200,000 of the general fund--state appropriation for fiscal year 2007 ~~((and \$197,000 of the general fund--federal appropriation for fiscal year 2007 are))~~ is provided solely for the long-term care ombudsman program within the department of community, trade, and economic development to recruit and train volunteers to serve in the adult family home setting.

~~((62))~~ (61) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Enumclaw loggers monument.

~~((62))~~ (62) \$275,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the northwest Parkinson's foundation to establish a Parkinson's disease registry.

~~((63))~~ (63) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to Grays Harbor county to conclude activities related to the investigation and demonstration of projects related to coastal erosion.

~~((64))~~ (64) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to Peninsula community health services to satisfy the debt associated with improvements at the Bremerton clinic.

**Sec. 1009.** 2006 c 372 s 127 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2006) . . . . .	\$579,000
General Fund--State Appropriation (FY 2007) . . . . .	<del>(\$523,000)</del>
	<u>\$546,000</u>
Pension Funding Stabilization Account Appropriation . . . . .	\$3,000
TOTAL APPROPRIATION . . . . .	<del>(\$1,105,000)</del>
	<u>\$1,128,000</u>

**Sec. 1010.** 2006 c 372 s 128 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2006)	\$17,775,000
General Fund--State Appropriation (FY 2007)	<del>(\$20,080,000)</del>
	<u>\$20,140,000</u>
General Fund--Federal Appropriation	\$23,555,000
General Fund--Private/Local Appropriation	\$1,216,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$246,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
Pension Funding Stabilization Account Appropriation	\$100,000
TOTAL APPROPRIATION	<del>(\$63,197,000)</del>
	<u>\$63,257,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

~~((++))~~ (10) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

~~((+2))~~ (11) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

~~((+3))~~ (12) \$66,000 of the general fund--state appropriation for fiscal year 2006 and \$134,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish and provide staff support and technical assistance to the blue ribbon commission on health care costs and access. The commission shall consist of the governor or a designee, who shall serve as chair; two members from each of the four caucuses of the legislature; the insurance commissioner or a designee; the secretary of health; the administrator of the health care authority; the assistant secretary for health and recovery services in the department of social and health services; and the assistant director for insurance services in the department of labor and industries. By December 1, 2006, the commission shall recommend to the governor and legislature a sustainable five-year plan for substantially improving access to affordable health care for all Washington residents.

**Sec. 1011.** 2006 c 372 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State Appropriation. . . . .	\$413,000
Department of Retirement Systems Expense Account--State Appropriation. . . . .	<del>((46,176,000))</del>
	\$46,449,000
TOTAL APPROPRIATION. . . . .	<del>((46,589,000))</del>
	\$46,862,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).
- (2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).
- (3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).
- (5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).
- (6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).
- (7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6453 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (12) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (13) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (14) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (15) \$158,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 2391 (gain sharing revisions).
- (16) \$43,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (17) \$56,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (18) \$16,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**Sec. 1012.** 2006 c 372 s 137 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2006). . . . .	\$90,302,000
General Fund--State Appropriation (FY 2007). . . . .	<del>((92,647,000))</del>
	\$92,471,000
Timber Tax Distribution Account--State Appropriation. . . . .	<del>((5,627,000))</del>
	\$5,377,000
Real Estate Excise Tax Grant Account--State Appropriation. . . . .	\$3,900,000
Waste Reduction/Recycling/Litter Control--State Appropriation. . . . .	\$108,000
State Toxics Control Account--State Appropriation. . . . .	\$73,000
Oil Spill Prevention Account--State Appropriation. . . . .	\$14,000
Pension Funding Stabilization Account Appropriation. . . . .	\$447,000
TOTAL APPROPRIATION. . . . .	<del>((193,118,000))</del>

\$192,692,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties).
- (4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are for the department to employ strategies to enhance current revenue enforcement activities.
- (5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.
- (6) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$89,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.
- (7) \$147,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (8) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace) or for Second Substitute Senate Bill No. 6604 (tax relief for aerospace). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (9) \$193,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief) or Substitute Senate Bill No. 6385 (excise tax relief). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (10) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640 (biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.
- (11) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 1013.** 2006 c 372 s 138 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2006)	\$1,362,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,213,000)</del>
	<u>\$1,218,000</u>
Pension Funding Stabilization Account Appropriation	\$6,000
TOTAL APPROPRIATION	<del>(\$2,581,000)</del>
	<u>\$2,586,000</u>

**Sec. 1014.** 2006 c 372 s 147 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2006)	\$1,739,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,720,000)</del>
	\$1,723,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$12,832,000
Liquor Revolving Account--State Appropriation	<del>(\$159,863,000)</del>
	<u>\$160,072,000</u>
Pension Funding Stabilization Account Appropriation	\$7,000
TOTAL APPROPRIATION	<del>(\$176,161,000)</del>
	<u>\$176,373,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.
- (2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.
- (3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.
- (4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.
- (5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.
- (6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.
- (7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.
- (8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the

effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$1,864,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6823 (distribution of beer and wine). If Second Substitute Senate Bill No. 6823 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$575,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6537 (direct wine sales). If Engrossed Senate Bill No. 6537 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 1015.** 2006 c 372 s 150 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2006)	\$10,137,000
General Fund--State Appropriation (FY 2007)	<del>(\$15,037,000)</del>
	<u>\$16,249,000</u>
General Fund--Federal Appropriation	<del>(\$214,322,000)</del>
	<u>\$193,846,000</u>
General Fund--Private/Local Appropriation	\$2,000
Enhanced 911 Account--State Appropriation	\$34,812,000
Disaster Response Account--State Appropriation	<del>(\$1,664,000)</del>
	<u>\$4,611,000</u>
Disaster Response Account--Federal Appropriation	<del>(\$6,297,000)</del>
	<u>\$17,239,000</u>
Worker and Community Right-to-Know Account--State Appropriation	\$315,000
Nisqually Earthquake Account--State Appropriation	<del>(\$6,531,000)</del>
	<u>\$5,350,000</u>
Nisqually Earthquake Account--Federal Appropriation	<del>(\$27,075,000)</del>
	<u>\$23,066,000</u>
Military Department Rental and Lease Account--State Appropriation	<del>(\$378,000)</del>
	<u>\$593,000</u>
Pension Funding Stabilization Account Appropriation	\$44,000
<b>TOTAL APPROPRIATION</b>	<del>(\$316,614,000)</del>
	<u>\$306,264,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,664,000)~~ \$4,611,000 of the disaster response account--state appropriation and ~~(\$6,297,000)~~ \$15,239,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) ~~(\$6,531,000)~~ \$5,350,000 of the Nisqually earthquake account--state appropriation and ~~(\$27,075,000)~~ \$23,066,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) ~~(\$173,613,000)~~ \$152,033,573 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7)(a) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department for administration of competitive grants detailed in (b) of this subsection and for implementation of one or more of the following activities regarding emergency management: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; and administrating periodic joint emergency management training exercises involving the military department and other state agencies. In addition, the military department will study the feasibility of having regional disaster medical assistance teams and urban search and rescue teams available within the state to be deployed by the governor. The military department will report the findings and recommendations to the legislature by December 1, 2006.

(b) \$1,600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to allocate grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations. The grants shall be for one or more of the following purposes and distributed on a competitive basis: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administration of periodic joint emergency management training exercises; and implementation of projects that will strengthen emergency response, mitigation, preparation, and coordination.

(8)(a) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to: (i) Initiate a health registry for veterans and military personnel returning from Afghanistan, Iraq, or other countries in which depleted uranium or other hazardous materials may be found; (ii) develop a plan for outreach to and follow-up of military personnel; (iii) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; (iv) submit a report by October 1, 2006, to the joint veterans and military affairs committee on the scope and adequacy of training received by members of the Washington national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium, including an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances; and (v) study the health effects of hazardous materials exposure including, but not limited to, depleted uranium, as they relate to military service and submit a report and recommendations to the joint veterans and military affairs committee.

(b) By January 31, 2007, the joint veterans and military affairs committee shall submit its recommendations, if any, to the appropriate committees of the legislature.

**Sec. 1016.** 2006 c 372 s 152 (uncodified) is amended to read as follows:

**FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2006)	\$1,571,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,590,000)</del>
	<u>\$1,605,000</u>
Pension Funding Stabilization Account Appropriation	\$8,000
<b>TOTAL APPROPRIATION</b>	<b><del>(\$3,169,000)</del></b>
	<u>\$3,184,000</u>

((The appropriations in this section are subject to the following conditions and limitations:))

**Sec. 1017.** 2006 c 372 s 154 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund--State Appropriation (FY 2006)	\$745,000
General Fund--State Appropriation (FY 2007)	<del>(\$728,000)</del>
	<u>\$845,000</u>
General Fund--Federal Appropriation	\$1,037,000
General Fund--Private/Local Appropriation	\$14,000
Pension Funding Stabilization Account Appropriation	\$3,000
<b>TOTAL APPROPRIATION</b>	<b><del>(\$2,527,000)</del></b>
	<u>\$2,644,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$117,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to contract with the department of information services for information technology operation and maintenance costs.

**PART XI  
HUMAN SERVICES**

**Sec. 1101.** 2006 c 372 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal

committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2006))~~ 2007, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2006))~~ 2007 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2006))~~ 2007 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(e) of this act and family reconciliation services appropriations for the children and family services program in section 202(20) of this act, after approval by the director of financial management.

(c) The department shall not transfer funds, ~~((and the director of financial management shall not approve the transfer,))~~ unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds ~~((and not federal funds))~~. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(4) The department is authorized to expend up to \$4,700,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington Medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the Medicaid and Medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

**Sec. 1102.** 2006 c 372 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$257,266,000
General Fund--State Appropriation (FY 2007)	<del>(\$287,602,000)</del>
	\$283,560,000
General Fund--Federal Appropriation	<del>(\$433,829,000)</del>
	\$434,495,000
General Fund--Private/Local Appropriation	\$400,000
Domestic Violence Prevention Account--State Appropriation	<del>(\$1,345,000)</del>
	\$1,000,000
Public Safety and Education Account--State Appropriation	\$6,405,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$5,860,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$699,000)</del>
	\$711,000
<b>TOTAL APPROPRIATION</b>	<del>(\$993,406,000)</del>
	<u>\$989,697,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) \$4,661,000 of the general fund--state appropriation for fiscal year 2006, \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including improvement in achieving face-to-face contact for children every 30 days, improved timeliness of child protective services investigations, and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006 and \$1,144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) ~~(\$3,500,000)~~ \$3,386,000 of the general fund--state appropriation for fiscal year 2007 and ~~(\$1,500,000)~~ \$1,449,000 of the general fund--federal appropriation are provided solely for ~~((Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse))~~ chapter 512, Laws of 2005.

(14) ~~(\$1,345,000)~~ \$1,000,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely for a statewide foster parent recruitment and retention program pursuant to Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$3,700,000 of the general fund--state appropriation for fiscal year 2006, \$3,700,000 of the general fund--state appropriation for fiscal year 2007, and \$6,200,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(20) \$540,000 of the general fund--state appropriation for fiscal year 2006, \$540,000 of the general fund--state appropriation for fiscal year 2007, and \$2,476,000 of the general fund--federal appropriation are provided solely for the category of services titled "family reconciliation services."

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for continuum of care in Region 1.

**Sec. 1103.** 2006 c 372 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2006) . . . . .	\$79,031,000
General Fund--State Appropriation (FY 2007) . . . . .	<del>(\$80,615,000)</del>
	\$81,203,000
General Fund--Federal Appropriation . . . . .	<del>(\$5,668,000)</del>
	\$6,459,000
General Fund--Private/Local Appropriation . . . . .	\$1,098,000
Violence Reduction and Drug Enforcement Account--State Appropriation . . . . .	\$38,385,000
Juvenile Accountability Incentive Account--Federal Appropriation . . . . .	\$5,516,000
Pension Funding Stabilization Account--State Appropriation . . . . .	<del>(\$449,000)</del>
	\$451,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$210,762,000)</del></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

(7) \$602,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purposes of settling all claims in *Brown, et. al v. State of Washington*, Pierce County Superior Court Cause No. 04-2-11093-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the amount provided in this subsection. If settlement is not executed by June 30, 2007, the amount provided in this subsection shall lapse.

**Sec. 1104.** 2006 c 372 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2006) .....	\$260,292,000
General Fund--State Appropriation (FY 2007) .....	(\$283,039,000)
	\$278,724,000
General Fund--Federal Appropriation .....	(\$344,331,000)
	\$338,013,000
General Fund--Private/Local Appropriation.....	(\$1,970,000)
	\$6,100,000
TOTAL APPROPRIATION.....	(\$889,632,000)
	\$883,129,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for persons and services not covered by the medicaid program. The department shall distribute this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the

following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population.

(b) \$100,959,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.

(c) (~~(\$10,882,000)~~) \$10,512,000 of the general fund--state appropriation for fiscal year 2007 and (~~(\$10,922,000)~~) \$10,550,000 of the general fund--federal appropriation are provided solely to increase medicaid capitation rates (i) by three and one-half percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level. Regional support networks may elect to receive all or a portion of the general fund--state share of the funding for which they qualify under this subsection (1)(c) as an increase in nonmedicaid rather than medicaid funding. Regional support networks choosing to obtain funding in this way must notify the department of their decision no later than June 1, 2006.

(d) (~~(\$359,000)~~) \$2,175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to hospitals that are unable to receive disproportionate share hospital funding due to the federal funding restrictions on "institutions for mental disease." These funds shall be allocated among eligible hospitals proportional to the amount the hospital would have received from the disproportionate share hospital grants funded under section 209 of this 2006 act if the federal funding restriction were not in effect.

(f) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a contract with the national alliance for the mentally ill of greater Seattle to assist people who are recovering from a major mental illness to participate in development of a group residence for women.

(g) \$2,825,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to refund to regional support networks fifty percent of the "liquidated damages" amount that was withheld from payments to the regional support network during fiscal years 2002 through 2005 because the regional support network used more than its allocated number of state hospital days of care. The payments directed in this subsection (1)(g) are contingent upon agreement by the regional support network that the funds shall be used only for mental health services. The payments directed in this subsection do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this 2006 act.

(h) The department shall refund to the regional support networks 100 percent of the "liquidated damages" that have been withheld from payments to the regional support network during fiscal year 2006 for periods prior to the effective date of this act. The payments directed in this subsection (1)(h) do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this act.

(i) \$3,238,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(j) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall average 222 per day throughout fiscal year 2007. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall average 727 during the first quarter of fiscal year 2007, 757 during the second quarter of fiscal year 2007, and 777 during the third and fourth quarters of fiscal year 2007. During fiscal year 2007, the department shall not separately charge regional support networks for use of state hospital beds for short-term commitments, or for persons served in the program for adaptive living skills (PALS), but the days of care provided for such commitments and in the PALS program shall count against the regional support network's state hospital allocation. The legislature intends to authorize separate charges for the PALS program beginning in January 2008.

(k) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(l) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(m) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

(n) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(o) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

(p) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited

to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(q) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

(r) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(s) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(t) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(u) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

(v) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

(w) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) The program site shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the pilot program, including initiating, implementing, training providers, providing quality assurance, and monitoring implementation and outcomes.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006) . . . . .	\$115,706,000
General Fund--State Appropriation (FY 2007) . . . . .	<del>(\$137,445,000)</del>
	\$132,747,000
General Fund--Federal Appropriation . . . . .	<del>(\$143,693,000)</del>
	\$144,509,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$30,994,000)</del>
	\$35,290,000
Pension Funding Stabilization Account--State Appropriation . . . . .	\$965,000
TOTAL APPROPRIATION . . . . .	<del>(\$428,803,000)</del>
	\$429,217,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(d) \$6,770,000 of the general fund--state appropriation for fiscal year 2006 and \$19,850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to open on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals. To the extent that the department and regional support networks are able

to develop and implement cost-effective approaches during fiscal year 2007 that would avert the need to open one or more of the additional wards, the department is authorized to use funds appropriated in this subsection for implementation of those approaches. The department shall seek review and comment from the legislative fiscal committees at least thirty days prior to proceeding with implementation of any such alternative approach.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	\$40,499,000
General Fund--State Appropriation (FY 2007)	<del>(\$45,276,000)</del>
	<u>\$42,481,000</u>
Pension Funding Stabilization Account--State Appropriation	\$129,000
TOTAL APPROPRIATION	<del>(\$85,904,000)</del>
	<u>\$83,109,000</u>

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$643,000
General Fund--State Appropriation (FY 2007)	\$1,726,000
General Fund--Federal Appropriation	\$3,395,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	\$5,765,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$6,577,000
General Fund--State Appropriation (FY 2007)	<del>(\$4,183,000)</del>
	<u>\$4,473,000</u>
General Fund--Federal Appropriation	<del>(\$5,881,000)</del>
	<u>\$6,179,000</u>
Pension Funding Stabilization Account--State Appropriation	<del>(\$19,000)</del>
	<u>\$21,000</u>
TOTAL APPROPRIATION	<del>(\$16,660,000)</del>
	<u>\$17,250,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al v. State of Washington and State of Washington Department of Social and Health Services, et al*, Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braddock, the Secretary of the Department of Social and Health Services, in his official capacity*, Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

(d) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

**Sec. 1105.** 2006 c 372 s 205 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006)	\$296,430,000
General Fund--State Appropriation (FY 2007)	<del>(\$312,856,000)</del>
	<u>\$318,403,000</u>
General Fund--Federal Appropriation	<del>(\$503,419,000)</del>
	<u>\$513,612,000</u>
Health Services Account--State Appropriation	\$904,000
Pension Funding Stabilization Account--State Appropriation	\$138,000
TOTAL APPROPRIATION	<del>(\$1,113,747,000)</del>
	<u>\$1,129,487,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$151,000 of the general fund--state appropriation for fiscal year 2006, \$427,000 of the general fund--state appropriation for fiscal year 2007, and \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$449.00 in fiscal year 2006 and \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,917,000)~~) \$3,432,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,433,000)~~) \$3,954,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,735,000)~~) \$2,015,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,315,000)~~) \$2,597,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed (~~(\$300)~~) \$340. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$13,802,000)~~) \$12,502,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

(~~(f)~~) The amounts provided in this subsection (~~((e), \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal year 2007 are provided solely))~~ are sufficient for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006 and \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(l) \$955,000 of the general fund--state appropriation for fiscal year 2007 and \$958,000 of the general fund--federal appropriation are provided solely for a rate increase for supported living providers of 15 cents per hour for King county, and 12 cents per hour for all other counties.

(m) \$778,000 of the general fund--state appropriation for fiscal year 2007 and \$580,000 of the general fund--federal appropriation are provided solely for additional case managers and support staff. The department shall dedicate half of the amount provided in this subsection to accelerate the implementation of the mini-assessment tool on clients not currently receiving paid services.

(n) \$6,135,000 of the general fund--state appropriation for fiscal year 2007 and \$4,914,000 of the general fund--federal appropriation are for additional utilization costs in community residential programs.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$76,623,000
General Fund--State Appropriation (FY 2007)	(((\$78,826,000))
	\$78,142,000
General Fund--Federal Appropriation	(((\$153,807,000))
	\$158,868,000
General Fund--Private/Local Appropriation	(((\$11,237,000))
	\$13,674,000
Pension Funding Stabilization Account--State Appropriation	\$457,000
TOTAL APPROPRIATION	(((\$320,950,000))
	<u>\$327,764,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$2,312,000
General Fund--State Appropriation (FY 2007)	(((\$1,924,000))
	\$1,915,000
General Fund--Federal Appropriation	(((\$3,014,000))
	\$3,490,000
Pension Funding Stabilization Account--State Appropriation	(((\$17,000))
	\$19,000
TOTAL APPROPRIATION	(((\$7,267,000))
	<u>\$7,736,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$11,000
<del>(General Fund--State Appropriation (FY 2007))</del>	<del>(\$17,000)</del>
General Fund--Federal Appropriation	(((\$17,238,000))
	\$17,227,000
Pension Funding Stabilization Account--State Appropriation	\$2,000
TOTAL APPROPRIATION	(((\$17,268,000))
	<u>\$17,240,000</u>

Sec. 1106. 2006 c 372 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$610,082,000
General Fund--State Appropriation (FY 2007)	(((\$663,865,000))

	\$661,402,000
General Fund--Federal Appropriation. . . . .	(( <del>\$1,312,062,000</del> ))
	<u>\$1,310,858,000</u>
General Fund--Private/Local Appropriation. . . . .	\$18,949,000
Health Services Account--State Appropriation. . . . .	\$4,888,000
Pension Funding Stabilization Account--State Appropriation. . . . .	(( <del>\$317,000</del> ))
	<u>\$319,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$2,610,163,000</del> ))
	<u>\$2,606,498,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$6,911,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$11,571,000)~~) \$9,581,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$23,251,000)~~) \$20,410,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$449.00 in fiscal year 2006 and \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$147.57 for fiscal year 2006 and shall not exceed (~~(\$156.41)~~) \$155.99 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,604,000 of the general fund--state appropriation for fiscal year 2006, \$3,450,000 of the general fund--state appropriation for fiscal year 2007, and \$5,064,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

(11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

(13) \$435,000 of the general fund--state appropriation for fiscal year 2006 and \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal appropriation are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social*

and Health Services. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2475 (individual providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$57,000 of the general fund--state appropriation for fiscal year 2007 and \$57,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 6630 (threatening individuals). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$4,493,000 of the general fund--state appropriation for fiscal year 2007 and \$4,478,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to a boarding home licensed under chapter 18.20 RCW on January 25, 2002, which contracts with the department to provide assisted living services and which serves 20 or more clients participating in the program for all-inclusive care.

(19) \$10,090,000 of the general fund--state appropriation for fiscal year 2007 and \$10,090,000 of the general fund--federal appropriation are provided solely for the implementation of House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(20) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(21) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(22) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

**Sec. 1107.** 2006 c 372 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	(( <del>\$514,027,000</del> ))
	<u>\$513,976,000</u>
General Fund--State Appropriation (FY 2007)	(( <del>\$531,957,000</del> ))
	<u>\$537,966,000</u>
General Fund--Federal Appropriation	(( <del>\$1,245,673,000</del> ))
	<u>\$1,225,905,000</u>
General Fund--Private/Local Appropriation	\$27,535,000
Pension Funding Stabilization Account--State Appropriation	(( <del>\$1,138,000</del> ))
	<u>\$1,169,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$2,320,330,000</del>))</b>
	<b><u>\$2,306,551,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$303,247,000 of the general fund--state appropriation for fiscal year 2006, \$307,273,000 of the general fund--state appropriation for fiscal year 2007, and \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$77,880,000~~)) \$82,259,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance((=~~unemployable~~)) program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month beginning in fiscal year 2006, and by an additional \$2.06 per month beginning in fiscal year 2007, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$32,000 of the general fund--state appropriation for fiscal year 2007 and \$61,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1329 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**Sec. 1108.** 2006 c 372 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2006)	\$55,136,000
General Fund--State Appropriation (FY 2007)	<del>(\$67,345,000)</del>
	<u>\$58,973,000</u>
General Fund--Federal Appropriation	<del>(\$136,750,000)</del>
	<u>\$156,481,000</u>
General Fund--Private/Local Appropriation	\$634,000
Criminal Justice Treatment Account--State Appropriation	<del>(\$16,500,000)</del>
	<u>\$16,745,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation	\$48,842,000
Problem Gambling Account--State Appropriation	\$1,350,000
Public Safety and Education Account--State Appropriation	\$2,081,000
Pension Funding Stabilization Account--State Appropriation	\$39,000
<b>TOTAL APPROPRIATION</b>	<del>(\$328,677,000)</del>
	<u>\$340,281,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2006, \$50,000 of the general fund--state appropriation for fiscal year 2007, and \$1,350,000 of the problem gambling account appropriation are provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and \$1,713,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington and Skagit county. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, Skagit county, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$13,124,000)~~ \$6,727,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$10,669,000)~~ \$6,997,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) \$1,967,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$2,523,000)~~ \$469,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$1,496,000)~~ \$655,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(10) The division shall report to the office of financial management and the appropriate policy and fiscal committees of the legislature not later than June 30, 2007, with the following information by treatment modality, category of person treated (general assistance-unemployable, SSI-eligible, other medicaid, youth, priority populations, etc.), and by county for both the expansion and nonexpansion target populations:

- (a) Total funds spent and number of clients treated and services provided;
- (b) Total assumed cost offsets in medical assistance on a total and per-client basis for the expansion population; and
- (c) Outcome or success rate data, if available.

**Sec. 1109.** 2006 c 372 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2006)	\$1,462,447,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,550,541,000)</del>
	<u>\$1,534,799,000</u>
General Fund--Federal Appropriation	<del>(\$4,001,987,000)</del>
	<u>\$3,901,450,000</u>
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,000,000

Health Services Account--State Appropriation. . . . .	(( <del>\$677,288,000</del> ))
	<u>\$663,077,000</u>
Pension Funding Stabilization Account--State Appropriation. . . . .	(( <del>\$123,000</del> ))
	<u>\$124,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$7,709,386,000</del> ))
	<u>\$7,578,897,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) \$2,221,000 of the health services account appropriation, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and \$1,591,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) \$21,092,000 of the health services account appropriation and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts specified in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. Payments under these new state grant and upper payment limit programs shall not exceed \$54,054,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section: ~~((~~\$47,474,000~~))~~ \$76,527,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and \$11,328,000 from the general fund--federal appropriations in this section.

(10) \$4,077,000 of the general fund--state appropriation for fiscal year 2006, ~~((~~\$4,847,000~~))~~ \$3,294,000 of the general fund--state appropriation for fiscal year 2007, and ~~((~~\$70,100,000~~))~~ \$57,565,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) \$188,000 of the general fund--state appropriation for fiscal year 2006, \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase.

Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

(21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$66,000 of the general fund--state appropriation for fiscal year 2007 and \$66,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$17,000 of the general fund--state appropriation for fiscal year 2006, \$53,000 of the general fund--state appropriation for fiscal year 2007, and \$70,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

**Sec. 1110.** 2006 c 372 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2006)	\$10,694,000
General Fund--State Appropriation (FY 2007)	<del>(\$11,014,000)</del>
	<u>\$10,946,000</u>
General Fund--Federal Appropriation	<del>(\$89,472,000)</del>
	<u>\$89,471,000</u>
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,792,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$31,000)</del>
	<u>\$33,000</u>
<b>TOTAL APPROPRIATION</b>	<del><b>(\$113,003,000)</b></del>
	<u><b>\$112,936,000</b></u>

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

**Sec. 1111.** 2006 c 372 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$34,675,000
General Fund--State Appropriation (FY 2007)	<del>(\$36,860,000)</del>
	<u>\$41,279,000</u>
General Fund--Federal Appropriation	<del>(\$62,376,000)</del>
	<u>\$61,788,000</u>
General Fund--Private/Local Appropriation	<del>(\$810,000)</del>
	<u>\$836,000</u>
Public Safety and Education Account--State Appropriation	\$2,452,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$1,793,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$300,000)</del>
	<u>\$246,000</u>
<b>TOTAL APPROPRIATION</b>	<del><b>(\$139,266,000)</b></del>

\$143,069,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.
- (2) \$2,452,000 of the public safety and education account--state appropriation, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$1,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.
- (3) \$2,245,000 of the general fund--state appropriation for fiscal year 2006, \$1,589,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

**Sec. 1112.** 2006 c 372 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$48,755,000
General Fund--State Appropriation (FY 2007)	(( <del>\$49,277,000</del> ))
	<u>\$50,970,000</u>
General Fund--Federal Appropriation	(( <del>\$47,248,000</del> ))
	<u>\$49,938,000</u>
TOTAL APPROPRIATION	(( <del>\$145,280,000</del> ))
	<u>\$149,663,000</u>

**Sec. 1113.** 2006 c 372 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--Federal Appropriation	\$3,710,000
State Health Care Authority Administrative Account--State Appropriation	(( <del>\$33,279,000</del> ))
	<u>\$34,034,000</u>
Medical Aid Account--State Appropriation	\$345,000
Health Services Account--State Appropriation	(( <del>\$468,286,000</del> ))
	<u>\$464,247,000</u>
TOTAL APPROPRIATION	(( <del>\$505,620,000</del> ))
	<u>\$502,336,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.
- (2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.
- (3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).
- (4) \$21,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.
- (5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).
- (6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.
- (7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.
- (8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are provided solely for establishment of a centralized evidence-based health technology assessment system as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) As provided in Engrossed Second Substitute Senate Bill No. 6459 (community-based health care solutions), the authority shall make grants of up to \$250,000 from the community health collaborative account to assist community-based organizations increase access to appropriate, affordable health care for Washington residents, particularly low-income working individuals and their families. State grant funds may be used to collect federal matching funds available through medicaid or through the state children's health insurance (SCHIP) program, to the extent allowed by federal rules, and to the extent funds are available in the state's SCHIP allotment in excess of those required for services funded in section 209 of this 2006 act.

(13) \$625,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$499,000 of the health services account appropriation and \$65,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079. If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

**Sec. 1114.** 2006 c 372 s 214 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2006) . . . . .	\$2,779,000
General Fund--State Appropriation (FY 2007) . . . . .	<del>(\$3,032,000)</del>
	<u>\$3,067,000</u>
General Fund--Federal Appropriation . . . . .	\$1,321,000
Pension Funding Stabilization Account--State Appropriation . . . . .	\$13,000
TOTAL APPROPRIATION . . . . .	<del>(\$7,145,000)</del>
	<u>\$7,180,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

**Sec. 1115.** 2006 c 372 s 216 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Public Safety and Education Account--State Appropriation . . . . .	<del>(\$22,231,000)</del>
	<u>\$22,246,000</u>
Death Investigations Account--State Appropriation . . . . .	\$148,000
Municipal Criminal Justice Assistance Account--State Appropriation . . . . .	\$460,000
TOTAL APPROPRIATION . . . . .	<del>(\$22,839,000)</del>
	<u>\$22,854,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The commission shall conduct a survey of local law enforcement and state agencies to collect data projecting future cadet enrollments for the 2007-2009 biennium. The commission shall report the findings to the legislature by October 1, 2006.

(6)(a) \$411,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6502 (victim information system). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely for a contract with the Washington association of sheriffs and police chiefs to implement a statewide automated victim information and notification system. This system shall be added to the city and county jail booking and reporting system. The statewide automated victim information and notification system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility: (A) Is transferred or assigned to another facility; (B) is transferred to the custody of another agency outside the state; (C) is given a different security classification; (D) is released on

temporary leave or otherwise; (E) is discharged; (F) has escaped; or (G) has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has: (A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs; (B) an upcoming parole, pardon, or community supervision hearing; or (C) a change in the offender's parole, probation, or community supervision status including a change in the offender's supervision status or a change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has: (A) Updated his or her profile information with the state sex offender registry; or (B) become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped.

(b) The purpose of the victim information and notification system is to protect the public health, safety, and welfare generally. Creation and implementation of the victim information and notification system does not create a private right of action.

(c) The Washington association of sheriffs and police chiefs will not require automated victim information and notification systems in existence and operational as of the effective date of this act to participate in the statewide system.

(d) Any vendor that the association contracts with to provide the statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology.

(e) The Washington association of sheriffs and police chiefs shall report to the appropriate fiscal and policy committees of the legislature by December 1, 2006, on the availability of federal grant funds to operate the victim information system.

(7) \$132,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6320 (sex offender information). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$1,575,000 of the public safety and education account--state appropriation is provided solely for the implementation of sections 103, 104, and 105 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 1116.** 2006 c 372 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2006)	\$7,561,000
General Fund--State Appropriation (FY 2007)	<del>(\$7,681,000)</del>
	<u>\$7,671,000</u>
Public Safety and Education Account--State Appropriation	\$29,519,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$810,000
Electrical License Account--State Appropriation	<del>(\$35,995,000)</del>
	<u>\$36,303,000</u>
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$1,827,000
Public Works Administration Account--State Appropriation	\$2,673,000
Accident Account--State Appropriation	<del>(\$211,084,000)</del>
	<u>\$210,804,000</u>
Accident Account--Federal Appropriation	\$13,621,000
Medical Aid Account--State Appropriation	<del>(\$208,033,000)</del>
	<u>\$208,036,000</u>
Medical Aid Account--Federal Appropriation	\$3,185,000
Plumbing Certificate Account--State Appropriation	\$1,730,000
Pressure Systems Safety Account--State Appropriation	\$3,357,000
Pension Funding Stabilization Account--State Appropriation	\$31,000
<b>TOTAL APPROPRIATION</b>	<del>(\$537,135,000)</del>
	<u>\$537,156,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$29,283,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates;

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No. 2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

~~((14))~~ (13) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

~~((15))~~ (14) \$61,000 of the electrical license account--state appropriation and \$55,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6225 (domestic water pumping systems). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((16))~~ (15) \$26,000 of the accident account--state appropriation and \$5,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 6185 (family and medical leave act). If the bill not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 1117.** 2006 c 372 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006).	\$1,917,000
General Fund--State Appropriation (FY 2007).	<del>(\$1,982,000)</del>
	<u>\$2,058,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation.	\$10,000
Pension Funding Stabilization Account--State Appropriation.	\$10,000
TOTAL APPROPRIATION.	<del>(\$3,919,000)</del>
	<u>\$3,995,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006).	\$2,811,000
General Fund--State Appropriation (FY 2007).	<del>(\$3,317,000)</del>
	<u>\$3,309,000</u>
General Fund--Federal Appropriation.	<del>(\$343,000)</del>
	<u>\$350,000</u>
General Fund--Private/Local Appropriation.	<del>(\$1,367,000)</del>
	<u>\$1,893,000</u>
Veterans Estate Management Account--Local Appropriation.	\$651,000
Veterans' Innovations Program Account--State Appropriation.	\$2,000,000
Pension Funding Stabilization Account--State Appropriation.	\$11,000
TOTAL APPROPRIATION.	<del>(\$10,500,000)</del>
	<u>\$11,025,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$2,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$5,283,000
General Fund--State Appropriation (FY 2007)	<del>(\$5,946,000)</del>
	\$6,490,000
General Fund--Federal Appropriation	<del>(\$36,114,000)</del>
	\$36,507,000
General Fund--Private/Local Appropriation	\$28,830,000
Pension Funding Stabilization Account--State Appropriation	\$187,000
TOTAL APPROPRIATION	<del>(\$76,360,000)</del>
	\$77,297,000

Sec. 1118. 2006 c 372 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2006)	\$62,835,000
General Fund--State Appropriation (FY 2007)	<del>(\$70,954,000)</del>
	\$71,390,000
General Fund--Federal Appropriation	<del>(\$477,467,000)</del>
	\$466,007,000
General Fund--Private/Local Appropriation	<del>(\$104,867,000)</del>
	\$106,083,000
Hospital Commission Account--State Appropriation	<del>(\$1,521,000)</del>
	\$1,522,000
Health Professions Account--State Appropriation	<del>(\$53,975,000)</del>
	\$54,695,000
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$12,579,000
Safe Drinking Water Account--State Appropriation	<del>(\$2,917,000)</del>
	\$2,918,000
Drinking Water Assistance Account--Federal Appropriation	<del>(\$16,179,000)</del>
	\$16,182,000
Waterworks Operator Certification--State Appropriation	\$1,099,000
Drinking Water Assistance Administrative Account--State Appropriation	\$326,000
Water Quality Account--State Appropriation	<del>(\$3,693,000)</del>
	\$3,694,000
State Toxics Control Account--State Appropriation	\$2,852,000
Medical Test Site Licensure Account--State Appropriation	<del>(\$1,798,000)</del>
	\$1,951,000
Youth Tobacco Prevention Account--State Appropriation	<del>(\$1,806,000)</del>
	\$1,606,000
Public Health Supplemental Account--Private/Local Appropriation	\$3,306,000
Accident Account--State Appropriation	\$277,000
Medical Aid Account--State Appropriation	\$46,000
Health Services Account--State Appropriation	<del>(\$41,942,000)</del>
	\$42,107,000
Tobacco Prevention and Control Account--State Appropriation	<del>(\$52,684,000)</del>
	\$52,685,000
Pension Funding Stabilization Account--State Appropriation	\$144,000
TOTAL APPROPRIATION	<del>(\$913,867,000)</del>
	\$904,904,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon

the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$620,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve over 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(9) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

(12) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

(14) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(15) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(16) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(17) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(18) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(22) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(23) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations program. The vaccine or vaccines to be added shall be selected by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the extent to which the vaccine is mercury-free. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(24) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

~~((26))~~ (25) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2342 (health care declarations). If Second Substitute House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((27))~~ (26) \$432,000 of the general fund--state appropriation for fiscal year 2007 and \$21,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform) including sections 105 through 112 of the bill. If Second Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((28))~~ (27) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((29))~~ (28) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

~~((30))~~ (29) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2985 (foster care health unit). If Substitute House Bill No. 2985 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((31))~~ (30) \$54,000 of the general fund--state appropriation for fiscal year 2007 and \$183,000 of the health professions account appropriation are provided solely for implementation of Engrossed Senate Bill No. 6194 (multicultural education/health). If Engrossed Senate Bill No. 6194 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((32))~~ (31) \$118,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1850. If Engrossed Substitute House Bill No. 1850 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((33))~~ (32) \$173,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to provide staff support to the governor's interagency committee on health disparities, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((34))~~ (33) \$119,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to conduct health impact assessments, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((35))~~ (34) \$327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to conduct a survey of health professional demographics and practice patterns, as provided in Senate Bill No. 6193. If Senate Bill No. 6193 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((36))~~ (35) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and maintain a database showing the statewide incidence and provenance of hepatitis C infections, and to conduct a public information campaign on transmission, prevention, detection, and treatment of the disease.

~~((37))~~ (36) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement a prostate cancer public awareness and education campaign. The campaign shall place special emphasis on early education for men over forty, African- American men, and men who are at high risk for prostate cancer according to the guidelines of the American cancer society.

~~((38))~~ (37) \$130,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances) including sections 201 through 203 of the bill. If Engrossed Second Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((39))~~ (38) Appropriations in this section assume savings attributable to House Bill No. 2632 (HIV insurance coverage program).

~~((40))~~ (39) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, these funds shall be used solely for the department to coordinate with the department of ecology or development and adoption of rules relating to reclaimed water.

(40) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time funding of federal certification costs for new health care facilities.

**Sec. 1119.** 2006 c 372 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS.** The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ~~((2006))~~ 2007, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2006))~~ 2007 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006)	\$46,867,000
General Fund--State Appropriation (FY 2007)	<del>((59,681,000))</del>
	<u>\$50,645,000</u>
General Fund--Federal Appropriation	\$1,022,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$26,000
Public Safety and Education Account--State Appropriation	\$2,774,000
Pension Funding Stabilization Account--State Appropriation	\$245,000
TOTAL APPROPRIATION	<del>((110,615,000))</del>
	<u>\$101,579,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$5,250,000 of the general fund--state appropriation for fiscal year 2006 and ~~((17,250,000))~~ \$7,861,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$35,000 of the general fund--state appropriation for the fiscal year 2007 is provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006)	\$524,561,000
General Fund--State Appropriation (FY 2007)	(( <del>\$555,895,000</del> ))
	<u>\$558,036,000</u>
General Fund--Federal Appropriation	\$3,447,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$2,984,000
Pension Funding Stabilization Account--State Appropriation	\$2,269,000
TOTAL APPROPRIATION	(( <del>\$1,089,156,000</del> ))
	<u>\$1,091,297,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) The department shall ~~((participation))~~ participate in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(h) \$1,060,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 3 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(i) \$384,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute Senate Bill No. 6460 (crimes with sexual motivation). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(j) \$91,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 2 of Second Substitute Senate Bill No. 6172 (possession of child pornography). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(k) \$763,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of sections 102, 301, and 302 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006)	\$89,217,000
General Fund--State Appropriation (FY 2007)	(( <del>\$92,477,000</del> ))
	<u>\$99,658,000</u>
Public Safety and Education Account--State Appropriation	(( <del>\$16,796,000</del> ))
	<u>\$16,833,000</u>
Pension Funding Stabilization Account--State Appropriation	\$449,000
TOTAL APPROPRIATION	(( <del>\$198,939,000</del> ))
	<u>\$206,157,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$59,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(e) \$666,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 303 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006)	\$838,000
General Fund--State Appropriation (FY 2007)	(( <del>\$882,000</del> ))
	<u>\$884,000</u>
Pension Funding Stabilization Account--State Appropriation	\$3,000
TOTAL APPROPRIATION	(( <del>\$1,723,000</del> ))
	<u>\$1,725,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006)	\$37,289,000
General Fund--State Appropriation (FY 2007)	(( <del>\$38,662,000</del> ))
	<u>\$39,095,000</u>
TOTAL APPROPRIATION	(( <del>\$75,951,000</del> ))
	<u>\$76,384,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

**Sec. 1120.** 2006 c 372 s 225 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2006)	\$60,000
General Fund--State Appropriation (FY 2007)	\$60,000
General Fund--Federal Appropriation	(( <del>\$260,228,000</del> ))
	<u>\$260,256,000</u>
General Fund--Private/Local Appropriation	(( <del>\$31,966,000</del> ))
	<u>\$31,974,000</u>
Unemployment Compensation Administration Account--Federal Appropriation	(( <del>\$200,541,000</del> ))
	<u>\$200,625,000</u>
Administrative Contingency Account--State Appropriation	(( <del>\$16,866,000</del> ))
	<u>\$16,869,000</u>
Employment Service Administrative Account--State Appropriation	(( <del>\$24,491,000</del> ))
	<u>\$24,497,000</u>
TOTAL APPROPRIATION	(( <del>\$534,212,000</del> ))
	<u>\$534,341,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

**PART XII  
NATURAL RESOURCES**

**Sec. 1201.** 2006 c 372 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2006)	\$40,744,000
General Fund--State Appropriation (FY 2007)	(( <del>\$44,131,000</del> ))

	<u>\$45,836,000</u>
General Fund--Federal Appropriation. . . . .	\$74,678,000
General Fund--Private/Local Appropriation. . . . .	\$13,290,000
Special Grass Seed Burning Research Account--State Appropriation. . . . .	\$14,000
Reclamation Account--State Appropriation. . . . .	\$2,778,000
Flood Control Assistance Account--State Appropriation. . . . .	\$3,422,000
State Emergency Water Projects Revolving Account--State Appropriation. . . . .	\$1,312,000
Waste Reduction/Recycling/Litter Control--State Appropriation. . . . .	\$15,081,000
State Drought Preparedness Account--State Appropriation. . . . .	\$225,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation. . . . .	\$386,000
Vessel Response Account--State Appropriation. . . . .	\$2,876,000
Site Closure Account--State Appropriation. . . . .	\$656,000
Water Quality Account--State Appropriation. . . . .	\$28,085,000
Wood Stove Education and Enforcement Account--State Appropriation. . . . .	\$357,000
Worker and Community Right-to-Know Account--State Appropriation. . . . .	\$2,153,000
State Toxics Control Account--State Appropriation. . . . .	<del>(\$84,319,000)</del>
	<u>\$84,426,000</u>
State Toxics Control Account--Private/Local Appropriation. . . . .	\$380,000
Local Toxics Control Account--State Appropriation. . . . .	\$5,424,000
Water Quality Permit Account--State Appropriation. . . . .	\$32,468,000
Underground Storage Tank Account--State Appropriation. . . . .	\$2,889,000
Environmental Excellence Account--State Appropriation. . . . .	\$504,000
Biosolids Permit Account--State Appropriation. . . . .	\$853,000
Hazardous Waste Assistance Account--State Appropriation. . . . .	\$5,171,000
Air Pollution Control Account--State Appropriation. . . . .	\$11,206,000
Oil Spill Prevention Account--State Appropriation. . . . .	\$11,078,000
Air Operating Permit Account--State Appropriation. . . . .	\$2,922,000
Freshwater Aquatic Weeds Account--State Appropriation. . . . .	\$2,144,000
Oil Spill Response Account--State Appropriation. . . . .	\$7,079,000
Metals Mining Account--State Appropriation. . . . .	\$14,000
Water Pollution Control Revolving Account--State Appropriation. . . . .	\$485,000
Water Pollution Control Revolving Account--Federal Appropriation . . . . .	\$2,357,000
Freshwater Aquatic Algae Control Account--State Appropriation. . . . .	\$509,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$186,000
TOTAL APPROPRIATION . . . . .	<del>(\$400,176,000)</del>
	<u>\$401,988,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) ~~(\$2,500,000)~~ \$1,567,552 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,000,000)~~ \$2,932,448 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

(11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely to adopt rules in coordination with the department of health for all aspects of reclaimed water including: Industrial and commercial uses, land applications,

direct recharge, wetland discharge, surface percolation, constructed wetlands, stream flow augmentation, and graywater use. The department must adopt the rules in a phased approach: The first phase shall be proposed for adoption by June 1, 2007, and shall include the uses of constructed treatment wetlands; and the second phase shall be adopted by December 31, 2010.

(14) \$820,000 of the oil spill prevention account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6244 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((17))~~ (16) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support development of a wetland mitigation program in Clark county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region.

~~((18))~~ (17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

~~((19))~~ (18) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

~~((20))~~ (19) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

~~((21))~~ (20) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

~~((22))~~ (21) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the department to collaborate with the Wenatchee watershed planning unit and Chelan county for development of a regulatory strategy, as required by the federal clean water act, to control total maximum daily loads of phosphorous to the Wenatchee river. A technically sound plan for managing phosphorous and restoring water quality in the Wenatchee river shall be provided to the appropriate committees of the legislature by July 1, 2008.

~~((23))~~ (22) \$55,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to address air quality issues for the Columbia river gorge in cooperation with the state of Oregon.

~~((24))~~ (23) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Senate Bill No. 6861 (domestic water users). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((25))~~ (24) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the restoration of Long lake located in Kitsap county in accordance with the plan approved by the Kitsap county weed control board, the county commissioners, the citizens for improving Long lake, and the department of ecology.

~~((26))~~ (25) \$150,000 of the local toxics control account--state appropriation is provided solely for the contracting and production of the second phase report for establishing sustainable statewide regional CBRNE/Hazmat response capability. The report will, at a minimum include, a cost-benefit analysis, analysis of sustainable funding options, regional alignment and mutual aid agreements, and administration requirements.

~~((27))~~ (26) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot project that demonstrates the value of long-term management plans for small forest landowners.

(27) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a loan to the Washington materials management and financing authority for necessary start-up costs pursuant to RCW 70.95N.310. The department shall execute an agreement with the authority for repayment of the loan.

**Sec. 1202.** 2006 c 372 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2006) . . . . .	\$35,687,000
General Fund--State Appropriation (FY 2007) . . . . .	<del>((38,334,000))</del>
	\$38,986,000
General Fund--Federal Appropriation. . . . .	<del>((2,738,000))</del>
	\$2,918,000
General Fund--Private/Local Appropriation. . . . .	\$71,000
Winter Recreation Program Account--State Appropriation. . . . .	\$1,109,000
Off-Road Vehicle Account--State Appropriation. . . . .	\$220,000
Snowmobile Account--State Appropriation. . . . .	\$4,805,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$345,000
Parks Renewal and Stewardship Account--State Appropriation. . . . .	<del>((38,702,000))</del>
	\$35,425,000
Public Safety and Education Account--State Appropriation. . . . .	\$47,000
Parks Renewal and Stewardship Account--Private/Local Appropriation. . . . .	\$300,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$191,000
TOTAL APPROPRIATION. . . . .	<del>((122,549,000))</del>
	\$120,104,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,636,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the state parks and recreation commission for lost revenue from general park access or parking fees.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for repair and maintenance costs at state parks.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for employee retirement buyout costs.

(8) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for computer network hardware and software, and for backup drives and tapes.

**Sec. 1203.** 2006 c 372 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2006)	\$2,235,000
General Fund--State Appropriation (FY 2007)	<del>(\$2,256,000)</del>
	<u>\$2,745,000</u>
General Fund--Federal Appropriation	\$250,000
Water Quality Account--State Appropriation	\$4,178,000
Pension Funding Stabilization Account--State Appropriation	\$3,000
<b>TOTAL APPROPRIATION</b>	<del>(\$8,922,000)</del> <u>\$9,411,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

**Sec. 1204.** 2006 c 372 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2006)	\$46,692,000
General Fund--State Appropriation (FY 2007)	<del>(\$46,856,000)</del>
	<u>\$48,282,000</u>
General Fund--Federal Appropriation	<del>(\$49,100,000)</del>
	<u>\$50,400,000</u>
General Fund--Private/Local Appropriation	\$36,089,000
Off-Road Vehicle Account--State Appropriation	\$392,000
Aquatic Lands Enhancement Account--State Appropriation	\$5,820,000
Recreational Fisheries Enhancement--State Appropriation	\$3,753,000
Warm Water Game Fish Account--State Appropriation	\$2,904,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$750,000
Wildlife Account--State Appropriation	<del>(\$61,946,000)</del>
	<u>\$62,406,000</u>
Wildlife Account--Federal Appropriation	\$33,029,000
Wildlife Account--Private/Local Appropriation	<del>(\$10,386,000)</del>
	<u>\$11,586,000</u>
Game Special Wildlife Account--State Appropriation	\$2,883,000
Game Special Wildlife Account--Federal Appropriation	\$8,863,000
Game Special Wildlife Account--Private/Local Appropriation	\$469,000
Public Safety and Education Account--State Appropriation	\$588,000
Environmental Excellence Account--State Appropriation	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$2,755,000
Oil Spill Prevention Account--State Appropriation	\$1,043,000
Oyster Reserve Land Account--State Appropriation	\$411,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$528,000
Pension Funding Stabilization Account--State Appropriation	\$248,000
<b>TOTAL APPROPRIATION</b>	<del>(\$315,520,000)</del> <u>\$319,906,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$700,000 of the general fund--federal appropriation is provided solely for environmental data quality and access projects in support of state salmon recovery efforts. The department shall coordinate planning and implementation of all activities with the department of information services and the governor's salmon recovery office. The department shall make certain that any activity using these funds is consistent with recommendations to be submitted (per section 405, chapter 488, Laws of 2005) in the joint report to the legislature and office of financial management on December 1, 2006.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. Army Corps of Engineers.

(11) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(12) \$528,000 of the aquatic invasive species prevention account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

(14) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

(15) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

(16) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

(17) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

(18) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for federal match funding for the control of predators that damage livestock, crops, and property.

(20) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to produce educational materials discouraging activities that harm or disturb the spawning beds of salmon and steelhead. Discouraged activities include, but are not limited to, wading on spawning beds, driving motor vehicles on spawning beds, use of high-powered jet or propeller-driven boats across spawning beds, dragging anchors through spawning beds, digging or removing gravel from spawning beds, or any other physical disturbance capable of disturbing spawning fish or damaging or destroying nests of incubating eggs.

(a) The educational materials produced by the department in accordance with this subsection must include, at a minimum, brochures that are to be disseminated to persons applying for fishing and boating licenses statewide. The department must also distribute the brochures widely to retail outlets that cater to outdoor recreation.

(b) The department shall work cooperatively with the tribal fishery comanagers in the development of the educational materials under this section.

(c) The department shall report to the legislature concerning the effectiveness of this subsection after at least two spawning cycles of salmon and steelhead have occurred.

(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund; and

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature(~~(-and)~~).

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 (~~(is)~~) and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 and 2006 fire season. Funding shall be used for fire suppression, winter feeding, seeding, planting vegetation, fertilizing, weed control, and the establishment of water bars and other erosion control measures.

(24) \$266,000 of the general fund--state appropriation for fiscal year 2006 and \$214,000 of the state wildlife account--state appropriation are provided solely for the continued operation of the Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

(25) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$76,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for the added level of fishery sampling and monitoring in the upper Columbia river area as required under the endangered species act and federal court orders.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an interagency working group scoping of a study of the sinking of ships as dive attractions. The department of fish and wildlife shall, as approved by the office of financial management, enter into an interagency agreement with the department of natural resources, the state parks and recreation commission, the department of

ecology, and the department of community, trade, and economic development to delineate elements of this study. The department of fish and wildlife shall report to the office of financial management and the appropriate committees of the legislature no later than November 15, 2006.

(28) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase fish production levels on a statewide basis at state-operated fish hatcheries. By July 31, 2006, the department shall submit to the appropriate policy and fiscal committees of the legislature an implementation plan that outlines in specific detail how the amount provided in this subsection will be spent in order to increase fish production. The plan will include production implementation timelines, increased production goals, by species, at identified hatcheries that will receive financial assistance, and the amount to be retained by the department for administration and overhead costs, including the purchase of any new equipment. By July 31, 2007, the department shall submit to the appropriate policy and fiscal committees of the legislature a report documenting the increased production levels, using fiscal year 2006 as the base year for comparison purposes. If the department is unable to produce the implementation plan by July 31, 2006, the amount provided in this subsection shall lapse.

(29) \$75,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for the department to prevent impacts to native species by controlling the nonnative nutria population in Skagit county.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the northwest straits commission to remove lost and abandoned fishing nets and crab and shrimp pots that may be dangerous to humans and that unintentionally trap and kill endangered salmon and other aquatic species.

(31) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(32) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

(33) \$660,000 of the general fund--federal appropriation is provided solely to initiate a review of the hydraulic project approval permit rules and to undergo a public process for adoption of new or revised rules that may be needed. Upon completion, the department shall complete a habitat conservation plan for the hydraulic project approval program, and shall seek legislative review prior to adoption of new or revised rules.

(34) \$125,000 of the state wildlife account--state appropriation is provided to implement Engrossed Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$634,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

**Sec. 1205.** 2006 c 372 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2006)	\$40,473,000
General Fund--State Appropriation (FY 2007)	<del>(\$53,999,000)</del>
	\$89,221,000
General Fund--Federal Appropriation	<del>(\$15,215,000)</del>
	\$25,525,000
General Fund--Private/Local Appropriation	\$1,276,000
Forest Development Account--State Appropriation	<del>(\$54,697,000)</del>
	\$54,842,000
Off-Road Vehicle Account--State Appropriation	<del>(\$4,001,000)</del>
	\$4,026,000
Surveys and Maps Account--State Appropriation	<del>(\$2,447,000)</del>
	\$2,450,000
Aquatic Lands Enhancement Account--State Appropriation	<del>(\$8,451,000)</del>
	\$8,966,000
Resources Management Cost Account--State Appropriation	<del>(\$86,332,000)</del>
	\$86,537,000
Surface Mining Reclamation Account--State Appropriation	<del>(\$2,828,000)</del>
	\$2,830,000
Disaster Response Account--State Appropriation	\$5,000,000
Water Quality Account--State Appropriation	<del>(\$2,636,000)</del>
	\$2,645,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$1,321,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$2,155,000
Air Pollution Control Account--State Appropriation	\$556,000
Derelict Vessel Removal Account--State Appropriation	\$1,138,000
Agricultural College Trust Management Account--State Appropriation	<del>(\$1,966,000)</del>
	\$1,972,000
Pension Funding Stabilization Account--State Appropriation	\$136,000
<b>TOTAL APPROPRIATION</b>	<del>(\$284,661,000)</del>
	<u>\$331,103,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) \$972,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$994,000)~~) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) \$10,689,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$13,635,000)~~) \$48,571,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year 2007 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would collocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year 2006 and \$4,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

(15) \$397,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forest, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(~~(+7)~~) (16) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a work group to study existing legislation affecting the oil and natural gas industry, and to make recommendations to that legal framework to improve the regulatory,

technical, environmental, and financial framework of the oil and gas industry. The department shall report its recommendations to the legislature by December 30, 2006.

~~((+8))~~ (17) \$35,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5179 (forest health). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((+9))~~ (18) \$719,000 of the surface mining reclamation account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6175 (surface mining). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(19) \$504,000 of the aquatic lands enhancement account--state appropriation is provided solely for expenses related to removing the hull of the S.S. Catala, shipwrecked on state-owned aquatic lands at Damon Point state park.

**PART XIII  
TRANSPORTATION**

**Sec. 1301.** 2006 c 372 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2006) . . . . .	\$37,601,000
General Fund--State Appropriation (FY 2007). . . . .	<del>((32,753,000))</del>
	\$36,220,000
General Fund--Federal Appropriation. . . . .	<del>((4,364,000))</del>
	\$4,872,000
General Fund--Private/Local Appropriation. . . . .	\$596,000
Death Investigations Account--State Appropriation. . . . .	<del>((4,628,000))</del>
	\$4,591,000
Public Safety and Education Account--State Appropriation. . . . .	<del>((3,388,000))</del>
	\$3,438,000
Enhanced 911 Account--State Appropriation. . . . .	\$573,000
County Criminal Justice Assistance Account--State Appropriation. . . . .	<del>((2,895,000))</del>
	\$2,923,000
Municipal Criminal Justice Assistance Account--State Appropriation. . . . .	<del>((1,157,000))</del>
	\$1,171,000
Fire Service Trust Account--State Appropriation. . . . .	\$131,000
Fire Service Training Account--State Appropriation. . . . .	\$7,560,000
State Toxics Control Account--State Appropriation. . . . .	\$469,000
Violence Reduction and Drug Enforcement Account--State Appropriation. . . . .	\$313,000
Fingerprint Identification Account--State Appropriation. . . . .	<del>((6,270,000))</del>
	\$6,271,000
Disaster Response Account--State Appropriation. . . . .	\$2,000
Aquatic Invasive Species Enforcement Account--State Appropriation. . . . .	\$145,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$102,000
<b>TOTAL APPROPRIATION. . . . .</b>	<del><b>((102,947,000))</b></del>
	<b>\$106,978,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$145,000 of the aquatic invasive species enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) If funding is provided through a federal grant or through a memorandum of understanding with a local government, the Washington state patrol's automatic fingerprint identification system shall be capable of instantly accepting electronic latent search records from any Washington state local law enforcement agency, to be implemented on a timeline agreed to by the patrol and the agency granting the fund source. The Washington state patrol shall notify the appropriate fiscal and policy committees of the legislature in writing upon the receipt of such federal moneys or upon the effective date of a memorandum of understanding with a local government.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6519 (sex offender registration). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of the criminal history and background check activities. Pursuant to RCW 43.135.055, during the 2005-2007 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of criminal history and background check activities.

**PART XIV  
EDUCATION**

**Sec. 1401.** 2006 c 372 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2006) . . . . .	\$13,452,000
General Fund--State Appropriation (FY 2007) . . . . .	<del>(\$17,151,000)</del>
	\$17,376,000
General Fund--Federal Appropriation . . . . .	<del>(\$23,090,000)</del>
	\$23,090,000
<u>Pension Funding Stabilization Account Appropriation . . . . .</u>	<u>\$165,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$53,693,000)</del>
	\$54,083,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$10,980,000)~~ \$10,990,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$547,000)~~ \$597,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$504,000)~~ \$554,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) \$607,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$592,000)~~ \$992,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7 and other education funding lawsuits.

(e) ~~(\$1,900,000)~~ \$1,615,000 of the general fund--state appropriation is for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided for deposit in the Washington natural science, wildlife, and environmental education partnership account for grants pursuant to RCW 28A.300.440. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Senate Bill No. 6219 (financial literacy). If the bill is not enacted by June 30, 2006, the amount in this section is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$64,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to conduct further evaluation of issues raised in the recently completed joint legislative audit and review committee report on the accounting of special education excess costs. Within the amounts provided in this subsection, the office of the superintendent of public instruction will convene a work group to evaluate modifying or replacing the current 1077 methodology. This work group will deliver a report to the appropriate committees of the legislature, including the joint legislative audit and review committee, and the office of financial management, by January 1, 2007. The work group will take into consideration recommendations of the Washington learns steering committee.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006)	\$12,341,000
General Fund--State Appropriation (FY 2007)	\$18,884,000
General Fund--Federal Appropriation	<del>(\$58,112,000)</del>
	<u>\$67,358,000</u>
TOTAL APPROPRIATION	<del>(\$89,337,000)</del>
	<u>\$98,583,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies at preventing youth suicide.

(viii) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6580 (school notification about sex and kidnapping offenders), including section 2 of that act.

(ix) \$45,000 of the general fund state--state appropriation for fiscal year 2007 is provided solely for the development of safe school plan standards. By December 1, 2006, the Washington state school safety center advisory committee, in consultation with the superintendent of public instruction shall prepare a report with: (1) The recommended standards; (2) a potential implementation plan for those standards statewide; and (3) detailed information on the costs and other impacts on school districts from implementing the standards. The development of standards shall address requirements for school mapping and shall include a review of current research regarding safe school planning.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,059,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages. Of this amount, \$511,000 of the general fund--state appropriation for fiscal year 2007 is provided for additional conditional scholarships to candidates seeking an endorsement in special education, math, science, and bilingual education.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of ~~(\$1,224,000)~~ \$2,448,000 of the general fund--state appropriation ~~((for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are))~~ is provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of ~~(\$1,079,000)~~ \$2,158,000 of the general fund--state appropriation ~~((for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are))~~ is provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) (~~(\$1,911,000)~~) \$2,119,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) (~~(\$24,490,000)~~) \$33,526,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$2,148,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas and heating oil.

(xvii) \$22,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(xviii) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot grant program related to serving students in staffed residential homes and other students as specified below. The pilot grant program will be established in at least five school districts. The districts eligible for the pilot grant program shall be limited to school districts with a concentration of students residing in staffed residential homes or other residential facilities where one or more staffed residential homes have closed within the current or preceding fiscal year, greater than or equal to 1.3 full time equivalent students per 1,000 K-12 public students. The amount of funding for each pilot grant district shall be in proportion to the degree of concentration of staffed residential home students residing and served in each respective district or serving high school district, and other criteria as determined by the office of the superintendent of public instruction. Funding in the pilot grant program shall not be considered part of the basic education program.

(A) The pilot grant program is intended to: (I) Identify the fiscal and educational challenges posed to districts that serve staffed residential homes students; (II) provide resources to assist school districts in developing best practices for addressing these challenges; (III) address costs resulting from high concentrations of staffed residential home students in some school districts; (IV) develop models of collaboration between school districts and staffed residential homes; and (V) gain additional information on the variety of circumstances and needs present in the staffed residential home population, including both special education and nonspecial education eligible students.

(B) As a condition of the pilot grant program, the selected school districts must meet the following criteria: (I) Jointly develop, with staffed residential homes in their community, a model policy and plan for collaboration and information sharing, which includes an agreed upon routine of regular communication regarding each child's progress, including for special education students the development and regular updating of individualized education programs; (II) provide an annual progress report regarding the implementation of the model policy and plan and measured progress toward meeting the educational needs of students in staffed residential homes; and (III) provide information and data to the office of the superintendent of public instruction as required for the study detailed in (D) of this subsection (c)(xviii).

(C) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction, with the assistance of the department of social and health services, to prepare a report to the appropriate policy and fiscal committees of the legislature and the office of financial management on: (I) The number of students residing at each staffed residential home by school district; (II) the specific types of needs of students residing at each staffed residential home; and (III) an overview of the differences in the programs being offered at staffed residential homes and the ranges of costs associated with these programs; and (IV) a summary of the current types of collaboration between school districts and staffed residential homes. This report shall be submitted by November 30, 2006.

(D) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to report to the appropriate policy and fiscal committees of the legislature and the office of financial management on the results of the pilot grant program established in this subsection (c)(xviii), including a description of the impact on the educational services delivered to the students residing at each staffed residential home. Based on the results of the pilot grant program, the office of the superintendent of public instruction may make recommendations regarding best practices for meeting the needs of students residing in staffed residential homes, and fostering collaboration with staffed residential homes. This report shall be submitted by June 30, 2007.

(E) For those students (~~(residing in staffed residential homes)~~) for whom a school district receives a pilot grant application and who are special education eligible, school districts are eligible to pursue safety net funding beyond the pilot grant program amounts so that the combined basic education allocation, special education excess cost allocation, pilot grant amount, and safety net grants recognize the costs associated with serving staffed residential home students potentially concentrated in a few school districts.

(F) For purposes of this subsection (c)(xviii), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

**Sec. 1402.** 2006 c 372 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2006) . . . . .	\$4,193,442,000
General Fund--State Appropriation (FY 2007). . . . .	<del>(\$4,281,807,000)</del>
	<u>\$4,252,844,000</u>
Pension Funding Stabilization Account Appropriation. . . . .	\$28,548,000
TOTAL APPROPRIATION. . . . .	<del>(\$8,503,797,000)</del>
	<u>\$8,474,834,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:
- (a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:
- Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
  - 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;
  - Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and
  - An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4.
4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;
- (A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;
- (B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;
- (C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;
- (b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;
- (c)(i) On the basis of full-time equivalent enrollment in:
- Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and
  - Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;
- (ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and
- (iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;
- (d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:
- For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and
  - For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;
- (e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:
- For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and
  - For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;
  - For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:
    - For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;
    - For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732

certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 11.21 percent in the 2005-06 school year and 13.02 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 14.07 percent in the 2005-06 school year and 15.99 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of (~~(\$12,992,000)~~) \$12,769,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,385,000 for the 2007 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$369,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to \$1,244,000 for the 2005-07 biennium. Funds provided in this subsection shall first be expended to provide incentive grants to school districts increasing skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) Increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; (ii) increasing enrollment and capacity of summer vocational programs at the skills centers.

(f) (~~(\$4,943,000)~~) \$4,719,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time allocations for equipment replacement in vocational programs and skills centers. The funding shall be allocated based on \$75 per full time equivalent vocational student and \$125 per full time equivalent skills center student.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and 5.2 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 1403.** 2006 c 372 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2006)	\$74,336,000
General Fund--State Appropriation (FY 2007)	(( <del>\$241,576,000</del> ))
	<u>\$239,233,000</u>
Education Legacy Trust Account--State Appropriation	\$470,000
Pension Funding Stabilization Account Appropriation	\$1,543,000
General Fund--Federal Appropriation	(( <del>\$1,043,000</del> ))
	<u>\$1,034,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$318,968,000</del>))</b>
	<u><b>\$316,616,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$190,375,000)~~) \$187,442,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another 3.3 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 10.57 percent for the 2005-06 school year and 12.38 percent for the 2006-07 school year for certificated staff and 10.57 percent for the 2005-06 school year and 12.49 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.27	\$1.06
Highly Capable (per formula student)	\$2.96	\$11.40
Transitional Bilingual Education (per eligible bilingual student)	\$7.94	\$30.52
Learning Assistance (per formula student)	\$1.69	\$6.50

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and (~~(\$1,022,000)~~) \$1,015,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) (~~(\$129,905,000)~~) \$129,173,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	\$0.91
Highly Capable (per formula student)	\$2.88	\$6.16
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	\$16.20
Learning Assistance (per formula student)	\$1.49	\$3.21

(3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 1404.** 2006 c 372 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2006)	\$247,541,000
General Fund--State Appropriation (FY 2007)	(( <del>\$252,607,000</del> ))
	<u>\$251,831,000</u>
Pension Funding Stabilization Account Appropriation	\$755,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$500,903,000</del>))</b>
	<u><b>\$500,127,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$42.52 per weighted mile in the 2005-06 school year and ~~(((\$42.30)) \$43.57~~ per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Included in the 2005-06 school year rate is ~~((a one-time))~~ an increase of \$1.12 and included in the 2006-07 school year rate is an increase of \$1.27 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

**Sec. 1405.** 2006 c 372 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$3,147,000
General Fund--State Appropriation (FY 2007)	\$3,159,000
General Fund--Federal Appropriation	<del>(((\$270,423,000))</del>
	<u>\$313,038,000</u>
TOTAL APPROPRIATION	<del>(((\$276,729,000))</del> <u>\$319,344,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

**Sec. 1406.** 2006 c 372 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$464,812,000
General Fund--State Appropriation (FY 2007)	<del>(((\$478,191,000))</del>
	<u>\$470,395,000</u>
General Fund--Federal Appropriation	<del>(((\$435,664,000))</del>
	<u>\$436,409,000</u>
Pension Funding Stabilization Account Appropriation	\$3,234,000
TOTAL APPROPRIATION	<del>(((\$1,381,901,000))</del> <u>\$1,374,850,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

**Sec. 1407.** 2006 c 372 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2006)	\$173,153,000
General Fund--State Appropriation (FY 2007)	(( <del>\$190,957,000</del> ))
	<u>\$188,092,000</u>
TOTAL APPROPRIATION	(( <del>\$364,110,000</del> ))
	<u>\$361,245,000</u>

**Sec. 1408.** 2006 c 372 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$18,078,000
General Fund--State Appropriation (FY 2007)	(( <del>\$18,237,000</del> ))
	<u>\$17,551,000</u>
Pension Funding Stabilization Account Appropriation	\$117,000
TOTAL APPROPRIATION	(( <del>\$36,432,000</del> ))
	<u>\$35,746,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.
- (3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.
- (4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.
- (5) \$236,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$236,000~~)) \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.
- (6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**Sec. 1409.** 2006 c 372 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2006)	\$6,900,000
General Fund--State Appropriation (FY 2007)	(( <del>\$6,974,000</del> ))
	<u>\$6,918,000</u>
Pension Funding Stabilization Account Appropriation	\$44,000
TOTAL APPROPRIATION	(( <del>\$13,918,000</del> ))
	<u>\$13,862,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$347.93 per funded student for the 2005-06 school year and \$351.98 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.
- (3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.
- (4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**Sec. 1410.** 2006 c 372 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$45,382,000
General Fund--State Appropriation (FY 2007)	(( <del>\$51,297,000</del> ))
	<u>\$51,536,000</u>
General Fund--Federal Appropriation	\$147,799,000
TOTAL APPROPRIATION	(( <del>\$244,478,000</del> ))
	<u>\$244,717,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ASSESSMENT
- (a) \$21,946,000 of the general fund--state appropriation for fiscal year 2006, \$21,491,000 of the general fund--state appropriation for fiscal year 2007, and \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students

who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to: (i) Investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (ii) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (iii) develop recommendations for (i) and (ii) of this subsection (a). Funds provided in this section are sufficient to implement section 5 of Engrossed Substitute Senate Bill No. 6475 (alternative assessment options).

(b) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education), including section 2 of that act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(c) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) regarding reimbursement of diagnostic assessments.

#### (2) MATH REMEDIATION

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level 1 in mathematics.

(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics knowledge and skill modules and materials previously developed by the office of the superintendent of public instruction. The products are to be designed as on-line courses for students needing Level 1 instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

#### (3) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$3,180,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$4,358,000)~~ \$4,597,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses, and mandatory fringe benefits, for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

#### (4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and \$488,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall

emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates. The office of the superintendent of public instruction shall develop and publish the criteria for awarding grants by July 2006.

(i) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(ii) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(iii) The office of the superintendent of public instruction shall issue a report to the legislature in the 2007 session on the progress of each of the pilot programs.

#### (5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for: (i) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (ii) to eliminate the co-pay for students eligible for reduced price lunch eating breakfast; and (iii) for additional assistance for school districts initiating a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If

a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

**Sec. 1411.** 2006 c 372 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$58,205,000
General Fund--State Appropriation (FY 2007)	<del>(\$61,608,000)</del>
	<u>\$58,181,000</u>
General Fund--Federal Appropriation	\$51,741,000
Pension Funding Stabilization Account Appropriation	\$504,000
TOTAL APPROPRIATION	<del>(\$172,058,000)</del>
	<u>\$168,631,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$759.58 per eligible bilingual student in the 2005-06 school year and \$770.40 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.
- (5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

**Sec. 1412.** 2006 c 372 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2006)	\$65,018,000
General Fund--State Appropriation (FY 2007)	<del>(\$64,626,000)</del>
	\$64,353,000
Education Legacy Trust Account--State Appropriation	\$24,605,000
Pension Funding Stabilization Account Appropriation	\$553,000
General Fund--Federal Appropriation	\$348,351,000
TOTAL APPROPRIATION	<del>(\$503,153,000)</del>
	<u>\$502,880,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
  - (a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
  - (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$184.69 per funded student for the 2005-06 school year and \$187.97 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
    - (c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:
      - (i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and
      - (ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.
    - (d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.
  - (2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ten for the 2006-07 school year.
  - (3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.
  - (4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

**Sec. 1413.** 2006 c 372 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS**

General Fund--State Appropriation (FY 2006)	\$3,842,000
General Fund--State Appropriation (FY 2007)	(( <del>\$23,879,000</del> ))
	<u>\$19,067,000</u>
Pension Funding Stabilization Account Appropriation	\$189,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$27,910,000</del>))</b>
	<u>\$23,098,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (d) and (e)(i) of this subsection.

(c) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time funding amount equal to 12 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to ensure that extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(d) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(e) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.50 for maintenance, operations, and transportation;
- (ii) \$12.00 for pre- and post-remediation assessments;
- (iii) \$17.00 per reading remediation student unit;
- (iv) \$8.00 per mathematics remediation student unit; and
- (v) \$8.00 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$708,000 of the general fund--state appropriation for fiscal year 2006 and \$3,408,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional one-time allocations to offer remedial programs for students in the class of 2007 or other students who have not achieved success on the tenth grade WASL. The formula for distributing the allocations to school districts shall include amounts for students in the class of 2007 who register to retake the WASL and want remedial assistance, and other factors as determined by the office of the superintendent of public instruction. Before making the allocations from the funding provided in this subsection, the office of the superintendent of public instruction shall consult with the office of financial management to ensure that the proposed allocations will achieve efficient and effective program delivery and that they are one-time in nature.

(5) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

(6) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

**Sec. 1414.** 2006 c 372 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State Appropriation	(( <del>\$630,537,000</del> ))
	<u>\$630,313,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual

average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

**Sec. 1415.** 2006 c 372 s 518 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2006)	\$100,000
General Fund--State Appropriation (FY 2007)	<del>(\$32,504,000)</del>
	<u>\$32,799,000</u>
General Fund--Federal Appropriation	\$180,000
<b>TOTAL APPROPRIATION</b>	<del>(\$32,784,000)</del>
	<u>\$33,079,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(d) Measurable goals and evaluation methodology to determine impact;

(e) Integration of reading strategies from the Washington state early learning and development benchmarks;

(f) A plan for marketing and public relations;

(g) Strategies for sustaining the program when grant funding is no longer available; and

(h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

**PART XV  
HIGHER EDUCATION**

**Sec. 1501.** 2006 c 372 s 603 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2006)	\$337,629,000
General Fund--State Appropriation (FY 2007)	<del>(\$352,714,000)</del>
	<u>\$352,614,000</u>
General Fund--Private/Local Appropriation	\$300,000
Accident Account--State Appropriation	\$6,209,000
Medical Aid Account--State Appropriation	\$6,143,000
Education Legacy Trust--State Appropriation	\$10,748,000
Pension Funding Stabilization Account--State Appropriation	\$604,000
<b>TOTAL APPROPRIATION</b>	<del>(\$714,347,000)</del>
	<u>\$714,247,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and \$296,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and \$450,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase the university's capacity to conduct research in the life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

~~((19))~~ (18) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for math engineering science achievement (MESA) Washington to establish centers throughout the state.

(19) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict.

**Sec. 1502.** 2006 c 372 s 604 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2006).	\$206,511,000
General Fund--State Appropriation (FY 2007).	<del>(\$213,500,000)</del>
	\$213,520,000
Education Legacy Trust--State Appropriation.	\$11,162,000

Pension Funding Stabilization Account--State Appropriation.....	\$293,000
TOTAL APPROPRIATION.....	( <del>\$431,466,000</del> )
	<u>\$431,486,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(12) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

~~((+5))~~ (14) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by the nonprofit institute by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

~~((+6))~~ (15) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a biofuels consumer education and outreach program at the Washington State University extension energy program.

(16) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict.

**Sec. 1503.** 2006 c 372 s 606 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2006)	(( <del>\$45,671,000</del> ))
	\$45,586,000
General Fund--State Appropriation (FY 2007)	(( <del>\$47,006,000</del> ))
	\$46,980,000
Education Legacy Trust--State Appropriation	\$6,461,000
Pension Funding Stabilization Account--State Appropriation	\$103,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$99,241,000</del>))</b>
	<b>\$99,130,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

**Sec. 1504.** 2006 c 372 s 610 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$156,449,000
General Fund--State Appropriation (FY 2007)	(( <del>\$162,843,000</del> ))
	\$162,968,000
General Fund--Federal Appropriation	\$13,075,000
Education Legacy Trust--State Appropriation	\$62,910,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$395,278,000</del>))</b>
	<b>\$395,403,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$124,901,000 of the general fund--state appropriation for fiscal year 2006, \$134,506,000 of the general fund--state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are for the state need grant program. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the state need grant program may be transferred to the state work study or educational opportunity grant programs and up to one percent may be transferred to the state education trust account as authorized in RCW 28B.92.140.

Of the amounts provided in this subsection, up to \$500,000 is to implement House Bill No. 1345 (part-time student financial aid). The board may not expend more than the amount provided in this subsection to implement the bill.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington. ( 6 )

\$250,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for the fiscal year 2007 are to support the future teachers' conditional scholarship and loan repayment program. Of this amount, \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the program by up to 70 additional slots for prospective teachers in special education, bilingual education, secondary mathematics, and secondary science.

(7) \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are for the state work study program. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the state work study program may be transferred to the state need grant or educational opportunity grant programs. In addition to the administrative allowance in section 609(2) of this act, four percent of the general fund--state amount and the education legacy trust amounts in this subsection may be transferred to and expended for state work study program administration.

(8) \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.92.140 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the educational opportunity grant program may be transferred to the state work study or state need grant programs.

(9) \$2,384,000 of the general fund--state appropriation for fiscal year 2006 and \$2,361,000 of the general fund--state appropriation for fiscal year 2007 are to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

(10) \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$847,000 of the general fund--state appropriation for fiscal year 2007 are to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(11) \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

(12) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$4,325,000 of the general fund--state appropriation for fiscal year 2006 is for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004. Unexpended funds remaining after June 30, 2006, may be transferred to the state education trust account authorized in RCW 28B.92.140.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time costs associated with stabilizing the GEAR-UP scholarship program.

(14) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,100,000 of the general fund--state appropriation for fiscal year 2007 are for the health professions loan repayment and scholarship program.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2006 and \$60,000 of the general fund--state appropriation for fiscal year 2007 are for the Washington center scholarship program.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the board to contract with the Washington leadership 1000 scholarship fund. The funds shall be used to support, develop, and implement the leadership 1000 scholarship program which matches private benefactors with selected economically disadvantaged students who would otherwise be unable to attend college after depleting all other sources of scholarship and financial aid.

(17) By December 1st of each fiscal year, the board shall submit a report to the legislature detailing the outcomes from the previous year and a progress report on the current year for each of the student aid programs listed in this section: (a) The number of students served; (b) the award amount provided to students by sector; (c) the total amount spent; and (d) an explanation for any variation between the amount listed in the subsections and the amount expended.

**Sec. 1505.** 2006 c 372 s 616 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2006) . . . . .	\$5,149,000
General Fund--State Appropriation (FY 2007) . . . . .	(( <del>\$5,285,000</del> ))
	<u>\$5,354,000</u>
General Fund--Private/Local Appropriation . . . . .	\$1,335,000
Pension Funding Stabilization Account--State Appropriation . . . . .	\$38,000
TOTAL APPROPRIATION . . . . .	(( <del>\$11,807,000</del> ))
	<u>\$11,876,000</u>

**PART XVI  
SPECIAL APPROPRIATIONS**

**Sec. 1601.** 2006 c 372 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2006) . . . . .	\$640,544,000
General Fund--State Appropriation (FY 2007) . . . . .	(( <del>\$683,019,000</del> ))
	<u>\$679,329,000</u>
State Building Construction Account--State Appropriation . . . . .	(( <del>\$5,924,000</del> ))
	<u>\$6,500,000</u>
State Taxable Building Construction Account--State Appropriation . . . . .	\$539,000
Gardner-Evans Higher Education Construction Account--State Appropriation . . . . .	\$1,395,000
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation . . . . .	\$2,583,000
Columbia River Basin Water Supply Development Account--State Appropriation . . . . .	\$24,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation . . . . .	\$21,000
TOTAL APPROPRIATION . . . . .	(( <del>\$1,334,004,000</del> ))
	<u>\$1,330,935,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

**Sec. 1602.** 2006 c 372 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2006).	\$24,588,000
General Fund--State Appropriation (FY 2007).	\$26,743,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation.	( <del>(\$130,909,000)</del> )
	<u>\$131,001,000</u>
TOTAL APPROPRIATION.	( <del>(\$182,240,000)</del> )
	<u>\$182,332,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**Sec. 1603.** 2006 c 372 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2006).	\$1,357,000
General Fund--State Appropriation (FY 2007).	( <del>(\$1,357,000)</del> )
	<u>\$957,000</u>
State Building Construction Account--State Appropriation.	\$1,080,000
State Taxable Building Construction Account--State Appropriation.	( <del>(\$78,000)</del> )
	<u>\$86,000</u>
Gardner-Evans Higher Education Construction Account--State Appropriation.	\$452,000
Columbia River Basin Water Supply Development Account--State Appropriation.	\$2,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation.	<u>\$2,000</u>
TOTAL APPROPRIATION.	( <del>(\$4,324,000)</del> )
	<u>\$3,936,000</u>

**Sec. 1604.** 2006 c 372 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL**

Disaster Response Account--State Appropriation.	( <del>(\$8,000,000)</del> )
	<u>\$9,000,000</u>

The sum of (~~(\$8,000,000)~~) \$9,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**Sec. 1605.** 2006 c 372 s 706 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY**

General Fund--State Appropriation (FY 2006).	\$1,600,000
General Fund--State Appropriation (FY 2007).	<u>\$1,000,000</u>
TOTAL APPROPRIATION.	<u>\$2,600,000</u>

The appropriations in this section (~~(is)~~) are subject to the following conditions and limitations: The appropriations (~~(is)~~) are provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

**Sec. 1606.** 2006 c 372 s 707 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:	
(a) Kirk F. Schultz, claim number SCJ 2006-01.	\$12,312
(b) Scott A. King, claim number SCJ 2006-02.	\$9,922
(c) Mark D. Huckaba, claim number SCJ 2006-03.	\$10,000
(d) James D. Brittain, claim number SCJ 2006-02.	\$20,000
(e) Jain E. Johnson, claim number SCJ 2007-01.	<u>\$7,250</u>
(f) Sandra J. Ciske, claim number SCJ 2007-02.	<u>\$10,168</u>
(g) Matthew R. Young, claim number SCJ 2007-03.	<u>\$40,185</u>
(h) Kevin J. Flockhart, claim number SCJ 2007-04.	<u>\$38,209</u>
(i) James J. O'Hagan, claim number SCJ 2007-05.	<u>\$25,207</u>
(2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:	
(a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05.	\$21,926
(b) ( <del>(Venture Farms, claim number SCG 2005-03.</del> )	<del>\$57,448</del>
( <del>(e))</del> ) Patrick O'Hagen, claim number SCG 2006-02.	\$1,673
( <del>(f))</del> ) (c) Patrick O'Hagen, claim number SCG 2006-03.	\$2,389
( <del>(g))</del> ) (d) Swampapple Enterprises, Inc., claim number SCG 2006-04.	\$3,574
( <del>(h))</del> ) (e) Wilbur H. Mundy, claim number SCG 2006-05.	\$10,307
( <del>(i))</del> ) (f) Sam Kayser, claim number SCG 2006-08.	\$1,108

<del>((h))</del> (g) Richard Cordell, claim number SCG 2006-09. . . . .	\$4,076
(h) Ralland L. Wallace, claim number SCG 2006-06. . . . .	\$23,393
(i) Sulfur Creek Ranches, claim number SCG 2007-01. . . . .	<u>\$4,602</u>
(3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050: Darrin Erdahl, claim number SCO 2006-01. . . . .	\$3,000

**Sec. 1607.** 2005 c 518 s 707 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT**

General Fund--State Appropriation (FY 2006). . . . .	\$45,000
General Fund--State Appropriation (FY 2007). . . . .	<del>(\$792,000)</del>
	<u>\$604,000</u>
TOTAL APPROPRIATION. . . . .	<del>(\$837,000)</del>
	<u>\$649,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

**Sec. 1608.** 2006 c 372 s 708 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2006). . . . .	\$32,450,000
General Fund--State Appropriation (FY 2007). . . . .	<del>(\$38,750,000)</del>
	<u>\$38,650,000</u>

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2006). . . . .	\$6,601,000
General Fund--State Appropriation (FY 2007). . . . .	\$9,539,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006). . . . .	\$300,000
General Fund--State Appropriation (FY 2007). . . . .	\$300,000
TOTAL APPROPRIATION. . . . .	<del>(\$87,940,000)</del>
	<u>\$87,840,000</u>

**Sec. 1609.** 2006 c 372 s 712 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--ENERGY FREEDOM ACCOUNT**

General Fund--State Appropriation (FY 2007). . . . .	<del>(\$23,000,000)</del>
	<u>\$20,500,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for ~~((deposit))~~ expenditure into the energy freedom account. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

**Sec. 1610.** 2006 c 372 s 715 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT--RETROSPECTIVE PAYMENTS**

General Fund--State Appropriation (FY 2007). . . . .	<del>(\$11,813,000)</del>
	\$11,039,976
Special Personnel Litigation Revolving Account Appropriation. . . . .	<del>(\$10,689,000)</del>
	\$9,954,024
TOTAL APPROPRIATION. . . . .	<del>(\$22,502,000)</del>
	<u>\$20,994,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of funding the retrospective payments for the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the ~~((state treasurer))~~ office of financial management shall transfer or direct the transfer of sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with ~~((LEAP))~~ OFM document number ~~((2006-S11))~~ 2007-S01 dated ~~((March 3,))~~ December 19, 2006. Agencies and institutions of higher education with local funds will deposit sufficient money

to the special personnel litigation revolving account from their local funds as directed by the office of financial management. The office of financial management will direct the transfer of funds in the amount of the settlement to the administrator of the settlement on the date required by the court order.

NEW SECTION. Sec. 1611. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT--PROSPECTIVE PAYMENTS</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$793,000
Special Personnel Litigation Revolving Account Appropriation. . . . .	\$666,000
TOTAL APPROPRIATION. . . . .	\$1,459,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of funding the prospective provisions in the settlement agreement, settling all claims in the litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) Appropriations or spending authority is provided to agencies in accordance with OFM document number 2007-S02 dated December 19, 2006. This funding is to be used in each agency's payroll process to pay the increased salaries for specified job classes as required in the settlement agreement.

NEW SECTION. Sec. 1612. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--EQUAL JUSTICE SUBACCOUNT</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the equal justice subaccount.

NEW SECTION. Sec. 1613. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$9,700,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

NEW SECTION. Sec. 1614. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--TOBACCO PREVENTION AND CONTROL ACCOUNT</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the tobacco prevention and control account.

NEW SECTION. Sec. 1615. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION FUNDING STABILIZATION ACCOUNT</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$155,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the pension funding stabilization account.

NEW SECTION. Sec. 1616. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION LEGACY TRUST ACCOUNT</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$215,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the education legacy trust account.

NEW SECTION. Sec. 1617. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--MOBILE HOME PARK RELOCATION ACCOUNT</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the mobile home park relocation account.

NEW SECTION. Sec. 1618. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--HEALTH SERVICES ACCOUNT</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$40,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the health services account.

NEW SECTION. Sec. 1619. A new section is added to 2005 c 518 (uncodified) to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--PUBLIC SAFETY AND EDUCATION ACCOUNT</b>	
General Fund--State Appropriation (FY 2007). . . . .	\$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the public safety and education account.

**Sec. 1620.** 2005 c 518 s 729 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION CONTRIBUTION ADJUSTMENTS FOR THE PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM**

<del>((General Fund--State Appropriation (FY 2007))</del> .....	<del>(\$4,400,000)</del>
Special Account Retirement Contribution Increase Revolving Account Appropriation.....	<del>(\$3,900,000)</del>
	<del>-\$73,000</del>
<del>((TOTAL APPROPRIATION</del> .....	<del>-\$500,000)</del>

The appropriation((s)) in this section ((are)) is subject to the following conditions and limitations:

- (1) The appropriation((s)) in this section ((are)) is provided solely to make adjustments to agency appropriations to reflect the costs associated with the entry of employees into the public safety employees' retirement system as created by chapter 242, Laws of 2004.
- (2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 1621.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--TECHNOLOGY FUNDING**

General Fund--State Appropriation (FY 2007).....	\$18,301,000
Special Technology Funding Revolving Account Appropriation (FY 2008).....	\$33,727,000
TOTAL APPROPRIATION.....	\$52,028,000

The appropriations in this section are provided solely for deposit to and expenditure from the data processing revolving account and are subject to the following conditions and limitations:

- (1) The appropriations in this section are provided solely for deposit to the data processing revolving account. These funds, to be known as the "information technology funding pool" are under the joint control of the department of information services and the office of financial management. The department of information services shall review information technology proposals and work jointly with the office of financial management to determine the projects to be funded and the amounts and timing of release of funds. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special technology funding revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.
- (2) In exercising this authority, the department of information services and the office of financial management shall:
  - (a) Seek opportunities to reduce costs and achieve economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies that include standard software, hardware, and other information technology systems infrastructure, and common data definitions and data stores that promote the sharing of information across agencies whenever possible;
  - (b) Ensure agencies incorporate project management best practices and consider lessons learned from other information technology projects; and
  - (c) Develop criteria for the evaluation of information technology project funding proposals to include the determination of where common or coordinated technology or data solutions may be established, and identification of projects that cross fiscal biennia or are dependent on other prior, current, or future related investments.
- (3) In allocating funds for the routine replacement of software and hardware, the information services board and office of financial management shall presume that agencies should have sufficient funding in their base allocation to pay for such replacement and that any allocations out of these funds are for extraordinary maintenance costs.
- (4) Funds shall not be released for information technology projects with a risk-severity assessment level two or greater under the policies of the information services board until a feasibility study has been completed and approved by the information services board. If the feasibility study indicates a need for funding exceeding that allocated for the current biennium, justification of increased project costs shall be incorporated in an annual report from the department of information services to the information services board, the office of financial management, and the legislative evaluation and accountability program committee. Implementation funds shall not be released until the project is approved by the legislature.
- (5) Funds in the 2007-09 biennium may only be expended on the projects listed on LEAP document 100, as generated by the legislative evaluation and accountability program committee on March 26, 2007, at 12:00 hours. Future biennia allocations from the information technology funding pool shall be determined jointly by the department of information services and the office of financial management.
- (6) Beginning December 1, 2008, and every biennium thereafter, the department of information services shall submit a statewide information technology plan to the office of financial management and the legislative evaluation and accountability program committee that supports a consolidated funding request. In alternate years, a plan addendum shall be submitted that reflects any modified funding pool request requiring action in the ensuing supplemental budget session.
- (7) The department of information services shall report to the office of financial management and the legislative evaluation and accountability program committee by October 1, 2007, and annually thereafter, the status of planned allocations from funds appropriated in this section.
- (8) State agencies shall report project performance in consistent and comparable terms using a common methodology such as earned value management (EVM) to calculate project performance by measuring work accomplished (scope and schedule) against work planned and project cost against planned budget. The department of information services shall provide implementation guidelines and oversight of project performance reporting.
- (9) The information services board shall require all agencies receiving funds appropriated in this section to account for project expenses included in an information technology portfolio report submitted annually to the department of information services, the office of financial management, and the legislative evaluation and accountability program committee by October 1st of each year. The department of information services, with the advice and approval of the office of financial management, shall establish criteria for complete and consistent reporting of expenditures from these funds and project staffing levels.
- (10) In consultation with the legislative evaluation and accountability program committee, the department of information services shall develop criteria for evaluating requests for these funds and shall report annually to the office of financial management and the legislative evaluation and accountability program committee by November 1st the status of distributions and expenditures from this pool.

**OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 1701.** 2006 c 372 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions. . . . .	(( <del>\$6,561,000</del> ))
	<u>\$6,644,000</u>
General Fund Appropriation for public utility district excise tax distributions. . . . .	(( <del>\$44,292,000</del> ))
	<u>\$44,282,000</u>
General Fund Appropriation for prosecuting attorney distributions. . . . .	(( <del>\$3,568,000</del> ))
	<u>\$3,757,000</u>
General Fund Appropriation for boating safety and education distributions. . . . .	(( <del>\$4,252,000</del> ))
	<u>\$3,979,000</u>
General Fund Appropriation for other tax distributions. . . . .	(( <del>\$38,000</del> ))
	<u>\$41,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies. . . . .	(( <del>\$1,969,000</del> ))
	<u>\$2,044,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution. . . . .	(( <del>\$147,000</del> ))
	<u>\$133,000</u>
Timber Tax Distribution Account Appropriation for distribution to "timber" counties. . . . .	(( <del>\$83,325,000</del> ))
	<u>\$77,023,000</u>
County Criminal Justice Assistance Appropriation. . . . .	(( <del>\$53,650,000</del> ))
	<u>\$53,953,000</u>
Municipal Criminal Justice Assistance Appropriation. . . . .	(( <del>\$21,315,000</del> ))
	<u>\$21,381,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution. . . . .	(( <del>\$40,512,000</del> ))
	<u>\$41,525,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution. . . . .	(( <del>\$88,818,000</del> ))
	<u>\$68,911,000</u>
City-County Assistance Account Appropriation for local government financial assistance distribution. . . . .	(( <del>\$20,100,000</del> ))
	<u>\$26,020,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$368,547,000</del>))</b>
	<b><u>\$349,693,000</u></b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 1702.** 2006 c 372 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation. . . . .	(( <del>\$2,050,000</del> ))
	<u>\$2,173,601</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1703.** 2006 c 372 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation. . . . .	(( <del>\$1,367,000</del> ))
	<u>\$1,499,068</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1704.** 2006 c 372 s 804 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution. . . . .	(( <del>\$1,644,000</del> ))
	<u>\$2,292,000</u>
General Fund Appropriation for federal flood control funds distribution. . . . .	(( <del>\$68,000</del> ))
	<u>\$67,000</u>
Forest Reserve Fund Appropriation for federal forest reserve fund distribution. . . . .	(( <del>\$84,500,000</del> ))

	\$84,071,000
TOTAL APPROPRIATION.....	(( <del>\$86,212,000</del> ))
	\$86,430,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 1705.** 2006 c 372 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS.** For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:

For transfer to the state general fund, \$5,150,000 for fiscal year 2006 and \$5,150,000 for fiscal year 2007. ....	\$10,300,000
General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007. ....	\$300,000
Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007. ....	\$1,557,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006. ....	\$8,400,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account. ....	(( <del>\$185,823,000</del> ))
	\$166,070,000
Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006. ....	\$45,000,000
Health Services Account: For transfer to the tobacco prevention and control account. ....	(( <del>\$25,086,000</del> ))
	\$21,257,000
Health Services Account: For transfer to the water quality account. ....	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account. ....	\$6,932,000
Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007. ....	\$85,000,000
Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2006. ....	\$2,000,000
Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007. ....	\$500,000
State Treasurer's Service Account: For transfer to the state general fund, \$9,500,000 for fiscal year 2006 and \$7,000,000 for fiscal year 2007. ....	\$16,500,000
General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007. ....	\$637,000
State Toxics Control Account: For transfer to the water quality account. ....	\$12,500,000
Water Quality Account: For transfer to the water pollution control revolving account. ....	(( <del>\$16,534,000</del> ))
	\$11,034,000
Pollution Liability Insurance Trust Account: For transfer to the state general fund. ....	\$3,750,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed. ....	\$21,800,000
Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007. ....	\$2,000,000
Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006. ....	\$4,500,000
Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006. ....	\$3,000,000
Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006. ....	\$1,000,000
General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007. ....	\$3,000,000
Education Legacy Trust Account: For transfer to the student achievement account, \$35,555,000 for fiscal year 2006 and \$103,046,000 for fiscal year 2007. ....	\$138,601,000

**PART XVIII  
MISCELLANEOUS**

**NEW SECTION. Sec. 1801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.15.910, 41.05.065, 43.10.180, 46.09.170, 70.105D.070, and 74.08A.340; reenacting and amending RCW 43.08.250 and 70.146.030; amending 2006 c 372 ss 108, 111, 112, 114, 118, 122, 124, 126, 127, 128, 135, 137, 138, 147, 150, 152, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 219, 221, 222, 225, 302, 303, 306, 307, 308, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 603,

604, 606, 610, 616, 701, 703, 704, 705, 706, 707, 708, 712, 715, 801, 802, 803, 804, and 805 (uncodified); amending 2005 c 518 ss 707 and 729 (uncodified); adding new sections to 2005 c 518 (uncodified); creating new sections; making appropriations; and declaring an emergency."

**SENATE AMENDMENT TO HOUSE BILL**

On motion of Representative Sommers, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1128 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed the following members as Conferees: Representatives Sommers, Dunshee and Alexander.

**SECOND READING**

**SENATE BILL NO. 5434, by Senators Poulsen, Schoesler, Kastama, Zarelli, Prentice, Regala, Benton and Rasmussen; by request of Department of Revenue**

**Regarding excise taxation of sales of tangible personal property originating from or destined to foreign countries.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5434.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5434 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Hasegawa - 1.

SENATE BILL NO. 5434, having received the necessary constitutional majority, was declared passed.

**REPORT OF CONFERENCE COMMITTEE**

April 19, 2007

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, providing high quality, affordable health care to Washingtonians based on the recommendations of the blue

ribbon commission on health care costs and access, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-3595.4/07) be adopted:

Strike everything after the enacting clause and insert the following:

**"USE STATE PURCHASING TO IMPROVE HEALTH CARE QUALITY**

**NEW SECTION. Sec. 1.** (1) The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within their health care programs to:

(a) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;

(b) Pay for care that reflects patient preference and is of proven value;

(c) Require the use of evidence-based standards of care where available;

(d) Tie provider rate increases to measurable improvements in access to quality care;

(e) Direct enrollees to quality care systems;

(f) Better support primary care and provide a medical home to all enrollees through reimbursement policies that create incentives for providers to enter and remain in primary care practice and that address disparities in payment between specialty procedures and primary care services; and

(g) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

(2) In developing any component of the plan that links payment to health care provider performance, the authority and the department shall work in collaboration with the department of health, health carriers, local public health jurisdictions, physicians and other health care providers, the Puget Sound health alliance, and other purchasers.

(3) The plan shall (a) identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress toward those goals will be measured; and (c) be submitted to the governor and the legislature upon completion. The agencies shall report to the legislature by September 1, 2007. Any component of the plan that links payment to health care provider performance must be submitted to the legislature for consideration prior to implementation by the department or the authority.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The legislature finds that there is growing evidence that, for preference-sensitive care involving elective surgery, patient-practitioner communication is improved through the use of high-quality decision aids that detail the benefits, harms, and uncertainty of available treatment options. Improved communication leads to more fully informed patient decisions. The legislature intends to increase the extent to which patients make genuinely informed, preference-based treatment decisions, by promoting public/private collaborative efforts to broaden the development, certification, use, and evaluation of effective decision aids and by recognition of shared decision making and patient decision aids in the state's laws on informed consent.

(2) The health care authority shall implement a shared decision-making demonstration project. The demonstration project shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing state purchased health care. The demonstration project shall include the following elements:

(a) Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology;

(b) An evaluation of the impact of the use of shared decision making with decision aids, including the use of preference-sensitive

health care services selected for the demonstration project and expenditures for those services, the impact on patients, including patient understanding of the treatment options presented and concordance between patient values and the care received, and patient and practitioner satisfaction with the shared decision-making process; and

(c) As a condition of participating in the demonstration project, a participating practice site must bear the cost of selecting, purchasing, and incorporating the chosen decision aids into clinical practice.

(3) The health care authority may solicit and accept funding and in-kind contributions to support the demonstration and evaluation, and may scale the evaluation to fall within resulting resource parameters.

**Sec. 3.** RCW 7.70.060 and 1975-'76 2nd ex.s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

((+)) (a) A description, in language the patient could reasonably be expected to understand, of:

((+)) (i) The nature and character of the proposed treatment;

((+)) (ii) The anticipated results of the proposed treatment;

((+)) (iii) The recognized possible alternative forms of treatment; and

((+)) (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

((+)) (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ((+) of this section)).

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4) As used in this section, "patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific knowledge about outcomes, and that is certified by one or more national certifying organizations.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

## PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, must acknowledge the role of primary care providers and include financial and other supports to enable these providers to effectively carry out their role in chronic care management, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients best served under a chronic care management model using predictive modeling through claims or other health risk information; and

(b) Evaluate the effectiveness of current chronic care management efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

(a) Clinical information systems and sharing and organization of patient data;

(b) Decision support to promote evidence-based care;

(c) Clinical delivery system design;

(d) Support for patients managing their own conditions; and

(e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the

provider's participation in the medicaid program, the basic health plan, and health plans offered through the public employees' benefits board.

**NEW SECTION. Sec. 6.** (1) The health care authority, in collaboration with the department of health, shall design and implement a chronic care management program for state employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

**Sec. 7.** RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

**NEW SECTION. Sec. 8.** A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect a fee of three dollars and fifty cents from the parents or other responsible party of each infant screened for congenital disorders as defined by the state board of health under RCW 70.83.020 to fund specialty clinics that provide treatment services for those with the defined disorders. The fee may be collected through the facility where a screening specimen is obtained.

#### **COST AND QUALITY INFORMATION FOR CONSUMERS AND PROVIDERS**

**NEW SECTION. Sec. 9.** A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. In collaboration with the Puget Sound health alliance and other local organizations, the forum shall:

(1) Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;

(2) Coordinate the collection of health care quality data among state health care purchasing agencies;

(3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;

(4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and

(5) Produce an annual quality report detailing clinical practice patterns for purchasers, providers, insurers, and policy makers. The agencies shall report to the legislature by September 1, 2007.

**NEW SECTION. Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and co-chairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(i), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

**Sec. 11.** RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary,

the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in ~~((RCW 18.79.202, until June 30, 2013; and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360))~~ subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of section 12 of this act.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.70 RCW to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009.

**Sec. 13.** RCW 70.56.030 and 2006 c 8 s 107 are each amended to read as follows:

(1) The department shall:

(a) Receive and investigate, where necessary, notifications and reports of adverse events, including root cause analyses and corrective action plans submitted as part of reports, and communicate to individual facilities the department's conclusions, if any, regarding an adverse event reported by a facility; ~~((and))~~

(b) Provide to the Washington state quality forum established in section 9 of this act such information from the adverse health events and incidents reports made under this chapter as the department and the Washington state quality forum determine will assist in the Washington state quality forum's research regarding health care quality, evidence-based medicine, and patient safety. Any shared information must be aggregated and not identify an individual medical facility. As determined by the department and the Washington state quality forum, selected shared information may be disseminated on the Washington state quality forum's web site and through other appropriate means; and

(c) Adopt rules as necessary to implement this chapter.

(2) The department may enforce the reporting requirements of RCW 70.56.020 using ~~((their))~~ its existing enforcement authority provided in chapter 18.46 RCW for childbirth centers, chapter 70.41 RCW for hospitals, and chapter 71.12 RCW for psychiatric hospitals.

#### REDUCING UNNECESSARY EMERGENCY ROOM USE

**NEW SECTION. Sec. 14.** The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs that they administer and the uninsured, and then partner with community organizations and local health care providers to develop reimbursement incentive strategies and design a demonstration pilot to reduce such unnecessary visits.

**NEW SECTION. Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:

To the extent that sufficient funding is provided specifically for this purpose, the administrator, in collaboration with the department of social and health services, shall provide all persons enrolled in health plans under this chapter and chapter 70.47 RCW with access to a twenty-four hour, seven day a week nurse hotline.

**NEW SECTION. Sec. 16.** A new section is added to chapter 74.09 RCW to read as follows:

To the extent that sufficient funding is provided specifically for this purpose, the department, in collaboration with the health care authority, shall provide all persons receiving services under this chapter with access to a twenty-four hour, seven day a week nurse hotline. The health care authority and the department of social and health services shall determine the most appropriate way to provide the nurse hotline under section 15 of this act and this section, which may include use of the 211 system established in chapter 43.211 RCW.

#### REDUCE HEALTH CARE ADMINISTRATIVE COSTS

**NEW SECTION. Sec. 17.** By December 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, hospitals, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

#### COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE

**NEW SECTION. Sec. 18.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue covering that dependent under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

**NEW SECTION. Sec. 19.** A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 20.** A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 21.** A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

**NEW SECTION. Sec. 22.** A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

### SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS

**NEW SECTION. Sec. 23.** (1) The department of social and health services shall develop a series of options that require federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic health program, for the medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program for individuals eligible for transitional medical benefits. When a participant in the health opportunity account demonstration program satisfies his or her deductible, the benefits provided shall be those included in the medicaid benefit package in effect during the period of the demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) Prior to submitting requests for federal waivers or state plan amendments, the department shall consult with and seek input from stakeholders and other interested parties.

(3) The department of social and health services, in collaboration with the Washington state health care authority, shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the maximum number of people within available funds.

**NEW SECTION. Sec. 24.** A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

### REINSURANCE

**NEW SECTION. Sec. 25.** (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate options and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance markets, and submit an interim report to the governor and the legislature by December 1, 2007, and a final report, including implementing legislation and

supporting information, including financing options, by September 1, 2008. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program such as the approach used by the department of labor and industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Determine whether the Washington state health insurance pool should be retained, and if so, develop options for additional sources of funding;

(f) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

(g) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

### THE WASHINGTON STATE HEALTH INSURANCE POOL AND THE BASIC HEALTH PLAN

**Sec. 26.** RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended

under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least two policies, one of which will be a comprehensive policy that must comply with RCW 48.41.120 and must at a minimum include the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, ~~((but limited to))~~ including no less than a total of one hundred eighty inpatient days in a calendar year, and ~~((limited to))~~ no less than thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) ~~((The first))~~ No less than twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not ~~((more))~~ less than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery ~~((limited to))~~ including at least the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (6) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ~~((The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however:))~~ No limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

~~((6))~~ (7) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7))~~ (8) of this section.

~~((7))~~ (8)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (9) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(10) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate. The pool may encourage the use of shared decision making and certified decision aids for preference-sensitive care areas.

**Sec. 27.** RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

~~((A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150))~~ On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage consistent with this section. As a means to minimize the number of policy changes for enrollees, replacement policies provided under this subsection also may include the plan modifications authorized in RCW 48.41.100, 48.41.110, and 48.41.120.

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

(a) Nonpayment of premium;

(b) Violation of published policies of the pool;

(c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replacement plan through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace or discontinue a plan under this subsection (4) until it has completed an evaluation of the impact of replacing the plan upon:

(i) The cost and quality of care to pool enrollees;

(ii) Pool financing and enrollment;

(iii) The board's ability to offer comprehensive and other plans to its enrollees;

(iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

((3)) (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

**Sec. 28.** RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as

defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

**Sec. 29.** RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

**Sec. 30.** RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a

medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~((one))~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

**Sec. 31.** RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection (3) of this section, ~~((a))~~ the comprehensive pool policy offered ((in accordance with)) under RCW 48.41.110((3)) (4) shall impose a deductible as provided in this subsection. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at ~~((the))~~ a rate ((of)) not to exceed twenty percent of eligible expenses in excess of the mandatory deductible and which supports the efficient delivery of high quality health care services for the medical conditions of pool enrollees.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under ~~((a))~~ the comprehensive pool policy offered ((in accordance with)) under RCW 48.41.110((3)) (4) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Except for those enrolled in a high deductible health plan qualified under federal law for use with a health savings account, eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

(5) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.

**Sec. 32.** RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ((five hundred)) dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July, 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or

procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual

or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**Sec. 33.** RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

~~(Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately.)~~ The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.

**Sec. 34.** RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

- (a) Encourages competition among insuring entities;
- (b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;
- (c) Is timely to the state budgetary process; and
- (d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

- (i) Facilitate diagnosis or treatment;
- (ii) Reduce unnecessary duplication of medical tests;
- (iii) Promote efficient electronic physician order entry;
- (iv) Increase access to health information for consumers and their providers; and
- (v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

**Sec. 35.** RCW 70.47.020 and 2005 c 188 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health

care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(6) "Subsidized enrollee" means:

(a) An individual, or an individual plus the individual's spouse or dependent children:

((a)) (i) Who is not eligible for medicare;

((a)) (ii) Who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator;

((a)) (iii) Who is not a full-time student who has received a temporary visa to study in the United States;

((a)) (iv) Who resides in an area of the state served by a managed health care system participating in the plan;

((a)) (v) Whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

((a)) (vi) Who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan(??);

(b) An individual who meets the requirements in (a)(i) through (iv) and (vi) of this subsection and who is a foster parent licensed under chapter 74.15 RCW and whose gross family income at the time of enrollment does not exceed three hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

(c) To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, (~~"subsidized enrollee" also means~~) an individual, or an individual's spouse or dependent children, who meets the requirements in (a)(i) through ((a)) (iv) and ((a)) (vi) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who is accepted for enrollment by the administrator as provided in RCW 48.43.018, either because the potential enrollee cannot be required to complete the standard health questionnaire under RCW 48.43.018, or, based upon the results of the standard health questionnaire, the potential enrollee would not qualify for coverage under the Washington state health insurance pool; (d) who resides in an area of the state served by a managed health care system participating in the plan; ((a)) (e) who chooses to obtain basic health care coverage from a particular managed health care system; and ((a)) (f) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(9) "Premium" means a periodic payment, (~~based upon gross family income~~) which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

(10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

Sec. 36. RCW 70.47.060 and 2006 c 343 s 9 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from subsidized enrollees under RCW 70.47.020(6)(b). Premiums due for foster parents with gross family income up to two hundred percent of the federal poverty level shall be set at the minimum premium amount charged to enrollees with income below sixty-five percent of the federal poverty level. Premiums due for foster parents with gross family income between two hundred percent and three hundred percent of the federal poverty level shall not exceed one hundred dollars per month.

(c) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

((a)) (d) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

((a)) (e) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable

to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

~~((f))~~ (f) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health

plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

(20) To give priority in enrollment to persons who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

**Sec. 37.** RCW 48.43.018 and 2004 c 244 s 3 are each amended to read as follows:

(1) Except as provided in (a) through (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by

such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan ~~((and, but for the number of persons employed by his or her employer, would have qualified for)) or enrollment in the basic health plan as a nonsubsidized enrollee following disenrollment from a health plan that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) ~~((Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii))~~) The person had at least twenty-four months of continuous group coverage including church plans immediately prior to ~~((the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if))~~ disenrollment; (ii) application is made no more than ninety days prior to the date of ~~((a qualifying event))~~ disenrollment; and (iii) the effective date of the individual coverage applied for is the date of ~~((the qualifying event))~~ disenrollment, or within ninety days thereafter.~~

(f) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary

exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

**Sec. 38.** RCW 43.70.670 and 2003 c 274 s 2 are each amended to read as follows:

(1) "Human immunodeficiency virus insurance program," as used in this section, means a program that provides health insurance coverage for individuals with human immunodeficiency virus, as defined in RCW 70.24.017(7), who are not eligible for medical assistance programs from the department of social and health services as defined in RCW 74.09.010(8) and meet eligibility requirements established by the department of health.

(2) The department of health may pay for health insurance coverage on behalf of persons with human immunodeficiency virus, who meet department eligibility requirements, and who are eligible for "continuation coverage" as provided by the federal consolidated omnibus budget reconciliation act of 1985, group health insurance policies, or individual policies. ~~((The number of insurance policies supported by this program in the Washington state health insurance pool as defined in RCW 48.41.030(18) shall not grow beyond the July 1, 2003, level.))~~

### PREVENTION AND HEALTH PROMOTION

**NEW SECTION. Sec. 39.** (1) The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state purchased health programs that they administer by:

- (a) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;
- (b) Encouraging enrollees in state health programs to complete a health assessment, and providing appropriate follow up;
- (c) Reimbursing for cost-effective prevention activities; and
- (d) Developing prevention and health promotion contracting standards for state programs that contract with health carriers.

(2) The plan shall: (a) Identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress towards those goals will be measured and reported; and (c) be submitted to the governor and the legislature upon completion.

**Sec. 40.** RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~((the department of personnel))~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.~~

~~— (2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program)) shall establish and maintain a state employee health program focused on reducing the health risks and improving the health status of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.~~

~~(2) The state employee health program shall:~~

~~(a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;~~

~~(b) Develop effective communication tools and ongoing training for wellness staff;~~

~~(c) Contract with outside vendors for evaluation of program goals;~~

~~(d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:~~

~~(i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;~~

~~(ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and~~

~~(iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.~~

~~(3) The health care authority shall report to the legislature in December 2008 and December 2010 on outcome goals for the employee health program.~~

**NEW SECTION. Sec. 41.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall implement a state employee health demonstration project. The agencies selected must: (a) Show a high rate of health risk assessment completion; (b) document an infrastructure capable of implementing employee health programs using current and emerging best practices; (c) show evidence of senior management support; and (d) together employ a total of no more than eight thousand employees who are enrolled in health plans of the public employees' benefits board. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program.

(2) Agency demonstration project employee health programs:

(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(3) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, the reduction in high blood pressure and high cholesterol, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008 and December 2010 on the demonstration project.

(4) This section expires June 30, 2011.

### PRESCRIPTION MONITORING PROGRAM

**NEW SECTION. Sec. 42.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Department" means the department of health.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a practitioner or pharmacy that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

**NEW SECTION. Sec. 43.** (1) When sufficient funding is provided for such purpose through federal or private grants, or is appropriated by the legislature, the department shall establish and maintain a prescription monitoring program to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. The program shall be designed to improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and over-prescribing of controlled substances, and improving controlled substance prescribing practices with the intent of eventually establishing an electronic database available in real time to dispensers and prescribers of controlled substances. As much as possible, the department should establish a common database with other states.

(2) Except as provided in subsection (4) of this section, each dispenser shall submit to the department by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be reported. The information submitted for each prescription shall include, but not be limited to:

- (a) Patient identifier;
- (b) Drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

(3) Each dispenser shall submit the information in accordance with transmission methods established by the department.

(4) The data submission requirements of this section do not apply to:

(a) Medications provided to patients receiving inpatient services provided at hospitals licensed under chapter 70.41 RCW; or patients of such hospitals receiving services at the clinics, day surgery areas, or other settings within the hospital's license where the medications are administered in single doses; or

(b) Pharmacies operated by the department of corrections for the purpose of providing medications to offenders in department of corrections institutions who are receiving pharmaceutical services from a department of corrections pharmacy, except that the department of corrections must submit data related to each offender's current prescriptions for controlled substances upon the offender's release from a department of corrections institution.

(5) The department shall seek federal grants to support the activities described in this act. The department may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

**NEW SECTION. Sec. 44.** To the extent that funding is provided for such purpose through federal or private grants, or is appropriated by the legislature, the health care authority shall study the feasibility of enhancing the prescription monitoring program established in section 43 of this act in order to improve the quality of state purchased health services by reducing legend drug abuse, reducing duplicative and overprescribing of legend drugs, and improving legend drug prescribing practices. The study shall address the steps necessary to expand the program to allow those who prescribe or dispense prescription drugs to perform a web-based inquiry and obtain real time information regarding the legend drug utilization

history of persons for whom they are providing medical or pharmaceutical care when such persons are receiving health services through state purchased health care programs.

**NEW SECTION. Sec. 45.** (1) Prescription information submitted to the department shall be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to disclosure, except as provided in subsections (3) and (4) of this section.

(2) The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3) and (4) of this section.

(3) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

(g) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

(h) Other entities under grand jury subpoena or court order; and

(i) Personnel of the department for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(4) The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(5) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

**NEW SECTION. Sec. 46.** The department may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 45 of this act and is subject to the penalties specified in section 48 of this act for unlawful acts.

**NEW SECTION. Sec. 47.** The department shall adopt rules to implement this chapter.

**NEW SECTION. Sec. 48.** (1) A dispenser who knowingly fails to submit prescription monitoring information to the department as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with chapter 70.02 RCW and federal health care information privacy requirements, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved

with the patient in order to provide safe and appropriate care coordination.

**Sec. 49.** RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~((and))~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the department of health under chapter 70.-- RCW (sections 42 through 48 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

### STRATEGIC HEALTH PLANNING

**NEW SECTION. Sec. 50.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health care provider" means an individual who holds a license issued by a disciplining authority identified in RCW 18.130.040 and who practices his or her profession in a health care facility or provides a health service.

(2) "Health facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers, ambulatory diagnostic, treatment, or surgical facilities, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision, including a public hospital district, or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(3) "Health service" or "service" means that service, including primary care service, offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(4) "Health service area" means a geographic region appropriate for effective health planning that includes a broad range of health services.

(5) "Office" means the office of financial management.

(6) "Strategy" means the statewide health resources strategy.

**NEW SECTION. Sec. 51.** (1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

(c) Maintain access to deidentified data collected and stored by any public and private organizations as necessary to support its planning responsibilities, including state-purchased health care program data, hospital discharge data, and private efforts to collect utilization and claims-related data. The office is authorized to enter into any data sharing agreements and contractual arrangements necessary to obtain data or to distribute data. Among the sources of deidentified data that the office may access are any databases established pursuant to the recommendations of the health information infrastructure advisory board established by chapter 261, Laws of 2005. The office may store limited data sets as necessary to support its activities. Unless specifically authorized, the office shall not collect data directly from the records of health care providers and health care facilities, but shall make use of databases that have already collected such information; and

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

(3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners, representatives of government and nongovernment health care purchasers, representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long-term care facilities, representatives of community-based long-term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.

**NEW SECTION. Sec. 52.** (1) The office, in consultation with the technical advisory committee established under section 51 of this act, shall develop a statewide health resources strategy. The strategy shall establish statewide health planning policies and goals related to the availability of health care facilities and services, quality of care, and cost of care. The strategy shall identify needs according to geographic regions suitable for comprehensive health planning as designated by the office.

(2) The development of the strategy shall consider the following general goals and principles:

(a) That excess capacity of health services and facilities place considerable economic burden on the public who pay for the construction and operation of these facilities as patients, health insurance purchasers, carriers, and taxpayers; and

(b) That the development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care, as well as projections of need for health

facilities and services, are essential to effective strategic health planning.

(3) The strategy, with public input by health service areas, shall include:

(a) A health system assessment and objectives component that:

(i) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs; and

(ii) Identifies key policy objectives for the state health system related to access to care, health outcomes, quality, and cost-effectiveness;

(b) A health care facilities and services plan that shall assess the demand for health care facilities and services to inform state health planning efforts and direct certificate of need determinations, for those facilities and services subject to certificate of need as provided in chapter 70.38 RCW. The plan shall include:

(i) An inventory of each geographic region's existing health care facilities and services;

(ii) Projections of need for each category of health care facility and service, including those subject to certificate of need;

(iii) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process; and

(iv) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region;

(c) A health care data resource plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall inventory existing data resources, both public and private, that store and disclose information relevant to the health planning process, including information necessary to conduct certificate of need activities pursuant to chapter 70.38 RCW. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health planning activities. The plan may recommend that the office be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health planning data. The plan shall provide recommendations for increasing the availability of data related to health planning to provide greater community involvement in the health planning process and consistency in data used for certificate of need applications and determinations;

(d) An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary;

(e) A rural health resource plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health workforce, and transportation needs for accessing appropriate care.

(4) The office shall submit the initial strategy to the governor and the appropriate committees of the senate and house of representatives by January 1, 2010. Every two years the office shall submit an updated strategy. The health care facilities and services plan as it pertains to a distinct geographic planning region may be updated by individual categories on a rotating, biannual schedule.

(5) The office shall hold at least one public hearing and allow opportunity to submit written comments prior to the issuance of the initial strategy or an updated strategy. A public hearing shall be held prior to issuing a draft of an updated health care facilities and services plan, and another public hearing shall be held before final adoption of an updated health care facilities and services plan. Any hearing related to updating a health care facilities and services plan for a specific planning region shall be held in that region with sufficient notice to the public and an opportunity to comment.

**NEW SECTION. Sec. 53.** The office shall submit the strategy to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. As the health care facilities and services plan is updated for any specific geographic planning region, the office shall submit that plan to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. The office shall not issue determinations of the merits of specific project proposals submitted by applicants for certificates of need.

**NEW SECTION. Sec. 54.** (1) The office may respond to requests for data and other information from its computerized system for special studies and analysis consistent with requirements for confidentiality of patient, provider, and facility-specific records. The office may require requestors to pay any or all of the reasonable costs associated with such requests that might be approved.

(2) Data elements related to the identification of individual patient's, provider's, and facility's care outcomes are confidential, are exempt from RCW 42.56.030 through 42.56.570 and 42.17.350 through 42.17.450, and are not subject to discovery by subpoena or admissible as evidence.

**Sec. 55.** RCW 70.38.015 and 1989 1st ex.s. c 9 s 601 are each amended to read as follows:

It is declared to be the public policy of this state:

(1) That strategic health planning ((to)) efforts must be supported by appropriately tailored regulatory activities that can effectuate the goals and principles of the statewide health resources strategy developed pursuant to chapter 43.-- RCW (sections 50 through 54 of this act). The implementation of the strategy can promote, maintain, and assure the health of all citizens in the state, ((to)) provide accessible health services, health manpower, health facilities, and other resources while controlling ((excessive)) increases in costs, and ((to)) recognize prevention as a high priority in health programs ((is essential to the health, safety, and welfare of the people of the state. Health planning should be responsive to changing health and social needs and conditions)). Involvement in health planning from both consumers and providers throughout the state should be encouraged;

(2) ((That the development of health services and resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities and without unnecessary duplication or fragmentation)) That the certificate of need program is a component of a health planning regulatory process that is consistent with the statewide health resources strategy and public policy goals that are clearly articulated and regularly updated;

(3) That the development and maintenance of adequate health care information, statistics and projections of need for health facilities and services is essential to effective health planning and resources development;

(4) That the development of nonregulatory approaches to health care cost containment should be considered, including the strengthening of price competition; and

(5) That health planning should be concerned with public health and health care financing, access, and quality, recognizing their close interrelationship and emphasizing cost control of health services, including cost-effectiveness and cost-benefit analysis.

**NEW SECTION. Sec. 56.** (1) For the purposes of this section and RCW 70.38.015 and 70.38.135, "statewide health resource strategy" or "strategy" means the statewide health resource strategy developed by the office of financial management pursuant to chapter 43.-- RCW (sections 50 through 54 of this act).

(2) Effective January 1, 2010, for those facilities and services covered by the certificate of need programs, certificate of need determinations must be consistent with the statewide health resources strategy developed pursuant to section 52 of this act, including any health planning policies and goals identified in the statewide health resources strategy in effect at the time of application. The department may waive specific terms of the strategy if the applicant demonstrates that consistency with those terms will create an undue burden on the population that a particular project would serve, or in emergency circumstances which pose a threat to public health.

**Sec. 57.** RCW 70.38.135 and 1989 1st ex.s. c 9 s 607 are each amended to read as follows:

The secretary shall have authority to:

(1) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis;

(2) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary for the administration of the certificate of need program;

(3) Upon review of recommendations, if any, from the board of health or the office of financial management as contained in the Washington health resources strategy;

(a) Promulgate rules under which health care facilities providers doing business within the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter;

(b) Promulgate rules pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI;

(c) Promulgate rules in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need;

(d) Promulgate rules providing circumstances and procedures of expedited certificate of need review if there has not been a significant change in existing health facilities of the same type or in the need for such health facilities and services;

(4) Grant allocated state funds to qualified entities, as defined by the department, to fund not more than seventy-five percent of the costs of regional planning activities, excluding costs related to review of applications for certificates of need, provided for in this chapter or approved by the department; and

(5) Contract with and provide reasonable reimbursement for qualified entities to assist in determinations of certificates of need.

#### HEALTH INSURANCE PARTNERSHIP

**Sec. 58.** RCW 70.47A.030 and 2006 c 255 s 3 are each amended to read as follows:

(1) To the extent funding is appropriated in the operating budget for this purpose, the ((small employer)) health insurance partnership ((program)) is established. The administrator shall be responsible for the implementation and operation of the ((small employer)) health insurance partnership ((program)), directly or by contract. The administrator shall offer premium subsidies to eligible ((employees)) partnership participants under RCW 70.47A.040.

(2) Consistent with policies adopted by the board under section 59 of this act, the administrator shall, directly or by contract:

(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;

(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;

(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;

(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;

(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under this act;

(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;

(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.

(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.

**NEW SECTION. Sec. 59.** A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board is hereby established. The governor shall appoint a nine-member board composed as follows:

- (a) Two representatives of small employers;
- (b) Two representatives of employees of small employers, one of whom shall represent low-wage employees;
- (c) Four employee health plan benefits specialists; and
- (d) The administrator.

(2) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Initial appointments shall be made on or before June 1, 2007. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall be chair of the board. Meetings of the board shall be at the call of the chair.

(3) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in this section.

(4) The board and employees of the board shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the

board to enforce the board's statutory or contractual duties or obligations.

### PUBLIC HEALTH

**NEW SECTION. Sec. 60.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Protecting the public's health across the state is a fundamental responsibility of the state. With any new state funding of the public health system as appropriated for the purposes of sections 60 through 65 of this act, the state expects that measurable benefits will be realized to the health of the residents of Washington. A transparent process that shows the impact of increased public health spending on performance measures related to the health outcomes in subsection (2) of this section is of great value to the state and its residents. In addition, a well-funded public health system is expected to become a more integral part of the state's emergency preparedness system.

(2) Subject to the availability of amounts appropriated for the purposes of sections 60 through 65 of this act, distributions to local health jurisdictions shall deliver the following outcomes:

- (a) Create a disease response system capable of responding at all times;
- (b) Stop the increase in, and reduce, sexually transmitted disease rates;
- (c) Reduce vaccine preventable diseases;
- (d) Build capacity to quickly contain disease outbreaks;
- (e) Decrease childhood and adult obesity and types I and II diabetes rates, and resulting kidney failure and dialysis;
- (f) Increase childhood immunization rates;
- (g) Improve birth outcomes and decrease child abuse;
- (h) Reduce animal-to-human disease rates; and
- (i) Monitor and protect drinking water across jurisdictional boundaries.

(3) Benchmarks for these outcomes shall be drawn from the national healthy people 2010 goals, other reliable data sets, and any subsequent national goals.

**NEW SECTION. Sec. 61.** A new section is added to chapter 43.70 RCW to read as follows:

The definitions in this section apply throughout sections 60 through 65 of this act unless the context clearly requires otherwise.

(1) "Core public health functions of statewide significance" or "public health functions" means health services that:

(a) Address: Communicable disease prevention and response; preparation for, and response to, public health emergencies caused by pandemic disease, earthquake, flood, or terrorism; prevention and management of chronic diseases and disabilities; promotion of healthy families and the development of children; assessment of local health conditions, risks, and trends, and evaluation of the effectiveness of intervention efforts; and environmental health concerns;

(b) Promote uniformity in the public health activities conducted by all local health jurisdictions in the public health system, increase the overall strength of the public health system, or apply to broad public health efforts; and

(c) If left neglected or inadequately addressed, are reasonably likely to have a significant adverse impact on counties beyond the borders of the local health jurisdiction.

(2) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

**NEW SECTION. Sec. 62.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall accomplish the tasks included in subsection (2) of this section by utilizing the expertise of varied interests, as provided in this subsection.

(a) In addition to the perspectives of local health jurisdictions, the state board of health, the Washington health foundation, and department staff that are currently engaged in development of the public health services improvement plan under RCW 43.70.520, the secretary shall actively engage:

(i) Individuals or entities with expertise in the development of performance measures, accountability and systems management, such as the University of Washington school of public health and community medicine, and experts in the development of evidence-based medical guidelines or public health practice guidelines; and

(ii) Individuals or entities who will be impacted by performance measures developed under this section and have relevant expertise, such as community clinics, public health nurses, large employers, tribal health providers, family planning providers, and physicians.

(b) In developing the performance measures, consideration shall be given to levels of performance necessary to promote uniformity in core public health functions of statewide significance among all local health jurisdictions, best scientific evidence, national standards of performance, and innovations in public health practice. The performance measures shall be developed to meet the goals and outcomes in section 60 of this act. The office of the state auditor shall provide advice and consultation to the committee to assist in the development of effective performance measures and health status indicators.

(c) On or before November 1, 2007, the experts assembled under this section shall provide recommendations to the secretary related to the activities and services that qualify as core public health functions of statewide significance and performance measures. The secretary shall provide written justification for any departure from the recommendations.

(2) By January 1, 2008, the department shall:

(a) Adopt a prioritized list of activities and services performed by local health jurisdictions that qualify as core public health functions of statewide significance as defined in section 61 of this act; and

(b) Adopt appropriate performance measures with the intent of improving health status indicators applicable to the core public health functions of statewide significance that local health jurisdictions must provide.

(3) The secretary may revise the list of activities and the performance measures in future years as appropriate. Prior to modifying either the list or the performance measures, the secretary must provide a written explanation of the rationale for such changes.

(4) The department and the local health jurisdictions shall abide by the prioritized list of activities and services and the performance measures developed pursuant to this section.

(5) The department, in consultation with representatives of county governments, shall provide local jurisdictions with financial incentives to encourage and increase local investments in core public health functions. The local jurisdictions shall not supplant existing local funding with such state-incented resources.

**NEW SECTION. Sec. 63.** A new section is added to chapter 43.70 RCW to read as follows:

Beginning November 15, 2009, the department shall report to the legislature and the governor annually on the distribution of funds to local health jurisdictions under sections 60 through 65 of this act and the use of those funds. The initial report must discuss the performance measures adopted by the secretary and any impact the funding in this act has had on local health jurisdiction performance and health status indicators. Future reports shall evaluate trends in performance over time and the effects of expenditures on performance over time.

**Sec. 64.** RCW 43.70.520 and 1993 c 492 s 467 are each amended to read as follows:

(1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system. The legislature further finds that public health nurses and nursing services are an essential part of our public health system, delivering evidence-based care and providing core services including

prevention of illness, injury, or disability; the promotion of health; and maintenance of the health of populations.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances:

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) ~~(Timing of increased funding for public health services linked to specific objectives for improving public health))~~ Linking funding for public health services to performance measures that relate to achieving improved health outcomes; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 258, chapter 492, Laws of 1993.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

NEW SECTION. Sec. 65. A new section is added to chapter 43.70 RCW to read as follows:

(1) Each local health jurisdiction shall submit to the secretary such data as the secretary determines is necessary to allow the secretary to assess whether the local health jurisdiction has used the funds in a

manner consistent with achieving the performance measures in section 62 of this act.

(2) If the secretary determines that the data submitted demonstrates that the local health jurisdiction is not spending the funds in a manner consistent with achieving the performance measures, the secretary shall:

(a) Provide a report to the governor identifying the local health jurisdiction and the specific items that the secretary identified as inconsistent with achieving the performance measures; and

(b) Require that the local health jurisdiction submit a plan of correction to the secretary within sixty days of receiving notice from the secretary, which explains the measures that the jurisdiction will take to resume spending funds in a manner consistent with achieving the performance measures. The secretary shall provide technical assistance to the local health jurisdiction to support the jurisdiction in successfully completing the activities included in the plan of correction.

(3) Upon a determination by the secretary that a local health jurisdiction that had previously been identified as not spending the funds in a manner consistent with achieving the performance measures has resumed consistency, the secretary shall notify the governor that the jurisdiction has returned to consistent status.

(4) Any local health jurisdiction that has not resumed spending funds in a manner consistent with achieving the performance measures within one year of the secretary reporting the jurisdiction to the governor shall be precluded from receiving any funds appropriated for the purposes of sections 60 through 65 of this act. Funds may resume once the local health jurisdiction has demonstrated to the satisfaction of the secretary that it has returned to consistent status.

**Sec. 66.** RCW 70.48.130 and 1993 c 409 s 1 are each amended to read as follows:

It is the intent of the legislature that all jail inmates receive appropriate and cost-effective emergency and necessary medical care. Governing units, the department of social and health services, and medical care providers shall cooperate to achieve the best rates consistent with adequate care.

Payment for emergency or necessary health care shall be by the governing unit, except that the department of social and health services shall directly reimburse the provider pursuant to chapter 74.09 RCW, in accordance with the rates and benefits established by the department, if the confined person is eligible under the department's medical care programs as authorized under chapter 74.09 RCW. After payment by the department, the financial responsibility for any remaining balance, including unpaid client liabilities that are a condition of eligibility or participation under chapter 74.09 RCW, shall be borne by the medical care provider and the governing unit as may be mutually agreed upon between the medical care provider and the governing unit. In the absence of mutual agreement between the medical care provider and the governing unit, the financial responsibility for any remaining balance shall be borne equally between the medical care provider and the governing unit. Total payments from all sources to providers for care rendered to confined persons eligible under chapter 74.09 RCW shall not exceed the amounts that would be paid by the department for similar services provided under Title XIX medicaid, unless additional resources are obtained from the confined person.

As part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled. This information shall be made available to the department, the governing unit, and any provider of health care services.

The governing unit or provider may obtain reimbursement from the confined person for the cost of health care services not provided under chapter 74.09 RCW, including reimbursement from any insurance program or from other medical benefit programs available to the confined person. Nothing in this chapter precludes civil or criminal remedies to recover the costs of medical care provided jail inmates or paid for on behalf of inmates by the governing unit. As part of a judgment and sentence, the courts are authorized to order

defendants to repay all or part of the medical costs incurred by the governing unit or provider during confinement.

To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for the department's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for the cost of such medical services from the unit of government (~~(whose law enforcement officers)~~) that initiated the charges on which the person is being held in the jail: PROVIDED, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

There shall be no right of reimbursement to the governing unit from units of government (~~(whose law enforcement officers)~~) that initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

Under no circumstance shall necessary medical services be denied or delayed because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided.

NEW SECTION. Sec. 67. The following acts or parts of acts are each repealed:

- (5) RCW 70.38.919 (Effective date--State health plan--1989 1st ex.s. c 9) and 1989 1st ex.s. c 9 s 610; and
- (2) 2006 c 255 s 10 (unclassified).

NEW SECTION. Sec. 68. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 69. Sections 42 through 48 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 70. Sections 50 through 54 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 71. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 72. Sections 18 through 22 of this act take effect January 1, 2009.

NEW SECTION. Sec. 73. If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

- (1) Section 9 of this act (Washington state quality forum);
- (2) Section 10 of this act (health records banking pilot project);
- (3) Section 14 of this act;
- (4) Section 40 of this act (state employee health program);
- (5) Section 41 of this act (state employee health demonstration project); and
- (6) Sections 50 through 57 of this act.

NEW SECTION. Sec. 74. Sections 58 and 59 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007.

NEW SECTION. Sec. 75. Section 30 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 76. Section 66 of this act expires June 30, 2009."

Correct the title.

and that the bill do pass as recommended by the Conference Committee.

Senator Keiser      Representative Cody  
Senator Franklin    Representative Morell

There being no objection, the House adopted the conference committee report on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930 and advanced the bill as recommended by the conference committee to final passage.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Cody and Schual-Berke spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Hinkle, Ericksen, Anderson, Kristiansen, Buri, Curtis, Bailey and Schindler spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5930, as recommended by the conference committee.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5930, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericks, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Springer, Strow, Sump, Walsh and Warnick - 35.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930.

RICHARD CURTIS, 18<sup>th</sup> District

**MESSAGE FROM THE SENATE**

April 20, 2007

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

**POINT OF PERSONAL PRIVILEGE**

Representative Cody: "Thank you, Mr. Speaker. On behalf of the House I'd like to take the opportunity to thank the Legislative Service Center for their hard work this year and for their years of service for us in continuing to provide support here on the floor for our computers, and the computers in our legislative offices. I know there are a few of us left that were here prior to computers but not that many anymore. I was one of the people who helped to pilot the computers ten years ago when we first got our laptops on the floor. I can tell you that it has certainly changed the Legislature. The work that these people do has been wonderful helping us through the years – all the years we were in "The Mods", all the moving back and forth they have had to do. Now it is more of a novelty that a member doesn't have a laptop in front of them, then it is to see one in front.

The Consumer Support Group from LSC provides us with assistance in troubleshooting our laptops twenty-four hours a day, seven days a week year round. They are always here as backup in the Chamber. Today we have with us Dave Rowden and Sharon Heath. Sharon has been the Customer Support Group manager for the last ten years – the whole ten years that we have had our laptops and she is going to be retiring soon. She has been with LSC for eighteen years so I want to take the opportunity to thank her for all her service. I thought it would be nice to thank the whole group for all of their work."

**MESSAGE FROM THE SENATE**

April 20, 2007

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1091. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The director shall designate innovation partnership zones on the basis of the following criteria:

(a) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(i) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(ii) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for

standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(iii) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone.

(b) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The innovation partnership zone administrator must be an economic development council, port, workforce development council, city, or county.

(2) On October 1st of each year, the director shall designate innovation partnership zones on the basis of applications that meet the legislative criteria, estimated economic impact of the zone, evidence of forward planning for the zone, and other criteria as recommended by the Washington state economic development commission. Estimated economic impact must include evidence of anticipated private investment, job creation, innovation, and commercialization. The director shall require evidence that zone applicants will promote commercialization, innovation, and collaboration among zone residents.

(3) Innovation partnership zones are eligible for funds and other resources as provided by the legislature or at the discretion of the governor.

(4) If the innovation partnership zone meets the other requirements of the fund sources, then the zone is eligible for the following funds relating to:

(a) The local infrastructure financing tools program;

(b) The sales and use tax for public facilities in rural counties; and

(c) Job skills.

(5) An innovation partnership zone shall be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

(6) The department shall convene annual information sharing events for innovation partnership zone administrators and other interested parties.

(7) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The Washington state economic development commission shall review annually the individual innovation partnership zone's performance measures and make recommendations to the department regarding additional zone designation criteria.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(i) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of this act and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors."

On page 1, line 1 of the title, after "zones;" strike the remainder of the title and insert "and adding new sections to chapter 43.330 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1091 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Van De Wege and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1091, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1091, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1091, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1266. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

On page 5, after line 14, insert the following:

"Sec. 8. RCW 41.40.700 and 2003 c 155 s 7 are each amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive (~~either~~) one of the following:

(a) A retirement allowance computed as provided for in RCW 41.40.630, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and, except under subsection (4) of this section, if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; (~~or~~)

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(c) For a member who leaves the employ of an employer to enter the uniformed services of the United States and who dies after January 1, 2007, while honorably serving in the uniformed services of the United States in Operation Enduring Freedom or Persian Gulf, Operation Iraqi Freedom, an amount equal to two hundred percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, estate, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) A member who is killed in the course of employment, as determined by the director of the department of labor and industries, is not subject to an actuarial reduction under RCW 41.40.630. The member's retirement allowance is computed under RCW 41.40.620."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "41.40.0932,", insert "41.40.700,"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1266 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1266, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1266, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Priest - 1.

SUBSTITUTE HOUSE BILL NO. 1266, as amended by the Senate, having received the constitutional majority, was declared passed.

### RECONSIDERATION OF HOUSE BILL AS SENATE AMENDED

The House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1266, as amended by the Senate passed the House on final passage.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1266, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1266, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights; and

(d) Absent good cause, the child must be at least twelve years old at the time the petition is filed.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former

parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(10) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(11) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(12) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

**Sec. 2.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 1 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this

chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

**Sec. 3.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

~~((a))~~ (2) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b). The person must be willing and available to care for the child and be able to meet any special needs of the child and the court must find that such placement is in the best interests of the child. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court. If a child is not initially placed with a relative or other suitable person requested by the parent pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative or other suitable person requested by the parent pursuant to this section. Nothing within this subsection ~~((1)(a))~~ (2) establishes an entitlement to services or a right to a particular placement.

~~((b))~~ (3) Whenever a child is taken into custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. ~~(In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary.~~

~~(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.)~~

**Sec. 4.** RCW 13.34.062 and 2004 c 147 s 2 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by ~~(RCW 13.34.060)~~ this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker (for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number)).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature

shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

~~((2))~~ (3) If child protective services is not required to give notice under ~~(RCW 13.34.060(2) and subsection (1) of)~~ this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

~~((3))~~ (4) Reasonable efforts to advise and to give notice, as required in ~~(RCW 13.34.060(2) and subsections (1) and (2) of)~~ this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

~~((4))~~ The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence:

~~(5)(a)~~ A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

~~(b)~~ If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.

~~(c)~~ The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

~~(6)~~ A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

~~(7)~~ Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means:))

Sec. 5. RCW 13.34.065 and 2001 c 332 s 3 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care

hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The ~~(juvenile court probation counselor)~~ department of social and health services shall submit a recommendation to the court as to the further need for shelter care ~~(unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department)~~ in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether restraining orders, or orders expelling an allegedly abusive parent from the home, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. However, the court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

((2)) (5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

((a)) (i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

((b)) (ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

((c)) (B) The release of such child would present a serious threat of substantial harm to such child; or

((d)) (C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. ((The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

—(3)) If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not

include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

((4)) (8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

((5)) (b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

**Sec. 6.** RCW 13.34.130 and 2003 c 227 s 3 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (i) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (ii) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

~~((5))~~ (6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

**Sec. 7.** RCW 13.34.136 and 2004 c 146 s 1 are each amended to read as follows:

(1) ~~((Whenever a child is ordered removed from the child's home))~~ A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency ~~((charged with his or her care shall provide the court with))~~ supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency

plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanence for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to

believe the best interests of the child or siblings would be jeopardized.

~~((2))~~ (3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~((3))~~ (5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 8.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first(~~, at a~~). The purpose of the hearing ((in which it)) shall be ((determined)) to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(~~((3))~~) (1)(a) or 13.34.134. ((The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.))

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) ~~((Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided~~

~~or offered))~~ Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

~~((ii))~~ Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

~~((iii))~~ Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

~~((iv))~~ Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

~~((v))~~ Whether there is a continuing need for placement;

~~((vi))~~ Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

~~((vii))~~ Whether ((the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and)) preference has been given to placement with the child's relatives;

~~((viii))~~ Whether there is a continuing need for placement and whether the placement is appropriate;

~~((ix))~~ Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

~~((x))~~ Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

~~((xi))~~ Whether both in-state and, where appropriate, out-of-state placements have been considered;

~~((xii))~~ Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((xiii))~~ Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

~~((xiv))~~ Whether terms of visitation need to be modified;

~~((xv))~~ Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

~~((xvi))~~ Whether any additional court orders need to be made to move the case toward permanency; and

~~((xvii))~~ The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

~~((2))~~ (3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

~~((3))~~ (4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((4))~~ (5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

**Sec. 9.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read as follows:

(1) ~~((A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.~~

~~—(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.~~

~~—(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.~~

~~—(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.~~

~~—(d) For purposes related to permanency planning:~~

~~—(i) "Guardianship" means a dependency guardianship, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.~~

~~—(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.~~

~~—(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.~~

~~—(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.~~

~~—(3)) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.~~

~~(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.~~

~~((4)) (b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in ((subsection (3) of)) this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an~~

adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

~~((5)) (c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.~~

~~(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.~~

~~((6)) (3) At the permanency planning hearing, the court shall ((enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency)) conduct the following inquiry:~~

~~(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.~~

~~(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:~~

~~(i) The continuing necessity for, and the safety and appropriateness of, the placement;~~

~~(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;~~

~~(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;~~

~~(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;~~

~~(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and~~

~~(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:~~

~~(A) Being returned safely to his or her home;~~

~~(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;~~

~~(C) Being placed for adoption;~~

~~(D) Being placed with a guardian;~~

~~(E) Being placed in the home of a fit and willing relative of the child; or~~

~~(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.~~

~~(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.~~

~~(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.~~

~~(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.~~

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138. ~~((If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.))~~

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((7))~~ (5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) ~~((Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.~~

~~((11)) Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.138, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.~~

~~((12))~~ Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((13))~~ (11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((14))~~ (12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**Sec. 10.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

**NEW SECTION. Sec. 11.** (1) The secretary of the department of social and health services shall work in conjunction with the University of Washington to study the need for and the feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent classification. The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington jointly shall facilitate a work group composed of: (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate; and the speaker of the house

of representatives shall appoint two members from each of the two largest caucuses of the house of representatives; (b) four foster parents, including two representatives from the foster parent association of Washington state; (c) the director of the institute for children and families at the University of Washington; (d) a representative of the Washington federation of state employees; and (e) four or more child welfare professionals with subject matter expertise from the public, private, or academic communities.

(2) To promote the exchange of ideas and collaboration, the secretary and the director also shall convene at least two focused stakeholder meetings seeking input from a broad range of foster parents, social workers, and community members. To facilitate the exchange of ideas, the department of social and health services shall provide to the work group the contact information for licensed foster parents for the sole purpose of communicating with foster parents regarding issues relevant to foster parents. The work group shall keep the contact information confidential and shall develop guidelines for the use and maintenance of this contact information among work group members.

(3) The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington shall report the recommendations of the work group to the appropriate committees of the legislature by January 1, 2008.

**NEW SECTION. Sec. 12.** Section 11 of this act expires January 1, 2008.

**NEW SECTION. Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "welfare;" strike the remainder of the title and insert "amending RCW 13.34.200, 13.34.060, 13.34.062, 13.34.065, 13.34.130, 13.34.136, 13.34.138, and 13.34.145; reenacting and amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi, Haler and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1624, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1624, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy,

Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Authority" means a health sciences and services authority created pursuant to this chapter.
- (2) "Board" means the governing board of trustees of an authority.
- (3) "Director" means the higher education coordinating board.
- (4) "Health sciences and services" means biosciences that advance new therapies and procedures to combat disease and promote public health.
- (5) "Local government" means a city, town, or county.
- (6) "Sponsoring local government" means a city, town, or county that creates a health sciences and services authority.

**NEW SECTION. Sec. 2. PURPOSE.** The health sciences and services program is created to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health.

**NEW SECTION. Sec. 3. CREATION.** A local government must establish by ordinance or resolution an authority. At a minimum, the ordinance must:

- (1) Specify the powers to be exercised by the authority;
- (2) Reserve the local government's right to dissolve the authority after its contractual responsibilities have expired;
- (3) Establish an administrative board, including: (a) The number of board members; (b) the times and terms of appointment for each board position; (c) the amount of compensation, if any, to be paid to board members; (d) the procedures for removing board members and filling vacancies; and (e) the qualifications for the appointment of individuals to the board;
- (4) Establish the authority's boundaries, which must be contiguous tracts of land;
- (5) Ensure that private and public funds provided to the authority will be segregated;
- (6) Establish guidelines under which the authority may invest its funds;
- (7) Provide the requirements for auditing the records of the authority; and

(8) Require the local government's legal counsel to also provide legal services to the authority.

**NEW SECTION. Sec. 4. APPLICATIONS.** (1) The higher education coordinating board may approve applications submitted by local governments for an area's designation as a health sciences and services authority under this chapter. The director shall determine the division to review applications submitted by local governments under this chapter. The application for designation shall be in the form and manner and contain such information as the higher education coordinating board may prescribe, provided the application shall:

- (a) Contain sufficient information to enable the director to determine the viability of the proposal;
- (b) Demonstrate that an ordinance or resolution has been passed by the legislative authority of a local government that delineates the boundaries of an area that may be designated an authority;
- (c) Be submitted on behalf of the local government, or, if that office does not exist, by the legislative body of the local government;
- (d) Demonstrate that the public funds directed to programs or facilities in the authority will leverage private sector resources and contributions to activities to be performed;
- (e) Provide a plan or plans for the development of the authority as an entity to advance as a cluster for health sciences education, health sciences research, biotechnology development, biotechnology product commercialization, and/or health care services; and
- (f) Demonstrate that the state has previously provided funds to health sciences and services programs or facilities in the applicant city, town, or county.

(2) The director shall determine the division to develop criteria to evaluate the application. The criteria shall include:

- (a) The presence of infrastructure capable of spurring development of the area as a center of health sciences and services;
  - (b) The presence of higher education facilities where undergraduate or graduate coursework or research is conducted; and
  - (c) The presence of facilities in which health services are provided.
- (3) There shall be no more than one authority statewide.  
 (4) An authority may only be created in a county with a population of less than one million persons.

(5) The director may reject or approve an application. When denying an application, the director must specify the application's deficiencies. The decision regarding such designation as it relates to a specific local government is final; however, a rejected application may be resubmitted.

(6) Applications are due by December 31, 2007, and must be processed within sixty days of submission.

(7) The director may, at his or her discretion, amend the boundaries of an authority upon the request of the local government.

(8) The higher education coordinating board may adopt any rules necessary to implement this act within one hundred twenty days of the effective date of this section.

(9) The higher education coordinating board must develop evaluation and performance measures in order to evaluate the effectiveness of the programs in the authorities that are funded with public resources. A report to the legislature shall be due on a biennial basis beginning December 1, 2009. In addition, the higher education coordinating board shall develop evaluation criteria that enables the local governments to measure the effectiveness of the program.

**NEW SECTION. Sec. 5. BOARD.** (1) An authority shall be overseen by a board with not more than fourteen members. The authority board shall select the chair. Board members must have some experience with the mission of the authority. The board members shall be appointed as follows:

- (a) The governor shall appoint three members;
- (b) The county legislative authority in which the authority resides shall appoint three members;
- (c) The mayor of the city in which the authority is created, or the mayor of the largest city within the authority if created by a county, shall appoint three members; and
- (d) Up to five additional members may be appointed by the board.

(2) A simple majority of the board members shall constitute a quorum.

(3) The board shall annually elect a secretary and any other officers it deems necessary.

(4) The local government shall designate an individual with financial experience to serve as treasurer. The individual may be a city or county treasurer, city or county auditor, or a private party. If the treasurer is a private party, the local government shall require a bond in an amount and under such terms and conditions as the local government deems necessary to protect the authority. The treasurer shall have the power to create and maintain funds, issue warrants, and invest funds in its possession.

(5) The board may adopt bylaws or rules for their own governance.

(6) Meetings of the board shall be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the board so requests. Meetings of the board may be held at any location and board members may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

**NEW SECTION. Sec. 6. POWERS AND DUTIES.** (1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including the authority may:

(a) Sue and be sued in its own name;

(b) Make and execute agreements, contracts, and other instruments, with any public or private entity or person, in accordance with this chapter;

(c) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;

(d) Establish such special funds, and control deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(e) Enter into contracts with public and private entities for research to be conducted in this state;

(f) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(g) Exercise any other power reasonably required to implement the purposes of this chapter; and

(h) Hire staff and pay administrative costs; however, such expenses shall be paid from moneys provided by the sponsoring local government and moneys received from gifts, grants, and bequests and the interest earned on the authority's accounts and investments.

(2) In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(a) Use the authority's public moneys, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote bioscience-based economic development, and to advance new therapies and procedures to combat disease and promote public health;

(b) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities to receive moneys in consideration of the authority's promise to leverage those moneys with the revenue generated by the tax authorized under section 11 of this act and contributions from other public entities and private entities, in order to use those moneys to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(c) Hold funds received by the authority in trust for their use pursuant to this chapter to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(d) Manage its funds, obligations, and investments as necessary and consistent with its purpose, including the segregation of revenues into separate funds and accounts;

(e) Make grants to entities pursuant to contract to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Grant

agreements shall specify the deliverables to be provided by the recipient pursuant to the grant. Grants to private entities may only be provided under a contractual agreement that ensures the state will receive appropriate consideration, such as an assurance of job creation or retention, or the delivery of services that provide for the public health, safety, and welfare. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (i) The quality of the proposed research; (ii) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (iii) its potential to leverage additional funding; (iv) its potential to provide health care benefits; (v) its potential to stimulate employment; and (vi) evidence of public and private collaboration;

(f) Create one or more advisory boards composed of scientists, industrialists, and others familiar with health sciences and services; and

(g) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

(3) The records of the authority shall be subject to audit by the office of the state auditor.

**NEW SECTION. Sec. 7. GENERAL INDEBTEDNESS--GENERAL OBLIGATION BONDS.** (1) A local government that creates a health sciences and services authority may incur general indebtedness, and issue general obligation bonds, to finance the grants and other programs and retire the indebtedness in whole or in part from the funds distributed pursuant to section 11 of this act and subject to the following requirements:

(a) The ordinance adopted by the local government creating the authority and authorizing the use of the excise tax in section 11 of this act indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices.

(2) The general indebtedness incurred under this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the grants and other programs or associated debt service on the general indebtedness.

**NEW SECTION. Sec. 8. LIMITATION ON BONDS ISSUED.** The bonds issued by a local government under section 7 of this act shall not constitute an obligation of the state of Washington, either general or special.

**NEW SECTION. Sec. 9. LIABILITY.** (1) Members of the board, as well as other persons acting on behalf of the authority, while acting within the scope of their employment or agency, shall not be subject to personal liability resulting from their official duties conferred on them under this chapter.

(2) The state, the local government that created the authority, and the authority shall not be liable for any loss, damage, harm, or other consequences resulting directly or indirectly from grants provided by the authority or from programs, services, research, or other activities funded with such grants.

**NEW SECTION. Sec. 10. DISSOLUTION.** The board may petition the sponsoring local government to be dissolved upon a showing that it has no reason to exist and that any assets it retains must be returned to the state treasurer.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a local jurisdiction that has created a health sciences and services authority under section 3 of this act may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any

taxable event within the local jurisdiction. The rate of the tax shall not exceed 0.020 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of the tax on behalf of the authority at no cost to the authority.

(3) The amounts received under this section may only be used in accordance with section 6 of this act or to finance and retire the indebtedness incurred pursuant to section 7 of this act, in whole or in part.

(4) This section expires January 1, 2023.

**Sec. 12.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Financial or proprietary information supplied to the liquor control board including the amount of beer or wine sold by a domestic winery, brewery, microbrewery, or certificate of approval holder under RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or wine purchased by a retail licensee in connection with a retail licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of shipments of beer or wine.

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for

purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~(and)~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit~~(-)~~;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

**Sec. 13.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters

43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information; (15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information

disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~((and))~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit~~((:))~~;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190; ~~and~~

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

**NEW SECTION. Sec. 14. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 15. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 16. CODIFICATION.** Sections 1 through 10 of this act constitute a new chapter in Title 35 RCW.

**NEW SECTION. Sec. 17. EXPIRATION DATE.** Section 12 of this act expires June 30, 2008.

**NEW SECTION. Sec. 18. EFFECTIVE DATE.** Section 13 of this act takes effect June 30, 2008."

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.270 and 42.56.270; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; creating a new section; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Barlow spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1705, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1705, as amended by the

Senate, and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloschia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, DeBolt, Dunn, Eickmeyer, Hailey, Haler, Hankins, Hasegawa, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Skinner, Strow, Sump and Warnick - 28.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 20, 2007

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED HOUSE BILL NO. 2388. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.57.010 and 2002 c 363 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(2)(a) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection shall be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

**Sec. 2.** RCW 82.14.390 and 2006 c 298 s 1 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district (a) created before July 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004~~(-or)~~; (b) created before July 1, 2006, under chapter 35.57 RCW in a county or counties in which there are no other public facilities districts on June 7, 2006, and in which the total population in the public facilities district is greater than ninety thousand that commences construction of a new regional center before February 1, 2007; (c) created under the authority of RCW 35.57.010(1)(d); or (d) created before September 1, 2007, under chapter 35.57 or 36.100 RCW, in a county or counties in which there are no other public facilities districts on the effective date of this act, and in which the total population in the public facilities district is greater than seventy thousand, that commences construction of a new regional center before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.57 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.57 RCW and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.57 RCW shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.14 RCW to read as follows:

(1) In a county with a population under three hundred thousand, the governing body of a public facilities district, which is created before August 1, 2001, under chapter 35.57 RCW or before January 1, 2000, under chapter 36.100 RCW, in which the total population in the public facilities district is greater than ninety thousand and less than one hundred thousand that commences improvement or rehabilitation of an existing regional center, to be used for

community events, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances and having two thousand or fewer permanent seats, before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax for a public facilities district created prior to August 1, 2001, under chapter 35.57 RCW, may not exceed 0.025 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax. The rate of tax, for a public facilities district created prior to January 1, 2000, under chapter 36.100 RCW, may not exceed 0.020 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter-approved taxes authorized under chapter 35.57 RCW may not constitute a public or private source. For the purpose of this section, public or private sources include, but are not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district."

On page 1, line 3 of the title, after "district;" strike the remainder of the title and insert "amending RCW 35.57.010 and 82.14.390; and adding a new section to chapter 82.14 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2388 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Alexander, Takko, P. Sullivan and Hunter spoke in favor of the passage of the bill.

Representative Priest spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2388, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2388, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 85.

Voting nay: Representatives Ahern, Anderson, Buri, Campbell, Darneille, Kelley, McCune, McDonald, Miloscia, Morrell, Priest, Roach and Rodne - 13.

ENGROSSED HOUSE BILL NO. 2388, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 18, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Brown, Keiser and Holmquist, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659 was returned to second reading for purpose of amendment.

#### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Kohl-Welles, Fairley, Franklin, Brown and Kline)**

##### **Establishing family and medical leave insurance.**

Representative Conway moved the adoption of amendment (884):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS.** The legislature finds that, although family leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of parent and child bonding, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family leave laws, and those who do may not be in a financial position to take family leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family leave; (3) reduces the impact on state income support programs by

increasing an individual's ability to provide caregiving services for a child while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current existing state and federal family leave laws.

##### **NEW SECTION. Sec. 2. JOINT LEGISLATIVE TASK FORCE.**

(1)(a) The joint legislative task force on family leave insurance is established, with thirteen members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint four nonlegislative members of the task force, which shall include one member representing large business, one member representing small business, one member representing labor, and one member representing advocates for family leave.

(vi) The governor shall appoint one member of the task force.

(b) The department of labor and industries and the employment security department shall cooperate with the task force and shall each maintain a liaison representative, who shall be a nonvoting member.

(c) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint the cochaIRS of the task force from among the legislative members of the task force. The cochaIRS shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force shall advise the cochaIRS on the meetings and other activities of the task force.

(2) The task force shall study the establishment of a family leave insurance program including, but not limited to, the following:

(a) The manner in which the benefits and the administrative costs should be financed;

(b) The manner in which the program should be implemented and administered;

(c) Any government efficiencies that should be adopted to improve program administration and reduce program costs; and

(d) The impacts, if any, of the family leave insurance program on the unemployment compensation system, and options for mitigating such impacts.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, which shall include recommendations as to the specific manner in which the benefits and the administrative costs should be financed as well as proposed legislation, to the legislature by January 1, 2008.

(7) This section expires July 1, 2009.

**NEW SECTION. Sec. 3. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family leave insurance benefits and, thereafter, the

twelve-month period beginning with the first day of the calendar week in which the individual next files an application for family leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Calendar quarter" means the same as in RCW 50.04.050.

(3) "Child" means a biological or an adopted child.

(4) "Department" means the state agency to be directed to administer the family leave insurance program.

(5) "Director" means the director of the department.

(6) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(7) "Employment" has the meaning provided in RCW 50.04.100.

(8) "Family leave" means leave: (a) Because of the birth of a child of the employee and in order to care for the child; or (b) because of the placement of a child with the employee for adoption.

(9) "Family leave insurance benefits" means the benefits payable under sections 7 and 8 of this act.

(10) "Federal family and medical leave act" means the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6).

(11) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

(12) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of the individual's qualifying year in which total wages were highest.

**NEW SECTION. Sec. 4. FAMILY LEAVE INSURANCE PROGRAM.** (1) The department shall establish and administer a family leave insurance program and pay family leave insurance benefits as specified in this chapter.

(2) The department shall establish procedures and forms for filing claims for benefits under this chapter. The department shall notify the employer within five business days of a claim being filed under section 5 of this act.

(3) The department shall use information sharing and integration technology to facilitate the disclosure of relevant information or records by the employment security department, so long as an individual consents to the disclosure as required under section 5(4) of this act.

(4) Information contained in the files and records pertaining to an individual under this chapter are confidential and not open to public inspection, other than to public employees in the performance of their official duties. However, the individual or an authorized representative of an individual may review the records or receive specific information from the records on the presentation of the signed authorization of the individual. An employer or the employer's duly authorized representative may review the records of an individual employed by the employer in connection with a pending claim. At the department's discretion, other persons may review records when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this chapter.

(5) The department shall develop and implement an outreach program to ensure that individuals who may be eligible to receive family leave insurance benefits under this chapter are made aware of these benefits. Outreach information shall explain, in an easy to understand format, eligibility requirements, the claims process, weekly benefit amounts, maximum benefits payable, notice requirements, reinstatement and nondiscrimination rights, confidentiality, and coordination of leave under this chapter and other laws, collective bargaining agreements, and employer policies. Outreach information shall be available in English and other primary languages as defined in RCW 74.04.025.

**NEW SECTION. Sec. 5. ELIGIBILITY FOR BENEFITS.** Beginning October 1, 2009, family leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family leave if the individual:

(1) Files a claim for benefits in each week in which the individual is on family leave, and as required by rules adopted by the director;

(2) Has been employed for at least six hundred eighty hours in employment during the individual's qualifying year;

(3) Establishes an application year. An application year may not be established if the qualifying year includes hours worked before establishment of a previous application year;

(4) Consents to the disclosure of information or records deemed private and confidential under chapter 50.13 RCW. Initial disclosure of this information and these records by the employment security department to the department is solely for purposes related to the administration of this chapter. Further disclosure of this information or these records is subject to section 4(3) of this act;

(5) Discloses whether or not he or she owes child support obligations as defined in RCW 50.40.050; and

(6) Documents that he or she has provided the employer from whom family leave is to be taken with written notice of the individual's intention to take family leave in the same manner as an employee is required to provide notice in RCW 49.78.250.

**NEW SECTION. Sec. 6. DISQUALIFICATION FROM BENEFITS.** An individual is disqualified from family leave insurance benefits beginning with the first day of the calendar week, and continuing for the next fifty-two consecutive weeks, in which the individual willfully made a false statement or misrepresentation regarding a material fact, or willfully failed to report a material fact, to obtain benefits under this chapter.

**NEW SECTION. Sec. 7. DURATION OF BENEFITS.** (1) The maximum number of weeks during which family leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family leave taken in an application year, whether the first seven calendar days of family leave are employer paid or unpaid.

(2)(a) The first payment of benefits must be made to an individual within two weeks after the claim is filed or the family leave began, whichever is later, and subsequent payments must be made semimonthly thereafter.

(b) The payment of benefits under this chapter shall not be considered a binding determination of the obligations of the department under this chapter. The acceptance of compensation by the individual shall likewise not be considered a binding determination of his or her rights under this chapter. Whenever any payment of benefits under this chapter has been made and timely appeal therefrom has been made where the final decision is that the payment was improper, the individual shall repay it and recoupment may be made from any future payment due to the individual on any claim under this chapter. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(c) If an individual dies before he or she receives a payment of benefits, the payment shall be made by the department and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

**NEW SECTION. Sec. 8. AMOUNT OF BENEFITS.** The amount of family leave insurance benefits shall be determined as follows:

(1) The weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family leave was regularly working thirty-five hours or more per week.

(2) If an individual who at the time of beginning family leave was regularly working thirty-five hours or more per week is on family leave for less than thirty-five hours but at least eight hours in a week, the individual's weekly benefit shall be .025 times the maximum weekly benefit times the number of hours of family leave taken in the week. Benefits are not payable for less than eight hours of family leave taken in a week.

(3) For an individual who at the time of beginning family leave was regularly working less than thirty-five hours per week, the department shall calculate a prorated schedule for a weekly benefit amount and a minimum number of hours of family leave that must be taken in a week for benefits to be payable, with the prorated schedule

based on the amounts and the calculations specified under subsections (1) and (2) of this section.

(4) If an individual discloses that he or she owes child support obligations under section 5 of this act and the department determines that the individual is eligible for benefits, the department shall notify the applicable state or local child support enforcement agency and deduct and withhold an amount from benefits in a manner consistent with RCW 50.40.050.

(5) If the internal revenue service determines that family leave insurance benefits under this chapter are subject to federal income tax and an individual elects to have federal income tax deducted and withheld from benefits, the department shall deduct and withhold the amount specified in the federal internal revenue code in a manner consistent with section 9 of this act.

**NEW SECTION. Sec. 9. FEDERAL INCOME TAX.** (1) If the internal revenue service determines that family leave insurance benefits under this chapter are subject to federal income tax, the department must advise an individual filing a new claim for family leave insurance benefits, at the time of filing such claim, that:

(a) The internal revenue service has determined that benefits are subject to federal income tax;

(b) Requirements exist pertaining to estimated tax payments;

(c) The individual may elect to have federal income tax deducted and withheld from the individual's payment of benefits at the amount specified in the federal internal revenue code; and

(d) The individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from benefits must remain in the family leave insurance account until transferred to the federal taxing authority as a payment of income tax.

(3) The director shall follow all procedures specified by the federal internal revenue service pertaining to the deducting and withholding of income tax.

**NEW SECTION. Sec. 10. ADJUSTMENT TO BENEFITS.** If family leave insurance benefits are paid erroneously or as a result of willful misrepresentation, or if a claim for family leave benefits is rejected after benefits are paid, RCW 51.32.240 shall apply, except that appeals are governed by section 14 of this act, penalties are paid into the family leave insurance account, and the department shall seek repayment of benefits from the recipient.

**NEW SECTION. Sec. 11. LEAVE AND EMPLOYMENT PROTECTION.** (1) During a period in which an individual receives family leave insurance benefits or earns waiting period credits under this chapter, the individual is entitled to family leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.

(2) The individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual if:

(a) The employer from whom the individual takes family leave employs more than twenty-five employees; and

(b) The individual has been employed for at least twelve months by that employer, and for at least one thousand two hundred fifty hours of service with that employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

**NEW SECTION. Sec. 12. EMPLOYMENT BY SAME EMPLOYER.** If spouses or people involved in a legal relationship established under chapter 26.-- RCW (sections 1, 2, and 4 through 8, chapter . . . (Substitute Senate Bill No. 5336), Laws of 2007) who are entitled to leave under this chapter are employed by the same employer, the employer may require that spouses or people involved in such a relationship governed by Title 26 RCW not take such leave concurrently.

**NEW SECTION. Sec. 13. ELECTIVE COVERAGE.** (1) An employer of individuals not covered by this chapter or a self-employed person, including a sole proprietor, partner, or joint venturer, may elect coverage under this chapter for all individuals in its employ for an initial period of not less than three years or a subsequent period of not less than one year immediately following another period of coverage. The employer or self-employed person must file a notice of election in writing with the director, as required by the department. The election becomes effective on the date of filing the notice.

(2) An employer or self-employed person who has elected coverage may withdraw from coverage within thirty days after the end of the three-year period of coverage, or at such other times as the director may prescribe by rule, by filing written notice with the director, such withdrawal to take effect not sooner than thirty days after filing the notice. Within five days of filing written notice of the withdrawal with the director, an employer must provide written notice of the withdrawal to all individuals in the employer's employ.

**NEW SECTION. Sec. 14. APPEALS.** (1) A person aggrieved by a decision of the department under this chapter must file a notice of appeal with the director, by mail or personally, within thirty days after the date on which a copy of the department's decision was communicated to the person. Upon receipt of the notice of appeal, the director shall request the assignment of an administrative law judge in accordance with chapter 34.05 RCW to conduct a hearing and issue a proposed decision and order. The hearing shall be conducted in accordance with chapter 34.05 RCW.

(2) The administrative law judge's proposed decision and order shall be final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party petitions for review by the director. If the director's review is timely requested, the director may order additional evidence by the administrative law judge. On the basis of the evidence before the administrative law judge and such additional evidence as the director may order to be taken, the director shall render a decision affirming, modifying, or setting aside the administrative law judge's decision. The director's decision becomes final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party files a petition for judicial review as provided in chapter 34.05 RCW. The director is a party to any judicial action involving the director's decision and shall be represented in the action by the attorney general.

(3) If, upon administrative or judicial review, the final decision of the department is reversed or modified, the administrative law judge or the court in its discretion may award reasonable attorneys' fees and costs to the prevailing party. Attorneys' fees and costs owed by the department, if any, are payable from the family leave insurance account.

**NEW SECTION. Sec. 15. PROHIBITED ACTS.** An employer, temporary help company, employment agency, employee organization, or other person may not discharge, expel, or otherwise discriminate against a person because he or she has filed or communicated to the employer an intent to file a claim, a complaint, or an appeal, or has testified or is about to testify or has assisted in any proceeding, under this chapter, at any time, including during the waiting period described in section 7 of this act and the period in which the person receives family leave insurance benefits under this chapter. This section shall be enforced as provided in RCW 51.48.025.

**NEW SECTION. Sec. 16. COORDINATION OF LEAVE.** (1)(a) Leave taken under this act must be taken concurrently with any leave taken under the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) or under chapter 49.78 RCW.

(b) An employer may require that leave taken under this act be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or employer policy, as applicable, for the birth or placement of a child. The employer must give individuals in its employ written notice of this requirement.

(2)(a) This act does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater leave for the birth or placement of a child.

(b) An individual's right to leave under this act may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this act is void as against public policy.

**NEW SECTION. Sec. 17. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT.** This chapter does not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this chapter at any time, and a benefit or other right granted under this chapter exists subject to the legislature's power to amend or repeal this chapter. There is no vested private right of any kind against such amendment or repeal.

**NEW SECTION. Sec. 18. RULES.** The director may adopt rules as necessary to implement this chapter. In adopting rules, the director shall maintain consistency with the rules adopted to implement the federal family and medical leave act, and chapter 49.78 RCW, to the extent such rules are not in conflict with this chapter.

**NEW SECTION. Sec. 19. ACCOUNT.** The family leave insurance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes of the family leave insurance program. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments.

**NEW SECTION. Sec. 20. INVESTMENT OF FAMILY LEAVE INSURANCE ACCOUNT.** Whenever, in the judgment of the state investment board, there shall be in the family leave insurance account funds in excess of that amount deemed by the state investment board to be sufficient to meet the current expenditures properly payable therefrom, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired with such excess funds in the manner prescribed by RCW 43.84.150, and not otherwise.

**Sec. 21.** RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant

account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 22. LOANS.** If necessary to ensure that money is available in the family leave insurance account for the initial administration of the family leave insurance program, the director of labor and industries may, from time to time before July 1, 2009, lend funds from the supplemental pension fund to the family leave insurance account. These loaned funds may be expended solely for the initial administration of the program under this chapter. The director of labor and industries shall repay the supplemental pension fund, plus its proportionate share of earnings from investment of moneys in the supplemental pension fund during the loan period, from the family leave insurance account within two years of the date of the loan. This section expires October 1, 2011.

**Sec. 23.** RCW 51.44.033 and 1975 1st ex.s. c 224 s 16 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. ~~((Said))~~ The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title and the loans therefrom authorized in section 22 of this act.

**NEW SECTION. Sec. 24. AUTHORITY TO CONTRACT.** (1) The department of labor and industries may contract or enter into interagency agreements with other state agencies for the initial administration of the family leave insurance program.

(2) This section expires October 1, 2011.

**NEW SECTION. Sec. 25. APPROPRIATION.** The sum of eighteen million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2009, from the family leave insurance account to the department of labor and industries for the initial administration of the family leave insurance program.

**NEW SECTION. Sec. 26. REPORTS TO THE LEGISLATURE.** Beginning September 1, 2010, the department shall report to the legislature by September 1st of each year on projected and actual program participation, premium rates, fund balances, and outreach efforts.

**NEW SECTION. Sec. 27. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 28. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 29. CODIFICATION.** Sections 1, 3 through 20, and 26 through 28 of this act constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 30. EFFECTIVE DATES.** (1) Sections 3 through 18 and 26 of this act take effect July 1, 2008.

(2) Sections 2 and 19 through 25 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Representative Walsh moved the adoption of amendment (888) to amendment (884):

On page 3, line 32 of the amendment, after "subdivisions." insert the following:

""Employer" does not mean an employer who employs less than fifty employees for each working day during each of twenty or more calendar work weeks in the current or preceding calendar year."

On page 5, line 6 of the amendment, after "requirements," strike "reinstatement and"

On page 8, beginning on line 16 of the amendment, strike all of section 11

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Walsh and Sump spoke in favor of the adoption of the amendment to the amendment (884).

Representative Dickerson spoke against the adoption of the amendment to the amendment (884).

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (888) to amendment (884) to Engrossed Second Substitute Senate Bill No. 5659.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (888) to amendment (884) to Engrossed Second Substitute Senate Bill No. 5659, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, O'Brien, Orcutt,

Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Schual-Berke, Skinner, Strow, Sump, Takko, Wallace, Walsh and Warnick - 44.

Voting nay: Representatives Appleton, Barlow, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 54.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (888) to amendment (884) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659.

DEAN TAKKO, 19<sup>th</sup> District

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (888) to amendment (884) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659.

SHAY SCHUAL-BERKE, 33<sup>rd</sup> District

Representative Warnick moved the adoption of amendment (889) to amendment (884):

On page 13, beginning on line 30 of the amendment, strike all of Sections 22 and 23

Renumber the sections consecutively, correct any internal references accordingly, and correct the title.

On page 14, beginning on line 18 of the amendment, strike all of Section 25

Renumber the sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Warnick and Condotta spoke in favor of the adoption of the amendment to amendment (884).

Representative Conway spoke against the adoption of the amendment to amendment (884).

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (889) to amendment (884) to Engrossed Second Substitute Senate Bill No. 5659.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (889) to amendment (884) to Engrossed Second Substitute Senate Bill No. 5659, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Linville, McCune,

McDonald, Morrell, Morris, Newhouse, O'Brien, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Wallace, Walsh and Warnick - 43.

Voting nay: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 55.

The question before the House was adoption of amendment (884). The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway, Dickerson, Kessler, Kagi and Ormsby spoke in favor of passage of the bill.

Representatives Curtis, Ahern, Armstrong, Walsh, Warnick, Newhouse, Dunn, Condotta, Hinkle and Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House, and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Armstrong, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Blake, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Fromhold, Grant, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, Linville, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Takko, Wallace, Walsh and Warnick - 41.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659.

MIKE ARMSTRONG, 12<sup>th</sup> District

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5882, by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Honeyford, Regala, Swecker, Rockefeller, Parlette, Kohl-Welles, Rasmussen and Kastama; by request of Secretary of State)**

**Funding the Washington state heritage center.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold, Hankins, Alexander, Conway and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5882.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5882 and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Crouse, Dunn, Ericksen, Green, Hunter, Hurst, Kelley, Kretz, Kristiansen, Pearson, Roach, Schindler, Sump and Van De Wege - 15.

Excused: Representative Simpson - 1.

SUBSTITUTE SENATE BILL NO. 5882, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2284, by Representatives Green, Ericksen, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt**

**Addressing the training of and collective bargaining over the training of care providers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2284 was substituted for House Bill No. 2284 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2284 was read the second time.

Representative Green moved the adoption of amendment (885):

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2005 c 276 s 1 (uncodified) is amended to read as follows:

(1) The governor shall establish a joint legislative and executive task force on long-term care financing and chronic care management. The joint task force consists of eight members, as follows: The secretary of the department of social and health services; the secretary of the department of health; the administrator of the health care authority; a representative from the governor's office; two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; and two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus.

(2) The joint task force shall elect a member of the joint task force to serve as chair of the joint task force.

(3) Consistent with funds appropriated specifically for this purpose, the joint task force shall contract for professional services. State agencies, the senate, and the house of representatives may provide staff support upon request of the joint task force.

(4) The joint task force shall create advisory committees to assist the joint task force in its work. The task force shall actively consult with and solicit recommendations from the advisory committee or committees regarding issues under consideration by the task force.

(5) Joint task force members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members, if appointed, may not receive compensation or reimbursement for travel or expenses.

(6) The joint task force shall review public and private mechanisms for financing long-term care and make recommendations related to:

(a) The composition of a long-term care system that is adequate to meet the needs of persons of all ages with functional limitations, including appropriate services to be offered in the continuum of care ranging from services to support persons residing at home through residential care. This shall be accomplished by first determining capacity in each level of care in the long-term care continuum and assessing the impact, by geographic region, of increasing or decreasing capacity in each level of care;

(b) Efficient payment models that will effectively sustain public funding of long-term care and maximize the use of financial resources to directly meet the needs of persons of all ages with functional limitations;

(c) State laws and regulations that should be revised and/or eliminated in order to reduce or contain long-term care costs to individuals and the state;

(d) The feasibility of private options for realistically enabling individuals to pay for long-term care and the most effective tools for implementing these options. The assessment of options should include but not be limited to: (i) Adequacy of personal savings and pensions; (ii) availability of family care, including incentives and supports for families to provide care or pay for care; (iii) creative community-based strategies or partnerships for funding quality long-term care; (iv) enhanced health insurance options; (v) long-term care insurance options, including incentives to purchase long-term care insurance through individual or group-based products; (vi) life insurance annuities; and (vii) reverse mortgage and other products that draw on home equity; and

(e) Options that will support long-term care needs of rural communities.

(7) The joint task force shall recommend chronic care management and disability prevention interventions that will reduce health care and long-term care costs to individuals and the state, improve the health of individuals over their life span, and encourage patient self-management of chronic care needs.

(8)(a) The joint task force shall establish a home and community long-term care workforce development workgroup.

(b) The workgroup shall consist of:

(i) The chair of the joint task force;

(ii) The executive director of the home care quality authority;

(iii) The assistant secretary of the department of social and health services for aging and disability services;

(iv) A representative of the department of labor and industries with personal knowledge of and expertise in apprenticeship programs, to be designated by the director of the department;

(v) A representative of the office of financial management with personal knowledge of and expertise in the fields of long-term care or workforce development, to be designated by the director of the office;

(vi) A representative of a labor or employee organization representing at least twenty thousand home and community-based long-term care workers, to be designated by the principal officer of the labor or employee organization, the governor, and the cochair of the workgroup;

(vii) A representative of a not-for-profit provider of home and community-based long-term care services providing at least one million hours of long-term care services annually, to be designated by the governor and the cochair of the workgroup;

(viii) A representative of a for-profit provider of home and community-based long-term care services providing at least five hundred thousand hours of long-term care services annually, to be designated by the governor and the cochair of the workgroup;

(ix) A representative of adult family home providers;

(x) A representative of boarding homes;

(xi) A representative of an organization representing the interests of home and community-based long-term care consumers, to be designated by the governor and the cochair of the workgroup;

(xii) A person with expertise in long-term care or workforce development issues to be named jointly by the speaker of the house of representatives and the majority leader of the senate;

(xiii) A person representing a public policy organization specializing in long-term care workforce issues, to be designated by the governor and the cochair of the workgroup;

(xiv) A representative from the Washington long-term care ombudsman office; and

(xv) A representative from the Washington developmental disabilities council.

(c) The workgroup shall be cochaired by the chair of the joint task force and the executive director of the home care quality authority.

(d) The workgroup shall evaluate current training requirements for long-term care workers with respect to the quality of care provided to vulnerable people across all home and community-based long-term care settings. The workgroup shall make recommendations relating to the appropriate number of basic training hours, the content of basic training curricula, and the development of criteria associated with certification of new long-term care workers. In doing so, the workgroup shall examine cited deficiencies of care in various long-term care settings, and shall evaluate training needs based on medical versus social models. Any training standards recommended by the workgroup shall: (i) Be applied uniformly to all basic training required of all long-term care workers; (ii) take into consideration the training standards for workers providing similar care in nursing homes; (iii) be evidence-based and informed by existing research; (iv) be based on the care needs of clients; (v) be developed with input from worker representatives; (vi) be structured in a manner to articulate with certification and apprenticeship programs; and (vii) be informed by broader workforce development and long-term care delivery needs.

(9) The joint task force shall incorporate a process designed to facilitate an open dialog with the public on findings and recommendations.

((9)) (10) With respect to subsections (6) and (7) of this section, the joint task force shall: (a) Report its initial findings to the governor and appropriate committees of the legislature by January 1, 2006; (b) report its recommendations to the governor and appropriate committees of the legislature by January 1, 2007; and (c) submit a final report to the governor and appropriate committees of the legislature by ~~(June)~~ December 30, 2007.

(11) With respect to subsection (8) of this section, the workgroup shall report its findings and recommendations to the joint task force, the governor, and appropriate legislative committees by December 1, 2007. The joint task force shall include the workgroup's findings and recommendations in the joint task force's final report required under subsection (10) of this section.

**Sec. 2.** RCW 74.39A.009 and 2004 c 142 s 14 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(6) "Department" means the department of social and health services.

(7) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

(8) "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(9) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

(10) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

(11)(a) "Long-term care workers" includes all persons who are long-term care workers for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care employees of home care agencies, providers of home care services to persons with developmental disabilities under Title 71 RCW, all direct care workers in state-licensed boarding homes, assisted living facilities, and adult family homes, respite care

providers, community residential service providers, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include persons employed in nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers.

(12) "Nursing home" means a facility licensed under chapter 18.51 RCW.

~~((12))~~ (13) "Secretary" means the secretary of social and health services.

~~((13))~~ (14) "Training partnership" means a joint partnership or trust established and maintained jointly by the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 to provide training, peer mentoring, and examinations required under this chapter, and educational, career development, or other services to individual providers.

(15) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.39A RCW to read as follows:

**PEER MENTORING.** Long-term care workers shall be offered on-the-job training or peer mentorship for at least one hour per week in the first ninety days of work from a long-term care worker who has completed at least twelve hours of mentor training and is mentoring no more than ten other workers at any given time. This requirement applies to long-term care workers who begin work on or after January 1, 2010.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.39A RCW to read as follows:

**CONTINUING EDUCATION.** Long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning on January 1, 2010.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.39A RCW to read as follows:

**ADVANCED TRAINING.** The department shall offer, directly or through contract, training opportunities sufficient for a long-term care worker to accumulate sixty-five hours of training within a reasonable time period. For individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, the training opportunities shall be offered through a contract with the training partnership established under section 6 of this act. Training topics shall include, but are not limited to: Client rights; personal care; mental illness; dementia; developmental disabilities; depression; medication assistance; advanced communication skills; positive client behavior support; developing or improving client-centered activities; dealing with wandering or aggressive client behaviors; medical conditions; nurse delegation core training; peer mentor training; and advocacy for quality care training. The department may not require long-term care workers to obtain the training described in this section. This requirement to offer advanced training applies beginning January 1, 2010.

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.39A RCW to read as follows:

**TRAINING PARTNERSHIP.** Beginning January 1, 2010, for individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, all training and peer mentoring required under this chapter shall be provided by a training partnership. Contributions to the partnership pursuant to a collective bargaining agreement negotiated under this chapter shall be made beginning July 1, 2009. The training partnership shall provide reports as required by the department verifying that all individual providers have complied with all training requirements. The exclusive bargaining representative shall designate the training partnership.

**Sec. 7.** RCW 74.39A.270 and 2006 c 106 s 1 are each amended to read as follows:

**COLLECTIVE BARGAINING--CIRCUMSTANCES IN WHICH INDIVIDUAL PROVIDERS ARE CONSIDERED PUBLIC EMPLOYEES--EXCEPTIONS.** (1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The governor or the governor's designee shall consult the authority on all issues for which the exclusive bargaining representative requests to engage in collective bargaining under subsections (6) and (7) of this section. The authority shall work with the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsections (6) and (7) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires;

(ii) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined

to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7) At the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over employer contributions to the training partnership for the costs of: (a) Meeting all training and peer mentoring required under this chapter; and (b) other training intended to promote the career development of individual providers.

(8)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter.

~~((8))~~ (9) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

**Sec. 8.** RCW 74.39A.310 and 2006 c 9 s 1 are each amended to read as follows:

CONTRACT FOR INDIVIDUAL HOME CARE SERVICE PROVIDERS--COST OF INCREASE IN WAGES AND BENEFITS FUNDED--FORMULA. (1) The department shall create a formula that converts the cost of the increase in wages and benefits negotiated and funded in the contract for individual providers of home care services pursuant to RCW 74.39A.270 and 74.39A.300, into a per-hour amount, excluding those benefits defined in subsection (2) of this section. That per-hour amount shall be added to the statewide home care agency vendor rate and shall be used exclusively for improving the wages and benefits of home care agency workers who provide direct care. The formula shall account for:

(a) All types of wages, benefits, and compensation negotiated and funded each biennium, including but not limited to:

- (i) Regular wages;
- (ii) Benefit pay, such as vacation, sick, and holiday pay;
- (iii) Taxes on wages/benefit pay; (~~and~~)
- (iv) Mileage; and
- (v) Contributions to a training partnership; and

(b) The increase in the average cost of worker's compensation for home care agencies and application of the increases identified in (a) of this subsection to all hours required to be paid, including travel time, of direct service workers under the wage and hour laws and associated employer taxes.

(2) The contribution rate for health care benefits, including but not limited to medical, dental, and vision benefits, for eligible agency home care workers shall be paid by the department to home care agencies at the same rate as negotiated and funded in the collective bargaining agreement for individual providers of home care services.

**Sec. 9.** RCW 18.88A.085 and 1994 sp.s. c 9 s 712 are each amended to read as follows:

**NURSING ASSISTANTS--CERTIFICATION REQUIREMENTS.** (1) After January 1, 1990, the secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of an approved training program or successful completion of alternate training meeting established criteria approved by the commission; and

(b) Successful completion of a competency evaluation.

(2) The secretary may permit all or a portion of the training hours earned under chapter 74.39A RCW to be applied toward certification under this section.

(3) In addition, applicants shall be subject to the grounds for denial of certification under chapter 18.130 RCW.

**NEW SECTION. Sec. 10. REPEALER.** RCW 74.39A.190 (Community long-term care training and education steering committee) and 2002 c 233 s 4 & 2000 c 121 s 8 are each repealed.

**NEW SECTION. Sec. 11. LIBERAL CONSTRUCTION.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

**NEW SECTION. Sec. 12. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 13. EMERGENCY CLAUSE.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 14. EFFECTIVE DATE.** Sections 7 and 8 of this act take effect July 1, 2008.

**NEW SECTION. Sec. 15. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 16. SHORT TITLE.** This act may be known and cited as the establishing quality in long-term care services act."

Correct the title.

With the consent of the House, amendment (887) to amendment (885) was withdrawn.

Representative Cody moved the adoption of amendment (886) to amendment (885):

On page 3, line 25 of the amendment, after "providers" insert ", to be designated by the governor and the cochaIRS of the workgroup"

On page 3, line 26 of the amendment, after "homes" insert ", to be designated by the governor and the cochaIRS of the workgroup"

On page 4, line 14, after "models." strike "Any training standards recommended by the workgroup shall: (i) Be applied uniformly to all basic training required of all long-term care workers;" and insert "Any basic training standards recommended by the workgroup shall: (i) Be applied uniformly to all long-term care workers;"

On page 14, line 2 of the striking amendment, after "effect" strike "July" and insert "March"

Representative Cody spoke in favor of the adoption of the amendment to amendment (885).

The amendment to amendment (885) was adopted.

Amendment (885) as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2284.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2284 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Bailey, Chandler, Dunn and Hinkle - 4.

Excused: Representative Simpson - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2284, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206, by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Zarelli, Eide, Hewitt, Haugen, Franklin, Kilmer, Kauffman, Marr, Rasmussen, Berkey, Sheldon, Keiser, Tom, McAuliffe, Parlette and Rockefeller; by request of Governor Gregoire)**

**Creating the budget stabilization account in the state Constitution.**

The joint resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint resolution was placed on final passage.

Representatives Hunter, Alexander, Anderson, Hinkle, Orcutt, Wallace, McIntire, Curtis, Eickmeyer, Ericksen and Morrell spoke in favor of passage of the joint resolution.

Representatives Kagi, Moeller and Sommers spoke against the passage of the joint resolution.

#### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): The Speaker would ask the lady from the 36<sup>th</sup> District to confine her comments to the merits of the bill and not to assign motives to others."

Representatives Sommers and Hasegawa spoke against the passage of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Joint Resolution No. 8206.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8206 and the joint resolution passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Condotta, Conway, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Hailey, Haler, Hankins, Hinkle, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 74.

Voting nay: Representatives Appleton, Chase, Cody, Darneille, Dickerson, Flannigan, Green, Haigh, Hasegawa, Hudgins, Hunt, Kagi, McDermott, Moeller, Morris, Pedersen, Pettigrew, Quall, Roberts, Schual-Berke, Sommers, Upthegrove and Williams - 23.

Excused: Representative Simpson - 1.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206, having received the necessary two thirds constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5311, by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Zarelli, Prentice, Marr, Tom, McAuliffe and Kilmer; by request of Governor Gregoire)**

**Creating the budget stabilization account.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5311.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5311 and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Condotta, Conway, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Hailey, Haler, Hankins, Hinkle, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 75.

Voting nay: Representatives Appleton, Chase, Cody, Darneille, Flannigan, Green, Haigh, Hasegawa, Hudgins, Hunt, Kagi, McDermott, Moeller, Morris, Pedersen, Pettigrew, Quall, Roberts, Schual-Berke, Sommers, Upthegrove and Williams - 22.

Excused: Representative Simpson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5311, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

April 20, 2007

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.22.178 and 2005 c 484 s 18 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection ~~((2))~~ (3) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the ~~((Washington housing trust account))~~ affordable housing for all account created in section 2 of this act. ~~((The office of community development of the department of community, trade, and economic development will develop guidelines for the use of these funds to support))~~ The department of community, trade, and economic development must use these funds to provide housing and shelter for extremely low-income households, including but not limited to grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income ((persons)) households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing ((projects or units within housing projects that are affordable to)) activities as described in this subsection that serve very low-income ((persons)) households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income ((housing projects or units within such housing projects)) households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. ~~((The funds generated with this surcharge shall not be used for construction of new housing if at any time the vacancy rate for available low-income housing within the county rises above ten percent. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section. Uses of))~~ A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these ~~((local))~~ county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farm worker housing units, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing ~~((projects or))~~ units ((within housing projects)) that are affordable to very low-income ((persons)) households with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

~~((2))~~ (3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

~~((3) The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i)).~~

NEW SECTION. Sec. 2. A new section is added to chapter 43.185C RCW to read as follows:

The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 shall be deposited in the account. Expenditures from the account may only be used for affordable housing programs.

Sec. 3. RCW 43.185C.010 and 2006 c 349 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, ~~((mentally ill))~~ people with mental illness, and sex offenders who are homeless.

(4) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(5) ~~((Homeless housing))~~ Home security fund account means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179, section 5 of this act, and all other sources directed to the homeless housing and assistance program.

(6) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the homeless housing account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of community, trade, and economic development; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(16) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing for homeless persons.

(17) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.

(18) "Washington homeless client management information system" means a data base of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

**Sec. 4.** RCW 36.22.179 and 2005 c 484 s 9 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this chapter (~~(484, Laws of 2005)~~), six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the ~~((homeless housing))~~ home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. The remaining eighty-seven and one-half percent is to be ~~((distributed by the department to local governments through the homeless housing grant program))~~ used by the department to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.185C RCW to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179, and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of eight dollars for each document recorded, which is in addition to any other

charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs that directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080, to operate its own homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's homeless housing plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Remaining funds may also be used to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

**Sec. 6.** RCW 43.185C.060 and 2005 c 484 s 10 are each amended to read as follows:

The ~~((homeless housing))~~ home security fund account is created in the ~~((custody of the))~~ state ~~((treasurer))~~ treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and section 5 of this act must be deposited in the account. Expenditures from the account may be used only for ~~((the))~~ homeless housing programs as described in this chapter. ~~((Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.))~~

On page 1, line 1 of the title, after "all;" strike the remainder of the title and insert "amending RCW 36.22.178, 43.185C.010, 36.22.179, and 43.185C.060; and adding new sections to chapter 43.185C RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Miloscia spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1359, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1359, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Hailey, Haler, Hankins, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Van De Wege, Walsh and Warnick - 37.

Excused: Representative Simpson - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the Committee on Rules was relieved of further consideration of HOUSE BILL NO. 2391, and the bill was placed on the Second Reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 21, 2007, the 104th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## ONE HUNDRED FOURTH DAY

House Chamber, Olympia, Saturday, March 21, 2007

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Seth Coates and Ron Finley. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Dennis Flannigan.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

April 20, 2007

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:  
 SUBSTITUTE SENATE BILL NO. 5085,  
 SUBSTITUTE SENATE BILL NO. 5097,  
 SUBSTITUTE SENATE BILL NO. 5288,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5317,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557,  
 SUBSTITUTE SENATE BILL NO. 5830,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044,  
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 20, 2007

Mr. Speaker:

The Senate has granted the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1128. The President has appointed the following members as Conferees: Senators Prentice, Pridemore and Zarelli, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6158, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**HB 2410 by Representatives Lantz, Flannigan and Kirby

AN ACT Relating to local retail sales and use tax for parks and recreation, trails, and open space allocation; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 2411 by Representatives Linville, Bailey, B. Sullivan, Kristiansen, Pettigrew, Skinner and Chase

AN ACT Relating to providing a source of funding to assist small manufacturers in obtaining modernization and manufacturing extension services; reenacting and amending RCW 82.32.590; adding new sections to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Community &amp; Economic Development &amp; Trade.

HB 2412 by Representative Simpson

AN ACT Relating to administration programs and operations of port districts; amending RCW 53.29.020 and 53.29.030; and repealing RCW 53.06.010, 53.06.020, 53.06.030, 53.06.040, 53.06.050, 53.06.060, 53.06.070, 53.06.080, and 53.06.090.

Referred to Committee on Local Government.

HB 2413 by Representatives McIntire, Fromhold, McDonald, Hankins, Skinner, Quall, McDermott, Eickmeyer, Chase, B. Sullivan, Eddy, Kirby, Wood, Flannigan, Kretz, Hailey, Chandler, DeBolt, Orcutt, Haler, Ericksen, Hunter, Hasegawa, Conway, Grant, McCune, Newhouse, Pettigrew, Blake, Alexander, Williams, Buri, O'Brien, Bailey, Appleton, Springer, Jarrett, Anderson, Miloscia, Priest, Roach, Linville, Sump, Rodne, Warnick, Ross, Green, Kenney, Schual-Berke, Hinkle, Van De Wege, Pearson, Crouse, Barlow, Schindler, Sells, Sommers, Clibborn, Morris, Morrell, Hunt, Darneille, Pedersen, Hurst, Kristiansen, Cody, McCoy, Haigh, P. Sullivan, Chopp, Simpson, Dunshee, Wallace, Campbell, Kagi, Goodman, Strow, Walsh, Dunn, Lantz, Kessler, Seaquist, Hudgins, Moeller, Ericks and Dickerson

AN ACT Relating to establishing the full light of day act; creating new sections; and providing an effective date.

Referred to Committee on State Government &amp; Tribal Affairs.

ESSB 6158 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to biennial rebasing of nursing facility medicaid payment rates; amending RCW 74.46.410, 74.46.431, 74.46.506, 74.46.511, 74.46.521, and 74.46.020; adding a new section to chapter 74.46 RCW; providing an effective date; and declaring an emergency.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 6158 which was placed on the Second Reading calendar.

**MESSAGE FROM THE SENATE**

April 20, 2007

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**REPORT OF CONFERENCE COMMITTEE**

April 20, 2007

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, making transportation appropriations for the 2005-07 and 2007-09 fiscal biennia, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (S-3559.5/07) be adopted

*Formatting change to accommodate amendment.*

Strike everything after the enacting clause and insert the following:

**"2007-09 BIENNIUM**

**NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2009.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

**GENERAL GOVERNMENT AGENCIES--OPERATING**

**NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation. . . . . \$505,000

**NEW SECTION. Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account--State Appropriation. . . . . \$3,054,000

Puget Sound Ferry Operations Account--State Appropriation. . . . . \$100,000

TOTAL APPROPRIATION. . . . . \$3,154,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,545,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$75,000 of the motor vehicle account state appropriation is provided solely to address transportation budget and reporting requirements.

**NEW SECTION. Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State Appropriation. . . . . \$422,000

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation. . . . . \$985,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation. . . . . \$1,358,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,007,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

**NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation. . . . . \$223,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

**NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation. . . . . \$1,595,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS).

(2) \$795,000 of the motor vehicle account--state appropriation is provided solely for development of a new transportation capital budgeting system and transition of a copy of the transportation executive information system (TEIS) to LEAP. At a minimum, the new budgeting system development effort must provide comprehensive schematic diagrams of the current and proposed transportation capital budget process, information flows, and data exchanges; common, agreed-upon data definitions and business rules; detailed transportation capital budget data and system requirements; and a strategy for implementation, including associated costs and a timeframe.

**NEW SECTION. Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE** As part of its 2007-09 biennium workplan, the committee shall:

(1) Review the Washington state ferries' assignment of preservation costs as required by Engrossed Substitute House Bill No. 2358, for fiscal year 2008, to determine whether costs are capital costs and whether they meet the statutory requirements for preservation activities, and report its findings to the legislature not later than January 2009.

(2) Review the Washington state ferries' implementation of the life cycle cost model, as required by Engrossed Substitute House Bill No. 2358, and report to the legislature not later than June 30, 2009, on whether the model:

- (a) Complies with available industry standards or department-adopted standard life cycles derived from the experience of similar public and private entities when industry standards are not available;
  - (b) Is maintained and updated when asset inspections are made;
  - (c) Excludes utilities and other systems that are not replaced on a standard life cycle;
  - (d) Provides that all assets in the life-cycle cost model are inspected and updated for asset condition at least every three years; and
  - (e) Excludes assets not yet built.
- (3) The committee shall solicit input regarding the study workplan from the joint transportation committee.

**TRANSPORTATION AGENCIES--OPERATING**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation. . . . .	\$2,609,000
Highway Safety Account--Federal Appropriation. . . . .	\$15,880,000
School Zone Safety Account--State Appropriation. . . . .	\$3,300,000
TOTAL APPROPRIATION. . . . .	\$21,789,000

**NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation. . . . .	\$907,000
Motor Vehicle Account--State Appropriation. . . . .	\$2,075,000
County Arterial Preservation Account--State Appropriation. . . . .	\$1,399,000
TOTAL APPROPRIATION. . . . .	\$4,381,000

The appropriations in this section are subject to the following conditions and limitations: \$481,000 of the county arterial preservation account--state appropriation is provided solely for continued development and implementation of a maintenance management system to manage county transportation assets.

**NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation. . . . .	\$1,793,000
Transportation Improvement Account--State Appropriation. . . . .	\$1,795,000
TOTAL APPROPRIATION. . . . .	\$3,588,000

**NEW SECTION. Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation. . . . .	\$1,156,000
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**NEW SECTION. Sec. 205. FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation. . . . .	\$2,103,000
Multimodal Transportation Account--State Appropriation. . . . .	\$550,000
TOTAL APPROPRIATION. . . . .	\$2,653,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the motor vehicle account--state appropriation is for establishing a workgroup to implement Engrossed Substitute House Bill No. 2358 (regarding state ferries) and review other matters relating to Washington state ferries. The cochairs of the committee shall establish the workgroup comprising committee members or their designees, an appointee by the governor, and other stakeholders as appointed by the cochairs, to assist in the committee's work. The workgroup shall report the progress of its tasks to the transportation committees of the legislature by December 15, 2007. The workgroup is tasked with the following:

(a) Implementing the recommendations of Engrossed Substitute House Bill No. 2358 (regarding state ferries). As directed by Engrossed Substitute House Bill No. 2358, the committee workgroup shall participate in and provide a review of the following:

- (i) The Washington transportation commission's development and interpretation of a survey of ferry customers;
- (ii) The department of transportation's analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration must be given to whether boat wait is the appropriate measure;
- (iii) The department's development of pricing policy proposals. In developing these policies, the policy, in effect on some routes, of collecting fares in only one direction must be evaluated to determine whether one-way fare pricing best serves the ferry system;
- (iv) The department's development of operational strategies;
- (v) The department's development of terminal design standards; and
- (vi) The department's development of a long-range capital plan;

(b) Reviewing the following Washington state ferry programs:

- (i) Ridership demand forecast;
- (ii) Updated life cycle cost model, as directed by Engrossed Substitute House Bill No. 2358;
- (iii) Administrative operating costs, nonlabor and nonfuel operating costs, Eagle Harbor maintenance facility program and maintenance costs, administrative and systemwide capital costs, and vessel preservation costs; and
- (iv) The Washington state ferries' proposed capital cost allocation plan methodology, as described in Engrossed Substitute House Bill No. 2358;

(c) Making recommendations regarding:

(i) The most efficient timing and sizing of future vessel acquisitions beyond those currently authorized by the legislature. Vessel acquisition recommendations must be based on the ridership projections, level of service standards, and operational and pricing strategies reviewed by the committee and must include the impact of those recommendations on the timing and size of terminal capital investments and the state ferries' long range operating and capital finance plans; and

(ii) Capital financing strategies for consideration in the 2009 legislative session. This work must include confirming the department's estimate of future capital requirements based on a long range capital plan and must include the department's development of a plan for codevelopment and public private partnership opportunities at public ferry terminals; and

(d) Evaluate the capital cost allocation plan methodology developed by the department to implement Engrossed Substitute House Bill No. 2358.

(2) \$250,000 of the motor vehicle account--state appropriation and \$250,000 of the multimodal transportation account--state appropriation are for the implementation of Substitute Senate Bill No. 5207.

(3) \$300,000 of the multimodal transportation account--state appropriation is for implementing Substitute House Bill No. 1694 (coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 206. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation. . . . .	\$2,276,000
Multimodal Transportation Account--State Appropriation. . . . .	\$112,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$2,388,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the motor vehicle account--state appropriation is provided solely for the commission to conduct a survey of ferry customers as described in Engrossed Substitute House Bill No. 2358. Development and interpretation of the survey must be done with participation of the joint transportation committee workgroup established in section 205(1) of this act.

(2) \$100,000 of the motor vehicle account--state appropriation is provided solely for a study to identify and evaluate long-term financing alternatives for the Washington state ferry system. The study shall incorporate the findings of the initial survey described in subsection (1) of this section, and shall consider the potential for state, regional, or local financing options. The commission shall submit a draft final report of its findings and recommendations to the transportation committees of the legislature no later than December 2008.

(3) The commission shall conduct a planning grade tolling study that is based on the recommended policies in the commission's comprehensive tolling study submitted September 20, 2006.

**NEW SECTION. Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation. . . . .	\$695,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

(2) The freight mobility strategic investment board and the department of transportation shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by chapter 47.06A RCW for the board and as required by this act for the department. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in section 309(7)(a) of this act to the greatest extent possible.

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State Appropriation. . . . .	\$225,445,000
State Patrol Highway Account--Federal Appropriation. . . . .	\$10,602,000
State Patrol Highway Account--Private/Local Appropriation. . . . .	\$410,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$236,457,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the governor and transportation committees of the senate and house of representatives by September 30th of each year.

(4) \$1,662,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (commercial vehicle enforcement). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) During the fiscal year 2008, the Washington state patrol shall continue to perform traffic accident investigations on Thurston, Mason, and Lewis county roads, and shall work with the counties to transition the traffic accident investigations on county roads to the counties by July 1, 2008.

(6) \$100,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1417 (health benefits for surviving dependents). If Substitute House Bill No. 1417 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$3,300,000 of the state patrol highway account--state appropriation is provided solely for the salaries and benefits associated with accretion in the number of troopers employed above 1,158 authorized commissioned troopers.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation. . . . .	\$1,300,000
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**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation. . . . .	\$103,157,000
State Patrol Highway Account--Private/Local Appropriation. . . . .	\$2,008,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$105,165,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.
- (2) \$12,641,000 of the total appropriation is provided solely for automobile fuel in the 2007-2009 biennium.
- (3) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.
- (4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.
- (5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.
- (6) The Washington state patrol may submit information technology related requests for funding only if the patrol has coordinated with the department of information services as required by section 602 of this act.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--CRIMINAL HISTORY AND BACKGROUND CHECKS.** In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform criminal history and background checks for state and local agencies and nonprofit and other private entities and disseminate the records resulting from these activities. The Washington state patrol is required to charge a fee for these activities, for which it is the policy of the state of Washington that the fees cover the direct and indirect costs of performing the criminal history and background checks and disseminating the information. For each type of criminal history and background check and dissemination of these records, the Washington state patrol shall, as nearly as practicable, set fees at levels sufficient to cover the direct and indirect costs. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account--State Appropriation. . . . .	\$32,000
Motorcycle Safety Education Account--State Appropriation. . . . .	\$3,905,000
Wildlife Account--State Appropriation. . . . .	\$843,000
Highway Safety Account--State Appropriation. . . . .	\$141,953,000
Highway Safety Account--Federal Appropriation. . . . .	\$233,000
Motor Vehicle Account--State Appropriation. . . . .	\$79,230,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	\$1,372,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$117,000
Department of Licensing Services Account--State Appropriation. . . . .	\$3,540,000
Washington State Patrol Highway Account--State Appropriation. . . . .	\$1,145,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$232,370,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,941,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.
- (2) \$716,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (3) \$8,872,000 of the highway safety account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management. Of the amount provided in this subsection, up to \$1,000,000 is for a statewide educational campaign, which must include coordination with existing public and private entities, to inform the Washington public of the benefits of the new enhanced drivers' licenses and identicards.
- (4) \$91,000 of the motor vehicle account--state appropriation and \$152,000 of the highway safety account--state appropriation are provided solely for contracting with the office of the attorney general to investigate criminal activity uncovered in the course of the agency's licensing and regulatory activities. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with measurable data indicating the department's progress in meeting its goal of increased prosecution of illegal activity.
- (5) \$350,000 of the highway safety account--state appropriation is provided solely for the costs associated with the systems development of the interface that will allow insurance carriers and their agents real time, online access to drivers' records. If Substitute Senate Bill No. 5937 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (6) \$1,145,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (7) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.
- (8) Within the amounts appropriated in this section, the department shall, working with the legislature, develop a proposal to streamline title and registration statutes to specifically address apparent conflicts, fee distribution, and other recommendations by the department that are revenue neutral and which do not change legislative policy. The department shall report the results of this review to the transportation committees of the legislature by December 1, 2007.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

High-Occupancy Toll Lanes Account--State Appropriation. . . . .	\$2,596,000
Motor Vehicle Account--State Appropriation. . . . .	\$5,600,000
Tacoma Narrows Toll Bridge Account--State Appropriation. . . . .	\$28,218,000
TOTAL APPROPRIATION. . . . .	\$36,414,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$5,000,000 of the motor vehicle account--state is provided solely to provide a reserve for the Tacoma Narrows Bridge project. This appropriation shall be held in unallotted status until the office of financial management deems that revenues applicable to the Tacoma Narrows Bridge project are not sufficient to cover the project's expenditures.
- (2) The department shall solicit private donations to fund activities related to the opening ceremonies of the Tacoma Narrows bridge project.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C**

Transportation Partnership Account--State Appropriation. . . . .	\$4,556,000
Motor Vehicle Account--State Appropriation. . . . .	\$67,613,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$1,096,000
Puget Sound Ferry Operations Account--State Appropriation. . . . .	\$9,192,000
Multimodal Transportation Account--State Appropriation. . . . .	\$363,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$4,000,000
TOTAL APPROPRIATION. . . . .	\$86,820,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.
- (2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.
- (3) \$2,300,000 of the motor vehicle account--state appropriation is provided solely for preliminary work needed to transition the department to the state government network. In collaboration with the department of information services the department shall complete an inventory of the current network infrastructure, and develop an implementation plan for transition to the state government network.
- (4) \$1,000,000 of the motor vehicle account--state appropriation, \$4,556,000 of the transportation partnership account--state appropriation, and \$4,000,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. Beginning September 1, 2007, and on a quarterly basis thereafter, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. The first report shall include a detailed work plan for the development and integration of the system including timelines and budget milestones. At a minimum the ensuing reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.
- (5) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.
- (6) \$1,600,000 of the motor vehicle account--state appropriation is provided solely for the critical application assessment implementation project. The department shall submit a progress report on the critical application assessment implementation project to the house of representatives and senate transportation committees on or before December 1, 2007, and December 1, 2008, with a final report on or before June 30, 2009.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation. . . . .	\$34,569,000
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**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation. . . . .	\$6,889,000
Aeronautics Account--Federal Appropriation. . . . .	\$2,150,000
Multimodal Transportation Account--State Appropriation. . . . .	\$631,000
TOTAL APPROPRIATION. . . . .	\$9,670,000

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account--state appropriation is provided solely for the aviation planning council as provided for in RCW 47.68.410.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

Transportation Partnership Account--State Appropriation. . . . .	\$2,422,000
Motor Vehicle Account--State Appropriation. . . . .	\$50,446,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$500,000
Multimodal Transportation Account--State Appropriation. . . . .	\$250,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$2,422,000

TOTAL APPROPRIATION..... \$56,040,000

The appropriation in this section is subject to the following conditions and limitations: \$2,422,000 of the transportation partnership account appropriation and \$2,422,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services in the development of the project management and reporting system.

The consultants shall provide an updated copy of the capital construction strategic plan to the legislative transportation committees and to the office of financial management on June 30, 2008, and each year thereafter.

The department shall coordinate its work with other budget and performance efforts, including Roadmap, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by December 31, 2007, on the implementation status of recommended capital budgeting and reporting options. Options must include: Reporting against legislatively-established project identification numbers and may include recommendations for reporting against other appropriate project groupings; measures for reporting progress, timeliness, and cost which create an incentive for the department to manage effectively and report its progress in a transparent manner; and criteria and process for transfers of funds among projects.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**

**K**

Motor Vehicle Account--State Appropriation. . . . . \$1,151,000  
 Multimodal Transportation Account--State Appropriation. . . . . \$300,000  
 TOTAL APPROPRIATION..... \$1,451,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$300,000 of the multimodal account--state appropriation is provided solely for the department to hire a consultant to develop a plan for codevelopment and public-private partnership opportunities at public ferry terminals.

(2) The department shall conduct an analysis and, if determined to be feasible, initiate requests for proposals involving the distribution of alternative fuels along state department of transportation rights-of-way.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM**

**M**

Motor Vehicle Account--State Appropriation. . . . . \$321,888,000  
 Motor Vehicle Account--Federal Appropriation. . . . . \$2,000,000  
 Motor Vehicle Account--Private/Local Appropriation..... \$5,797,000  
 TOTAL APPROPRIATION..... \$329,685,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) \$1,500,000 of the motor vehicle account--federal appropriation is provided for unanticipated federal funds that may be received during the 2007-09 biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) Funding is provided for maintenance on the state system to deliver service level targets as listed in LEAP Transportation Document 2007-C, as developed April 20, 2007. In delivering the program and aiming for these targets, the department should concentrate on the following areas:

(a) Eliminating the number of activities delivered in the "f" level of service at the region level; and

(b) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation. . . . . \$52,040,000  
 Motor Vehicle Account--Federal Appropriation. . . . . \$2,050,000  
 Motor Vehicle Account--Private/Local Appropriation..... \$127,000  
 TOTAL APPROPRIATION..... \$54,217,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$654,000 of the motor vehicle account--state appropriation is provided solely for the department to time state-owned and operated traffic signals. This funding may also be used to program incident, emergency, or special event signal timing plans.

(2) \$346,000 of the motor vehicle account--state appropriation is provided solely for the department to implement a pilot tow truck incentive program. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) \$6,800,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost

enhancement projects on a statewide rather than regional basis. By January 1, 2008, and January 1, 2009, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(4) The department, in consultation with the Washington state patrol, may conduct a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present.

(a) In order to ensure adequate time in the 2007-09 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the department must be authorized by December 31, 2007.

(b) The department shall use the following guidelines to administer the program:

(i) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(iii) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(iv) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(v) For purposes of the 2007-09 biennium pilot project, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account;

(vi) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use; and

(vii) By June 30, 2009, the department shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding the pilot project.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Account--State Appropriation. . . . .	\$28,215,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$30,000
Puget Sound Ferry Operations Account--State Appropriation. . . . .	\$1,321,000
Multimodal Transportation Account--State Appropriation. . . . .	\$1,223,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$30,789,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall work with staffs from the legislative evaluation and accountability program committee, the transportation committees of the legislature, and the office of financial management on developing a new capital budgeting system to meet identified information needs.

(2) \$250,000 of the multimodal account--state appropriation is provided solely for implementing a wounded combat veteran's internship program, administered by the department. The department shall seek federal funding to support the continuation of this program.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation. . . . .	\$30,698,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$19,163,000
Multimodal Transportation Account--State Appropriation. . . . .	\$1,029,000
Multimodal Transportation Account--Federal Appropriation. . . . .	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation. . . . .	\$100,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$53,799,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds, including those expended since 2003, are provided as a loan to the RTID and shall be repaid to the state within one year following formation of the RTID. \$2,391,000 of the amount provided under this subsection shall lapse, effective January 1, 2008, if voters fail to approve formation of the RTID at the 2007 general election, as determined by the certification of the election results.

(2) \$300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(3) \$320,000 of the motor vehicle account--state appropriation and \$128,000 of the motor vehicle account--federal appropriation are provided solely for development of a freight database to help guide freight investment decisions and track project effectiveness. The database will be based on truck movement tracked through geographic information system technology. TransNow will contribute an additional \$192,000

in federal funds which are not appropriated in the transportation budget. The department shall work with the freight mobility strategic investment board to implement this project.

(4) By December 1, 2008, the department shall require confirmation from jurisdictions that plan under the growth management act, chapter 36.70A RCW, and that receive state transportation funding under this act, that the jurisdictions have adopted standards for access permitting on state highways that meet or exceed department standards in accordance with RCW 47.50.030. The objective of this subsection is to encourage local governments, through the receipt of state transportation funding, to adhere to best practices in access control applicable to development activity significantly impacting state transportation facilities. By January 1, 2009, the department shall submit a report to the appropriate committees of the legislature detailing the progress of the local jurisdictions in adopting the highway access permitting standards.

(5) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(6) The department shall add a position within the freight systems division to provide expertise regarding the trucking aspects of the state's freight system.

(7) The department shall evaluate the feasibility of developing a freight corridor bypass from Everett to Gold Bar on US 2, including a connection to SR 522. US 2 is an important freight corridor, and is an alternative route for I-90. Congestion, safety issues, and flooding concerns have all contributed to the need for major improvements to the corridor. The evaluation shall consider the use of toll lanes for the project. The department must report to the transportation committees of the legislature by December 1, 2007, on its analysis and recommendations regarding the benefit of a freight corridor and the potential use of freight toll lanes to improve safety and congestion in the corridor.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Account--State Appropriation. . . . .	\$66,342,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$400,000
Multimodal Transportation Account--State Appropriation. . . . .	\$259,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$67,001,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,665,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES. . . . .	\$1,520,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR. . . . .	\$1,150,000
(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES. . . . .	\$4,157,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL. . . . .	\$4,033,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION. . . . .	\$36,665,000
(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE. . . . .	\$1,838,000
(g) FOR ARCHIVES AND RECORDS MANAGEMENT . . . . .	\$647,000
(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES. . . . .	\$1,070,000
(i) FOR USE OF FINANCIAL SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT. . . . .	\$930,000
(j) FOR POLICY ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES. . . . .	\$1,138,000
(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE. . . . .	\$8,859,000
(l) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION. . . . .	\$158,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

Regional Mobility Grant Program Account--State Appropriation. . . . .	\$40,000,000
Multimodal Transportation Account--State Appropriation. . . . .	\$85,202,000
Multimodal Transportation Account--Federal Appropriation. . . . .	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation. . . . .	\$291,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$128,075,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2005 as reported in the "Summary of Public Transportation - 2005" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2005 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,600,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No

additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall provide annual status reports on December 15, 2007, and December 15, 2008, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants.

(5) \$17,168,087 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, regional mobility grant program projects as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007, or the LEAP Transportation Document 2006-D as developed March 8, 2006.

(6) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to study and then develop pilot programs aimed at addressing commute trip reduction strategies for K-12 students and for college and university students. The department shall submit to the legislature by January 1, 2009, a summary of the program results and recommendations for future student commute trip reduction strategies. The pilot programs are described as follows:

(a) The department shall consider approaches, including mobility education, to reducing and removing traffic congestion in front of schools by changing travel behavior for elementary, middle, and high school students and their parents; and

(b) The department shall design a program that includes student employment options as part of the pilot program applicable to college and university students.

(7) \$2,400,000 of the multimodal account--state appropriation is provided solely for establishing growth and transportation efficiency centers (GTEC). Funds are appropriated for one time only. The department shall provide in its annual report to the legislature an evaluation of the GTEC concept and recommendations on future funding levels.

(8) \$381,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1694 (reauthorizing the agency council on coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$136,000 of the multimodal transportation account--private/local appropriation is provided solely for the implementation of Senate Bill No. 5084 (updating rail transit safety plans). If Senate Bill No. 5084 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$60,000 of the multimodal transportation account--state appropriation is provided solely for low-income car ownership programs. The department shall collaborate with interested regional transportation planning organizations and metropolitan planning organizations to determine the effectiveness of the programs at providing transportation solutions for low-income persons who depend upon cars to travel to their places of employment.

(11) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional funding for the trip reduction performance program, including telework enhancement projects. Funds are appropriated for one time only.

(12) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State Appropriation.....	\$412,189,000
Multimodal Transportation Account--State Appropriation.....	\$1,830,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$414,019,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,191,000 of the Puget Sound ferry operations--state appropriation is provided solely for auto ferry vessel operating fuel in the 2007-2009 biennium.

(2) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semiannual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(4) \$1,830,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2008. Ferry system management shall continue to implement its agreement with the inlandboatmen's union of the pacific and the international organization of masters, mates and pilots providing for part-time passenger-only work schedules.

(5) \$932,000 of the Puget Sound ferries operations account--state appropriation is provided solely for compliance with department of ecology rules regarding the transfer of oil on or near state waters. Funding for compliance with on-board fueling rules is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with an alternative compliance plan filed with the department of ecology, as allowed by rule.

(6) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(7) \$378,000 of the Puget Sound ferry operations account--state appropriation is provided solely to meet the United States coast guard requirements for appropriate rest hours between shifts for vessel crews on the Bainbridge to Seattle and Edmonds to Kingston ferry routes.

(8) \$694,000 of the Puget Sound ferries operating account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2358 as follows:

(a) The department shall allow the joint transportation committee workgroup established in section 205(1) of this act to participate in the following elements as they are described in Engrossed Substitute House Bill No. 2358:

- (i) Development and implementation of a survey of ferry customers;
  - (ii) Analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration shall be given to whether boat wait is the appropriate measure. The level of service standard shall be reestablished in conjunction with or after the survey has been implemented;
  - (iii) Development of pricing policy proposals. In developing these policies, the policies, in effect on some routes, of collecting fares in only one direction shall be evaluated to determine whether one-way fare pricing best serves the ferry system. The pricing policy proposals must be developed in conjunction with or after the survey has been implemented;
  - (iv) Development of operational strategies. The operational strategies shall be reestablished in conjunction with the survey or after the survey has been implemented;
  - (v) Development of terminal design standards. The terminal design standards shall be finalized after the provisions of subsections (a)(i) through (iv) and subsection (b) of this section have been developed and reviewed by the joint transportation committee; and
  - (vi) Development of a capital plan. The capital plan shall be finalized after terminal design standards have been developed by the department and reviewed by the joint transportation committee.
- (b) The department shall develop a ridership demand forecast that shall be used in the development of a long-range capital plan. If more than one forecast is developed they must be reconciled.
- (c) The department shall update the life cycle cost model to meet the requirements of Engrossed Substitute House Bill No. 2358 no later than August 1, 2007.
- (d) The department shall develop a cost allocation methodology proposal to meet the requirements described in Engrossed Substitute House Bill No. 2358. The proposal shall be completed and presented to the joint transportation committee no later than August 1, 2007.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**  
 Multimodal Transportation Account--State Appropriation. . . . . \$37,034,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The department shall publish a final long-range plan for Amtrak Cascades by September 30, 2007. By December 31, 2008, the department shall submit to the office of financial management and the transportation committees of the legislature a midrange plan for Amtrak Cascades that identifies specific steps the department would propose to achieve additional service beyond current levels.
- (2)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.
- (b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.
- (c) When Amtrak Cascades expands the second roundtrip between Vancouver, B.C. and Seattle, the department shall negotiate for the second roundtrip to leave Bellingham southbound no later than 8:30 a.m.
- (3) No Amtrak Cascade runs may be eliminated.
- (4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.
- (5) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**  
 Motor Vehicle Account--State Appropriation. . . . . \$8,630,000  
 Motor Vehicle Account--Federal Appropriation. . . . . \$2,567,000  
 TOTAL APPROPRIATION. . . . . \$11,197,000

**TRANSPORTATION AGENCIES--CAPITAL**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**  
 State Patrol Highway Account--State Appropriation. . . . . \$2,934,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,200,000 is provided solely for the following minor works projects: \$195,000 for HVAC renovation at the Chehalis, Kelso, Okanogan, and Ellensburg detachments; \$50,000 for roof replacements at the Toppenish, SeaTac NB, SeaTac SB, and Plymouth weigh stations; \$35,000 for replacement of the Shelton academy roof drain and downspout; \$100,000 for parking lot repairs at Okanogan, Goldendale, Ritzville, and Moses Lake detachment offices and the Wenatchee 6 headquarters; \$290,000 for replacement of the weigh station scales at Brady and Artic; \$152,000 for carpet replacement at the Ritzville, Moses Lake, Morton, Kelso, Chehalis, Walla Walla, Kennewick, South King, and Hoquiam detachment offices; \$185,000 for HVAC replacement at Tacoma and Marysville detachment offices; \$330,000 for repair and upgrade of the Bellevue tower; \$473,000 for replacement of twenty-one communication site underground fuel tanks; \$240,000 for replacement of communication site buildings at Lind, Scoggans Mountain, and Lewiston Ridge; and \$150,000 for unforeseen emergency repairs.
- (2) \$687,000 is provided solely for design and construction of regional waste water treatment systems for the Shelton academy of the Washington state patrol.
- (3) \$47,000 is provided solely for predesign of a single, consolidated aviation facility at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources (DNR), and the department of fish and wildlife, and the rotary operations of the DNR.

**NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
 Rural Arterial Trust Account--State Appropriation. . . . . \$64,000,000  
 Motor Vehicle Account--State Appropriation. . . . . \$2,368,000  
 County Arterial Preservation Account--State Appropriation. . . . . \$32,861,000  
 TOTAL APPROPRIATION. . . . . \$99,229,000

The appropriations in this section are subject to the following conditions and limitations: \$2,069,000 of the motor vehicle account--state appropriation may be used for county ferries. The board shall review the requests for county ferry funding in consideration with other projects

funded from the board. If the board determines these projects are a priority over the projects in the rural arterial and county arterial preservation grant programs, then they may provide funding for these requests.

**NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account--State Appropriation. . . . .	\$4,500,000
Urban Arterial Trust Account--State Appropriation. . . . .	\$129,600,000
Transportation Improvement Account--State Appropriation. . . . .	\$90,643,000
TOTAL APPROPRIATION. . . . .	\$224,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation. . . . .	\$6,202,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$584,000 of the motor vehicle account--state appropriation is for statewide administration.

(2) \$750,000 of the motor vehicle account--state appropriation is for regional minor projects.

(3) \$568,000 of the motor vehicle account--state appropriation is for the Olympic region headquarters property payments.

(4) By September 1, 2007, the department shall submit to the transportation committees of the legislature predesign plans, developed using the office of financial management's predesign process, for all facility replacement projects to be proposed in the facilities 2008 budget proposal.

(5) \$1,600,000 of the motor vehicle account--state appropriation is for site acquisition for the Tri-cities area maintenance facility.

(6) \$2,700,000 of the motor vehicle account--state appropriation is for site acquisition for the Vancouver light industrial facility.

(7) The department shall work with the office of financial management and staff of the transportation committees of the legislature to develop a statewide inventory of all department-owned surplus property that is suitable for development for department facilities or that should be sold. By December 1, 2008, the department shall report to the joint transportation committee on the findings of this study.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Transportation Partnership Account--State Appropriation. . . . .	\$1,226,516,000
Motor Vehicle Account--State Appropriation. . . . .	\$82,045,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$404,090,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	\$49,157,000
Special Category C Account--State Appropriation. . . . .	\$29,968,000
Tacoma Narrows Toll Bridge Account--State Appropriation. . . . .	\$142,484,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$1,100,746,000
Freight Congestion Relief Account--State Appropriation. . . . .	\$40,000,000
TOTAL APPROPRIATION. . . . .	\$3,075,006,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Highway Improvement Program (1) as developed April 20, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) Within the amounts provided in this section, \$1,991,000 of the transportation partnership account--state appropriation, \$1,656,000 of the motor vehicle account--federal appropriation, and \$8,343,000 of the transportation 2003 account (nickel account)--state appropriation are for project 109040T as identified in the LEAP transportation document in subsection (1) of this section: I-90/Two Way Transit-Transit and HOV Improvements - Stage 1. Expenditure of the funds on construction is contingent upon revising the access plan for Mercer Island traffic such that Mercer Island traffic will have access to the outer roadway high occupancy vehicle (HOV) lanes during the period of operation of such lanes following the removal of Mercer Island traffic from the center roadway and prior to conversion of the outer roadway HOV lanes to high occupancy toll (HOT) lanes. Sound transit may only have access to the center lanes when alternative R8A is complete.

(4) The Tacoma Narrows toll bridge account--state appropriation includes up to \$131,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(5) The funding described in this section includes \$8,095,541 of the transportation 2003 account (nickel account)--state appropriation and \$237,241 of the motor vehicle account--private/local appropriation, which are for the SR 519 project. The total project is expected to cost no more than \$74,400,000 including \$11,950,000 in contributions from project partners.

(6) To promote and support community-specific noise reduction solutions, the department shall:

(a) Prepare a draft directive that establishes how each community's priorities and concerns may be identified and addressed in order to allow consideration of a community's preferred methods of advanced visual shielding and aesthetic screening, for the purpose of improving the noise environment of major state roadway projects in locations that do not meet the criteria for standard noise barriers. The intent is for these provisions to be supportable by existing project budgets. The directive shall also include direction on the coordination and selection of

visual and aesthetic options with local communities. The draft directive shall be provided to the standing transportation committees of the legislature by January 2008; and

(b) Pilot the draft directive established in (a) of this subsection in two locations along major state roadways. If practicable, the department should begin work on the pilot projects while the directive is being developed. One pilot project shall be located in Clark county on a significant capacity improvement project. The second pilot project shall be located in urban King county, which shall be on a corridor highway project through mixed land use areas that is nearing or under construction. The department shall provide a written report to the standing transportation committees of the legislature on the findings of the Clark county pilot project by January 2009, and the King county pilot project by January 2010. Based on results of the pilot projects, the department shall update its design manual, environmental procedures, or other appropriate documents to incorporate the directive.

(7) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.

(8) If the "Green Highway" provisions of Engrossed Second Substitute House Bill No. 1303 (cleaner energy) are enacted, the department shall erect signs on the interstate highways included in those provisions noting that these interstates have been designated "Washington Green Highways."

(9) If on the I-405/I-90 to SE 8th Street Widening project the department finds that there is an alternative investment to preserve reliable rail accessibility to major manufacturing sites within the I-405 corridor that are less expensive than replacing the Wilburton Tunnel, the department may enter into the necessary agreements to implement that alternative provided that costs remain within the approved project budget.

(10) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation. However, the department shall not use agricultural lands of long-term commercial significance, as that term is used under chapter 36.70A RCW, for mitigation banking.

(11) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(12) \$250,000 of the motor vehicle account--state appropriation is provided solely for an inland pacific hub study to develop an inland corridor for the movement of freight and goods to and through eastern Washington; and \$500,000 of the motor vehicle account--state appropriation is provided solely for the SR3/SR16 corridor study to plan and prioritize state and local improvements needed over the next 10-20 years to support safety, capacity development, and economic development within the corridor.

(13) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(14) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the SR 520 bridge replacement and HOV project. The federal funds described in this subsection shall not include those federal transit administration funds distributed by formula.

(15) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right-of-way acquisition, or construction on the project if completion of the project would more likely than not reduce the capacity of the facility. Capacity shall be measured by including the consideration of the efficient movement of people and goods on the facility.

(16) The governor shall convene a collaborative process involving key leaders to determine the final project design for the Alaskan Way Viaduct.

(a) The process shall be guided by the following common principles: Public safety must be maintained; the final project shall meet both capacity and mobility needs; and taxpayer dollars must be spent responsibly.

(b) The state's project expenditures shall not exceed \$2,800,000,000.

(c) A final design decision shall be made by December 31, 2008.

(17) During the 2007-09 biennium, the department shall proceed with a series of projects on the Alaskan Way Viaduct that are common to any design alternative. Those projects include relocation of two electrical transmission lines, Battery Street tunnel upgrades, seismic upgrades from Lenora to the Battery Street tunnel, viaduct removal from Holgate to King Street, and development of transit enhancements and other improvements to mitigate congestion during construction.

(18) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

(19) The transportation 2003 account (nickel account)--state appropriation includes up to \$874,610,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(20) The transportation partnership account--state appropriation includes up to \$900,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(21) The special category C account--state appropriation includes up to \$22,080,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(22) \$4,500,000 of the motor vehicle account--federal appropriation is provided solely for cost increases on the SR 304/Bremerton tunnel project.

(23) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for initial design and right of way work on a new southbound SR 509 to eastbound SR 518 freeway-to-freeway elevated ramp.

(24) \$500,000 of the motor vehicle account--federal appropriation to the SR 543/I-5 to Canadian border project is provided solely for retaining wall facia improvements.

(25) \$1,400,000 of the motor vehicle account--federal appropriation is provided solely for the Westview school noise wall.

(26) \$1,600,000 of the motor vehicle account--federal appropriation is provided solely for two noise walls on SR 161 in King county.

(27) \$900,000 of the motor vehicle account--state appropriation and \$100,000 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A street and tank farm road.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Transportation Partnership Account--State Appropriation.....	\$220,164,000
Motor Vehicle Account--State Appropriation.....	\$71,392,000
Motor Vehicle Account--Federal Appropriation.....	\$425,161,000
Motor Vehicle Account--Private/Local Appropriation.....	\$15,285,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$5,122,000
Puyallup Tribal Settlement Account--State Appropriation.....	\$11,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$748,124,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Highway Preservation Program (P) as developed April 20, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$295,000 of the motor vehicle account--federal appropriation and \$5,000 of the motor vehicle account--state appropriation are provided solely for the department to determine the most cost efficient way to replace the current Keller ferry. Options reviewed shall not include an expansion of the current capacity of the Keller ferry.

(3) \$5,513,000 of the transportation partnership account--state appropriation is provided solely for the purposes of settling all identified and potential claims from the Lower Elwha Klallam Tribe related to the construction of a graving dock facility on the graving dock property. In the matter of *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the Lower Elwha Klallam Tribe and the state of Washington entered into a settlement agreement that settles all claims related to graving dock property and associated construction and releases the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitations set forth in subsections (a) and (b) of this subsection.

(a) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the benefit of the Lower Elwha Klallam Tribe to be disbursed by the department in accordance with terms and conditions of the settlement agreement.

(b) \$3,513,000 of the transportation partnership account--state appropriation is provided solely for the department's remediation work on the graving dock property in accordance with the terms and conditions of the settlement agreement.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(5) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) \$2,604,501 of the motor vehicle account--federal appropriation and \$3,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events.

(8) \$9,665 of the motor vehicle account--state appropriation, \$12,652,812 of the motor vehicle account--federal appropriation, and \$138,174,581 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation.....	\$9,212,000
Motor Vehicle Account--Federal Appropriation.....	\$15,951,000
Motor Vehicle Account--Private/Local Appropriation.....	\$74,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$25,237,000</b>

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$8,833,000 provided solely for state matching funds for federally selected competitive grant or congressional earmark projects. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation.....	\$139,139,000
Puget Sound Capital Construction Account--Federal Appropriation.....	\$66,145,000
Multimodal Transportation Account--State Appropriation.....	\$4,100,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$76,525,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$285,909,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,432,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(2) \$16,567,000 of the Puget Sound capital construction account--state appropriation and \$4,100,000 of the multimodal transportation account--state appropriation are provided solely for the terminal projects listed:

- (a) Anacortes ferry terminal - utilities work; right-of-way purchase for a holding area during construction; and completion of design and permitting on the terminal building, pick-up and drop-off sites, and pedestrian and bicycle facilities;
  - (b) Bainbridge Island ferry terminal - environmental planning;
  - (c) Bremerton ferry terminal - overhead loading control system and moving the terminal agent's office;
  - (d) Clinton ferry terminal - septic system replacement;
  - (e) Edmonds ferry terminal - right-of-way acquisition costs and federal match requirements;
  - (f) Friday Harbor ferry terminal - parking resurfacing;
  - (g) Keystone and Port Townsend ferry terminals - route environmental planning;
  - (h) Kingston ferry terminal - transfer span retrofit and overhead vehicle holding control system modifications;
  - (i) Mukilteo ferry terminal - right-of-way acquisition, archeological studies, and environmental planning;
  - (j) Port Townsend ferry terminal - wingwall replacement;
  - (k) Seattle ferry terminal - environmental planning, coordination with local jurisdictions, and coordination with highway projects; and
  - (l) Vashon Island and Seattle ferry terminals - modify the passenger-only facilities.
- (3) \$15,500,000 of the Puget Sound ferries operating account--state appropriation is provided solely for dolphin replacement projects at the Orcas Island and Vashon Island ferry terminals. The department shall submit a predesign study to the legislature and must receive legislative approval before beginning design or construction of these projects.
- (4) \$76,525,000 of the transportation 2003 account (nickel account)--state appropriation and \$50,985,000 of the Puget Sound capital construction account--state appropriation are provided solely for the procurement of four 144-vehicle auto-passenger ferry vessels.
- (5) \$18,716,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor maintenance facility preservation project. These funds may not be used for relocating any warehouses not currently on the Eagle Harbor site.
- (6) The department shall research an asset management system to improve Washington state ferries' management of capital assets and the department's ability to estimate future preservation needs. The department shall report its findings regarding a new asset management system to the governor and the transportation committees of the legislature no later than January 15, 2008.
- (7) The department shall sell the M.V. Chinook and M.V. Snohomish passenger-only fast ferries as soon as practicable and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645. Once the department ceases to provide passenger-only ferry service, the department shall sell the M.V. Kalama and M.V. Skagit passenger-only ferries and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645.
- (8) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2007-09 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation. . . . .	\$500,000
Freight Congestion Relief Account--State Appropriation. . . . .	\$25,000,000
Transportation Infrastructure Account--State Appropriation. . . . .	\$2,500,000
Multimodal Transportation Account--State Appropriation. . . . .	\$154,637,000
Multimodal Transportation Account--Federal Appropriation. . . . .	\$30,450,000
Multimodal Transportation Account--Private/Local Appropriation. . . . .	\$7,894,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$220,981,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1)(a) Except as provided in subsection (8) of this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Rail Capital Program (Y) as developed April 20, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.
- (b) Within the amounts provided in this section, \$2,500,000 of the transportation infrastructure account--state appropriation is for low-interest loans for rail capital projects through the freight rail investment bank program. The department shall issue a call for projects based upon the legislative priorities specified in subsection (7)(a) of this section. Application must be received by the department by November 1, 2007. By December 1, 2007, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.
- (c) Within the amounts provided in this section, \$3,335,000 of the multimodal transportation account--state appropriation is for statewide-emergent freight rail assistance projects. However, the department shall perform a cost/benefit analysis of the projects according to the legislative priorities specified in subsection (7)(a) of this section, and shall give priority to the following projects: Rail - Tacoma rail yard switching upgrades (\$500,000); Rail - Port of Ephrata spur rehabilitation (\$127,000); Rail - Lewis and Clark rail improvements (\$1,100,000); Rail - Port of Grays Harbor rail access improvements (\$543,000); Rail - Port of Longview rail loop construction (\$291,000); and Rail - Port of Chehalis (\$774,000). If the relative cost of any of the six projects identified in this subsection (1)(c) is not substantially less than the public benefits to be derived from the project, then the department shall not assign the funds to the project, and instead shall use those funds toward those projects identified by the department in the attachments to the "Washington State Department of Transportation FREIGHT RAIL ASSISTANCE FUNDING PROGRAM: 2007-2009 Prioritized Project List and Program Update" dated December 2006 for which the proportion of public benefits to be gained compared to the cost of the project is greatest.
- (d) Within the amounts provided in this section, \$25,000,000 of the freight congestion relief account--state appropriation is for modifications to the Stampede Pass rail tunnel to facilitate the movement of double stacked rail cars. The department shall quantify and report to the legislature by December 1, 2007, the volume of freight traffic that would likely be shipped by rail rather than trucks if the Stampede Pass rail tunnel were modified to accommodate double stacked rail cars.
- (e) Within the amounts provided in this section, \$200,000 of the multimodal transportation account--state appropriation is for rescoping the Kelso to Martin's Bluff - 3rd Mainline and Storage Tracks project. The rescoped project may include funds that are committed to the project by local or private funding partners. However, the rescoped project must be capable of being completed with not more than \$49,470,000 in future state funding. Subject to this funding constraint, the rescoped project must maximize capacity improvements along the rail mainline.
- (f) Within the amounts provided in this section, \$3,600,000 of the multimodal transportation account--state appropriation is for work items on the Palouse River and Coulee City Railroad lines.

(2) The multimodal transportation account--state appropriation includes up to \$137,620,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Program Y, including, but not limited to the "Tacoma -- bypass of Pt. Defiance" project.

(4) If new federal funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature and the office of financial management prior to spending the funds on existing or additional projects.

(5) The department shall sell any ancillary property, acquired when the state purchased the right-of-ways to the PCC rail line system, to a lessee of the ancillary property who is willing to pay fair market value for the property. The department shall deposit the proceeds from the sale of ancillary property into the transportation infrastructure account.

(6) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

(7)(a) The department shall develop and implement the benefit/impact evaluation methodology recommended in the statewide rail capacity and needs study finalized in December 2006. The benefit/impact evaluation methodology shall be developed using the following priorities, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(b) The department shall convene a work group to collaborate on the development of the benefit/impact analysis method to be used in the evaluation. The work group must include, at a minimum, the freight mobility strategic investment board, the department of agriculture, and representatives from the various users and modes of the state's rail system.

(c) The department shall use the benefit/impact analysis and priorities in (a) of this subsection when submitting requests for state funding for rail projects. The department shall develop a standardized format for submitting requests for state funding for rail projects that includes an explanation of the analysis undertaken, and the conclusions derived from the analysis.

(d) The department and the freight mobility strategic investment board shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by this act for the department and as required by chapter 47.06A RCW for the board. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in (a) of this subsection to the greatest extent possible.

(8) \$5,000,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the costs of acquisition of the PCC railroad associated with the memorandum of understanding (MOU), which was executed between Washington state and Watco. Total costs associated with the MOU shall not exceed \$10,937,000.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Highway Infrastructure Account--State Appropriation. . . . .	\$207,000
Highway Infrastructure Account--Federal Appropriation. . . . .	\$1,602,000
Freight Mobility Investment Account--State Appropriation. . . . .	\$12,500,000
Freight Congestion Relief Account--State Appropriation. . . . .	\$46,720,000
Transportation Partnership Account--State Appropriation. . . . .	\$2,906,000
Motor Vehicle Account--State Appropriation. . . . .	\$9,854,000
Motor Vehicle Account--Federal Appropriation. . . . .	\$60,150,000
Freight Mobility Multimodal Account--State Appropriation. . . . .	\$12,100,000
Multimodal Transportation Account--Federal Appropriation. . . . .	\$3,500,000
Multimodal Transportation Account--State Appropriation. . . . .	\$33,158,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$2,706,000
Passenger Ferry Account--State Appropriation. . . . .	\$8,500,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$193,903,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$8,500,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(5) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2007, and December 1, 2008.

(6) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(7) \$7,000,000 of the multimodal transportation account--state appropriation, \$7,000,000 of the motor vehicle account--federal appropriation, and \$4,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed April 20, 2007. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(8) Up to a maximum of \$5,000,000 of the multimodal transportation account--state appropriation and up to a maximum of \$2,000,000 of the motor vehicle account--federal appropriation are reappropriated for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP transportation document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(9) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

(10) \$3,500,000 of the multimodal transportation account--federal appropriation is provided solely for the Museum of Flight pedestrian bridge safety project.

(11) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the icicle rail station in Leavenworth.

(12) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for the Union Gap city road project.

(13) \$350,000 of the motor vehicle account--state appropriation is provided solely for the Saltwater state park bridge project.

(14) \$1,000,000 of the motor vehicle account--state appropriation is provided solely for the coal creek parkway project.

(15) \$250,000 of the multimodal transportation account--state appropriation is provided solely for a streetcar feasibility study in downtown Spokane.

(16) \$500,000 of the motor vehicle account--state appropriation is provided solely for the marine view drive bridge project in Des Moines.

**TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation. . . . .	\$570,030,000
Ferry Bond Retirement Account Appropriation. . . . .	\$38,059,000
Transportation Improvement Board Bond Retirement Account--State Appropriation. . . . .	\$27,749,000
Nondebt-Limit Reimbursable Account Appropriation. . . . .	\$19,359,000
Transportation Partnership Account--State Appropriation. . . . .	\$6,694,000
Motor Vehicle Account--State Appropriation. . . . .	\$986,000
Transportation Improvement Account--State Appropriation. . . . .	\$68,000
Multimodal Transportation Account--State Appropriation. . . . .	\$1,032,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$6,560,000
Urban Arterial Trust Account--State Appropriation. . . . .	\$473,000
Special Category C Account Appropriation. . . . .	\$160,000
TOTAL APPROPRIATION. . . . .	\$671,170,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account--State Appropriation. . . . .	\$2,254,000
Motor Vehicle Account--State Appropriation. . . . .	\$329,000
Transportation Improvement Account--State Appropriation. . . . .	\$5,000
Multimodal Transportation Account--State Appropriation. . . . .	\$130,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	\$2,187,000
Urban Arterial Trust Account--State Appropriation. . . . .	\$38,000
Special Category C Account--State Appropriation. . . . .	\$53,000
TOTAL APPROPRIATION. . . . .	\$4,996,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

(1) Motor Vehicle Account--State Reappropriation:  
For transfer to the Tacoma Narrows Toll Bridge Account. . . . . \$131,016,000

The department of transportation is authorized to sell up to \$131,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:  
For transfer to the Puget Sound Capital Construction Account. . . . . \$131,500,000

The department of transportation is authorized to sell up to \$131,500,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

**NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties. . . . . \$526,320,000

**NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. . . . . \$937,181,000

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers. . . . . \$346,657,000

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

(1) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State. . . . . \$3,005,000  
 (2) License Plate Technology Account--State Appropriation: For the Multimodal Transportation Account--State. . . . . \$4,500,000  
 (3) Motor Vehicle Account--State Appropriation: For transfer to the High-Occupancy Toll Lanes Operations--  
 State Account. . . . . \$3,000,000  
 (4) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction  
 Account--State. . . . . \$20,000,000  
 (5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound  
 Ferry Operations Account--State. . . . . \$39,000,000  
 (6) Advanced Right-of-Way Revolving Account--State Appropriation: For transfer to the Motor Vehicle  
 Account--State. . . . . \$30,000,000  
 (7) Waste Tire Removal Account--State Appropriation: For transfer to the Motor Vehicle Account--State. . . . . \$5,600,000  
 (8) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership  
 Account--State. . . . . \$25,000,000  
 (9) Multimodal Transportation Account--State Appropriation: For transfer to the General  
 Fund--State. . . . . \$3,500,000  
 (10) Multimodal Transportation Account--State Appropriation: For transfer to the Transportation  
 Infrastructure Account--State. . . . . \$7,000,000  
 (11) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation  
 Account--State. . . . . \$9,500,000

The transfers identified in this section are subject to the following conditions and limitations:

- (a) The amount transferred in subsection (3) of this section may be spent only on "highway purposes" as that term is construed in Article II, section 40 of the Washington state Constitution.
- (b) The amount transferred in subsection (10) of this section is contingent on the enactment of Engrossed Substitute Senate Bill No. 5799. If Engrossed Substitute Senate Bill No. 5799 is not enacted by June 30, 2007, the amount transferred shall lapse.

**NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 409.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**COMPENSATION**

**NEW SECTION. Sec. 501. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS.** The appropriations for state agencies, are subject to the following conditions and limitations:

- (1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.
- (b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.
- (c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.
- (2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

**NEW SECTION. Sec. 502. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS.** The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

**NEW SECTION. Sec. 503. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June, 2007, and is covered by a 2007-2009 collective bargaining agreement pursuant to chapter 41.80 RCW, as well as continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

**NEW SECTION. Sec. 504. COMPENSATION--PENSION CONTRIBUTIONS.** The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are provided to fund employer contributions to state pension funds at the rates adopted by the pension funding council.

**NEW SECTION. Sec. 505. COMPENSATION--REVISE PENSION GAIN SHARING.** The appropriations for (schools) state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to pension gain sharing as provided in House Bill No. 2391.

**NEW SECTION. Sec. 506. NONREPRESENTED EMPLOYEE COMPENSATION.** The appropriations for nonrepresented employee compensation adjustments are provided solely for:

(1) Across the Board Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2007, and for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 2.0% salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0% salary increase effective September 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes.

(3) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under the personnel system reform act of 2002.

(4) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan.

(5) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(6) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6% salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6% salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

**NEW SECTION. Sec. 507. COLLECTIVE BARGAINING AGREEMENTS.** Provisions of the collective bargaining agreements contained in sections 508 through 519 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 508 through 519 may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 508. COLLECTIVE BARGAINING AGREEMENT--IBU.** Appropriations in this act contain funding for the collective bargaining agreement reached between the governor and the inlandboatmen's union of the pacific under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1.5% to 4% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 509. COLLECTIVE BARGAINING AGREEMENT--MEBA-LICENSED.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1% to 6% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 510. COLLECTIVE BARGAINING AGREEMENT--MEBA-UNLICENSED.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008.

**NEW SECTION. Sec. 511. COLLECTIVE BARGAINING AGREEMENT--MM&P.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 2.5% to 7.5% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 512. COLLECTIVE BARGAINING AGREEMENT--MM&P-WATCH SUPERVISORS.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, watch supervisors, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 3% increase to address this specific classification which is below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 513. COLLECTIVE BARGAINING AGREEMENT--METAL TRADES COUNCIL.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Puget Sound metal trades council under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a \$0.95/hour salary adjustment to all classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 514. COLLECTIVE BARGAINING AGREEMENT--FASPAA.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the ferry agents, supervisors, & project administrators association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 10% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENT--OPEIU.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the office & professional employees international union, local 8, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a one salary range (5%) increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENT--SEIU.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employees international union, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 5% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

**NEW SECTION. Sec. 517. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION.** Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

**NEW SECTION. Sec. 518. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION.** Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

**NEW SECTION. Sec. 519. COLLECTIVE BARGAINING AGREEMENT--IFPTE.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

#### IMPLEMENTING PROVISIONS

**NEW SECTION. Sec. 601.** Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

**NEW SECTION. Sec. 602. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 603. FUND TRANSFERS.** (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2007-1, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year balanced plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2007-09 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur to projects not identified on the applicable project list; and

(f) Transfers may not be made while the legislature is in session.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

**NEW SECTION. Sec. 604. MEGA-PROJECT REPORTING.** Mega-projects are defined as individual or groups of related projects that cost \$1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way Viaduct, SR 520, SR 167, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia River Crossing. The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature. The design of mega-projects must be evaluated considering cost, capacity, safety, mobility needs, and how well the design of the facility fits within its urban environment.

**NEW SECTION. Sec. 605.** Based on the anticipated outcomes of the tolling study, to be conducted under section 206 of this act, the legislature intends that tolls be charged to offset or partially offset the costs for the following projects, and that a managed lane concept be applied in their design and implementation: State Route 520 Bridge replacement and HOV project, and widening of Interstate 405.

#### MISCELLANEOUS 2007-09 BIENNIUM

**Sec. 701.** RCW 46.68.170 and 1996 c 237 s 2 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the 2005-2007 and 2007-2009 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account.

**Sec. 702.** RCW 47.29.170 and 2006 c 370 s 604 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before (~~June 30, 2007~~) July 1, 2009.

**NEW SECTION. Sec. 703.** To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

**Sec. 704.** RCW 46.16.685 and 2003 c 370 s 4 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 fiscal biennium, the legislature may transfer from the license plate technology account to the multimodal transportation account such amounts as reflect the excess fund balance of the license plate technology account.

**Sec. 705.** RCW 47.01.390 and 2006 c 311 s 27 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a

substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

**Sec. 706.** RCW 88.16.090 and 2005 c 26 s 2 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii) Is a resident of the state of Washington at the time of licensure as a pilot;

(iv)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may establish such other federal license requirements for applicants and pilots as it deems appropriate; and

(v) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and ranked in a manner specified by the board based on their experience, other qualifications as may be set by the board, performance on a written examination or examinations established by the board, and performance in such other evaluation exercises as may be required by the board, for entry into a board-specified training program.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may appoint a special independent committee or may contract with a firm knowledgeable and experienced in the development of professional tests and evaluations for development and grading of the examinations and other evaluation methods. Active licensed state pilots may be consulted for the general development of any examinations and evaluation exercises but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination or evaluation development committee it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee ((of three thousand dollars)) in an amount set by the board by rule. The fees established under this subsection may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 through the fiscal year ending June 30, 2009. The fees must be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(7) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or applicant is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

**Sec. 707.** RCW 47.12.244 and 1991 c 291 s 2 are each amended to read as follows:

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

(4) During the 2007-09 fiscal biennium, the legislature may transfer from the advance right of way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right of way revolving fund.

**Sec. 708.** RCW 70.95.521 and 2005 c 354 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles. During the 2007-2009 fiscal biennium, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account.

**NEW SECTION. Sec. 709.** The department of transportation, in conjunction with the office of financial management, must implement the governmental accounting standards board's (GASB) statement number 34 including a complete inventory and valuation of the state's highway system. The financial reporting value of the state's highway system must be adjusted for any new additions to the system. The biennial reporting of the condition of the system must be related to the funding levels of maintaining the system. The department must maintain a current inventory of the state's highway system and estimate the actual cost to maintain and preserve the assets. In addition to the GASB statement 34, the department of transportation with the office of financial management's assistance must establish an asset replacement value for the entire state's highway system. During 2007, the cochairs of the joint transportation committee shall select legislators to work with the office of financial management and the department of transportation. The purpose of this effort is to enhance decision making that will result in strategic long-term investment decisions in transportation capital project management and asset preservation. The office of financial management will coordinate and manage the inventory and the valuation. The office of financial management must submit a final report to the legislative transportation committees on or before December 1, 2008.

**Sec. 710.** RCW 47.06A.030 and 1999 c 216 s 2 are each amended to read as follows:

(1) The freight mobility strategic investment board is created. The board shall convene by July 1, 1998.

(2) The board is composed of twelve members. The following members are appointed by the governor for terms of four years, except that five members initially are appointed for terms of two years: (a) Two members, one of whom is from a city located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the association of Washington cities or its successor; (b) two members, one of whom is from a county having a strategic freight corridor within its boundaries, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor; (c) two members, one of whom is from a port district located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the Washington public ports association or its successor; (d) one member representing the office of financial management; (e) one member appointed as a representative of the trucking industry; (f) one member appointed as a representative of the railroads; (g) the secretary of the department of transportation; (h) one member representing the steamship industry; and (i) one member of the general public. For the 2007-09 biennium, the board shall also include a representative of organized labor. In appointing the general public member, the governor shall endeavor to appoint a member with special expertise in relevant fields such as public finance, freight transportation, or public works construction. The governor shall appoint the general public member as chair of the board. In making appointments to the board, the governor shall ensure that each geographic region of the state is represented.

(3) Members of the board shall be reimbursed for reasonable and customary travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations and departments under subsection (2) of this section must be filled from a list of at least four persons nominated by the relevant association or associations.

(5) The appointments made in subsection (2) of this section are not subject to confirmation.

**Sec. 711.** RCW 46.16.725 and 2005 c 319 s 119 and 2005 c 210 s 7 are each reenacted and amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until ~~(June 1, 2007)~~ July 1, 2009. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

**NEW SECTION. Sec. 712.** It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals established under this section are deemed consistent with the benchmark categories adopted by the state's blue ribbon commission on transportation on November 30, 2000. Public investments in transportation should support achievement of these policy goals:

- (a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;
- (b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;
- (c) Mobility: To improve the predictable movement of goods and people throughout Washington state;
- (d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and
- (e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

**NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF TRANSPORTATION**

Transportation Infrastructure Account--State Appropriation. . . . . \$7,000,000

The appropriation in this section is subject to the following conditions and limitations: The Palouse River and Coulee City (PCC) rail line system is made up of the CW, P&L and PV Hooper rail lines. The amount provided in this section is provided solely for grants to any intergovernmental entity or local rail district to which operating rights for the PCC rail line system are assigned, provided that the funds are used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2009.

**Sec. 714.** RCW 46.68.060 and 1969 c 99 s 11 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the 2005-2007 and 2007-2009 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

**2005-07 BIENNIUM**

**TRANSPORTATION AGENCIES--OPERATING**

**Sec. 801.** 2006 c 53 s 2 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation. . . . . ~~(\$1,017,000)~~  
\$1,317,000

((The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board.))

**NEW SECTION. Sec. 802.** A new section is added to 2005 c 313 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF LICENSING.** The appropriations to the department of licensing in chapter 370, Laws of 2006 shall be expended for the programs and in the amounts specified herein. However, after May 1, 2007, unless specifically prohibited, the department may transfer motor vehicle account--state appropriations for the 2005-2007 fiscal biennium, highway safety account--state appropriations for the 2005-2007 fiscal biennium, and department of licensing services account--state appropriations for the 2005-2007 fiscal biennium between programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this section.

**NEW SECTION. Sec. 803.** A new section is added to 2005 c 313 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION.** (1) The appropriations to the department of transportation in this act shall be expended for the programs and in the amounts specified in this act. However, in order to meet extraordinary ferry operating labor expenses, after May 1, 2007, unless specifically prohibited by this act, the department may transfer state appropriations among operating programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose.

(2) The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate transportation committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

**Sec. 804.** 2006 c 370 s 205 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation. . . . . \$1,679,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by January 1, 2007.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

- (i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and

(ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

~~(4) ((\$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.~~

~~(a) At a minimum, the study must examine the following: (i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.~~

~~(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by November 1, 2006.~~

~~(5)) \$75,000 of the motor vehicle account--state appropriation is provided solely for the joint transportation committee to contract for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.~~

~~((6)) (5) The committee shall conduct an evaluation of the department of transportation surface transportation program enhancement grant program. The evaluation will include (a) information about the categories of projects submitted for consideration; (b) a review of the allocation of funds awarded across the categories of STP enhancement eligible activities; (c) a review of the criteria used to score projects; and (d) a finding by the committee whether certain categories of projects are disproportionately funded or unfunded.~~

**Sec. 805.** 2006 c 370 s 208 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State Appropriation. . . . .	(((\$201,063,000)) \$198,984,000
State Patrol Highway Account--Federal Appropriation. . . . .	\$10,544,000
State Patrol Highway Account--Private/Local Appropriation. . . . .	\$169,000
TOTAL APPROPRIATION. . . . .	(((\$211,776,000)) \$209,697,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

(7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

(8)(a) \$834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) \$2,040,000 of the state patrol highway account--state appropriation is provided solely for eighteen additional commissioned officers in the vessel and terminal security division.

(11) The office of financial management shall conduct a review of the state patrol highway account and report its findings to the legislature by January 1, 2007.

**Sec. 806.** 2006 c 370 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation. . . . .	(( <del>\$1,358,000</del> ))
	<u>\$1,025,000</u>

**Sec. 807.** 2006 c 370 s 210 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation. . . . .	(( <del>\$91,359,000</del> ))
	<u>\$93,280,000</u>
State Patrol Highway Account--Private/Local Appropriation. . . . .	\$2,008,000
TOTAL APPROPRIATION. . . . .	(( <del>\$93,367,000</del> ))
	<u>\$95,288,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

**Sec. 808.** 2006 c 370 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

Tacoma Narrows Toll Bridge Account--State Appropriation. . . . . ((~~\$8,294,000~~))  
\$5,288,000

**Sec. 809.** 2006 c 370 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation. . . . . ((~~\$7,137,000~~))  
\$6,925,000  
 Aeronautics Account--Federal Appropriation. . . . . \$2,150,000  
 Multimodal Transportation Account--State Appropriation. . . . . \$100,000  
 Multimodal Transportation Account--Federal Appropriation. . . . . \$900,000  
**TOTAL APPROPRIATION.** . . . . . ((~~\$10,287,000~~))  
\$10,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(b) If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

**Sec. 810.** 2006 c 370 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation. . . . . ((~~\$299,720,000~~))  
\$300,920,000  
 Motor Vehicle Account--Federal Appropriation. . . . . ((~~\$1,426,000~~))  
\$3,926,000  
 Motor Vehicle Account--Private/Local Appropriation. . . . . \$4,315,000  
**TOTAL APPROPRIATION.** . . . . . ((~~\$305,461,000~~))  
\$309,161,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

- (a) Meeting or exceeding the target for structural bridge repair on a statewide basis;
- (b) Eliminating the number of activities delivered in the "f" level of service at the region level;
- (c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and
- (d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

**Sec. 811.** 2006 c 370 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation. . . . . ((~~\$24,052,000~~))  
\$23,053,000  
 Motor Vehicle Account--Federal Appropriation. . . . . \$16,756,000  
 Multimodal Transportation Account--State Appropriation. . . . . \$2,279,000  
 Multimodal Transportation Account--Federal Appropriation. . . . . \$2,829,000  
 Multimodal Transportation Account--Private/Local Appropriation. . . . . \$100,000  
 Transportation Partnership Account--State Appropriation. . . . . \$2,300,000  
**TOTAL APPROPRIATION.** . . . . . ((~~\$48,316,000~~))  
\$47,317,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

(2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

(3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) \$440,000 of the motor vehicle account--state appropriation is provided solely for completing funding for a route development plan of U.S. route 2.

(7) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the legislature finds that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and that the director of the office of financial management should, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(9) \$2,300,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(10) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(11) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

(12) \$150,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

**Sec. 812.** 2006 c 370 s 225 (uncodified) is amended to read as follows:

<b>FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U</b>	
Motor Vehicle Account--State Appropriation. . . . .	(( <del>\$46,874,000</del> ))
	<u>\$47,374,000</u>
Motor Vehicle Account--Federal Appropriation. . . . .	\$400,000
TOTAL APPROPRIATION. . . . .	(( <del>\$47,274,000</del> ))
	<u>\$47,774,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$31,749,000)~~ \$32,209,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES.....	\$1,667,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR.....	\$1,026,000
(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES.....	\$4,049,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL.....	\$4,548,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION.....	<del>(\$31,749,000)</del>
	<u>\$32,249,000</u>
(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE.....	\$1,717,000
(g) FOR ARCHIVES AND RECORDS MANAGEMENT.....	\$545,000
(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES.....	\$1,124,000
(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL HRMS PAYROLL SYSTEM.....	\$817,000
(j) FOR PAYMENT OF THE OFFICE OF FINANCIAL MANAGEMENT ROADMAP CHARGES.....	\$12,000
(k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT CAPITAL BUDGET SYSTEM CHARGES.....	\$15,000
(l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES RATE INCREASES.....	\$5,000

**Sec. 813.** 2006 c 370 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

Multimodal Transportation Account--State Appropriation.....	<del>(\$87,233,000)</del>
	<u>\$70,005,000</u>
Multimodal Transportation Account--Federal Appropriation.....	\$2,603,000
Multimodal Transportation Account--Private/Local Appropriation.....	\$155,000
<b>TOTAL APPROPRIATION.....</b>	<del>(\$89,991,000)</del>
	<u>\$72,763,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union.

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) ~~(\$20,000,000)~~ \$2,832,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, Regional Mobility Grant Program Projects as developed March 8, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized

list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute Senate Bill No. 6566 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute Senate Bill No. 6566 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) ~~(\$200,000)~~ \$140,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

**Sec. 814.** 2006 c 370 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State Appropriation.....	( <del>(\$372,254,000)</del> )
	\$389,249,000
Multimodal Transportation Account--State Appropriation.....	\$3,660,000
<b>TOTAL APPROPRIATION.....</b>	<b>(<del>(\$375,914,000)</del>)</b>
	<b>\$392,909,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$75,280,000)~~ \$81,664,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed ~~(\$226,455,000)~~ \$236,085,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes \$6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and \$1,339,000 for labor productivity gains agreements and \$8,870,000 in full satisfaction of the arbitration awards and the negotiated collective bargaining agreements for the 2003-2005 and 2005-2007 biennia. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle until such time as a county ferry district's assumption of the route, as authorized by Substitute Senate Bill No. 6787. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules.

(7) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$613,000 of the Puget Sound ferries operations account--state appropriation is provided solely for compliance with department of ecology rules regarding the transfer of oil on or near state waters.

**Sec. 815.** 2006 c 370 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State Appropriation.....	( <del>(\$36,876,000)</del> )
	\$35,376,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(2) ~~(\$2,750,000)~~ \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a study of the realignment of highway and rail in the Longview industrial area (SR 432) corridor, specifically regarding whether the construction of a limited access bypass highway to reduce congestion resulting from anticipated growth in future rail and truck traffic, is a feasible alternative. In conducting the study, the department shall consult port districts, local government planning staff, and rail road companies, and other appropriate stakeholders.

(6) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a study of the need for transloading capabilities in the West Plains area that could be served by the Geiger Spur, including evaluation of prospective transloader sites, potential operators and users, and the type, size, and special needs of shippers/customers. The study must also evaluate the costs associated with building and operating a transloader site and the impact to local roadways and surrounding land uses. In conducting the study, the department shall consult with Spokane County.

**Sec. 816.** 2006 c 370 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation. . . . .	(( <del>\$8,500,000</del> ))
	<u>\$8,836,000</u>
Motor Vehicle Account--Federal Appropriation. . . . .	\$2,597,000
Multimodal Transportation Account--State Appropriation. . . . .	(( <del>\$411,000</del> ))
	<u>\$200,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$11,508,000</del> ))
	<u>\$11,633,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$211,000 of the motor vehicle account--state appropriation and ((~~\$411,000~~)) \$200,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) ((~~\$525,000~~)) \$861,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

**TRANSPORTATION AGENCIES--CAPITAL**

**Sec. 901.** 2006 c 370 s 301 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation. . . . .	(( <del>\$64,933,000</del> ))
	<u>\$38,046,000</u>
Motor Vehicle Account--State Appropriation. . . . .	\$355,000
County Arterial Preservation Account--State Appropriation. . . . .	(( <del>\$32,697,000</del> ))
	<u>\$31,882,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$97,985,000</del> ))
	<u>\$70,283,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

**Sec. 902.** 2006 c 370 s 302 (uncodified) is amended to read as follows:

**TRANSPORTATION IMPROVEMENT BOARD FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation. . . . .	(( <del>\$101,425,000</del> ))
	<u>\$93,425,000</u>
Small City Preservation and Sidewalk Account--State Appropriation. . . . .	(( <del>\$2,000,000</del> ))
	<u>\$1,696,000</u>
Transportation Improvement Account--State Appropriation. . . . .	(( <del>\$94,401,000</del> ))
	<u>\$82,258,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$197,826,000</del> ))
	<u>\$177,379,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to ((~~\$14,143,000~~)) \$7,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) ((~~\$2,000,000~~)) \$1,696,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

**Sec. 903.** 2006 c 370 s 303 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation. . . . .	(( <del>\$2,328,000</del> ))
	<u>\$1,911,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$584,000 of the motor vehicle account--state appropriation is provided solely for statewide administration.

(2) ((~~\$632,000~~)) \$561,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.

(3) ~~((305,000))~~ \$40,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.

(4) ~~((239,000))~~ \$158,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

(5) \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

~~((a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.~~

~~((b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.))~~

**Sec. 904.** 2006 c 370 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation. . . . .	<del>((17,555,000))</del>
	\$11,162,000
Motor Vehicle Account--Federal Appropriation. . . . .	<del>((15,068,000))</del>
	\$10,308,000
Motor Vehicle Account--Local Appropriation. . . . .	<del>((108,000))</del>
	\$50,000
TOTAL APPROPRIATION. . . . .	<del>((32,731,000))</del>
	\$21,520,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes ~~((11,255,000))~~ \$11,162,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

**Sec. 905.** 2006 c 370 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	<del>((1,190,511,000))</del>
	\$1,079,697,000
Motor Vehicle Account--State Appropriation. . . . .	<del>((85,165,000))</del>
	\$84,385,000
Motor Vehicle Account--Federal Appropriation. . . . .	<del>((395,043,000))</del>
	\$352,856,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	<del>((58,522,000))</del>
	\$47,655,000
Special Category C Account--State Appropriation. . . . .	<del>((3,479,000))</del>
	\$3,152,000
Tacoma Narrows Toll Bridge Account Appropriation. . . . .	\$274,038,000
Transportation Partnership Account--State Appropriation. . . . .	<del>((384,186,000))</del>
	\$289,436,000
Multimodal Transportation Account--State Appropriation. . . . .	<del>((1,002,000))</del>
	\$750,000
TOTAL APPROPRIATION. . . . .	<del>((2,391,946,000))</del>
	\$2,131,969,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ~~(fund,)~~ project ~~(and amount)~~ in LEAP Transportation Document 2006-1, Highway Improvement Program (I) as developed March 8, 2006. ~~((However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~

(b) Within the amounts provided in this subsection, \$6,835,000 of the transportation partnership account--state appropriation, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project 109040T: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds on construction is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(c) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(d) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is for an SR 534 access point decision report.

(f) Within the amounts provided within this subsection, \$6,000,000 of the transportation partnership account--state appropriation is for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(g) Within the amounts provided in this subsection, \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and \$4,939,000 of the transportation partnership account--state appropriation are for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

(h) Within the amounts provided in this subsection, \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are for project 154302E: SR 543 (I-5 to the international boundary).

(2) The motor vehicle account--state appropriation includes up to \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(3) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much

as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(4) The transportation partnership account--state appropriation includes up to \$150,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account-- state appropriation includes up to \$17,022,000 in unexpended proceeds from the March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes up to \$880,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003.

(7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

(9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

(10) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(11) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.

(12) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(13) \$500,000 of the motor vehicle account--state appropriation is provided solely for a planning study regarding congestion mitigation improvements on state route 101 in the vicinity of the city of Aberdeen.

(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects.

(15) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.

~~((+7))~~ (16) The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the SR 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project implementation plan for the projects described in this subsection.

(a) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(b) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(c) The chair of the expert review panel shall be designated by the governor.

(d) The expert panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(i) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(ii) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(iii) Report its findings and recommendations on the items described in (d)(i) and (ii) of this subsection to the joint transportation committee, the office of financial management, and the governor no later than September 1, 2006.

(e) Upon receipt of the expert review panel's findings and recommendations under (d)(iii) of this subsection, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(f) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this subsection.

~~((+18)(a) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (i) in accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (ii) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (iii) the department must report these results for each project to the joint transportation committee.~~

~~(b) The requirements of this subsection shall not apply to (i) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (ii) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.)~~

Sec. 906. 2006 c 370 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	(( <del>\$1,687,000</del> ))
	<u>\$1,690,000</u>

Motor Vehicle Account--State Appropriation. . . . .	(( <del>\$94,799,000</del> ))
	\$88,954,000
Motor Vehicle Account--Federal Appropriation. . . . .	(( <del>\$435,310,000</del> ))
	\$426,297,000
Motor Vehicle Account--Private/Local Appropriation. . . . .	(( <del>\$8,485,000</del> ))
	\$6,194,000
<del>((Puyallup Tribal Settlement Account--State Appropriation. . . . .</del>	<del>(\$11,000,000)</del>
Transportation Partnership Account--State Appropriation. . . . .	(( <del>\$24,540,000</del> ))
	\$20,180,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$575,821,000</del>))</b>
	<b>\$543,315,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ~~((fund,))~~ project ~~((and amount))~~ in LEAP Transportation Document 2006-1, Highway Preservation Program (P) as developed March 8, 2006. ~~((However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) \$740,000 of the motor vehicle account--state appropriation, \$106,149,000 of the motor vehicle account--federal appropriation, and \$10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(9) ~~(\$4,000,000)~~ \$3,200,000 of the motor vehicle account--federal appropriation and \$6,000,000 of the motor vehicle account--state appropriation, as specified in subsection (8) of this section, are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events. Slide repair on state routes 101, 4, 107, and 105 must be funded from this amount if federal emergency funds are not available.

**Sec. 907.** 2006 c 370 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation. . . . .	(( <del>\$122,324,000</del> ))
	\$113,296,000
Puget Sound Capital Construction Account--Federal Appropriation. . . . .	(( <del>\$73,590,000</del> ))
	\$47,873,000
Puget Sound Capital Construction Account--Private/Local Appropriation. . . . .	\$26,000
Multimodal Transportation Account--State Appropriation. . . . .	(( <del>\$13,249,000</del> ))
	\$10,749,000
Transportation 2003 Account (Nickel Account)--State Appropriation. . . . .	(( <del>\$34,991,000</del> ))
	\$17,391,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$244,180,000</del>))</b>
	<b>\$189,335,000</b>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account--state appropriation includes up to ~~(\$40,950,000)~~ \$40,288,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries.

(2) The multimodal transportation account--state appropriation includes up to ~~(\$10,249,000)~~ \$9,079,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2006-1, Ferries Construction Program (W) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for passenger-only projects. Projects may include vessel or terminal projects or costs associated with selling vessels.

(7) The multimodal transportation account--state appropriation includes up to \$1,170,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.867.

**Sec. 908.** 2006 c 370 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

<del>((Essential Rail Assistance Account--State Appropriation</del> .....	<del>-\$250,000))</del>
Motor Vehicle Account--Federal Appropriation.....	\$1,485,000
Multimodal Transportation Account--State Appropriation.....	<del>(\$68,176,000))</del>
	\$57,814,000
Multimodal Transportation Account--Private/Local Appropriation.....	<del>(\$8,287,000))</del>
	\$551,000
Multimodal Transportation Account--Federal Appropriation.....	<del>(\$17,268,000))</del>
	\$10,198,000
TOTAL APPROPRIATION.....	<del>(\$93,981,000))</del>
	\$70,048,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes up to ~~((~~\$33,435,000~~))~~ \$1,422,000 in proceeds from the sale of bonds ~~((and up to \$830,000 in unexpended bond proceeds authorized by RCW 47.10.867)).~~

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) ~~(\$68,176,000))~~ \$56,399,000 of the multimodal transportation account--state appropriation, ~~(\$17,268,000))~~ \$10,198,000 of the multimodal transportation account--federal appropriation, ~~(\$8,287,000))~~ \$551,000 of the multimodal transportation account--local appropriation, and ~~(\$250,000 of the essential rail assistance account))~~ \$1,485,000 of the motor vehicle account--federal appropriation are provided solely for the projects and activities as listed by ~~((fund,))~~ project ~~((and amount))~~ in LEAP Transportation Document 2006-C, Rail Capital Program (Y) as developed March 8, 2006. ~~((However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~

(b) Within the amounts provided in this subsection, ~~(\$6,500,000))~~ \$5,000,000 of the multimodal transportation account--state appropriation is for the ~~((two))~~ commuter rail project~~((s))~~ listed in the LEAP Transportation Document 2006-C, Rail Capital Program (Y) as developed March 8, 2006.

(c) Within the amounts provided in this subsection, \$10,937,000 of the multimodal transportation account--state appropriation is for the cost of the memorandum of understanding for the acquisition of the Palouse River Coulee City (PCC) rail lines.

(i) The office of financial management shall negotiate the purchase of the CW line. The purchase agreement must include both the operating and capital rights of the CW line. If the office of financial management is unable to negotiate the purchase of the CW line, the office may stop all negotiations and acquire the line and operational rights through any other alternative means available. The office of financial management shall also negotiate a new operational agreement for the line, in consultation with local governments and other stakeholders. The operational agreement shall be assignable, at the state's option, to any intergovernmental entity or local rail district that expresses interest in the operating rights to the line.

~~((d))~~ (ii) The office of financial management shall negotiate the purchase of the operating rights of the P&L and PV Hooper lines. If the office of financial management is unable to negotiate the purchase of the operating rights of the P&L and PV Hooper lines, the office may stop all negotiations and acquire the operating rights through any other alternative means available. Watco will continue to operate the PV Hooper line, as required by contract. The office of financial management shall also negotiate a new operational agreement~~((s))~~ for the P&L ~~((and PV Hooper lines))~~ line in consultation with local governments and other stakeholders. The operational agreement negotiated shall be assignable, at the state's option, to any intergovernmental entity or local rail district that expresses interest in the operating rights to the line. If, upon expiration of the operational agreement for the PV Hooper line, any intergovernmental entity or local rail district expresses interest in the operating rights to the PV Hooper rail line, then the department shall assign the operating rights to the line to the intergovernmental entity or local rail district.

~~((e))~~ (iii) In order to maintain the operation of the Palouse River & Coulee City rail lines, the office of financial management is authorized to negotiate an agreement wherein they may forgive all or part of the existing freight rail assistance loan to the current operator of the Palouse River & Coulee City rail lines in exchange for good and valuable consideration.

(iv) Following acquisition of the PCC rail lines, the department shall not expend funds provided in (a) of this subsection to refurbish the lines or provide an operating subsidy for the lines.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

(6) The department shall finalize and issue the Amtrak Cascades long range plan update as of the effective date of this act.

(7) Funds provided for the Tacoma rail improvement project may be expended for preconstruction engineering.

(8) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for a rail loop at the Port of Walla Walla.

**Sec. 909.** 2006 c 370 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

<del>((Highway Infrastructure Account--State Appropriation</del> .....	<del>\$207,000</del>
Highway Infrastructure Account--Federal Appropriation.....	\$1,602,000))

Motor Vehicle Account--Federal Appropriation. . . . .	(\$48,998,000)
	\$16,734,000
Motor Vehicle Account--State Appropriation. . . . .	(\$8,340,000)
	\$1,836,000
Transportation Partnership Account--State Appropriation. . . . .	(\$2,008,000)
	\$694,000
<del>(Freight Mobility Investment Account--State Appropriation. . . . .</del>	<del>\$6,000,000</del>
<del>Passenger Ferry Account--State Appropriation. . . . .</del>	<del>\$9,000,000</del>
Multimodal Transportation Account--State Appropriation. . . . .	(\$39,403,000)
	\$21,860,000
Transportation 2003 Account (nickel account)--State Appropriation. . . . .	(\$557,000)
	\$145,000
Freight Mobility Multimodal Account--State Appropriation. . . . .	(\$9,700,000)
	\$1,150,000
<u>Freight Mobility Multimodal Account--Private/Local Appropriation. . . . .</u>	<u>\$3,050,000</u>
TOTAL APPROPRIATION. . . . .	(\$125,815,000)
	\$45,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(4) \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) Up to \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided ~~((solely))~~ for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) Up to \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided ~~((solely))~~ to support the safe routes to school program.

(8) ~~(\$16,110,000)~~ Up to \$7,488,000 of the motor vehicle account--federal appropriation is provided ~~((solely))~~ for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided ~~((solely))~~ for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, \$4,992,000; Colville Alternate Truck Route, \$1,746,000; ~~(\$228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, \$122,000;)~~ and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) ~~(\$2,898,000)~~ Up to \$1,011,000 of the motor vehicle account--state appropriation is provided ~~((solely))~~ for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided ~~((solely))~~ for the respective projects: Duwamish Intelligent Transportation Systems (ITS), ~~(\$2,382,000)~~ \$495,000; Port of Kennewick/Piert Road, \$516,000.

(10) Up to \$6,000,000 of the multimodal account--state appropriation is provided ~~((solely))~~ for the local freight 'D' street grade separation project.

(11) The department shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference shall be given to projects that provide a local match.

(12) ~~(\$18,370,000)~~ Up to \$12,000,000 of the multimodal transportation account--state appropriation, ~~(\$6,000,000)~~ up to \$2,440,000 of the freight mobility multimodal account--state appropriation, and up to \$2,008,000 of the transportation partnership account--state appropriation ~~(, and \$6,000,000 of the freight mobility investment account--state appropriation)~~ are provided ~~((solely))~~ for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2006-1, Local Programs (Z) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) Up to \$5,000,000 of the multimodal transportation account--state appropriation and up to \$2,000,000 of the motor vehicle account--federal appropriation are provided (~~solely~~) for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-B, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15) Up to \$9,700,000 of the motor vehicle account--federal appropriation is provided (~~solely~~) for the intersection and corridor safety program projects as identified on the LEAP Transportation Document 2006-A, Intersection and Corridor Safety Program Projects as developed March 8, 2006.

(16) Up to \$19,500,000 of the motor vehicle account--federal appropriation is provided (~~solely~~) for rural county two-lane roadway pilot projects including \$7,500,000 already under contract. Any further allocations shall be prioritized by the department based on high-accident-corridor criteria. For purposes of this subsection, "high-accident-corridor" means a highway corridor of one mile or more where analysis of collision history indicates that the section has higher than average collision and severity factors.

(17) Up to \$2,500,000 of the motor vehicle account--state appropriation is provided (~~solely~~) for the Yakima downtown futures initiative.

(18) Up to \$810,000 of the multimodal transportation account--state appropriation is provided (~~solely~~) for the projects identified in this subsection: Des Moines creek trail, \$250,000; SR 282 to Port of Ephrata connector, \$385,000; Mount Baker Ridge viewpoint, \$175,000.

~~((20))~~ (19) Up to \$688,000 of the motor vehicle account--federal appropriation is provided (~~solely~~) for completion of the Coal Creek Parkway project.

~~((21))~~ \$9,000,000 of the passenger ferry account--state appropriation is provided solely for the implementation of the passenger-only ferry grant program created in Substitute Senate Bill No. 6787. If Substitute Senate Bill No. 6787 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.)

(20) \$827,000 of the motor vehicle account--federal appropriation is provided solely for the projects identified in this subsection: The Franklin county slide project, \$800,000; and the Loomis-Oroville Road guardrail replacement project, \$27,000.

(21) \$252,000 of the multimodal transportation account--state appropriation is provided solely for the Winthrop pedestrian and bike path project.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 1001.** 2006 c 370 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation.....	(( <del>\$334,313,000</del> ))
	\$329,713,000
Nondebt-Limit Reimbursable Account Appropriation.....	(( <del>\$6,091,000</del> ))
	\$5,791,000
Ferry Bond Retirement Account Appropriation.....	\$38,241,000
Transportation Improvement Board Bond Retirement Account--State Appropriation.....	\$30,923,000
Motor Vehicle Account--State Appropriation.....	(( <del>\$682,000</del> ))
	\$782,000
Transportation Improvement Account--State Appropriation.....	\$120,000
Multimodal Transportation Account--State Appropriation.....	(( <del>\$370,000</del> ))
	\$390,000
Transportation 2003 Account (Nickel Account) Appropriation.....	\$6,600,000
Transportation Partnership Account--State Appropriation.....	(( <del>\$1,125,000</del> ))
	\$975,000
<b>TOTAL APPROPRIATION.....</b>	<b>((<del>\$418,465,000</del>))</b>
	<b>\$413,535,000</b>

**Sec. 1002.** 2006 c 370 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Account--State Appropriation.....	\$248,000
Transportation Improvement Account--State Appropriation.....	(( <del>\$13,000</del> ))
	\$18,000
Multimodal Transportation Account--State Appropriation.....	\$35,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$2,200,000
Transportation Partnership Account--State Appropriation.....	\$375,000
<b>TOTAL APPROPRIATION.....</b>	<b>((<del>\$2,871,000</del>))</b>
	<b>\$2,876,000</b>

**Sec. 1003.** 2006 c 370 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties.....	(( <del>\$487,612,000</del> ))
	\$468,391,000

**Sec. 1004.** 2006 c 370 s 405 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers. . . . . ~~(\$1,037,342,000)~~  
\$1,031,321,000

**Sec. 1005.** 2006 c 370 s 406 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS**

(1) RV Account--State Appropriation:

For transfer to the Motor Vehicle Account--State. . . . . ~~(\$2,000,000)~~  
\$1,915,000

(2) Motor Vehicle Account--State Appropriation:

For transfer to Puget Sound Capital Construction Account--State. . . . . ~~(\$73,000,000)~~  
\$70,223,000

(3) Highway Safety Account--State Appropriation:

For transfer to the Motor Vehicle Account--State. . . . . \$5,000,000

(4) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Ferry Operations Account--State. . . . . ~~(\$31,000,000)~~  
\$50,680,000

(5) Motor Vehicle Account--State Appropriation:

For transfer to the Transportation Partnership Account--State. . . . . \$33,127,000

(6) Highway Safety Account--State Appropriation:

For transfer to the Multimodal Transportation Account--State. . . . . \$25,980,000

(7) Transportation Partnership Account--State Appropriation:

For transfer to the Small City Pavement and Sidewalk Account--State. . . . . \$1,000,000

(8) Transportation Partnership Account--State Appropriation:

For transfer to the Transportation Improvement Account--State. . . . . \$2,500,000

(9) Transportation Partnership Account--State Appropriation:

For transfer to the County Arterial Preservation Account--State. . . . . \$1,500,000

(10) License Plate Technology Account--State Appropriation:

For transfer to the Motor Vehicle Account--State. . . . . \$2,500,000

(11) Multimodal Transportation Account--State Appropriation:

For transfer to the Transportation Partnership Account--State. . . . . \$29,417,000

(12) Motor Vehicle Account--State Appropriation:

For transfer to the Freight Mobility Multimodal Account--State, up to a maximum of. . . . . ~~(\$3,700,000)~~  
\$3,537,000

(13) Multimodal Transportation Account--State Appropriation:

For transfer to the Tacoma Narrows Toll Bridge Account--State. . . . . \$1,300,000

(14) Multimodal Transportation Account--State Appropriation:

For transfer to the Freight Mobility Multimodal Account--State. . . . . \$4,610,000

(15) Motor Vehicle Account--State Appropriation:

For transfer to the Tacoma Narrows Toll Bridge Account--State. . . . . \$5,288,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.

(c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.

(d) The amount transferred in subsection (13) of this section is appropriated as a nonreimbursable state financial contribution to the project and does not require repayment.

**MISCELLANEOUS**

**NEW SECTION. Sec. 1101.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1102.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.390, 88.16.090, 47.12.244, 70.95.521, 47.06A.030, and 46.68.060; reenacting and amending RCW 46.16.725; amending 2006 c 53 s 2 (uncodified); amending 2006 c 370 ss 205, 208, 209, 210, 215, 218, 224, 226, 227, 228, 229, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 404, 405, and 406 (uncodified); adding new sections to 2005 c 313 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Senator Haugen  
Senator Marr  
Senator Swecker

Representative Clibborn  
Representative Flannigan

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS  
RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Clibborn, Curtis, Flannigan, Wood, Armstrong, Eddy, Ahern and Sells spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Jarrett, Schindler, Ericksen and Kristiansen spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1094 as recommended by the conference committee.

**MOTION**

On motion of Representative Santos, Representative Pettigrew was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1094 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 76, Nays - 21, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Priest, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 76.

Voting nay: Representatives Anderson, Bailey, Buri, Chandler, Condotta, Crouse, Dunn, Ericksen, Hailey, Haler, Hinkle, Jarrett, Kretz, Kristiansen, Newhouse, Pearson, Rodne, Schindler, Strow, Sump and Warnick - 21.

Excused: Representative Pettigrew - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, as recommended by the Conference Committee having received the constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Clibborn: "I would like to thank the staff of the House Transportation Committee. They have worked so diligently and they have stuck by their first year Chair in a very amazing way. I have to remind myself that for every hour that I work, they are working five. The staff is in the wings. I would ask that they be invited to the Rostrum for recognition by the Chamber."

**MESSAGE FROM THE SENATE**

April 21, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5339 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Kastama, Kilmer and Zarelli.

Thomas Hoemann, Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House granted the Senate's request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5939. The Speaker appointed the following members as Conferees: Representatives Simpson, Rolfes and Curtis.

**MESSAGE FROM THE SENATE**

April 21, 2007

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Deputy Secretary

**MESSAGE FROM THE SENATE**

April 14, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SENATE BILL NO. 5272 and asks the House to recede therefrom.

Brad Hendrickson, Deputy Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the rules were suspended and SENATE BILL NO. 5272 was returned to second reading for purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**SENATE BILL NO. 5272, by Senators Haugen and Sheldon; by request of Department of Licensing**

**Modifying the administration of fuel taxes.**

With the consent of the House, amendment (935) was withdrawn.

Representative Clibborn moved the adoption of amendment (938):

Beginning on page 1, after line 2 of the amendment, strike the remainder of the amendment and insert the following:

"Sec. 1. RCW 82.36.010 and 2001 c 270 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Blended fuel" means a mixture of motor vehicle fuel and another liquid, other than a de minimis amount of the liquid, that can be used as a fuel to propel a motor vehicle.

(2) "Bond" means a bond duly executed with a corporate surety qualified under chapter 48.28 RCW, which bond is payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter.

(3) "Bulk transfer" means a transfer of motor vehicle fuel by pipeline or vessel.

(4) "Bulk transfer-terminal system" means the motor vehicle fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor vehicle fuel in a refinery, pipeline, vessel, or terminal is in the bulk transfer-terminal system. Motor vehicle fuel in the fuel tank of an engine, motor vehicle, or in a railcar, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer-terminal system.

(5) ~~("Dealer" means a person engaged in the retail sale of motor vehicle fuel.~~

~~(6))~~ "Department" means the department of licensing.

~~((7))~~ (6) "Director" means the director of licensing.

~~((8))~~ (7) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement; misrepresentation of fact; or other act of deception; or

(b) An intentional: Omission; failure to file a return or report; or other act of deception.

~~((9))~~ (8) "Export" means to obtain motor vehicle fuel in this state for sales or distribution outside the state.

~~((10))~~ (9) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

~~((11))~~ (10) "Import" means to bring motor vehicle fuel into this state by a means of conveyance other than the fuel supply tank of a motor vehicle.

(11) "International fuel tax agreement licensee" means a motor vehicle fuel user operating qualified motor vehicles in interstate commerce and licensed by the department under the international fuel tax agreement.

(12) "Licensee" means a person holding a motor vehicle fuel supplier, motor vehicle fuel importer, motor vehicle fuel exporter, motor vehicle fuel blender, motor vehicle distributor, or international fuel tax agreement license issued under this chapter.

~~(13) ("Marine fuel dealer" means a person engaged in the retail sale of motor vehicle fuel whose place of business and/or sale outlet is located upon a navigable waterway.~~

~~((14))~~ (13) "Motor vehicle fuel blender" means a person who produces blended motor fuel outside the bulk transfer-terminal system.

~~((15))~~ (14) "Motor vehicle fuel distributor" means a person who acquires motor vehicle fuel from a supplier, distributor, or licensee for subsequent sale and distribution.

~~((16))~~ (15) "Motor vehicle fuel exporter" means a person who purchases motor vehicle fuel in this state and directly exports the fuel by a means other than the bulk transfer-terminal system to a destination outside of the state. If the exporter of record is acting as an agent, the person for whom the agent is acting is the exporter. If there is no exporter of record, the owner of the motor fuel at the time of exportation is the exporter.

~~((17))~~ (16) "Motor vehicle fuel importer" means a person who imports motor vehicle fuel into the state by a means other than the bulk transfer-terminal system. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record, the owner of the motor vehicle fuel at the time of importation is the importer.

~~((18))~~ (17) "Motor vehicle fuel supplier" means a person who holds a federal certificate of registry that is issued under the internal revenue code and authorizes the person to enter into federal tax-free transactions on motor vehicle fuel in the bulk transfer-terminal system.

~~((19))~~ (18) "Motor vehicle" means a self-propelled vehicle designed for operation upon land utilizing motor vehicle fuel as the means of propulsion.

~~((20))~~ (19) "Motor vehicle fuel" means gasoline and any other inflammable gas or liquid, by whatsoever name the gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats.

~~((21))~~ (20) "Person" means a natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

~~((22))~~ (21) "Position holder" means a person who holds the inventory position in motor vehicle fuel, as reflected by the records of the terminal operator. A person holds the inventory position in motor vehicle fuel if the person has a contractual agreement with the terminal for the use of storage facilities and terminating services at a terminal with respect to motor vehicle fuel. "Position holder" includes a terminal operator that owns motor vehicle fuel in their terminal.

~~((23))~~ (22) "Rack" means a mechanism for delivering motor vehicle fuel from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer.

~~((24))~~ (23) "Refiner" means a person who owns, operates, or otherwise controls a refinery.

~~((25))~~ (24) "Removal" means a physical transfer of motor vehicle fuel other than by evaporation, loss, or destruction.

~~((26))~~ (25) "Terminal" means a motor vehicle fuel storage and distribution facility that has been assigned a terminal control number by the internal revenue service, is supplied by pipeline or vessel, and from which reportable motor vehicle fuel is removed at a rack.

~~((27))~~ (26) "Terminal operator" means a person who owns, operates, or otherwise controls a terminal.

~~((28))~~ (27) "Two-party exchange" or "buy-sell agreement" means a transaction in which taxable motor vehicle fuel is transferred from one licensed supplier to another licensed supplier under an exchange or buy-sell agreement whereby the supplier that is the position holder agrees to deliver taxable motor vehicle fuel to the other supplier or the other supplier's customer at the rack of the terminal at which the delivering supplier is the position holder.

Sec. 2. RCW 82.36.020 and 2001 c 270 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon motor vehicle fuel ~~((users))~~ licensees, other than motor vehicle fuel distributors, a tax at the rate computed in the manner provided in RCW 82.36.025 on each gallon of motor vehicle fuel.

(2) The tax imposed by subsection (1) of this section is imposed when any of the following occurs:

(a) Motor vehicle fuel is removed in this state from a terminal if the motor vehicle fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(b) Motor vehicle fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the motor vehicle fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(c) Motor vehicle fuel enters into this state ~~((for sale, consumption, use, or storage))~~ if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Motor vehicle fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the motor vehicle fuel;

(e) Blended motor vehicle fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended motor vehicle fuel subject to the tax is the difference between the total number of gallons of blended motor vehicle fuel removed or sold and the number of gallons of previously taxed motor vehicle fuel used to produce the blended motor vehicle fuel;

(f) Motor vehicle fuel is sold by a licensed motor vehicle fuel supplier to a motor vehicle fuel distributor, motor vehicle fuel importer, ~~((or))~~ motor vehicle fuel blender, or international fuel tax agreement licensee and the motor vehicle fuel is not removed from the bulk transfer-terminal system.

(3) The proceeds of the motor vehicle fuel excise tax shall be distributed as provided in RCW 46.68.090.

**Sec. 3.** RCW 82.36.025 and 2005 c 314 s 101 are each amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(2) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of five cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(4) Beginning July 1, 2006, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(5) Beginning July 1, 2007, an additional and cumulative motor vehicle fuel tax rate of two cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(6) Beginning July 1, 2008, an additional and cumulative motor vehicle fuel tax rate of one and one-half cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

**Sec. 4.** RCW 82.36.026 and 2001 c 270 s 3 are each amended to read as follows:

(1) A licensed supplier shall ~~((remit))~~ be liable for and pay tax to the department as provided in RCW 82.36.020. On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer ~~((who))~~ shall ~~((buyer shall remit))~~ be liable for and pay the tax.

(2) A refiner shall ~~((remit))~~ be liable for and pay tax to the department on motor vehicle fuel removed from a refinery as provided in RCW 82.36.020(2)(b).

(3) ~~((Am))~~ A licensed importer shall ((remit)) be liable for and pay tax to the department on motor vehicle fuel imported into this state as provided in RCW 82.36.020(2)(c).

(4) A licensed blender shall ~~((remit))~~ be liable for and pay tax to the department on the removal or sale of blended motor vehicle fuel as provided in RCW 82.36.020(2)(e).

(5) Nothing in this chapter shall prohibit the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to the tax.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.36 RCW to read as follows:

International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.36.020 to the department on motor vehicle fuel used to

operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.36.020 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.

**Sec. 6.** RCW 82.36.027 and 1998 c 176 s 9 are each amended to read as follows:

A terminal operator is jointly and severally liable for ~~((remitting))~~ payment of the tax imposed under RCW 82.36.020(1) if, at the time of removal:

(1) The position holder with respect to the motor vehicle fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under 26 C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

**Sec. 7.** RCW 82.36.029 and 1998 c 176 s 10 are each amended to read as follows:

Upon the taxable removal of motor vehicle fuel by a licensed supplier and upon importation by a licensed importer, the licensee who acquired or removed the motor vehicle fuel, other than a motor vehicle fuel exporter, shall be entitled to a deduction from the tax liability on the gallonage of taxable motor vehicle fuel removed or imported in order to account for handling losses, as follows: For a motor vehicle fuel supplier ~~((acting as a distributor))~~, one-quarter of one percent; and for ~~((all other licensees))~~ a licensed importer, thirty one-hundredths of one percent. For those licensees required to file tax reports, the handling loss deduction shall be reported on tax reports filed with the department. ~~((For motor vehicle fuel distributors, the handling loss deduction shall be shown on the invoice provided to the motor vehicle fuel distributor by the seller.))~~

**Sec. 8.** RCW 82.36.031 and 1998 c 176 s 11 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax imposed under this chapter, and to periodically update license information, each licensee, other than a motor vehicle fuel distributor or an international fuel tax agreement licensee, shall file monthly tax reports with the department, on a form prescribed by the department. An international fuel tax licensee shall file quarterly tax reports with the department, on a form prescribed by the department.

A report shall be filed with the department even though no motor vehicle fuel tax is due for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and made under penalties of perjury, which declaration has the same force and effect as a verification of the report and is in lieu of the verification. The report shall show information as the department may require for the proper administration and enforcement of this chapter. Tax reports shall be filed on or before the twenty-fifth day of the next succeeding calendar month following the period to which the reports relate. If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date.

The department, if it deems it necessary in order to ensure payment of the tax imposed under this chapter, or to facilitate the administration of this chapter, may require the filing of reports and tax remittances at shorter intervals than one month.

**Sec. 9.** RCW 82.36.045 and 1998 c 176 s 16 are each amended to read as follows:

(1) If the department determines that the tax reported by a licensee is deficient, the department shall assess the deficiency on the basis of information available to it, and shall add a penalty of two percent of the amount of the deficiency.

(2) If a licensee, or person acting as such, fails, neglects, or refuses to file a motor vehicle fuel tax report the department shall, on the basis of information available to it, determine the tax liability of the licensee or person for the period during which no report was filed. The department shall add the penalty provided in subsection (1) of this section to the tax. An assessment made by the department under this subsection or subsection (1) of this section is presumed to be

correct. In any case, where the validity of the assessment is questioned, the burden is on the person who challenges the assessment to establish by a fair preponderance of evidence that it is erroneous or excessive, as the case may be.

(3) If a licensee or person acting as such files a false or fraudulent report with intent to evade the tax imposed by this chapter, the department shall add to the amount of deficiency a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsections (1) and (2) of this section and all other penalties prescribed by law.

(4) Motor vehicle fuel tax, penalties, and interest payable under this chapter bears interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion of it should have been paid until the date of payment. If a licensee or person acting as such establishes by a fair preponderance of evidence that the failure to pay the amount of tax due was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty. The department may waive the interest when it determines the cost of processing or collection of the interest exceeds the amount of interest due.

(5) Except in the case of a fraudulent report, neglect or refusal to make a report, or failure to pay or to pay the proper amount, the department shall assess the deficiency under subsection (1) or (2) of this section within five years from the last day of the succeeding calendar month after the reporting period for which the amount is proposed to be determined or within five years after the return is filed, whichever period expires later.

(6) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interest of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(7) A licensee or person acting as such against whom an assessment is made under subsection (1) or (2) of this section may petition for a reassessment within thirty days after service upon the licensee of notice of the assessment. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the petitioner has so requested in its petition, shall grant the petitioner an oral hearing and give the petitioner twenty days' notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service of notice upon the petitioner.

An assessment made by the department becomes due and payable when it becomes final. If it is not paid to the department when due and payable, the department shall add a penalty of ten percent of the amount of the tax.

(8) In a suit brought to enforce the rights of the state under this chapter, the assessment showing the amount of taxes, penalties, interest, and cost unpaid to the state is prima facie evidence of the facts as shown.

(9) A notice of assessment required by this section must be served personally or by certified or registered mail. If it is served by mail, service shall be made by deposit of the notice in the United States mail, postage prepaid, addressed to the respondent at the most current address furnished to the department.

~~((10) The tax imposed by this chapter, if required to be collected by the seller, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the~~

~~department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.))~~

**Sec. 10.** RCW 82.36.060 and 2001 c 270 s 5 are each amended to read as follows:

(1) An application for a license issued under this chapter shall be made to the department on forms to be furnished by the department and shall contain such information as the department deems necessary.

(2) Every application for a license must contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints or those of the officers of a corporation making the application;

(b) The applicant's form and place of organization including proof that the individual, partnership, or corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has an unsatisfied judgment in a federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime that directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered a judgment within the preceding five years in a civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners.

(3) An applicant for a license as a motor vehicle fuel importer must list on the application each state, province, or country from which the applicant intends to import motor vehicle fuel and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(4) An applicant for a license as a motor vehicle fuel exporter must list on the application each state, province, or country to which the exporter intends to export motor vehicle fuel received in this state by means of a transfer outside of the bulk transfer-terminal system and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(5) An applicant for a license as a motor vehicle fuel supplier must have a federal certificate of registry that is issued under the internal revenue code and authorizes the applicant to enter into federal tax-free transactions on motor vehicle fuel in the terminal transfer system.

(6) After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth are true. The director shall require a fingerprint record check of the applicant through the Washington state patrol criminal identification system and the federal bureau of investigation before issuance of a license. The results of the background investigation including criminal history information may be released to authorized department personnel as the director deems necessary. The department shall charge a license holder or license applicant a fee of fifty dollars for each background investigation conducted.

An applicant who makes a false statement of a material fact on the application may be prosecuted for false swearing as defined by RCW 9A.72.040.

(7) Except as provided by subsection (8) of this section, before granting any license issued under this chapter, the department shall require applicant to file with the department, in such form as shall be prescribed by the department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds shall be fixed by the department and may be increased or reduced by the department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds, the department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the

department may deem proper. If at any time the estimated excise tax to become due during the succeeding month amounts to more than fifty percent of the established bond, the department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

The total amount of the bond or bonds required of any licensee shall never be less than five thousand dollars nor more than one hundred thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a licensee may deposit with the state treasurer, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the department.

Any surety on a bond furnished by a licensee as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond; and unless the licensee, on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the department shall forthwith cancel the license. Whenever a new bond is furnished by a licensee, the department shall cancel the old bond as soon as the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The department may require a licensee to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in its opinion, the security of the surety bond theretofore filed by such licensee, or the market value of the properties deposited as security by the licensee, shall become impaired or inadequate; and upon the failure of the licensee to give such new or additional surety bond or to deposit additional securities within thirty days after being requested so to do by the department, the department shall forthwith cancel his or her license.

(8) The department may waive the requirements of subsection (7) of this section for licensed distributors if, upon determination by the department, the licensed distributor has sufficient resources, assets, other financial instruments, or other means, to adequately make payments on the estimated monthly motor vehicle fuel tax payments, penalties, and interest arising out of this chapter. The department shall adopt rules to administer this subsection. An application for an international fuel tax agreement license must be made to the department. The application must be filed upon a form prescribed by the department and contain such information as the department may require. The department shall charge a fee of ten dollars per set of international fuel tax agreement decals issued to each applicant or licensee. The department shall transmit the fee to the state treasurer for deposit in the motor vehicle fund.

**Sec. 11.** RCW 82.36.080 and 1998 c 176 s 20 are each amended to read as follows:

(1) It shall be unlawful for any person to engage in business in this state as any of the following unless the person is the holder of an uncanceled license issued by the department authorizing the person to engage in that business:

- (a) Motor vehicle fuel supplier;
- (b) Motor vehicle fuel distributor;
- (c) Motor vehicle fuel exporter;
- (d) Motor vehicle fuel importer; ~~((or))~~
- (e) Motor vehicle fuel blender; or
- (f) International fuel tax agreement licensee.

(2) A person engaged in more than one activity for which a license is required must have a separate license classification for each

activity, but a motor vehicle fuel supplier is not required to obtain a separate license classification for any other activity for which a license is required.

(3) If any person acts as a licensee without first securing the license required herein the excise tax shall be immediately due and payable on account of all motor vehicle fuel distributed or used by the person. The director shall proceed forthwith to determine from the best available sources, the amount of the tax, and the director shall immediately assess the tax in the amount found due, together with a penalty of one hundred percent of the tax, and shall make a certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty, or both, such certificate shall be prima facie evidence that the person therein named is indebted to the state in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this chapter with reference to delinquency in payment of the tax or by an action at law, which the attorney general shall commence and prosecute to final determination at the request of the director. The foregoing remedies of the state shall be cumulative and no action taken pursuant to this section shall relieve any person from the penal provisions of this chapter.

**Sec. 12.** RCW 82.36.160 and 1998 c 176 s 27 are each amended to read as follows:

Every licensee shall maintain in the office of his or her principal place of business in this state, for a period of five years, records of motor vehicle fuel received, sold, distributed, or used by the licensee, in such form as the director may prescribe, together with invoices, bills of lading, and other pertinent papers as may be required under the provisions of this chapter.

~~((Every dealer purchasing motor vehicle fuel taxable under this chapter for the purpose of resale, shall maintain within this state, for a period of two years a record of motor vehicle fuels received, the amount of tax paid to the licensee as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the director shall require.))~~

**Sec. 13.** RCW 82.36.180 and 1998 c 176 s 30 are each amended to read as follows:

The director, or duly authorized agents, may make such examinations of the records, stocks, facilities, and equipment of any licensee, ~~((and service stations,))~~ and make such other investigations as deemed necessary in carrying out the provisions of this chapter. If such examinations or investigations disclose that any reports of licensees theretofore filed with the director pursuant to the requirements of this chapter have shown incorrectly the gallonage of motor vehicle fuel distributed or the tax ~~((accruing))~~ liability thereon, the director may make such changes in subsequent reports and payments of such licensees as deemed necessary to correct the errors disclosed.

Every such licensee or such other person not maintaining records in this state so that an audit of such records may be made by the director or a duly authorized representative shall be required to make the necessary records available to the director upon request and at a designated office within this state; or, in lieu thereof, the director or a duly authorized representative shall proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

**NEW SECTION. Sec. 14.** A new section is added to chapter 82.36 RCW to read as follows:

Motor vehicle fuel that is used exclusively for racing and is illegal for use on the public highways of this state under state or federal law is exempt from the tax imposed under this chapter.

**Sec. 15.** RCW 82.36.320 and 1961 c 15 s 82.36.320 are each amended to read as follows:

Any person claiming refund on motor vehicle fuel used other than in motor vehicles as herein provided ~~((, and any person purchasing motor vehicle fuel from a dealer who is claiming refund on account of the sale of such fuel under RCW 82.36.305))~~ may be required by the director to also furnish information regarding the amount of motor vehicle fuel purchased from other sources or for

other purposes during the period reported for which no refund is claimed.

**Sec. 16.** RCW 82.36.340 and 1961 c 15 s 82.36.340 are each amended to read as follows:

The director may in order to establish the validity of any claim for refund require the claimant ~~(; or, in the case of a dealer filing a claim for refund as provided by RCW 82.36.305, the person to whom such fuel was sold;)~~ to furnish such additional proof of the validity of the claim as the director may determine, and may examine the books and records of the claimant or said person to whom the fuel was sold for such purpose. The records shall be sufficient to substantiate the accuracy of the claim and shall be in such form and contain such information as the director may require. The failure to maintain such records or to accede to a demand for an examination of such records may be deemed by the director as sufficient cause for denial of all right to the refund claimed on account of the transaction in question.

**Sec. 17.** RCW 82.36.370 and 1998 c 176 s 42 are each amended to read as follows:

(1) A refund shall be made in the manner provided in this chapter or a credit given to a licensee allowing for the excise tax paid or accrued on all motor vehicle fuel which is lost or destroyed, while ~~((applicant shall be the owner thereof))~~ the licensee was the owner, through fire, lightning, flood, wind storm, or explosion.

(2) A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel of five hundred gallons or more which is lost or destroyed, while ~~((applicant shall be))~~ the licensee was the owner thereof, through leakage or other casualty except evaporation, shrinkage or unknown causes: PROVIDED, That the director shall be notified in writing as to the full circumstances surrounding such loss or destruction and the amount of the loss or destruction within thirty days from the day of discovery of such loss or destruction.

(3) Recovery for such loss or destruction under either subsection (1) or (2) must be susceptible to positive proof thereby enabling the director to conduct such investigation and require such information as the director may deem necessary.

In the event that the director is not satisfied that the fuel was lost or destroyed as claimed, wherefore required information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, the director may deem as sufficient cause the denial of all right relating to the refund or credit for the excise tax on motor vehicle fuel alleged to be lost or destroyed.

**Sec. 18.** RCW 82.36.380 and 2003 c 358 s 13 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Evade a tax or fee imposed under this chapter;

(b) File a false statement of a material fact on a motor fuel license application or motor fuel refund application;

(c) Act as a motor fuel importer, motor fuel blender, or motor fuel supplier unless the person holds an uncanceled motor fuel license issued by the department authorizing the person to engage in that business;

(d) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(e) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) A violation of subsection (1) of this section is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(3) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

**Sec. 19.** RCW 82.36.450 and 1995 c 320 s 2 are each amended to read as follows:

((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's motor vehicle fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. *CY-92-248-JLO*)) (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding motor vehicle fuel taxes included in the price of fuel delivered to a retail station wholly owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement may provide mutually agreeable means to address any tribal immunities or any preemption of the state motor vehicle fuel tax.

(2) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act. The state and the tribe may agree to substitute an agreement negotiated under this section for an existing agreement or consent decree, or to enter into an agreement using a methodology similar to the state/tribal fuel tax agreements in effect on the effective date of this act.

(3) If a new agreement is negotiated, the agreement must:

(a) Require that the tribe or the tribal retailer acquire all motor vehicle fuel only from persons or companies operating lawfully in accordance with this chapter as a motor vehicle fuel distributor, supplier, importer, or blender, or from a tribal distributor, supplier, importer, or blender lawfully doing business according to all applicable laws;

(b) Provide that the tribe will expend fuel tax proceeds or equivalent amounts on: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway-related purposes;

(c) Include provisions for audits or other means of ensuring compliance to certify the number of gallons of motor vehicle fuel purchased by the tribe for resale at tribal retail stations, and the use of fuel tax proceeds or their equivalent for the purposes identified in (b) of this subsection. Compliance reports must be delivered to the director of the department of licensing.

(4) Information from the tribe or tribal retailers received by the state or open to state review under the terms of an agreement shall be deemed to be personal information under RCW 42.56.230(3)(b) and exempt from public inspection and copying.

(5) The governor may delegate the power to negotiate fuel tax agreements to the department of licensing.

(6) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

**NEW SECTION. Sec. 20.** A new section is added to chapter 82.36 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.36.020 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to

a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

**Sec. 21.** RCW 82.38.030 and 2005 c 314 s 102 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel ~~((users)) licensees, other than special fuel distributors,~~ a tax at the rate of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than special fuel distributors.~~ This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than special fuel distributors.~~

(4) Beginning July 1, 2006, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than special fuel distributors.~~

(5) Beginning July 1, 2007, an additional and cumulative tax rate of two cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than special fuel distributors.~~

(6) Beginning July 1, 2008, an additional and cumulative tax rate of one and one-half cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than special fuel distributors.~~

(7) Taxes are imposed when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is ~~((to))~~ by a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage, unless the fuel enters this state for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320, if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((8)) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax-))~~

**Sec. 22.** RCW 82.38.032 and 1998 c 176 s 52 are each amended to read as follows:

~~((The tax under RCW 82.38.030, if not previously imposed and paid, must be paid over to the department by special fuel users and persons licensed under the international fuel tax agreement or other fuel tax reciprocity agreements entered into with the state of Washington, on the use of special fuel to operate motor vehicles on the highways of this state, unless the use is exempt from the tax under this chapter.)) International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.38.030 to the department on special fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.38.030 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.~~

**Sec. 23.** RCW 82.38.035 and 2005 c 314 s 107 are each amended to read as follows:

(1) A licensed supplier shall ~~((remit))~~ be liable for and pay tax on special fuel to the department as provided in RCW 82.38.030(7)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall ~~((remit))~~ be liable for and pay the tax.

(2) A refiner shall ~~((remit))~~ be liable for and pay tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(7)(b).

(3) ~~((An))~~ A licensed importer shall ~~((remit))~~ be liable for and pay tax to the department on special fuel imported into this state as provided in RCW 82.38.030(7)(c).

(4) A licensed blender shall ~~((remit))~~ be liable for and pay tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(7)(e).

(5) A licensed dyed special fuel user shall ~~((remit))~~ be liable for and pay tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(7)(f).

(6) Nothing in this chapter prohibits the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to such tax.

**Sec. 24.** RCW 82.38.050 and 1990 c 250 s 82 are each amended to read as follows:

~~((Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to the user for thirty days or more and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state. PROVIDED, That)) A lessor who is engaged regularly in the business of leasing or renting for compensation motor vehicles and equipment he owns without drivers for carriers or other lessees for interstate operation, may be deemed to be the special fuel~~

user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued ~~((a))~~ an international fuel tax agreement license ((as a special fuel user)) when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he or she is the lessee from reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid ~~((special fuel user's))~~ international fuel tax agreement license.

~~((Every such lessor shall file with the application for a special fuel user's license one copy of the lease form or service contract the lessor enters into with the various lessees of the lessor's motor vehicles:))~~ When the ~~((special fuel user's))~~ license has been secured, such lessor shall make and assign to each motor vehicle leased for interstate operation a photocopy of such license to be carried in the cab compartment of the motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of the license issued and its return to the lessor with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for less than thirty days.

**Sec. 25.** RCW 82.38.100 and 1999 c 270 s 2 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit that shall be good for a period of three consecutive days beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued.

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, ~~((Washington state patrol))~~ department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit.

**Sec. 26.** RCW 82.38.130 and 1998 c 176 s 65 are each amended to read as follows:

The department may revoke the license of any licensee for any of the grounds constituting cause for denial of a license set forth in

RCW 82.38.120 or for other reasonable cause. Before revoking such license the department shall notify the licensee to show cause within twenty days of the date of the notice why the license should not be revoked: PROVIDED, That at any time prior to and pending such hearing the department may, in the exercise of reasonable discretion, suspend such license.

The department shall cancel any special fuel license immediately upon surrender thereof by the holder.

Any surety on a bond furnished by a licensee as provided in this chapter shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of forty-five days from the date which such surety shall have lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the forty-five day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond, and unless the licensee, on or before the expiration of the forty-five day period, files a new bond, in accordance with this section, the department ~~((forthwith))~~ shall cancel the ~~((special fuel dealer's or special fuel user's))~~ license.

The department may require a new or additional surety bond of the character specified in RCW 82.38.020(3) if, in its opinion, the security of the surety bond therefor filed by such licensee, shall become impaired or inadequate. Upon failure of the licensee to give such new or additional surety bond within forty-five days after being requested to do so by the department, or after he or she shall fail or refuse to file reports and remit or pay taxes at the intervals fixed by the department, the department forthwith shall cancel his or her license.

**Sec. 27.** RCW 82.38.140 and 1998 c 176 s 66 are each amended to read as follows:

(1) Every licensee and every person importing, manufacturing, refining, ~~((dealing in,))~~ transporting, blending, or storing special fuel in this state shall keep for a period of not less than five years open to inspection at all times during the business hours of the day to the department or its authorized representatives, a complete record of all special fuel purchased or received and all of such products sold, delivered, or used by them. Such records shall show:

- (a) The date of each receipt;
- (b) The name and address of the person from whom purchased or received;
- (c) The number of gallons received at each place of business or place of storage in the state of Washington;
- (d) The date of each sale or delivery;
- (e) The number of gallons sold, delivered, or used for taxable purposes;
- (f) The number of gallons sold, delivered, or used for any purpose not subject to the tax imposed in this chapter;
- (g) The name, address, and special fuel license number of the purchaser if the special fuel tax is not collected on the sale or delivery;
- (h) The inventories of special fuel on hand at each place of business at the end of each month.

(2)(a) All international fuel tax agreement licensees and dyed special fuel users authorized to use dyed special fuel on highway in vehicles licensed for highway operation shall maintain detailed mileage records on an individual vehicle basis.

(b) Such operating records shall show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle.

(c) In the absence of operating records that show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle, fuel consumption must be computed under RCW 82.38.060.

(3) The department may require a person other than a licensee engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering special fuel to submit periodic reports to the department regarding the disposition of the fuel. The reports must be on forms prescribed by the department and must contain such information as the department may require.

(4) Every person operating any conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk shall have and

possess during the entire time the person is hauling special fuel, an invoice, bill of sale, or other statement showing the name, address, and license number of the seller or consignor, the destination, name, and address of the purchaser or consignee, license number, if applicable, and the number of gallons. The person hauling such special fuel shall at the request of any law enforcement officer or authorized representative of the department, or other person authorized by law to inquire into, or investigate those types of matters, produce for inspection such invoice, bill of sale, or other statement and shall permit such official to inspect and gauge the contents of the vehicle.

**Sec. 28.** RCW 82.38.150 and 1998 c 176 s 67 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax herein imposed, and to periodically update license information, each licensee, other than a special fuel distributor, an international fuel tax agreement licensee, or a dyed special fuel user, shall file monthly tax reports with the department, on forms prescribed by the department.

Dyed special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and dyed special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly. Special fuel users licensed under the international fuel tax agreement shall file reports quarterly. ~~((Special fuel distributors))~~ Heating oil dealers subject to the pollution liability insurance agency fee and reporting requirements shall remit pollution liability insurance agency returns and any associated payment due to the department annually.

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to the licensee's address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter. ~~((For counties within which an additional excise tax on special fuel has been levied by that jurisdiction under RCW 82.80.010, the report must show the quantities of special fuel sold, distributed, or withdrawn from bulk storage by the reporting dealer or user within the county's boundaries and the tax liability from its levy.))~~ A licensee shall file a tax report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

**Sec. 29.** RCW 82.38.180 and 1998 c 176 s 71 are each amended to read as follows:

Any person who has purchased special fuel on which tax has been paid ~~((a special fuel tax either directly or to the vendor from whom it was purchased))~~ may file a claim with the department for a refund of the tax ~~((so paid and shall be reimbursed and repaid the amount of))~~ for:

(1) ~~((Any))~~ Taxes previously paid on special fuel used for purposes other than for the propulsion of motor vehicles upon the public highways in this state.

(2) ~~((Any))~~ Taxes previously paid on special fuel exported for use outside of this state. Special fuel carried from this state in the fuel tank of a motor vehicle is deemed to be exported from this state. Special fuel distributed to a federally recognized Indian tribal reservation located within the state of Washington is not considered exported outside this state.

(3) ~~((Any))~~ Tax, penalty, or interest erroneously or illegally collected or paid.

(4) ~~((Any))~~ Taxes previously paid on all special fuel which is lost or destroyed, while ~~((applicant))~~ the licensee shall be the owner thereof, through fire, lightning, flood, wind storm, or explosion.

(5) ~~((Any))~~ Taxes previously paid on all special fuel of five hundred gallons or more which is lost or destroyed while ~~((applicant))~~ the licensee shall be the owner thereof, through leakage or other casualty except evaporation, shrinkage, or unknown causes.

(6) ~~((Any))~~ Taxes previously paid on special fuel that is inadvertently mixed with dyed special fuel.

Recovery for such loss or destruction under either subsection (4), (5), or (6) of this section must be susceptible to positive proof thereby enabling the department to conduct such investigation and require such information as ~~((they))~~ it may deem necessary. In the event that the department is not satisfied that the fuel was lost, destroyed, or contaminated as claimed because information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, ~~((they))~~ it may deem such as sufficient cause to deny all right relating to the refund or credit for the excise tax paid on special fuel alleged to be lost or destroyed.

No refund or claim for credit shall be approved by the department unless the gallons of special fuel claimed as nontaxable satisfy the conditions specifically set forth in this section and the nontaxable event or use occurred during the period covered by the refund claim. Refunds or claims for credit ~~((by sellers or users of special fuel))~~ shall not be allowed for anticipated nontaxable use or events.

**Sec. 30.** RCW 82.38.270 and 2003 c 358 s 14 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Have dyed diesel in the fuel supply tank of a vehicle that is licensed or required to be licensed for highway use or maintain dyed diesel in bulk storage for highway use, unless the person or corporation maintains an uncanceled dyed diesel user license or is otherwise exempted by this chapter;

(b) Evade a tax or fee imposed under this chapter;

(c) File a false statement of a material fact on a special fuel license application or special fuel refund application;

(d) Act as a special fuel importer, special fuel blender, or special fuel supplier unless the person holds an uncanceled special fuel license issued by the department authorizing the person to engage in that business;

(e) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(f) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2)(a) A single violation of subsection (1)(a) of this section is a gross misdemeanor under chapter 9A.20 RCW.

(b) Multiple violations of subsection (1)(a) of this section and violations of subsection (1)(b) through (f) of this section are a class C felony under chapter 9A.20 RCW.

(3) In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1)(b) through (f) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(4) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

**Sec. 31.** RCW 82.38.310 and 1995 c 320 s 3 are each amended to read as follows:

((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's special fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY 92-248-JLG.)) (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding special fuel taxes included in the price of fuel delivered to a retail station wholly owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement may provide mutually agreeable means to address any tribal immunities or any preemption of the state special fuel tax.

(2) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act. The state and the tribe may agree to substitute an agreement negotiated under this section for an existing agreement or consent decree, or to enter into an agreement using a methodology similar to the state/tribal fuel tax agreements in effect on the effective date of this act.

(3) If a new agreement is negotiated, the agreement must:

(a) Require that the tribe or the tribal retailer acquire all special fuel only from persons or companies operating lawfully in accordance with this chapter as a special fuel distributor, supplier, importer, or blender, or from a tribal distributor, supplier, importer, or blender lawfully doing business according to all applicable laws;

(b) Provide that the tribe will expend fuel tax proceeds or equivalent amounts on: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway-related purposes;

(c) Include provisions for audits or other means of ensuring compliance to certify the number of gallons of special fuel purchased by the tribe for resale at tribal retail stations, and the use of fuel tax proceeds or their equivalent for the purposes identified in (b) of this subsection. Compliance reports must be delivered to the director of the department of licensing.

(4) Information from the tribe or tribal retailers received by the state or open to state review under the terms of an agreement shall be deemed personal information under RCW 42.56.230(3)(b) and exempt from public inspection and copying.

(5) The governor may delegate the power to negotiate fuel tax agreements to the department of licensing.

(6) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

**Sec. 32.** RCW 82.38.320 and 1998 c 176 s 83 are each amended to read as follows:

(1) An international fuel tax agreement licensee who meets the qualifications in subsection (2) of this section may be given special authorization by the department to purchase special fuel delivered into bulk storage without payment of the special fuel tax at the time the fuel is purchased. The special authorization applies only to full truck-trailer loads filled at a terminal rack and delivered directly to the bulk storage facilities of the special authorization holder. The licensee shall pay special fuel tax on the fuel at the time the licensee files their international fuel tax agreement tax return and accompanying schedule with the department. The accompanying schedule shall be provided in a form and manner determined by the department and shall contain information on purchases and usage of all nondyed special fuel purchased during the reporting period. In addition, by the fifteenth day of the month following the month in which fuel under the special authorization was purchased, the licensee must report to the department, the name of the seller and the number of gallons purchased for each purchase of such fuel, and any other information as the department may require.

(2) To receive or maintain special authorization under subsection (1) of this section, the following conditions regarding the international fuel tax agreement licensee must apply:

(a) During the period encompassing the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year, the number of gallons consumed outside the state of Washington as reported on the licensee's international fuel tax agreement tax returns must have been equal to at least twenty percent of the nondyed special fuel gallons, including fuel used on-road and off-road, purchased by the licensee in the state of Washington, as reported on the accompanying schedules required under subsection (1) of this section;

(b) The licensee must have been licensed under the provisions of the international fuel tax agreement during each of the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year; and

(c) The licensee has not violated the reporting requirements of this section.

(3) Only a licensed special fuel supplier or special fuel importer may sell special fuel to a special authorization holder in the manner prescribed by this section.

(4) A special fuel ((distributor)) supplier or importer who sells special fuel under the special authorization provisions of this section is not liable for the special fuel tax on the fuel. ((By the fifteenth day of the month following the month in which the fuel was sold, the special fuel distributor shall report to the department, the name and special authorization number of the purchaser and the number of gallons sold for each purchase of such special fuel, and any other information as the department may require.)) The special fuel supplier or importer will report such sales, in a manner prescribed by the department, at the time the special fuel supplier or importer submits the monthly tax report.

((4) A supplier selling special fuel under the provisions of this section shall not be responsible for taxes due for special fuel purchased under the provisions of this section:

(5) An international fuel tax agreement licensee who qualifies for a special authorization under this section for calendar year 1999 is not subject to the special fuel user requirements of RCW 82.38.289.))

**NEW SECTION. Sec. 33.** A new section is added to chapter 82.38 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.38.030 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

**NEW SECTION. Sec. 34.** The following acts or parts of acts are each repealed:

(6) RCW 82.36.042 (Notice by supplier of distributor's failure to pay tax--License suspension--Notice to suppliers--Revocation or suspension upon continued noncompliance) and 1998 c 176 s 14;

(7) RCW 82.36.273 (Refunds to licensee for fuel purchased by exempt person--Exception--Invoice or proof) and 1998 c 176 s 35;

(8) RCW 82.36.305 (Refunds to dealer delivering fuel exclusively for marine use--Limitations--Supporting certificate) and 1965 ex.s. c 79 s 12 & 1961 c 15 s 82.36.305;

(9) RCW 82.36.360 (Separate invoices for nontaxed fuel) and 1961 c 15 s 82.36.360;

(10) RCW 82.36.373 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 43;

(11) RCW 82.36.407 (Tax liability of user--Payment--Exceptions) and 1998 c 176 s 48;

(12) RCW 82.38.070 (Credit for sales for which no consideration was received--Report--Adjustment) and 1998 c 176 s 58, 1990 c 250 s 83, & 1971 ex.s. c 175 s 8;

(13) RCW 82.38.071 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 59;

(14) RCW 82.38.081 (Exemptions--Motor vehicle fuel used for racing) and 1998 c 115 s 6;

(15) RCW 82.38.185 (Refunds--Tax paid purchased by exempt person--Application) and 1998 c 176 s 73;

(16) RCW 82.38.285 (Tax liability of user--Exceptions) and 1998 c 176 s 81; and

(17) RCW 82.38.165 (Notice by supplier of distributor's failure to pay tax--License suspension--Notice to suppliers--Revocation or suspension upon continued noncompliance) and 1998 c 176 s 69.

**NEW SECTION. Sec. 35.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 36.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Armstrong spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5272, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5272, as amended by the House, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy,

Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 88.

Voting nay: Representatives Anderson, Buri, Ericksen, Kretz, Kristiansen, McDonald, Orcutt, Pearson, Rodne and Samp - 10.

SENATE BILL NO. 5272, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the Committee on Rules was relieved of further consideration of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5799, and the bill was placed on the Second Reading calendar.

#### MESSAGE FROM THE SENATE

April 16, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5174 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5174 and placed the bill on final passage without the House's amendment.

#### FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

Representatives Dunshee and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5174, without the amendment by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5174, without House amendment and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt,

Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Appleton, Curtis and Roberts - 3.

SUBSTITUTE SENATE BILL NO. 5174, without the House amendment, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5174.

SHERRY APPLETON, 23rd District

#### MESSAGE FROM THE SENATE

April 21, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5085,  
 SUBSTITUTE SENATE BILL NO. 5097,  
 SUBSTITUTE SENATE BILL NO. 5288,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5311,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5317,  
 SUBSTITUTE SENATE BILL NO. 5340,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,  
 SENATE BILL NO. 5434,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557,  
 SUBSTITUTE SENATE BILL NO. 5830,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841,  
 SUBSTITUTE SENATE BILL NO. 5882,  
 SECOND SUBSTITUTE SENATE BILL NO. 5955,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044,  
 ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206,  
 and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

#### MESSAGE FROM THE SENATE

April 21, 2007

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6156, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fourth order of business.

#### INTRODUCTION & FIRST READING

SSB 6156 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to state government; authorizing community preservation and development authorities; and adding a new chapter to Title 43 RCW.

There being no objection, SUBSTITUTE SENATE BILL NO. 6156 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**HOUSE BILL NO. 2391, by Representatives Fromhold, Conway and Moeller**

**Eliminating retirement system gain-sharing and providing alternate pension benefits.**

The bill was read the second time.

With the consent of the House, amendments (869) and (870) were withdrawn.

Representative Conway moved the adoption of amendment (937):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.31A.020 and 2003 c 294 s 4 are each amended to read as follows:

(1) On January 1, 2004, and on January 1st of even-numbered years thereafter, the member account of a person meeting the requirements of this section shall be credited by the extraordinary investment gain amount.

(2) The following persons, hired prior to July 1, 2007, shall be eligible for the benefit provided in subsection (1) of this section:

(a) Any member of the teachers' retirement system plan 3, the Washington school employees' retirement system plan 3, or the public employees' retirement system plan 3 who earned service credit during the twelve-month period from September 1st to August 31st immediately preceding the distribution and had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution; or

(b) Any person in receipt of a benefit pursuant to RCW 41.32.875, 41.35.680, or 41.40.820; or

(c) Any person who is a retiree pursuant to RCW 41.34.020(8) and who:

(i) Completed ten service credit years; or

(ii) Completed five service credit years, including twelve service months after attaining age fifty-four; or

(d) Any teacher who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; or

(e) Any classified employee who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by September 1, 2000, and who transferred to plan 3 under RCW 41.35.510; or

(f) Any public employee who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by March 1, 2002, and who transferred to plan 3 under RCW 41.40.795; or

(g) Any person who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who:

(i) Completed ten service credit years; or

(ii) Completed five service credit years, including twelve service months after attaining age fifty-four; or

(h) Any teacher who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; or

(i) Any classified employee who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five service credit years by September 1, 2000, and who transferred to plan 3 under RCW 41.35.510; or

(j) Any public employee who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five

service credit years by March 1, 2002, and who transferred to plan 3 under RCW 41.40.795.

(3) The extraordinary investment gain amount shall be calculated as follows:

(a) One-half of the sum of the value of the net assets held in trust for pension benefits in the teachers' retirement system combined plan 2 and 3 fund, the Washington school employees' retirement system combined plan 2 and 3 fund, and the public employees' retirement system combined plan 2 and 3 fund at the close of the previous state fiscal year not including the amount attributable to member accounts;

(b) Multiplied by the amount which the compound average of investment returns on those assets over the previous four state fiscal years exceeds ten percent;

(c) Multiplied by the proportion of:

(i) The sum of the service credit on August 31st of the previous year of all persons eligible for the benefit provided in subsection (1) of this section; to

(ii) The sum of the service credit on August 31st of the previous year of:

(A) All persons eligible for the benefit provided in subsection (1) of this section;

(B) Any person who earned service credit in the teachers' retirement system plan 2, the Washington school employees' retirement system plan 2, or the public employees' retirement system plan 2 during the twelve-month period from September 1st to August 31st immediately preceding the distribution;

(C) Any person in receipt of a benefit pursuant to RCW 41.32.765, 41.35.420, or 41.40.630; and

(D) Any person with five or more years of service in the teachers' retirement system plan 2, the Washington school employees' retirement system plan 2, or the public employees' retirement system plan 2;

(d) Divided proportionally among persons eligible for the benefit provided in subsection (1) of this section on the basis of their service credit total on August 31st of the previous year.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this distribution not granted prior to that time.

**Sec. 2.** RCW 41.32.765 and 2000 c 247 s 902 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

<u>Retirement Age</u>	<u>Percent Reduction</u>
<u>55</u>	<u>20%</u>

<u>56</u>	<u>17%</u>
<u>57</u>	<u>14%</u>
<u>58</u>	<u>11%</u>
<u>59</u>	<u>8%</u>
<u>60</u>	<u>5%</u>
<u>61</u>	<u>2%</u>
<u>62</u>	<u>0%</u>
<u>63</u>	<u>0%</u>
<u>64</u>	<u>0%</u>

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.32.802(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.32.800(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 2, chapter . . . (this act), Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

**Sec. 3.** RCW 41.32.835 and 1995 c 239 s 105 are each amended to read as follows:

(1) All teachers who first become employed by an employer in an eligible position on or after July 1, ~~((1996, shall be members of plan 3))~~ 2007, shall have a period of ninety days to make an irrevocable choice to become a member of plan 2 or plan 3. At the end of ninety days, if the member has not made a choice to become a member of plan 2, he or she becomes a member of plan 3.

(2) For administrative efficiency, until a member elects to become a member of plan 3, or becomes a member of plan 3 by default under subsection (1) of this section, the member shall be reported to the department in plan 2, with member and employer contributions. Upon becoming a member of plan 3 by election or by default, all service credit shall be transferred to the member's plan 3 defined benefit, and all employee accumulated contributions shall be transferred to the member's plan 3 defined contribution account.

(3) The plan choice provision as set forth in section 3, chapter . . . (this act), Laws of 2007 was intended by the legislature as a replacement benefit for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to plan choice under this section is noncontractual, and the legislature reserves the right to amend or repeal this section. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that

time, all teachers who first become employed by an employer in an eligible position on or after July 1, 2007, may choose either plan 2 or plan 3 under this section. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then all teachers who first become employed by an employer in an eligible position on or after the date of such reinstatement shall be members of plan 3.

**Sec. 4.** RCW 41.32.875 and 2006 c 33 s 1 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member who is at least age sixty-five and who has:

- (a) Completed ten service credit years; or
- (b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or
- (c) Completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

<u>Retirement Age</u>	<u>Percent Reduction</u>
<u>55</u>	<u>20%</u>
<u>56</u>	<u>17%</u>
<u>57</u>	<u>14%</u>
<u>58</u>	<u>11%</u>
<u>59</u>	<u>8%</u>
<u>60</u>	<u>5%</u>
<u>61</u>	<u>2%</u>
<u>62</u>	<u>0%</u>
<u>63</u>	<u>0%</u>
<u>64</u>	<u>0%</u>

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.32.862(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.32.860(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 4, chapter . . . (this act), Laws of

2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.32 RCW under the subchapter heading "plan 1" to read as follows:

(1) Beginning July 1, 2009, the annual increase amount as defined in RCW 41.32.010(46) shall be increased by an amount equal to \$0.40 per month per year of service minus the 2008 gain-sharing increase amount under RCW 41.31.010 as it exists on the effective date of this section. This adjustment shall not decrease the annual increase amount, and is not to exceed \$0.20 per month per year of service. The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has the contractual right to receive this adjustment to the annual increase amount not granted prior to that time.

(2) The adjustment to the annual increase amount as set forth in section 5, chapter . . . (this act), Laws of 2007 was intended by the legislature as a replacement benefit for gain-sharing. If the repeal of chapter 41.31 RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then this adjustment to the annual increase amount shall not be included in future annual increase amounts paid on or after the date of such reinstatement.

**Sec. 6.** RCW 41.35.420 and 2000 c 247 s 905 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

<u>Retirement Age</u>	<u>Percent Reduction</u>
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<u>55</u>	<u>20%</u>
<u>56</u>	<u>17%</u>
<u>57</u>	<u>14%</u>
<u>58</u>	<u>11%</u>
<u>59</u>	<u>8%</u>
<u>60</u>	<u>5%</u>
<u>61</u>	<u>2%</u>
<u>62</u>	<u>0%</u>
<u>63</u>	<u>0%</u>
<u>64</u>	<u>0%</u>

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.35.060(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.35.230(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 6, chapter . . . (this act), Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

**Sec. 7.** RCW 41.35.610 and 1998 c 341 s 202 are each amended to read as follows:

(1) All classified employees who first become employed by an employer in an eligible position on or after ((September 1, 2000, shall be members of plan 3)) July 1, 2007, shall have a period of ninety days to make an irrevocable choice to become a member of plan 2 or plan 3. At the end of ninety days, if the member has not made a choice to become a member of plan 2, he or she becomes a member of plan 3.

(2) For administrative efficiency, until a member elects to become a member of plan 3, or becomes a member of plan 3 by default under subsection (1) of this section, the member shall be reported to the department in plan 2, with member and employer contributions. Upon becoming a member of plan 3 by election or by default, all service credit shall be transferred to the member's plan 3 defined benefit, and all employee accumulated contributions shall be transferred to the member's plan 3 defined contribution account.

(3) The plan choice provision as set forth in section 7, chapter . . . (this act), Laws of 2007 was intended by the legislature as a replacement benefit for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to plan choice under this section is noncontractual, and the legislature reserves the right to amend or repeal this section. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate

review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, all classified employees who first become employed by an employer in an eligible position on or after July 1, 2007, may choose either plan 2 or plan 3 under this section. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then all classified employees who first become employed by an employer in an eligible position on or after the date of such reinstatement shall be members of plan 3.

**Sec. 8.** RCW 41.35.680 and 2006 c 33 s 2 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

- (a) Completed ten service credit years; or
- (b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or

(c) Completed five service credit years by September 1, 2000, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.35.510; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT.

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after September 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

<u>Retirement Age</u>	<u>Percent Reduction</u>
<u>55</u>	<u>20%</u>
<u>56</u>	<u>17%</u>
<u>57</u>	<u>14%</u>
<u>58</u>	<u>11%</u>
<u>59</u>	<u>8%</u>
<u>60</u>	<u>5%</u>
<u>61</u>	<u>2%</u>
<u>62</u>	<u>0%</u>
<u>63</u>	<u>0%</u>
<u>64</u>	<u>0%</u>

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.35.060(2) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar

compensated relationship with any employer included under the provisions of RCW 41.35.230(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 8, chapter . . . (this act), Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

**Sec. 9.** RCW 41.40.630 and 2000 c 247 s 901 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

<u>Retirement Age</u>	<u>Percent Reduction</u>
<u>55</u>	<u>20%</u>
<u>56</u>	<u>17%</u>
<u>57</u>	<u>14%</u>
<u>58</u>	<u>11%</u>
<u>59</u>	<u>8%</u>
<u>60</u>	<u>5%</u>
<u>61</u>	<u>2%</u>
<u>62</u>	<u>0%</u>
<u>63</u>	<u>0%</u>
<u>64</u>	<u>0%</u>

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.690(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 9, chapter . . . (this act), Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

**Sec. 10.** RCW 41.40.820 and 2006 c 33 s 3 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member who is at least age sixty-five and who has:

- (a) Completed ten service credit years; or
- (b) Completed five service credit years, including twelve service credit months after attaining age forty-four; or
- (c) Completed five service credit years by the transfer payment date specified in RCW 41.40.795, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.40.795;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.**

(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

<u>Retirement Age</u>	<u>Percent Reduction</u>
<u>55</u>	<u>20%</u>

<u>56</u>	<u>17%</u>
<u>57</u>	<u>14%</u>
<u>58</u>	<u>11%</u>
<u>59</u>	<u>8%</u>
<u>60</u>	<u>5%</u>
<u>61</u>	<u>2%</u>
<u>62</u>	<u>0%</u>
<u>63</u>	<u>0%</u>
<u>64</u>	<u>0%</u>

Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.850(1).

The subsidized reductions for alternate early retirement in this subsection as set forth in section 10, chapter . . . (this act), Laws of 2007 were intended by the legislature as replacement benefits for gain-sharing. Until there is legal certainty with respect to the repeal of chapter 41.31A RCW, the right to retire under this subsection is noncontractual, and the legislature reserves the right to amend or repeal this subsection. Legal certainty includes, but is not limited to, the expiration of any: Applicable limitations on actions; and periods of time for seeking appellate review, up to and including reconsideration by the Washington supreme court and the supreme court of the United States. Until that time, eligible members may still retire under this subsection, and upon receipt of the first installment of a retirement allowance computed under this subsection, the resulting benefit becomes contractual for the recipient. If the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then retirement benefits for any member who has completed at least thirty service credit years and has attained age fifty-five but has not yet received the first installment of a retirement allowance under this subsection shall be computed using the reductions in (a) of this subsection.

**NEW SECTION. Sec. 11.** A new section is added to chapter 41.40 RCW under the subchapter heading "plan 1" to read as follows:

(1) Beginning July 1, 2009, the annual increase amount as defined in RCW 41.40.010(41) shall be increased by an amount equal to \$0.40 per month per year of service minus the 2008 gain-sharing increase amount under RCW 41.31.010 as it exists on the effective date of this section. This adjustment shall not decrease the annual increase amount, and is not to exceed \$0.20 per month per year of service. The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has the contractual right to receive this adjustment to the annual increase amount not granted prior to that time.

(2) The adjustment to the annual increase amount as set forth in section 11, chapter . . . (this act), Laws of 2007 was intended by the legislature as a replacement benefit for gain-sharing. If the repeal of chapter 41.31 RCW is held to be invalid in a final determination of a court of law, and the court orders reinstatement of gain-sharing or other alternate benefits as a remedy, then this adjustment to the annual increase amount shall not be included in future annual increase amounts paid on or after the date of such reinstatement.

**Sec. 12.** RCW 41.45.070 and 2006 c 94 s 3 are each amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060 or 41.45.054, the department shall also charge employers of public employees' retirement system,

teachers' retirement system, school employees' retirement system, public safety employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6) (~~and~~), (7), and (9) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic member, employer, and state contribution rate established in RCW 41.45.0604 for the law enforcement officers' and firefighters' retirement system plan 2, the department shall also establish supplemental rates to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and firefighters' retirement system plan 2. Except as provided in subsection (6) of this section, these supplemental rates shall be calculated by the actuary retained by the law enforcement officers' and firefighters' board and the state actuary through the process provided in RCW 41.26.720(1)(a) and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the public safety employees' retirement system plan 2, or the school employees' retirement system plan 2 and plan 3 shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.45.060, 41.45.061, or 41.45.067.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

(8) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members and survivors pursuant to chapter 94, Laws of 2006.

(9) A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the teachers' retirement system and the school employees' retirement system plans 2 and 3 in sections 2, 4, 6, and 8 of this act until September 1, 2008. A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the public employees' retirement system plans 2 and 3 under sections 9 and 10 of this act until July 1, 2008.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed, effective January 2, 2008:

(18) RCW 41.31.010 (Annual pension increases--Increased by gain-sharing increase amount) and 1998 c 340 s 1;

(19) RCW 41.31.020 (Gain-sharing increase amount calculated) and 1998 c 340 s 2;

(20) RCW 41.31.030 (Contractual right to increase not granted) and 1998 c 340 s 3;

(21) RCW 41.31A.010 (Definitions) and 2000 c 247 s 407 & 1998 c 341 s 311;

(22) RCW 41.31A.020 (Extraordinary investment gain--Credited to member accounts--Persons eligible--Calculation of amount--Contractual right not granted) and 2003 c 294 s 4, 2000 c 247 s 408, & 1998 c 341 s 312;

(23) RCW 41.31A.030 (Retroactive extraordinary investment gain--Credited to member accounts--Persons eligible--Calculation of amount--Contractual right not granted) and 1998 c 341 s 313; and

(24) RCW 41.31A.040 (Retroactive extraordinary investment gain--Credited to member accounts--Persons eligible--Calculation of amount--Contractual right not granted) and 2000 c 247 s 409.

**NEW SECTION. Sec. 14.** If any part of this act is found to be in conflict with a final determination by the federal internal revenue service that is a prescribed condition to favorable tax treatment of one or more of the retirement plans, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the individual members directly affected. This finding does not affect the operation of the remainder of this act in its application to the members concerned. The legislature reserves the right to amend or repeal this act in the future as may be required to comply with a final federal determination that amendment or repeal is necessary to maintain the favorable tax treatment of a plan.

**NEW SECTION. Sec. 15.** The new benefits provided pursuant to sections 2(3)(b), 4(3)(b), 6(3)(b), and 8(3)(b) of this act are not provided to employees as a matter of contractual right prior to September 1, 2008, and will not become a contractual right thereafter if the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law. The legislature retains the right to alter or abolish these benefits at any time prior to September 1, 2008.

**NEW SECTION. Sec. 16.** The new benefits provided pursuant to sections 9(3)(b) and 10(3)(b) of this act are not provided to employees as a matter of contractual right prior to July 1, 2008, and will not become a contractual right thereafter if the repeal of chapter 41.31A RCW is held to be invalid in a final determination of a court of law. The legislature retains the right to alter or abolish these benefits at any time prior to July 1, 2008.

**NEW SECTION. Sec. 17.** Any action brought under this act must be commenced within three years after the effective date of this section.

**NEW SECTION. Sec. 18.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 19.** Sections 1, 3, and 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007."

Correct the title.

Representatives Conway and Alexander spoke in favor of the adoption of the amendment.

The Speaker (Representative Lovick presiding) divided the House. The result was 56 - YEAS; 42 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers, Conway and Kessler spoke in favor of passage of the bill.

Representative Alexander, Armstrong, Orcutt, Bailey, McCune and Chase spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2391.

### MOTION

On motion of Representative Schindler, Representative Roach was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2391 and the bill passed the House by the following vote: Yeas - 52, Nays - 45, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Blake, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Goodman, Grant, Green, Haigh, Haler, Hankins, Hudgins, Hunt, Hunter, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sommers, Springer, Sullivan, P., Takko, Upthegrove, Walsh, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Chase, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Fromhold, Hailey, Hasegawa, Hinkle, Hurst, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Rolfes, Ross, Schindler, Schual-Berke, Sells, Simpson, Skinner, Strow, Sullivan, B., Sump, Van De Wege, Wallace, Warnick and Williams - 45.

Excused: Representative Roach - 1.

ENGROSSED HOUSE BILL NO. 2391, having received the necessary constitutional majority, was declared passed.

### MESSAGES FROM THE SENATE

April 21, 2007

Mr. Speaker:

The President has signed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 21, 2007

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 6156, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)**

**Relating to state government.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Santos spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6156.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6156 and the bill passed the House by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Hurst, Kretz, Kristiansen, McCune, McDonald, Morris, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Skinner, Strow, Sump and Warnick - 34.

Excused: Representative Roach - 1.

SUBSTITUTE SENATE BILL NO. 6156, having received the necessary constitutional majority, was declared passed.

### REPORT OF CONFERENCE COMMITTEE

April 21, 2007

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, authorizing the acquisition and operation of tourism-related facilities by port districts, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-3669.2/07) be adopted

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 53.08.255 and 1984 c 122 s 10 are each amended to read as follows:

(1) Any port district in this state, acting through its commission, has power to expend moneys and conduct promotion of resources and facilities in the district or general area by advertising, publicizing, or otherwise distributing information to attract visitors and encourage tourist expansion.

(2)(a) Any port district is authorized either individually or jointly with any other municipality, or person, or any combination thereof, to acquire and to operate tourism-related facilities.

(b) When exercising the authority granted under (a) of this subsection, a port district may exercise any of the powers granted to a municipality under RCW 67.28.120, 67.28.130 through 67.28.170, and 67.28.220, but may not exercise powers granted to municipalities under RCW 67.28.180 and 67.28.181 or other powers granted to municipalities under chapter 67.28 RCW. The definitions contained in RCW 67.28.080 apply to the exercise of authority by a port district under (a) of this subsection, and for that purpose the term "municipality" includes a port district.

(c) Port districts may not use this section as the authority for the exercise of the power of eminent domain.

**NEW SECTION. Sec. 2.** A new section is added to chapter 67.28 RCW to read as follows:

A port district and any municipality or other entity involved in a joint venture or project with a port district under this chapter shall comply with the provisions of chapter 39.12 RCW. However, nothing in this section should be interpreted as a legislative intent to expand the application of chapter 39.12 RCW."

Correct the title.

and that the bill do pass as recommended by the Conference Committee.

Senator Kastama	Representative Simpson
Senator Kilmer	Representative Rolfes
Senator Zarelli	Representative Curtis

With the consent of the House, Joint Rule 20 (the 24 hour waiting period) was suspended.

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5339 and advanced the bill as recommended by the conference committee to final passage.

### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Simpson and Curtis spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Upthegrove spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5339 as recommended by the conference committee.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5339 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hunt, Hurst, Jarrett, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, Miloscia, Moeller, Morrell, Morris,

Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Chase, Darneille, Dickerson, Eddy, Hasegawa, Hudgins, Hunter, Kagi, Kenney, McDermott, McIntire, Roberts, Schual-Berke and Upthegrove - 14.

Excused: Representative Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, as recommended by the Conference Committee having received the constitutional majority, was declared passed.

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6158, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)**

**Concerning the biennial rebasing of nursing facility medicaid payment rates.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6158.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6158 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Chase, Green and Simpson - 3.

Excused: Representative Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6158, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)**

**Changing provisions affecting offenders who are leaving confinement.**

The bill was read the second time.

With the consent of the House, amendments (890), (891), (892), (893), (894) and (895), (934), (897), (898), (899), (900), (901), (902) and (903), (914), (915), (916), (917), (918), (919), and (920), (905), (906), (907), (908), (909) and (910), (912), (913), (922), (923), (924), (925), (926), (927), (928), (929), (930), (931), (932) and (933) were withdrawn.

Representative Pearson moved the adoption of amendment (904):

On page 24, line 35, after "(i)" strike "In" and insert "Except as provided in (c) of this subsection, in"

On page 26, line 23, after "(c)" insert "In the case of an offender who is convicted of an offense committed on or after the effective date of this act that occurred during confinement or while on community custody or community placement, and when the offender is participating in an individual reentry plan or has previously participated in a reentry plan, the aggregate earned release time may not exceed ten percent.  
\_\_\_\_\_(d)"

Representatives Pearson, Strow and Ericksen spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rodne moved the adoption of amendment (911):

On page 32, after line 19, insert the following:

"NEW SECTION. Sec. 306. A new section is added to chapter 9.94A RCW to read as follows:

Any offender sanctioned to total confinement under this section shall serve the entire term of the sanction in total confinement as defined in RCW 9.94A.030."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Rodne and Buri spoke in favor of the adoption of the amendment.

Representative Ericks spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dickerson moved the adoption of amendment (936):

On page 35, line 9, after "deductions" strike "and by creating a loan program"

On page 42, beginning on line 9, after "programming" strike all material through "this act" on line 11

On page 42, line 30 after "department;" insert "or"

On page 42, beginning on line 34, after "chapter" strike all material through "program" on page 43, line 15

Re-number the subsections consecutively and correct the internal references accordingly.

On page 46, beginning on line 15, strike all of section 405

Re-number the sections consecutively, correct the internal references accordingly, and correct the title.

Representatives Dickerson and Ross spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway, Darneille, Kessler, Goodman and McCoy spoke in favor of passage of the bill.

Representatives Schindler, Ericksen, Rodne, Pearson and Armstrong spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6157, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6157, as amended by the House, and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Walsh, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Priest, Rodne, Rolfes, Ross, Schindler, Skinner, Strow, Sump, Van De Wege, Wallace and Warnick - 33.

Excused: Representative Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 2101 was returned to the Committee on Rules.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 11:00 a.m., April 22, 2007, the 105th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

## SIXTIETH LEGISLATURE - REGULAR SESSION

## ONE HUNDRED FIFTH DAY

House Chamber, Olympia, Sunday, April 22, 2007

The House was called to order at 11:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dave Mangino, Ron Finley and Jarrod Combs. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Joyce McDonald.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**POINT OF PERSONAL PRIVILEGE**

Representative Springer: "Thank you, Mr. Speaker. As this legislative session winds down and we are in the one hundred and fifth day, many of us look back and wonder how in the world did we ever get here. And how in the world did we ever keep track of all that paper. The people standing behind you, Mr. Speaker, are those people responsible for keeping us on track and for keeping us attuned to the job we are here to do. I am reminded of earlier in the session, when the Bar had stacks of paper a foot-and-an-half high the length of the Bar. It was the staff behind you that produced it, kept it in order and actually had it organized because Lord knows we probably did not. So it is with great pleasure and respect that I want to commend to the Chamber the staff from the Chief Clerk's Office, the Workroom and the House Accounting Office for the work they have done to make our jobs even easier. Thank you, Mr. Speaker."

**POINT OF PERSONAL PRIVILEGE**

Representative Newhouse: "Thank you, Mr. Speaker. Many of us never truly understand what has to happen behind the scenes that makes the work we do happen on schedule and in such a manner that we can actually get anything done. These are the people that make it all happen. They make the old saying 'they make the trains run on time' true. They worry about the details of all of the little intricacies of this process so that we can worry about the policy and try to get that right. So we couldn't do our job without these folks. We think that this is a very fitting thing to take a few minutes to offer them our thoughts. Mr. Speaker, we wholeheartedly as a whole body do that this morning. Thank you."

**POINT OF PERSONAL PRIVILEGE**

Representative Roberts: "Thank you, Mr. Speaker. One of the things that I find very affirming in this house is that we are often expressing our thanks to people who do hard work. There are a group of people who I think have done tremendous work this year. They are very invisible to us. Those are the people who keep the grounds of this Capitol campus. One of the greatest joys I have experienced in this session has been the beauty that surrounds us. Mother Nature plays a

significant role but somebody else had to think of plans, buy the 35,000 tulip bulbs and decide to get them planted. I would ask the Clerk or anyone else who could convey this message for us, and I hope everyone else agrees that we have found joy in this and appreciate all the hard work that makes it happen. Thank you."

**MESSAGES FROM THE SENATE**

April 22, 2007

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 2007

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,  
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 2007

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1041,  
SECOND SUBSTITUTE HOUSE BILL NO. 1088,  
SUBSTITUTE HOUSE BILL NO. 1091,  
SUBSTITUTE HOUSE BILL NO. 1098,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179,  
SUBSTITUTE HOUSE BILL NO. 1266,  
SECOND SUBSTITUTE HOUSE BILL NO. 1277,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,  
SUBSTITUTE HOUSE BILL NO. 1333,  
SECOND SUBSTITUTE HOUSE BILL NO. 1334,  
HOUSE BILL NO. 1343,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,  
HOUSE BILL NO. 1377,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**POINT OF PERSONAL PRIVILEGE**

Representative Appleton: "Thank you, Mr. Speaker. I don't know how to say thank you to a group of people who are the glue that keeps our community together. They know everything. You can ask them anything. They know the RCWs, they know the WACs, they know everything. In my previous life, I lived and worked with them for 11 years and they are the information source that all of us rely on. I stole one of their own to be my Legislative Assistant and have been so thrilled. We still call them when we need information. This is the Legislative Information Center – I still call it the

Bill Room but those who are new call it the Legislative Information Center – and also the Hotline is part of LIC. We cannot forget those wonderful men and women who answer all the phones and take all the heat that we don't have to take. I think, Mr. Speaker, that we should give our fellow LIC people a big hand and a big thank. They are the glue that holds us together."

**POINT OF PERSONAL PRIVILEGE**

Representative Warnick: "Thank you, Mr. Speaker. I would also like to thank the people in the background. Coming my first year, I never realized how many people were back there supporting our good ideas and quickly turning them into amendments, quickly turning them into bills, quickly getting all of our counters filled up for us. I have a little sign here saying 'no paper please' and that is nothing against you folks because I could see the stacks rising and rising. However, I have been up to the front many times. I really appreciate all the support you have given us; all the information that you give us at the last minute and the support that we've needed from you. Thank you very much."

**POINT OF PERSONAL PRIVILEGE**

Representative Ericks: "Thank you, Mr. Speaker. In addition to all the wonderful things that were said by the previous speakers, I would like to rise and say that in the group before us, the one in the middle in pink is pretty hot. And if she isn't doing anything after we SINE DIE I'd like for her to go home with me. And that is my wife, Debbie."

**POINT OF PERSONAL PRIVILEGE**

Representative Pedersen: "Mr. Speaker, we have an incredibly talented crew of photography and video services people who have put us in good light for our constituents, for our colleagues and I am especially grateful today after the display earlier in caucus that I was not found in any compromising positions. On behalf of all of us, Mr. Speaker, I would like to express gratitude for the services these folks have provided to all of us here in helping to put the best light on the things we do here."

**POINT OF PERSONAL PRIVILEGE**

Representative Condotta: "Mr. Speaker, I would like to also thank the video and photo crew for trying to make these guys look good. It is a full-time job. I appreciate the fact that you are using more photo shop lately and that you have been able to modify some of the pictures. But I do have one little bone to pick – one of the most stressful things that we do here, I think, is making a four-and-an-half-minute video knowing you have to get through the whole thing without making a mistake. At least that was the way I thought it was. For eight straight weeks I broke into a near sweat trying to do one take on these videos and about eight weeks in I had to the end of one and I couldn't remember my phone number. And I thought I got to do it all over again. The gentleman said 'oh, no, we'll just edit it.' I said 'you're kidding, you can do that?' And I haven't done a one take since. Thank you for a fabulous year."

**POINT OF PERSONAL PRIVILEGE**

Representative Hudgins: "Thank you, Mr. Speaker. The folks in front of the Rostrum are the kitchen staff. For the

people who are watching us on TVW, they toil in a space below the Chamber with no windows, no natural light and their job is to feed us members when we break for lunch. As you certainly know, Mr. Speaker, we never know when we are going to break exactly or for how long. There have been occasions when all 98 of us flood downstairs and have to be fed in 15 minutes. At other times, when we actually have a little bit more time, it takes an hour-and-an-half. Either way the kitchen staff has done a great job of feeding us early in the morning, during the day for lunch and even late into the evening. I as a bachelor certainly appreciate anybody else cooking for me. My mom did a good job and she taught me how to cook; I'm just not very good at it. And so I very much appreciate and would like to sincerely thank the kitchen staff for all of the lunches, all of the breakfasts and all of the dinners that you have fed all of the people here trying to do the business of the State. Thank you for much."

**POINT OF PERSONAL PRIVILEGE**

Representative Hailey: "It is also my distinct pleasure to thank the kitchen staff. My seat back here is fairly close to the door as well as my friend from the other side of the aisle, the gentleman from the 21<sup>st</sup> District. We actually have the best access here in the House to the kitchen. The first rules we learned during our orientation session was 'remember freshman twenty'. Some of us have done a little bit better job than others. Ladies, you are absolutely wonderful, your cooking has been excellent – particularly the prime rib dinner the other night. It was absolutely right on the money. I look forward to coming back in a few short months and partaking again. Thank you very much."

**POINT OF PERSONAL PRIVILEGE**

Representative Hunt: "Mr. Speaker, we have in front of us the staff from the Office of the Code Reviser. We sign pieces of paper, we ask staff to do amendments, we come up with the greatest idea ever for a bill and voila -- it materializes. These are the people who do it. Over 3500 bills they have drafted this session for the House and Senate. I think that I was asked to honor them because the State Government committee had more bills and probably more amendments than any other committee in the Legislature this year. I want to thank you for all your hard work – Kyle Thiessen and the staff. We have nine drafting attorneys, we have editors, keyboarders, proof readers, administrative personnel that together did all of this work. When we leave for the evening, they stay. They draft the bills, they draft the amendments, they get them all ready and produce them for us so that they are in the proper form. They fit into the State law or into the bill in the proper place and I just like to thank each and everyone of you for the many hours of long and hard work that you put in for us and help us to get this job done. Thank you very much."

**POINT OF PERSONAL PRIVILEGE**

Representative Chandler: "Thank you, Mr. Speaker. For me to think of all the thousands of ideas – I appreciate the gentleman from the 22<sup>nd</sup> District recognizing that my idea was a brilliant one – that come here every year to transform even one of them into a coherent thought is an amazing thing but to do it 3500 to 4000 times in the Session is absolutely a miracle. The work that the Code Reviser's Office does is really not just a skill but it's an art. We have to listen to each other all through session but they have to pay attention. For that we all

very much appreciate and thank you. Congratulations on a very admirable job."

#### POINT OF PERSONAL PRIVILEGE

Representative Morris: "Thank you, Mr. Speaker. As many of you know, my wife and I were in and out of the hospital back in March with some complications around a pregnancy that we are expecting – she doing most of the work – I wanted to take a second to express on behalf of both of us our thanks for all the members and staff who came up and gave us not only their well wishes but were legitimately concerned in getting daily updates about how things were going. It meant a lot to both of us. We all sacrifice a lot with our families here but it really meant a lot to have the support of my colleagues and I want to thank the members of the body for both of us. My wife is here in the Gallery. On behalf of both of us we want to thank the members for your concern and support. Thank you."

#### MESSAGE FROM THE SENATE

April 22, 2007

Mr. Speaker:

The Senate refused to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6023 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6023 was returned to second reading for purpose of amendment.

#### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe and Rasmussen)**

**Concerning the Washington assessment of student learning.**

With the consent of the House, amendments ((872), (896), (939) and (940) ) were withdrawn.

Representative P. Sullivan moved the adoption of amendment (941):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature maintains a strong commitment to high expectations and high academic achievement for all students. The legislature finds that Washington schools and students are making significant progress in improving achievement in reading and writing. Schools are adapting instruction and providing remediation for students who need additional assistance. Reading and writing are being taught across the curriculum. Therefore, the legislature does not intend to make changes to the Washington assessment of student learning or high school graduation requirements in reading and writing.

(2) However, students are having difficulty improving their academic achievement in mathematics and science, particularly as measured by the high school Washington assessment of student learning. The legislature finds that corrections are needed in the state's high school assessment system that will improve alignment

between learning standards, instruction, diagnosis, and assessment of students' knowledge and skills in high school mathematics and science. The legislature further finds there is a sense of urgency to make these corrections and intends to revise high school graduation requirements in mathematics and science only for the minimum period for corrections to be fully implemented.

**Sec. 2.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or section 4 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has ~~((retaken))~~ taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning ~~no later than~~ with the graduating class of ~~((2010))~~ 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) ~~((Beginning in 2006,))~~ School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) ~~((Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006,))~~ Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics ~~((portion of the preliminary scholastic assessment test (PSAT))), reading or English, or writing portion of the scholastic assessment test (SAT)((:)) or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the ((mathematics)) state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the ((mathematics)) relevant portion of the ((PSAT:)) SAT(:)) or ACT to meet or exceed the state standard ((for mathematics)) in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, ((2006, and thereafter)) 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards ((for mathematics)).~~

~~((ii) Until August 31, 2008, a student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.~~

~~((iii) A student who scores at least a three on the grading scale of one to five for selected advance placement examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the advance placement examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the advance placement examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the advance placement examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.~~

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. ~~((This requirement shall be phased in as follows:~~

~~—(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan:~~

~~—(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan:~~

~~—(iii)) (i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.~~

~~((iv)) (ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

(b) ~~((Beginning with the 2005-06 school year and every year thereafter,))~~ All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of ~~((a)) the student ((described in this subsection (12)(b)))~~ shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

**Sec. 3.** RCW 28A.155.045 and 2004 c 19 s 104 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in section 4 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined

in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the graduating class of 2008 and through no later than the graduating class of 2012, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics standard on the high school Washington assessment of student learning, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(d)(i) For the graduating class of 2008, successfully earn one additional high school mathematics credit or career and technical course equivalent, including courses offered at skill centers, after the student's eleventh grade year intended to increase the student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning and continue to take the appropriate mathematics assessment at least once annually until graduation; and

(ii) For the remaining graduating classes under this section, successfully earn two additional mathematics credits or career and technical course equivalent, including courses offered at skill centers, after the student's tenth grade year intended to increase the student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning and continue to take the appropriate mathematics assessment at least once annually until graduation.

(2) The state board of education may adopt a rule that ends the application of this section with a graduating class before the graduating class of 2012, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the provisions of this section no longer apply. The state board of education's authority under this section does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(3) This section expires August 31, 2013.

**Sec. 5.** RCW 28A.655.070 and 2005 c 497 s 106 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven

working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system (~~shall~~) may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

~~(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.~~

~~((b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.))~~

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

**Sec. 6.** RCW 28A.655.065 and 2006 c 115 s 1 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through ~~((retaking the Washington assessment of student learning;))~~ regular and consistent attendance at school~~((;))~~ and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant, as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the

applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28C.04.110, the superintendent of public instruction shall develop additional guidelines for a collection of work samples that evidences that the collection:

(i) Is relevant to the student's particular career and technical program;

(ii) Focuses on the application of academic knowledge and skills within the program;

(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program.

(c) The superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option.

The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction ((may)) shall adopt rules to implement this section.

**Sec. 7.** RCW 28A.655.063 and 2006 c 115 s 5 are each amended to read as follows:

Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall provide funds to school districts ((shall)) to reimburse students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the ((mathematics)) results as an objective alternative assessment. The office of the superintendent of public instruction may, as an alternative to providing funds to school districts, arrange for students to receive a testing fee waiver or make other arrangements to compensate the students.

**Sec. 8.** RCW 28A.655.200 and 2006 c 117 s 4 are each amended to read as follows:

(1) ~~((In the absence of mandatory, statewide, norm-referenced assessments,))~~ The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance ((guidance and planning for students and to)) student learning at all grade levels and provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under ~~((subsection (5) of))~~ this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) ~~((By September 1, 2005, subject to available funds,))~~ The office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary, middle, and high school grades available to school districts ((diagnostic assessments that)). Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school Washington assessment of student learning. To the greatest extent possible, the assessments shall be:

(a) Aligned to the state's grade level expectations;

(b) Individualized to each student's performance level;

(c) Administered efficiently to provide results either immediately or within two weeks;

(d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;

(e) Readily available to parents; and

(f) Cost-effective.

~~(5) ((Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional strategies to assist students before the high school Washington assessment of student learning.~~

~~((6)) The office of the superintendent of public instruction ((is encouraged to)) shall offer training at statewide and regional staff development activities ((training opportunities that would assist practitioners)) in:~~

(a) The interpretation of diagnostic assessments; and

(b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.655 RCW to read as follows:

(1)(a) The legislature's intent is to make significant improvements in the high school Washington assessment of student learning in the content areas of mathematics and science before requiring students to meet the state standard on the assessment for graduation purposes.

(b) The legislature believes that a high school assessment system where students receive instruction through credited high school mathematics and science courses and have their knowledge and skills assessed after they complete the courses would be a superior assessment system for mathematics and science to the current form of the Washington assessment of student learning. The legislature also believes that end-of-course assessments would offer more timely results, better diagnostic information, and improved alignment between curriculum, instruction, and assessment. End-of-course assessments in mathematics should cover the content of at least algebra I and geometry. End-of-course assessments in science should cover the content of at least biology, but also address other science content areas.

(c) However, the legislature acknowledges that replacing the current form of the Washington assessment of student learning in mathematics and science with end-of-course assessments represents a significant change that should be thoroughly evaluated and that an implementation timeline to shift to end-of-course assessments no later than for the graduating class of 2013 should be carefully developed.

(2) The state board of education, in consultation with the superintendent of public instruction, shall examine and recommend changes to the high school Washington assessment of student learning in the content areas of mathematics and science. The state board of education may contract with one or more independent national consultants to conduct the examination. The primary change to be examined shall be replacing the current high school Washington assessment of student learning with a limited series of end-of-course assessments in mathematics and science. The examination of end-of-course assessments shall include:

(a) An objective analysis of the potential strengths and weaknesses of end-of-course assessments as the primary high school assessment tool for student and school accountability;

(b) Analysis of the possible impact of end-of-course assessments on curriculum and instruction in mathematics and science;

(c) The appropriate mathematics and science content to be covered by end-of-course assessments;

(d) Recommended implementation timelines and issues to be addressed in replacing the current assessment; and

(e) An analysis of the costs of adopting end-of-course assessments.

(3) In any request for proposals for a new testing contractor for the Washington assessment of student learning, the superintendent of public instruction shall include the possible changes being examined by the state board of education so that additional information about

the cost and feasibility of the changes can be provided by prospective testing contractors.

(4) The state board of education shall submit a report to the superintendent of public instruction and the education committees of the legislature by January 10, 2008. The report shall contain findings from the examination under this section, recommendations for changes to the high school Washington assessment of student learning in mathematics and science, and a timeline for expedited implementation of the recommended changes.

(5) The legislature intends that the changes recommended by the state board of education under this section shall be able to be implemented no later than the 2010-11 school year in order to apply to the graduating class of 2013. If the state board of education finds that the changes cannot feasibly be implemented by the 2010-11 school year, the state board shall state the specific reasons for such a finding, along with supporting evidence, and recommend a revised expedited timeline.

(6) This section expires June 30, 2009.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) Before the 2007-08 school year, each educational service district shall implement an appeals panel or panels comprised of teachers, principals, and members of the business community with relevant knowledge or expertise to review and decide appeals submitted by students who did not meet the state standard on the tenth grade Washington assessment of student learning or an objective alternative assessment in one or more of the content areas assessed. The appeal under this section shall be an appeal by a student to demonstrate that he or she has the level of understanding of a content area assessed on the Washington assessment of student learning necessary to meet the state standard but was unable to demonstrate that understanding on the assessment or alternative assessment. An appeals panel must issue a determination of whether the appeal is approved or denied within sixty days of receiving an appeal application.

(2) A student is eligible to access the appeals process under this section if the student is in his or her junior or senior year of high school; has retaken the Washington assessment of student learning or has taken an alternative assessment in the content area in which the student is appealing; has participated in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061; and meets at least one of the following additional eligibility requirements:

(a) The student has met or is on track to meet all other state and local graduation requirements except for meeting the state standard on the Washington assessment of student learning;

(b) The student has completed a career and technical education industry certification program, or is on track to enter an articulated postsecondary program in an accredited community or technical college that leads to industry certification;

(c) The student is eligible for assessment accommodations, including accommodations for students with individualized education programs, students with plans developed pursuant to section 504 of the rehabilitation act of 1973, and English language learners. For students appealing under this subsection (2)(c), the panel shall consider, at a minimum, whether the appropriate assessment accommodation was provided; or

(d) The student is an English language learner who has been in the United States for fewer than three years.

(3) The educational service districts shall jointly submit an annual report to the legislature on the number and types of appeals received and approved.

(4) The state board of education shall adopt rules to implement this section by August 1, 2007. The rules shall include uniform criteria to be used by the appeals panels in making the panels' determinations. The criteria shall include review of the student's cumulative grade point average for those courses required for high school graduation; whether the student had regular and consistent attendance at school; the student's high school and beyond plan; and the student's culminating project. The state board of education may include additional criteria if necessary and shall determine how much weight shall be given to each criteria.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.655 RCW to read as follows:

English language learners who score below level four on the Washington language proficiency test or the equivalent level of the evaluation used by the superintendent of public instruction to assess the English and academic proficiency of English language learners under RCW 28A.180.090 shall not be required to take the Washington assessment of student learning, except as required by federal law. However, these students are still subject to the graduation requirements established in RCW 28A.655.061.

**NEW SECTION. Sec. 12.** (1) The superintendent of public instruction and the workforce training and education coordinating board shall jointly convene and staff an advisory committee to identify career and technical education curricula that will assist in preparing students for the state assessment system and provide the opportunity to obtain a certificate of academic achievement.

(2) The advisory committee shall consist of the following nine members:

(a) Four members of the legislature, with two members each appointed by the respective caucuses of the house of representatives and the senate;

(b) One representative from the career and technical education section of the office of the superintendent of public instruction;

(c) One member appointed by the workforce training and education coordinating board; and

(d) Three members appointed by the superintendent of public instruction and the workforce training and education coordinating board based on recommendations from the career and technical education community.

(3) The advisory committee shall appoint a chair from among the nonlegislative members.

(4) Legislative members of the advisory committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) By January 15, 2008, the advisory committee shall provide an initial report to the governor and the legislature and, if necessary, a work plan with additional reporting deadlines, which shall not extend beyond December 15, 2008.

**NEW SECTION. Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Schindler moved the adoption of amendment (942) to amendment (941):

On page 1, line 3 of the striking amendment, after "**Sec. 1.**" strike all material through "instruction." on page 3, line 31 and insert "RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Beginning with the graduating class of 2008, acquisition of one of the certificates provided in this subsection is required for high school graduation but is not the only requirement for graduation. The student's transcript shall note whether the student earned a certificate of academic achievement, a certificate of completion, or a certificate of individual achievement.

(a) A student who meets the state standards on each of the content areas required under subsection (5) of this section on the high school Washington assessment of student learning or through an approved objective alternative assessment shall earn a certificate of academic achievement.

(b) A student who successfully meets all state and local high school graduation requirements except for earning a certificate of academic achievement and fulfills the requirements established in subsection (6) of this section shall earn a certificate of completion.

(c) A student who is eligible under and successfully meets the provisions of RCW 28A.155.045 shall earn a certificate of individual achievement.

(3) The state board of education may not require the acquisition of the certificate of academic achievement or the certificate of completion for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students eligible and satisfying the provisions of RCW 28A.155.045.

(4) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. ((With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

~~---~~ (5)(a) Beginning with the graduating class of 2008, ((with the exception of students satisfying the provisions of RCW 28A.155.045;)) a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement.

(b) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under (a) of this subsection on the Washington assessment of student learning or an objective alternative assessment in order to earn a certificate of academic achievement.

(6) If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then:

(a) The school district shall prepare a student learning plan, according to the provisions of subsection (12) of this section, that specifies the courses and competencies the student must complete to receive a certificate of completion. The courses and competencies must include instruction in each of the content areas in which the student does not meet the standard on the Washington assessment of student learning. The courses shall be intended to increase the student's proficiency toward meeting or exceeding the state standards in that content area. Specific consideration shall be given to whether career and technical education courses, online courses, or courses at skill centers could be used to meet the coursework requirements. The student learning plan shall also establish a minimum grade point average that the student must receive in the course in order for the course to count toward the certificate of completion.

(b) The student must retake the assessment in the content area or areas at least annually until the student meets the state standard or the student graduates from high school. The student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has ((retaken)) taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

~~---~~ ((4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective

alternative assessments in order to earn a certificate of academic achievement.

~~---~~ (5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

~~---~~ (6)) (7)(a) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

~~---~~ ((7) Beginning in 2006;)) (b) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(8) School districts must make available to students the following options:

(a) The opportunity to retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) The opportunity to retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

~~---~~ ((8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction;))"

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 6, beginning on line 22 of the striking amendment, strike all of sections 3 and 4

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 21, after line 17 of the striking amendment, insert the following:

"**Sec. 13.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, a certificate of completion, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement, a certificate of completion, or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

**Sec. 14.** RCW 28A.200.010 and 2004 c 19 s 107 are each amended to read as follows:

(1) Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

(a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15th of the school year or within two weeks

of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

(b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of academic achievement, a certificate of completion, or a certificate of individual achievement pursuant to RCW 28A.655.061 and 28A.155.045. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

**Sec. 15.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement or the certificate of completion requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board. The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement or a certificate of completion, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. The board shall ~~((reports report))~~ report its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

**Sec. 16.** RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement, a certificate of completion, or a certificate of academic achievement.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

**Sec. 17.** RCW 28A.600.310 and 2005 c 125 s 1 are each amended to read as follows:

(1) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education. A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW

shall not be required to meet the student learning goals, obtain a certificate of academic achievement, a certificate of completion, or a certificate of individual achievement to graduate from high school, or to master the essential academic learning requirements. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, the higher education coordinating board, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The institution of higher education shall not require the pupil to pay any other fees. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the institution of higher education."

Renumber the remaining section consecutively and correct internal references accordingly.

Representatives Schindler and Hasegawa spoke in favor of the adoption of the amendment (942) to amendment (941).

Representative Hunter spoke against the adoption of the amendment (942) to amendment (941).

The amendment (942) to amendment (941) was not adopted.

Representative Priest moved the adoption of amendment (943) to amendment (941):

On page 1, beginning on line 23 of the striking amendment, strike all material through "2008." on page 21, line 17 and insert the following:

**"Sec. 2.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate.

With the exception of students satisfying the provisions of RCW 28A.155.045 or section 4 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has ~~((retaken))~~ taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. (4) Beginning with the graduating class of ~~((2010))~~ 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) ~~((Beginning in 2006;))~~ School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) ~~((Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006;))~~ Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics or reading portion of the preliminary scholastic assessment test (PSAT)(~~(?)~~) or on the

mathematics, reading or English, or writing portion of the scholastic assessment test (SAT)(~~(?)~~) or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the ~~((mathematics))~~ state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the ~~((mathematics))~~ relevant portion of the PSAT, SAT, or ACT to meet or exceed the state standard ~~((for mathematics))~~ in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, ~~((2006, and thereafter))~~ 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards ~~((for mathematics))~~.

(ii) The superintendent of public instruction shall implement an alternative assessment for mathematics that presents the mathematics essential academic learning requirements in segments; is comparable in content and rigor to the tenth grade mathematics assessment when all segments are considered together; is reliable and valid; and can be used to determine a student's academic performance level. The segmented mathematics assessment authorized under this subsection (10)(b)(ii) may be used as an objective alternative assessment under this section for demonstrating that a student has met the mathematics standards for the certificate of academic achievement.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. ~~((This requirement shall be phased in as follows:~~

~~(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan;~~

~~(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan;~~

~~(iii))~~ (i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

~~((iv))~~ (ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) ~~((Beginning with the 2005-06 school year and every year thereafter;))~~ All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of ~~((a))~~ the student ~~((described in this subsection (12)(b)))~~ shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

**Sec. 3.** RCW 28A.155.045 and 2004 c 19 s 104 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in section 4 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the graduating class of 2008 and through the graduating class of 2012, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics standard on the high school Washington assessment of student learning, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(d)(i) For the graduating class of 2008, successfully earn one additional high school mathematics credit after the student's eleventh grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning; and

(ii) For the remaining graduating classes under this section, successfully earn two additional mathematics credits after the student's tenth grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning.

(2) This section expires August 31, 2013.

**Sec. 5.** RCW 28A.655.070 and 2005 c 497 s 106 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system ~~((shall))~~ may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

~~(5)((a))~~ The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.))~~

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and

are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

**Sec. 6.** RCW 28A.655.063 and 2006 c 115 s 5 are each amended to read as follows:

Subject to the availability of funds appropriated for this purpose, ~~((school districts shall reimburse))~~ the office of the superintendent of public instruction shall provide funds to school districts, arrange for students to receive a testing fee waiver, or make other arrangements to compensate students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the ~~((mathematics))~~ results as an objective alternative assessment.

**Sec. 7.** RCW 28A.655.200 and 2006 c 117 s 4 are each amended to read as follows:

(1) ~~((In the absence of mandatory, statewide, norm-referenced assessments,))~~ The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance ~~((guidance and planning for students and to))~~ student learning at all grade levels and provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under ~~((subsection (5) of))~~ this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) ~~((By September 1, 2005, subject to available funds,))~~ The office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary and middle school grades available to school districts ~~((diagnostic assessments that))~~. Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school Washington assessment of student learning. To the greatest extent possible, the assessments shall be:

(a) Aligned to the state's grade level expectations;

(b) Individualized to each student's performance level;

(c) Administered efficiently to provide results either immediately or within two weeks;

(d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;

(e) Readily available to parents; and

(f) Cost-effective.

(5) ~~((Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional strategies to assist students before the high school Washington assessment of student learning.~~

~~((6))~~ The office of the superintendent of public instruction ~~((is encouraged to))~~ shall offer training at statewide and regional staff development activities ~~((training opportunities that would assist practitioners))~~ in:

(a) The interpretation of diagnostic assessments; and

(b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

**NEW SECTION. Sec. 8.** (1)(a) The legislature's intent is to make significant improvements in the high school Washington assessment of student learning in the content areas of mathematics and science before requiring students to meet the state standard on the assessment for graduation purposes.

(b) The legislature believes that a high school assessment system where students receive instruction through credited high school mathematics and science courses and have their knowledge and skills assessed after they complete the courses would be a superior assessment system for mathematics and science than the current form of the Washington assessment of student learning. The legislature also believes that end-of-course assessments would offer more timely results, better diagnostic information, and improved alignment between curriculum, instruction, and assessment. End-of-course assessments in mathematics should cover the content of at least algebra I and geometry. End-of-course assessments in science should cover the content of at least biology, but also address other science content areas.

(c) However, the legislature acknowledges that replacing the current form of the Washington assessment of student learning in mathematics and science with end-of-course assessments represents a significant change that should be thoroughly evaluated and that an implementation timeline to shift to end-of-course assessments in time for the graduating class of 2013 should be carefully developed.

(2) The state board of education, in consultation with the superintendent of public instruction, shall examine and recommend changes to the high school Washington assessment of student learning in the content areas of mathematics and science. The state board of education may contract with one or more independent national consultants to conduct the examination. The primary change to be examined shall be replacing the current high school Washington assessment of student learning with a limited series of end-of-course assessments in mathematics and science. The examination of end-of-course assessments shall include:

(a) An objective analysis of the potential strengths and weaknesses of end-of-course assessments as the primary high school assessment tool for student and school accountability;

(b) Analysis of the possible impact of end-of-course assessments on curriculum and instruction in mathematics and science;

(c) The appropriate mathematics and science content to be covered by end-of-course assessments;

(d) Recommended implementation timelines and issues to be addressed in replacing the current assessment; and

(e) An analysis of the costs of adopting end-of-course assessments.

(3) In any request for proposals for a new testing contractor for the Washington assessment of student learning, the superintendent of public instruction shall include the possible changes being examined by the state board of education so that additional information about the cost and feasibility of the changes can be provided by prospective testing contractors.

(4) The state board of education shall submit a report to the superintendent of public instruction and the education committees of the legislature by January 10, 2008. The report shall contain findings from the examination under this section, recommendations for changes to the high school Washington assessment of student learning in mathematics and science, and a timeline for expedited implementation of the recommended changes.

(5) The legislature intends that the changes recommended by the state board of education under this section shall be able to be implemented no later than the 2010-11 school year in order to apply to the graduating class of 2013. If the state board of education finds that the changes cannot feasibly be implemented by the 2010-11 school year, the state board shall state the specific reasons for such a finding, along with supporting evidence, and recommend a revised expedited timeline.

(6) This section expires June 30, 2009.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) In allocating state funds for the promoting academic success program, the legislature has recognized that high school students whose scores represent a near miss of the state standard on the Washington assessment of student learning require fewer remedial resources to ensure that they meet the state standard on the next attempt. However, there is significant variation among the remaining students whose scores represent a far miss of the state standard regarding their levels of knowledge and skills, and consequently the levels of remediation they will need.

(2) School districts receiving funding allocations through the promoting academic success program for high school students scoring more than one standard error of measurement from meeting the state standard shall assign more resources per student to support students scoring at level one on the Washington assessment of student learning than are assigned to support students scoring at level two."

Renumber the remaining section consecutively.

Representatives Priest and Jarrett spoke in favor of the adoption of the amendment (943) to amendment (941).

Representative Quall spoke against the adoption of the amendment (943) to amendment (941).

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (943) to amendment (941) to Engrossed Substitute Senate Bill No. 6023.

#### MOTION

On motion of Representative Schindler, Representative Roach was excused.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (943) to amendment (941) to Engrossed Substitute Senate Bill No. 6023, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 59, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, DeBolt, Ericksen, Hailey, Haler, Hankins, Hinkle, Hurst, Jarrett, Kelley, Kirby, Kretz, Kristiansen, Linville, McCune, McDonald, Morrell, Newhouse, Pearson, Priest, Rodne, Rolfes, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 38.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Excused: Representative Roach - 1.

Amendment (941) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives P. Sullivan, Haigh, McDermott, Seaquist and McCune spoke in favor of passage of the bill.

Representatives Priest, Anderson, Haler, Ahern, Schindler, Orcutt, Hasegawa, Miloscia, Skinner, Jarrett and Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6023, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6023, as amended by the House, and the bill passed the House by the following vote: Yeas - 56, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, Darneille, DeBolt, Dunn, Ericksen, Flannigan, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hunter, Jarrett, Kretz, Kristiansen, McDonald, McIntire, Miloscia, Moeller, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Skinner, Springer, Strow, Sump, Walsh and Warnick - 41.

Excused: Representative Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Santos: "Thank you, Mr. Speaker. It is with a heavy heart that I share with you and with members of this Chamber the passing of former Speaker of the House John L. O'Brien. I am very proud to occupy position number one from the 37<sup>th</sup> Legislative District, a position that was long occupied by the great John L. O'Brien. He was appointed in 1939, Mr. Speaker, during the presidency of Franklin Delano Roosevelt. He left office in 1993 after serving 26 consecutive terms in this Chamber under nine different governors both Democrat and Republican. That is more than fifty years of legislative service – the longest record in the Nation and had served with historical figures from our State history such as Julia Butler Hanson. Indeed, Mr. Speaker, there are only three members of this Chamber who have served with him. He did serve four terms as Speaker of the House where he earned many laudatory praises for his style, for his fairness and for being a master of parliamentary process including being dubbed 'the fastest gavel North of the Pecos'.

Mr. Speaker, John L. O'Brien served as Speaker Pro Tempore for 20 years. He served as the Majority Leader,

Minority Leader and on every major committee in the Washington State House of Representatives. Among his many legislative accomplishments are things that we see and perhaps take for granted every day – the statues that grace our lobby of Mother Joseph and Marcus Whitman for example. Mr. Speaker, a program that you are very familiar with – the Medals of Merit. He was equally active and supportive of his Southeast Seattle community working with the Rainier Chamber of Commerce, the Southeast Crime Prevention Council and the Central Area Senior Center. He was the subject of a biography entitled "Speaker of the House: The Political Career and Times of John L. O'Brien". With your permission, Mr. Speaker, I would like to read from a brief tribute to Speaker O'Brien from Governor Daniel J. Evans on the occasion of his retirement from the Washington State Legislature.

"Dear John, when I arrived in Olympia thirty six years ago as a freshman legislator you were already Speaker of the House. As a rookie lawmaker, I was awed and a little frightened of the austere figure with the gavel who presided over the sometimes rambunctious body. It didn't take long however to discover a wry Irish sense of humor and deep devotion to the Legislature. From that time I have admired your extraordinary understanding of our democratic process. It's sometime messy and at times contentious and will only work with leaders who know and respect our democracy. You have contributed mightily to our State and few public figures in the Nation have done more to make our system work well. Congratulations on a life of contribution to our State. We are all winners because of your half-century of service to all of us. Thanks. Sincerely, Daniel J. Evans".

Mr. Speaker, I cannot think of a finer tribute to the longest serving Speaker of our House of Representatives. And I ask you to join me in extending our heartfelt condolences on behalf of all residents of this great State to his loving wife Mary and to his children, Laurie, John Junior, MaryAnn, Karen, Jeannie and Paul along with their families.

Thank you, Mr. Speaker."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Sommers: "Thank you, Mr. Speaker. I had the honor and opportunity to serve for a long time with John L. O'Brien. It was a wonderful experience. I knew him as Speaker Pro Tempore. He was Speaker Pro Tempore for about 20 years. It was hard to imagine that there would be another figure as Speaker Pro Tempore. We know different now but he was a leader, a figure, a well-recognized feature really in this House. Having served for so many years and with his national record for serving but we knew him as Speaker Pro Tempore, parliamentarian, the man who knew the rules and kept us to those rules. He knew the rules of the House and to him it was very important and he made it important to us that our decorum, our procedure, that we followed good legislative procedure and in that way we honored and respected his presence, his knowledge and what he brought to us.

I had the opportunity to meet his wife Mary and members of his family. Of course our thoughts go out to them today. We will always remember him as a fine leader, an outstanding Speaker and Speaker Pro Tempore. I am pleased to be part of the speakers honoring him today."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Rodne: "Thank you, Mr. Speaker. As many of you know, I practice law with Speaker O'Brien's son,

John O'Brien Junior and I am very saddened to learn of the Speaker's passing today. I want to share a story with the members of the body. I think it is only fitting. About a year ago, John O'Brien Junior thought it might be good to get an autographed copy of the Speaker's book to present to me as a gift. So he went to the Speaker's home in Seattle and placed a copy of his book before the Speaker and asked him to sign the book. As Speaker O'Brien picked up his pen and started to sign, he asked what party I was from. John Junior said 'he's a Republican, Dad'. The good Speaker put the pen down and said 'I'm not going to sign that book.' John Junior being the quick witted lawyer that he is, responded 'but Dad, he's a Catholic, that's okay. You can sign it.' And the Speaker took the pen and signed the book. I display that on my bookshelf at home. God bless Mr. Speaker and thank you for your extraordinary service to the people of this State. Thank you."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Hankins: "Thank you, Mr. Speaker. The story just told by our representative here reminds me of the first time that I had any contact with Mr. O'Brien. It was an extraordinary experience. Believe me. I was a freshman in 1981 and we were all told to go to the Rules Room. Every freshman in the building. We went to the Rules Room and we had to sit down and Speaker O'Brien came in. Actually he was the Minority Leader at that time because Bill Polk was the Speaker of the House. We were instructed by Representative O'Brien how we would conduct ourselves and that we were not allowed to address the Speaker unless we really had something to say. I was just amazed sometimes out here on the floor that some people talk the way they do. That's why I don't ever say very much; I don't have a lot to say. But one day on the House floor, I will relate this story and I hope that Karen Schmidt is listening because she was very upset about an issue that dealt with travel agencies. Perhaps the lady from the 36<sup>th</sup> District will remember this. At the end of former Representative Schmidt's conversation with the Speaker about this issue, she did a raspberry in the microphone and the Speaker dropped the gavel so hard that it fell and it was very interesting because even he couldn't keep a straight face on that one. But the one thing we always remembered about Speaker O'Brien was the fact that on St. Patrick's Day we enjoyed Irish coffee in his office. Thank you, Mr. Speaker."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Sommers: "I wanted to say and I forgot to do so earlier, that St. Patrick's Day became the major holiday that was referred to by the lady from the 8<sup>th</sup> District. It was important but believe me that it was spectacular when John O'Brien was here."

#### **SPEAKER'S PRIVILEGE**

Mr. Speaker (Representative Lovick presiding): "The Speaker would like to thank the members for their kind remarks. The people of Washington and this institution have lost a cherished and revered leader."

Mr. Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1041,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1088,  
 SUBSTITUTE HOUSE BILL NO. 1091,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,  
 SUBSTITUTE HOUSE BILL NO. 1098,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179,  
 SUBSTITUTE HOUSE BILL NO. 1266,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1277,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,  
 SUBSTITUTE HOUSE BILL NO. 1333,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1334,  
 HOUSE BILL NO. 1343,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,  
 HOUSE BILL NO. 1377,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,  
 SUBSTITUTE HOUSE BILL NO. 1566,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1573,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,  
 HOUSE BILL NO. 1674,  
 SUBSTITUTE HOUSE BILL NO. 1694,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705,  
 ENGROSSED HOUSE BILL NO. 1902,  
 SUBSTITUTE HOUSE BILL NO. 1909,  
 HOUSE BILL NO. 2163,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2220,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358,  
 ENGROSSED HOUSE BILL NO. 2388,  
 ENGROSSED HOUSE BILL NO. 2391,  
 HOUSE BILL NO. 2395,  
 HOUSE BILL NO. 2396,  
 SUBSTITUTE SENATE BILL NO. 5009,  
 SUBSTITUTE SENATE BILL NO. 5085,  
 SUBSTITUTE SENATE BILL NO. 5097,  
 SECOND SUBSTITUTE SENATE BILL NO. 5164,  
 SUBSTITUTE SENATE BILL NO. 5207,  
 SUBSTITUTE SENATE BILL NO. 5224,  
 SUBSTITUTE SENATE BILL NO. 5288,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5311,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5317,  
 SUBSTITUTE SENATE BILL NO. 5340,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,  
 SUBSTITUTE SENATE BILL NO. 5412,  
 SENATE BILL NO. 5434,  
 SECOND SUBSTITUTE SENATE BILL NO. 5470,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627,  
 SECOND SUBSTITUTE SENATE BILL NO. 5790,  
 SUBSTITUTE SENATE BILL NO. 5830,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841,  
 SUBSTITUTE SENATE BILL NO. 5882,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930,  
 SECOND SUBSTITUTE SENATE BILL NO. 5955,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044,  
 SENATE BILL NO. 6167,  
 ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206,

**MESSAGES FROM THE SENATE**

April 22, 2007

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2391, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,  
 SUBSTITUTE SENATE BILL NO. 6156,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6158,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,  
 SUBSTITUTE HOUSE BILL NO. 1566,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1573,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,  
 HOUSE BILL NO. 1674,  
 SUBSTITUTE HOUSE BILL NO. 1694,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705,  
 ENGROSSED HOUSE BILL NO. 1902,  
 SUBSTITUTE HOUSE BILL NO. 1909,  
 HOUSE BILL NO. 2163,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2220,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358,  
 ENGROSSED HOUSE BILL NO. 2388,  
 HOUSE BILL NO. 2395,  
 HOUSE BILL NO. 2396,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2284, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2414 by Representatives Goodman, Ericks, McDonald, Rodne, B. Sullivan, Sells, Clibborn, Dunshee, Moeller, Springer, Williams, Roberts, Flannigan, P. Sullivan, Sommers, Rolfes and Morrell

AN ACT Relating to the management of mammals; amending RCW 77.12.240, 77.32.010, 77.15.194, and 77.15.192; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2415 by Representatives DeBolt, Ericksen, Kristiansen, Pearson, Schindler, Skinner, Buri, Newhouse, Anderson, Alexander, Orcutt, Rodne, Haler, Ross, Sump, Hailey, Strow, Priest, McCune, Kretz, Jarrett, Crouse, Ahern, Hinkle and Warnick

AN ACT Relating to improving the resources and tools community corrections officers and law enforcement need to perform their duties protecting the public; amending RCW 9.94A.631, 9.94A.720, and 9.94A.737; adding a new section to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; adding a new section to chapter 72.04A RCW; and creating a new section.

Referred to Committee on Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

The Speaker called upon Representative Lovick to preside.

**POINT OF PERSONAL PRIVILEGE**

Representative Morris: "Thank you, Mr. Speaker. I am rising to recognize the staff of the Office of Program Research but also to correct history. Mr. Speaker may I read? As a first generation "X", I watched School House Rock a great deal. One of my favorite parts of School House Rock was 'I'm Just a Bill on Capitol Hill'. Part of the verbiage of the sixty second I'm Just a Bill spot is the bill saying that when he

"started I wasn't even a bill, I was just an idea. Some folks back home decided they wanted a law passed, so they called their local congressman and he said 'you're right, there ought to be a law'. Then he sat down and wrote me out and introduced me to Congress and I became a bill and will remain a bill until they decide to make me a law."

I'm reading this because there has been a misnomer I think for all the people of Generation X that they think we write our own bills. The fact is if we wrote our own bills there would probably be fewer bills. But the reality is that we have some great people – when I think of the term, 'public servant' I think of the people who are before this body right now. I think of that, Mr. Speaker because these are folks that during a 105-day session have averaged over 318 hours of overtime apiece above an average work day. One person of this staff has actually accumulated 598 hours of overtime above an average 8 hour day during the session and 16 of these folks have logged over 400 above the average work day. For the taxpayers of the State of Washington that pay all of our salaries, they should know that these folks work the equivalent of 11 to 13 hour days, 105 days straight without a break. That is a tremendous amount of work. I think that when you think of the term public servant of someone who comes and is grossly underpaid, in my opinion for what they do, miss children's birthdays, they don't get to do homework with their children every night when they are putting in those types of hours. They really are putting in personal sacrifice for the people of the State of Washington. I cannot say enough to give them the recognition nor can we pay them enough for the work they do on behalf of the people of the State of Washington, Mr. Speaker.

Also we have two or three interns joining us here today, from our colleges and universities from across the State. We have interns during the Session that help us manage our workload not only with our committees but with our constituencies. I want to thank them as well.

So Mr. Speaker, I salute the people in front of you and we could not have a better group of folks working for the people of the State. I want to recognize their hard work."

**POINT OF PERSONAL PRIVILEGE**

Representative Ross: "Thank you, Mr. Speaker. I would like to read just briefly if I can about one of the amazing assets we have here in the House. "The Office of Program Research is a nonpartisan legislative staff office that provides research, legal and administrative services to the House committees." I don't think that I have read anything that self-deprecating and inaccurate since I've been here. I know across the nation there are companies out there that have think tanks that do all the major thinking for them. Well we are looking at our think tank – as a matter of fact, the think tank for Olympia and the State of Washington. I will not reiterate a lot of what has been said other than I want you to know this. That I have worked with very few of you and I am thankful for that because they only let a few of you in our caucus at a time. I think that if I ever

tried to have a conversation with more than 2 or 3 of you, I don't think that I would ever want to come back because of the sheer knowledge that most of you carry with you. I mean that wholeheartedly. I think that some of you that I have met with, are some of the most professional people and you have some of the knowledge that helps us truly solve problems from our districts. When I have district people call in and ask me questions that I didn't even understand the question and then I'd ask my Legislative Assistant what do we do with this she would respond 'don't worry, Chuck, there are people here who know what they are doing.' So with that, I think of my dad when I was growing up. He often told me 'you know, son, today I don't think you are the sharpest knife in the drawer' but I assure you that I am meeting people here that are definitely lethal when it comes to sharpness. Thank you very much. I appreciate your time and energy."

**POINT OF PERSONAL PRIVILEGE**

Representative Kessler: "Thank you, Mr. Speaker. Not to belabor the point but you can see that we have so many wonderful people here whom we are honoring that maybe in this case we'll have 3 speeches. Mine will be brief. I have had an opportunity to work with many of you especially on writing the budget and serving on Appropriations. What always amazes me about each and every one of you is that as we ask our inane, stupid questions you are always so patient, you always have the answer and if you can't find it you try to make one up for us because the question is so stupid. In Appropriations we spend hours and hours and I've never seen one of you look like you wished we would all disappear. You always appear to be okay with the fact that we are abusing you and I have always appreciated that. Your director has provided such wonderful leadership. He has brought into the fold all of you who have such amazing credentials. We really appreciate the fact that you work overtime. For all of us who work until a certain point and then we say 'bye-bye we're going home' and then you're here like the other night until four in the morning. While we are out eating dinner you are still working. I can't tell you how much we appreciate your brains, your commitment, your patience and all of your hard work. We really appreciate Tara. Thank you. Please stay with us because we need you desperately. You make us look so good everyday and in every way. Thank you."

The OPR Choir sang for the Chamber.

**POINT OF PERSONAL PRIVILEGE**

Representative DeBolt: "Mr. Speaker, you know after hearing that wonderful song and seeing these wonderful people, the best thing that we could do right now is to say SINE DIE. How about it?"

**POINT OF PERSONAL PRIVILEGE**

Representative McCoy: "Thank you, Mr. Speaker. I rise to ask for a robust round of applause for the people that are really running this place. I am speaking about our friendly and personable legislative assistants without whom we would not get anything done because they schedule our day from the time we get up until the time we go to bed and God help the member that messes with the calendar. They are our traffic cops. No one gets in or out of offices without them there as the Third House knows. If they misbehave, they get a very inappropriate appointment time, if they get one at all. Anyway

our legislative assistants field the questions from our spouses, for our constituents and they direct us, keep us going where we are supposed to be going and make sure we get there on time. Many a time, I've lost my blue card and had to make a panic call and say where in the hell am I supposed to be? So they always keep us out of trouble the best they can because look what they've got to work with. But these folks do a yeoman's piece of work. I cannot thank you enough. You are absolutely great. We cannot do anything without you. You direct us to OPR, you direct us to caucus staff, you direct us to where ever we need to go. Honestly you take care of most of the emails. We discuss how our positions are and you answer them. You don't complain. You just do your work. I cannot thank you enough; cannot say enough thank you's to you because you deserve every bit of it. So again thank you very much for the work you do. I love you all. Thank you."

#### POINT OF PERSONAL PRIVILEGE

Representative Walsh: "Thank you, Mr. Speaker. I share the sentiments of everyone here in this body. Thank you from the bottom of our hearts. You guys do terrific work. Believe me, I know. I did your gig a lot of years and it was not easy. I would think why in the world does my boss not know where he's supposed to be from one moment to the next and understand completely now why that's the case. I refer to you as the "blue card brigade" because that is something that we have all come to depend on. You do stellar work. You are the front line in the office. When people call and we get high compliments about wonderful treatment our constituents get and the tremendous work you do tracking down the issues and any problems that they are having in district, you do one heck of a job. I wanted to rise and recognize your great talents and thank you as well."

#### POINT OF PERSONAL PRIVILEGE

Representative Armstrong: "Thank you, Mr. Speaker. You know, around this place, in case you folks in front have not figured out, there are some big egos. And in case you have not figured out, you get to handle not only your member's big ego but all the rest of us too. We are a package deal. I cannot tell you how much we appreciate the grace and style in which you do that. You have an amazing job and one that I don't believe any us out here would want. We appreciate all the hard work you do and I can tell you thing – and I'm going to get on a soap box a little bit, Mr. Speaker because I think it is appropriate – about a year ago a few of us starting on an issue that was very dear to our hearts and that is looking at salaries around this place. And how our legislative assistants do compared to some legislative assistants across the way. We think we are real close getting that rectified. It will be long overdue when it comes because you folks are amazing. The last I would say to you is, I hope you grow the close bond with the member you work with like the one my legislative assistant and I have grown. I hope you appreciate each other as much as we do and work as well together as my assistant and I do. Thank you very much for all you do."

#### MESSAGE FROM THE SENATE

April 22, 2007

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1051. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate

adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the goal of Washington's education reform is for all students to meet rigorous academic standards so that they are prepared for success in college, work, and life. Educators know that not all students learn at the same rate or in the same way. Some students will take longer to meet the state's standards for high school graduation. Older students who cannot graduate with their peers need an appropriate learning environment and flexible programming that enables them simultaneously to earn a diploma, work, and pursue other training options. Providing learning options in locations in addition to high schools will encourage older students to complete their diplomas. Therefore the legislature intends to create a pilot high school completion program at two community and technical colleges for older students who have not yet received a diploma but are eligible for state basic education support.

**Sec. 2.** RCW 28B.50.535 and 1991 c 238 s 58 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction and the state board of education.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) A pilot program is created for two community or technical colleges to make available courses or a program of study, on the college campus, designed to enable students under the age of twenty-one who have completed all state and local high school graduation requirements except the certificate of academic achievement or certificate of individual achievement to complete their high school education and obtain a high school diploma.

(a) The colleges participating in the pilot program in this section may make courses or programs under this section available by entering into contracts with local school districts to deliver the courses or programs. Colleges participating in the pilot program that offer courses or programs under contract shall be reimbursed for each enrolled eligible student as provided in the contract, and the high school diploma shall be issued by the local school district;

(b) Colleges participating in the pilot program may deliver courses or programs under this section directly. Colleges that deliver courses or programs directly shall be reimbursed for each enrolled eligible student as provided in section 4 of this act, and the high school diploma shall be issued by the college;

(c) Colleges participating in the pilot program may make courses or programs under this section available through a combination of contracts with local school districts, collaboration with educational service districts, and direct service delivery. Colleges participating in the pilot program may also make courses or programs under this section available for students at locations in addition to the college campus; or

(d) Colleges participating in the pilot program may enter into regional partnerships to carry out the provisions of this subsection (1).

(2) Regardless of the service delivery method chosen, colleges participating in the pilot program shall ensure that all eligible students located in school districts within their college district as defined in RCW 28B.50.040 have an opportunity to enroll in a course or program under this section.

(3) Colleges participating in the pilot program shall not require students enrolled under this section to pay tuition or services and activities fees; however this waiver of tuition and services and activities fees shall be in effect only for those courses that lead to a high school diploma.

(4) Nothing in this section or section 4 of this act precludes a community or technical college from offering courses or a program of study for students other than eligible students as defined by section

4 of this act to obtain a high school diploma, nor is this section or section 4 of this act intended to restrict diploma completion programs offered by school districts or educational service districts. Community and technical colleges and school districts are encouraged to consult with educational service districts in the development and delivery of programs and courses required under this section.

(5) Community and technical colleges participating in the pilot program shall not be required to administer the Washington assessment of student learning.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) For purposes of this section and section 3 of this act, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section, and who meets the following criteria:

(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school Washington assessment of student learning;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under section 3 of this act from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under section 3 of this act for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under section 3 of this act and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), (c), and (d) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(d) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section for the pilot program created under section 3 of this act.

(5) All school districts in the geographic area of the two community and technical colleges selected pursuant to section 8 of this act to participate in the pilot program shall provide information about the high school completion option under section 3 of this act

to students in grades ten, eleven, and twelve and the parents or guardians of those students.

**Sec. 5.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006,

opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b) A student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet or exceed the state standard for mathematics. The state board of education shall identify the first scores by December 1, 2006, and thereafter may increase but not decrease the scores required for students to meet or exceed the state standard for mathematics.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. If applicable, the plan shall also include the high school completion pilot program created under section 3 of this act. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

**Sec. 6.** RCW 28B.15.520 and 1993 sp.s. c 18 s 16 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 (~~and~~), who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by section 4 of this act; and

(b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by section 4 of this act. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

**Sec. 7.** RCW 28B.15.067 and 2006 c 161 s 6 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under RCW 28C.04.610.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under section 3 of this act for the purpose of obtaining a high school diploma.

(8) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

~~((8))~~ (9) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students.

**NEW SECTION. Sec. 8.** (1) The office of the superintendent of public instruction and the state board for community and technical colleges shall:

(a) By June 30, 2007, select the two community and technical colleges to be involved in the pilot program created in section 3 of this act. The criteria for selecting the two pilot program sites shall include, but are not limited to: (i) The quality of the courses or program offerings; (ii) having the appropriate type of staff and facility to deliver the program; and (iii) the number of eligible students;

(b) Identify and analyze possible service delivery models in addition to those described in section 3 of this act, particularly to address the challenges faced by community and technical colleges serving school districts dispersed across large geographic areas and with limited staffing and facilities resources for the programs;

(c) Submit a report with an implementation plan for the two community and technical colleges participating in the pilot program created under section 3 of this act and submit findings and recommendations to the education and fiscal committees of the legislature by December 15, 2007; and

(d) By December 15, 2009, submit a report to the education and fiscal committees of the legislature on the progress of the pilot program created under section 3 of this act that shall include the following:

(i) The number of students taking part in the high school completion programs, reported by their high school of last attendance and the community or technical college that offered the program;

(ii) The types of high school completion programs offered at the two community or technical colleges;

(iii) The number of students successfully receiving a high school diploma and other identified outcome measures;

(iv) The amount of funds spent in support of this effort compared to actual reimbursement costs that are provided under section 4(3) (a), (b), (c), and (d) of this act; and

(v) A plan for implementing the program statewide.

(2) The state institute for public policy shall develop an estimate of the number of students statewide likely to participate in the program authorized under section 3 of this act if established on a statewide basis. The assumptions shall take into account programs and alternatives offered for fifth-year seniors by school districts and educational service districts. The institute shall report to the education and fiscal committees of the legislature by December 15, 2007.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Any school district board of directors may adopt a policy to award a certificate of academic completion to students who complete all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045. Such a certificate is not the equivalent of a high school diploma.

(2) The office of the superintendent of public instruction shall notify school districts of their authority to adopt a policy under this section and shall provide technical assistance upon request.

(3) To be eligible for a certificate of academic completion, a student must:

(a) Pass all state and local high school graduation requirements except for obtaining a certificate of academic achievement or a certificate of individual achievement and have retaken the Washington assessment of student learning at least once or have taken an alternative assessment; and

(b) Meet with counselors, teachers, and parents, as appropriate, to develop a fifth year plan for how the student will meet standard on the Washington assessment of student learning and obtain a

certificate of academic achievement or certificate of individual achievement."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.320 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1051 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Upthegrove and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1051, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1051, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Alexander, Anderson, Armstrong, Chandler, Curtis, DeBolt, Dunn, Hinkle, Orcutt, Rodne and Warnick - 11.

Excused: Representative Roach - 1.

HOUSE BILL NO. 1051, as amended by the Senate, having received the constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Springer: "Thank you, Mr. Speaker. Standing behind you are four individuals who in the course of a 105 day session, have handled a national forest worth of paper. These are the people who produce the documents that we deal with all day long, every day including newsletters, press releases, information here on the bar, the miles and pounds of paper that some would like not to have to look at but in fact it stacks up on our desks. It always arrives when it is

supposed to. It is critical for our operation that these folks are willing to work unseen in front of copy machines putting together these packets. We owe them a great debt of gratitude for getting us on the ball. So I would like to extend my thank you to them."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Haler: "Mr. Speaker, my point is that I would like to personally thank from our caucus the hard work of the people from the printing shop. As the previous speaker said we would not be able to keep up to date on the changes in bills, the amendments and where we are at in far as our schedule goes. Thank you for much. Thank you for your tireless work."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Ericks: "Mr. Speaker, I rise today to ask this body to honor the security folks that have worked with us all session long and some multiple sessions. I know as you do, from our previous professions, that the job of providing security and assistance to a community is a very difficult endeavor. On one hand you have to be ready to take care of all the small things that happen in daily life and on the other hand you have to prepare for the most terrible of incidents that can occur. I will tell you that in my time in the business that one of the things that was most critical was finding good people and under the leadership of our master sergeant – our Sergeant at Arms – he has done a very good job at finding those people and helping to keep those people and guiding those people that have kept us all safe and have served us so well. So with that Mr. Speaker, I will conclude and ask that we honor all of our Security staff."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Hinkle: "Thank you, Mr. Speaker. These are great people in front of us. My hat is off to each one of them because they not only have kept us safe they have provided some very needed substances for us, coffee, things that I didn't think security guys did, they do with the utmost professionalism. Another thing – they are real good at throwing copper. And we found out just recently that tremendous talent at dancing some of them have actually. And after that experience Security will not allow any video cameras at after hour events. In all seriousness, it does give each one of us a great sense of security especially when we see the Christmas pictures of the Sergeant at Arms in his office. I invite you to go there if you think we are never not safe. Take a look at his pictures from Christmas. We are very safe. They do a great job. It is one of those things that I've seen you do everyday flawlessly except for the time when one of them didn't let First Mike in to the Chamber. Well, that was a bit humorous actually. We love you guys, seriously. You are a lot of fun. You do great work and it's not always appreciated by many that try to get in this door but thank you for keeping us safe. Thank you for keeping us alive. We appreciate it."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Pearson: "Thank you, Mr. Speaker. First of all, who is watching the doors right now? Personally, I am very fond of this group. Coming to work everyday, your smiles and putting up with my jokes and also on the end we have our distinguished page staff who have been working very

tirelessly at night at helping pass out amendments. But all of you I really appreciate everyone of you. Even you Jim, when I ask you questions about what if a guy my size or my good friend from the 13<sup>th</sup> District would run through, do you think you could take us down? And you say, 'yes without a doubt'. I know in my heart if we were in any sort of danger, you would put your life before ours. You are all very sincere individuals and it is an honor to get to know each and everyone of you. I look forward to seeing you next year. Thank you all. God bless you."

#### **RESOLUTION**

HOUSE RESOLUTION NO. 2007-4665, by Representatives Sommers, Pettigrew, Campbell, Grant, Santos, McDermott, Cody, Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Chandler, Chase, Chopp, Clibborn, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams and Wood

WHEREAS, Former Washington State Representative and House Speaker, John L. O'Brien, who devoted over fifty years of his distinguished life to this institution and to the people of the State of Washington, passed away today; and

WHEREAS, Speaker O'Brien began serving as a member of the House of Representatives beginning in 1939 during the presidency of Franklin Roosevelt and retired after more than fifty years of service in 1993; and

WHEREAS, Speaker O'Brien served the people of his state, his district, and this assembly longer than any of the individuals who have had the privilege of serving as a member of the Washington legislature; and

WHEREAS, Speaker O'Brien served in the House of Representatives for nearly half the time that Washington has been a state; and

WHEREAS, Speaker O'Brien served twenty-six terms in service to his constituents as State Representative from the 33rd District, renumbered the 35th District and then the 37th District; and

WHEREAS, Speaker O'Brien served four terms as Speaker, nine terms as Speaker Pro Tempore, as Speaker Emeritus from 1993, as both majority and minority leader, and as a member on every major committee in the House of Representatives; and

WHEREAS, During those more than fifty years of service, Speaker O'Brien's leadership and parliamentary skills guided many major pieces of policy adopted in our state; and

WHEREAS, The face of state government, through every state building program during his tenure, was influenced by Speaker O'Brien's committee work; and

WHEREAS, Speaker O'Brien was responsible for many innovations and reforms in the operation of the House, a prominent example of which is the electronic roll call voting machine in the House chambers; and

WHEREAS, Speaker O'Brien was the most outstanding parliamentarian this body has ever produced, and whose command of House rules was unmatched and rarely challenged; and

WHEREAS, Speaker O'Brien was an irreplaceable source of knowledge, understanding, and lore about the legislative process in this state, and a source of many great stories about this assembly; and

WHEREAS, Speaker O'Brien was the epitome of a statesman and a shining example to the members of this assembly, one of whom, the newly elected Daniel J. Evans, reported that he was awed by Speaker O'Brien's presence, but soon came to discover his wry Irish humor and deep devotion to the legislature; and

WHEREAS, In the course of his extensive involvement with colleagues across the country, Speaker O'Brien was elected in 1968 as president of the National Conference of State Legislative Leaders and served as chair of the Washington State Legislative Council from 1955 to 1962; and

WHEREAS, On St. Patrick's Day, 1989, the House of Representatives celebrated his fifty years of public service as a legislator, honored his wife Mary O'Brien for her many contributions to the state, and renamed the House Office Building as the John L. O'Brien Building; and

WHEREAS, On St. Patrick's Day, March 17, 1993, Speaker O'Brien was conferred the perpetual title of Honorary Speaker Emeritus of the Washington State House of Representatives for the honor and learning that he bestowed upon this institution; and

WHEREAS, The members of this assembly wish to recognize that Speaker O'Brien's example will forever guide their understanding of the legislative process, and to recognize the distinction and dedication with which he served;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate the distinguished legislative, professional, and personal life of Speaker O'Brien; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members of the family of the Honorable John L. O'Brien, Honorary Speaker Emeritus of the House of Representatives.

HOUSE RESOLUTION NO. 4665 was adopted.

#### **MESSAGE FROM THE SENATE**

April 21, 2007

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### **REPORT OF CONFERENCE COMMITTEE**

April 20, 2007

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092, making appropriations and authorizing expenditures for capital improvements, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-3599.4/07) be adopted:

*Formatting changed to accommodate amendment.*

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2009, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

- (a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.
- (b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.
- (c) "Lapse" or "revert" means the amount shall return to an unappropriated status.
- (d) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART 1  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 1001. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Acquisition of Fredericks Collection (08-2-950)

Appropriation:

State Building Construction Account--State. . . . .	\$100,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$100,000

**NEW SECTION. Sec. 1002. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Rural Washington Loan Fund (88-2-002)

Reappropriation:

Rural Washington Loan Account--State. . . . .	\$2,773,000
Prior Biennia (Expenditures). . . . .	\$1,122,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,895,000

**NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Cancer Research Facility Grant (01-S-005)

Reappropriation:

State Building Construction Account--State. . . . .	\$667,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$667,000

**NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Coastal Erosion Grants (01-S-019)

Reappropriation:

State Building Construction Account--State. . . . .	\$316,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$316,000

**NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

Reappropriation:

State Taxable Building Construction Account--State. . . . .	\$156,000
Prior Biennia (Expenditures). . . . .	\$16,075,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$16,231,000

**NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Highline School District Aircraft Noise Mitigation (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching the appropriation in section 150, chapter 26, Laws of 2003, 1st sp. sess.

(2) This reappropriation does not commit the state to make future appropriations for this program.

Reappropriation:

State Building Construction Account--State. ....	\$4,699,000
Prior Biennia (Expenditures). ....	\$5,300,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$9,999,000

**NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 City of Woodland Infrastructure Development (04-4-959)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is provided solely for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.

Reappropriation:

State Building Construction Account--State. ....	\$79,000
Prior Biennia (Expenditures). ....	\$222,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$301,000

**NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Drinking Water Assistance Account (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account reappropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to the appropriation in section 201, chapter 277, Laws of 2004.

Reappropriation:

Drinking Water Assistance Account--State. ....	\$5,227,000
State Building Construction Account--State. ....	\$1,249,000
Drinking Water Assistance Repayment Account--State. ....	\$4,200,000
Subtotal Reappropriation. ....	\$10,676,000
Prior Biennia (Expenditures). ....	\$6,024,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$16,700,000

**NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

Reappropriation:

Drinking Water Assistance Repayment Account--State. ....	\$15,200,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,200,000

**NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Lewis & Clark Confluence Project (04-2-954)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State. ....	\$1,017,000
Prior Biennia (Expenditures). ....	\$3,983,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Local/Community Projects (04-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.
- (2) The reappropriation is subject to the project list in section 204, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State. . . . .	\$1,936,000
Prior Biennia (Expenditures). . . . .	\$11,379,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$13,315,000

**NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Public Works Trust Funds (04-4-001)

Reappropriation:

Public Works Assistance Account--State. . . . .	\$112,309,000
Prior Biennia (Expenditures). . . . .	\$249,714,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$362,023,000

**NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Building for the Arts (06-4-005)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.750.
- (2) The reappropriation is subject to the project list in section 104, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State. . . . .	\$4,263,000
Prior Biennia (Expenditures). . . . .	\$427,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,690,000

**NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Services Facilities Program (06-4-006)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.125.
- (2) The reappropriation is subject to the project list in section 123, chapter 488, Laws of 2005 and section 111, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State. . . . .	\$952,000
Prior Biennia (Expenditures). . . . .	\$4,394,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,346,000

**NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Local/Community Projects (06-4-008)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.
- (2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.
- (3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.
- (4) The reappropriation is subject to the project list in section 106, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State. . . . .	\$29,192,000
Prior Biennia (Expenditures). . . . .	\$20,608,000
Future Biennia (Projected Costs). . . . .	\$0

TOTAL..... \$49,800,000

**NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Youth Recreational Facilities Program (06-4-007)

The reappropriation in this section is subject to the following conditions and limitations:  
 (1) The reappropriation is subject to the provisions of RCW 43.63A.135.  
 (2) The reappropriation is subject to the project list in section 136, chapter 488, Laws of 2005.

Reappropriation:  
 State Building Construction Account--State. .... \$1,323,000  
 Prior Biennia (Expenditures). .... \$1,977,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$3,300,000

**NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Community Economic Revitalization Board (CERB) (06-4-011)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the reappropriation in this section may be used for grants.

Reappropriation:  
 Public Facility Construction Loan Revolving Account--State. .... \$20,209,000  
 Prior Biennia (Expenditures). .... \$241,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$20,450,000

**NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Drinking Water Assistance Program (06-4-003)

Reappropriation:  
 Drinking Water Assistance Account--State. .... \$8,100,000  
 Drinking Water Assistance Repayment Account--State. .... \$21,780,000  
 Subtotal Reappropriation. .... \$29,880,000  
 Prior Biennia (Expenditures). .... \$0  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$29,880,000

**NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (06-4-001)

Reappropriation:  
 State Taxable Building Construction Account--State. .... \$43,308,000  
 Prior Biennia (Expenditures). .... \$70,792,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$114,100,000

**NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (06-4-851)

The reappropriations in this section are subject to the following conditions and limitations:  
 (1) \$7,800,000 of the reappropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the department to be eligible under chapter 43.185 or 43.185A RCW.  
 (2) \$4,500,000 of the reappropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.  
 (3) \$850,000 of the reappropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.  
 (4) \$500,000 of the reappropriation from the Washington housing trust account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.  
 (5) \$3,000,000 of the reappropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.  
 (6) \$200,000 of the reappropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a

database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2007.

(7) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(8) The reappropriation in this section must be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Reappropriation:

Washington Housing Trust Account--State. . . . .	\$16,502,000
Homeless Families Services Account--State. . . . .	\$4,000,000
Subtotal Reappropriation. . . . .	\$20,502,000
Prior Biennia (Expenditures). . . . .	\$499,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$21,001,000

**NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Job/Economic Development Grants (06-4-950)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the project list in section 107, chapter 371, Laws of 2006.

(2) \$1,000,000 of the reappropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$5,000,000 of the reappropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements to restrict the use of accident potential zones and clear zones.

The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) Up to \$481,000 of the reappropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account--State. . . . .	\$31,481,000
Prior Biennia (Expenditures). . . . .	\$18,519,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$50,000,000

**NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Jobs in Communities (06-4-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is subject to the project list in section 140, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State. . . . .	\$10,965,000
Prior Biennia (Expenditures). . . . .	\$1,286,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$12,251,000

**NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Public Works Trust Fund (06-4-004)

Reappropriation:

Public Works Assistance Account--State. . . . .	\$288,900,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$288,900,000

**NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (06-4-010)

Reappropriation:

Rural Washington Loan Account--State.....	\$3,937,000
Prior Biennia (Expenditures).....	\$191,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,128,000

**NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Water System Acquisition and Rehabilitation Program (06-4-850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Reappropriation:

State Building Construction Account--State.....	\$1,706,000
Prior Biennia (Expenditures).....	\$295,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,001,000

**NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Grays Harbor Public Utility District Bioenergy Project (06-4-852)

Reappropriation:

Energy Freedom Account--State.....	\$2,100,000
Prior Biennia (Expenditures).....	\$3,900,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$6,000,000

**NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Building for the Arts Grants (07-4-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.750.
- (2) The appropriation is provided solely for the following list of projects:

<b>Projects</b>	<b>Location</b>	<b>Recommendation</b>
Wing Luke Asian museum	Seattle	\$2,000,000
Friends of Gladish	Pullman	\$48,000
Town hall association	Seattle	\$750,000
Duwamish tribal services	Seattle	\$275,000
Seattle art museum	Seattle	\$1,750,000
Village theatre	Issaquah	\$575,000
Artspace projects, Inc.	Seattle	\$1,000,000
Suquamish foundation	Suquamish	\$550,000
Edmonds center for the arts	Edmonds	\$1,000,000
The Merc playhouse society	Twisp	\$9,500
Orcas open arts	Eastsound	\$70,000
Whatcom film association	Bellingham	\$325,000
Whatcom museum society	Bellingham	\$1,000,000
Seattle theatre group	Seattle	\$750,000
Confluence gallery	Twisp	\$77,000
Columbia theatre association	Longview	\$750,000
San Juan community theatre	Friday Harbor	\$193,000

Harlequin productions	Olympia	\$75,000
Northshore performing arts center	Bothell	\$350,000
Tacoma musical playhouse	Tacoma	\$75,000
Wing it productions	Seattle	\$20,000
826 Seattle	Seattle	\$7,500
Cornish College of the Arts	Seattle	\$350,000

**Total** **\$12,000,000**

Appropriation:

State Building Construction Account--State. ....	\$12,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$48,000,000
<b>TOTAL</b> .....	<b>\$60,000,000</b>

**NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Economic Revitalization Board (07-4-015)

The appropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation may be used for grants.

Appropriation:

State Building Construction Account--State. ....	\$12,711,000
Public Facility Construction Loan Revolving Account--State. ....	\$7,289,000
Subtotal Appropriation.....	\$20,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$24,000,000
<b>TOTAL</b> .....	<b>\$44,000,000</b>

**NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Services Facilities Grants (07-4-002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.125.
- (2) The appropriation is provided solely for the following list of projects:

<b>Projects</b>	<b>Location</b>	<b>Recommendation</b>
West Seattle food bank	Seattle	\$400,000
Compass health	Lynnwood	\$37,000
Neighborhood house	Seattle	\$1,000,000
White Center emergency food association	White Center	\$184,000
Garden-raised bounty	Olympia	\$170,000
Food lifeline	Seattle	\$122,000
Marysville food bank	Marysville	\$187,000
Maple Valley food bank	Maple Valley	\$117,000
The Arc of Whatcom county	Bellingham	\$158,000
CAC of Lewis, Mason, and Thurston county	Lacey	\$260,000
South county senior center	Edmonds	\$200,000
Chief Seattle club	Seattle	\$350,000
Senior center of West Seattle	Seattle	\$500,000
YMCA of Snohomish county	Monroe	\$1,000,000
The Salvation Army - Spokane	Spokane	\$275,000
Asian counseling and referral services	Seattle	\$1,000,000
Camas institute foundation	Usk	\$650,000

Youth eastside services	Bellevue	\$750,000
YMCA of Snohomish county	Everett	\$275,000
Bellingham food bank	Bellingham	\$400,000
N.A.T.I.V.E. project	Spokane	\$375,000
Brigid Collins family support center	Bellingham	\$400,000
Family resource center	Redmond	\$150,000
Morningside	Olympia	\$587,000
First step family support center	Port Angeles	\$200,000
Olympic community action programs	Port Townsend	\$400,000

**Total** **\$10,147,000**

Appropriation:

State Building Construction Account--State. . . . .	\$10,147,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$40,000,000
<b>TOTAL</b> .....	<b>\$50,147,000</b>

**NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Drinking Water Assistance Program (07-4-004)

Appropriation:

Drinking Water Assistance Account--State. . . . .	\$7,200,000
Drinking Water Assistance Repayment Account--State. . . . .	\$21,100,000
Subtotal Appropriation. . . . .	\$28,300,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$155,400,000
<b>TOTAL</b> .....	<b>\$183,700,000</b>

**NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (07-4-009)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.
- (2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$2,500,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.
- (6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.
- (7) \$2,500,000 of the appropriation is provided solely for the development of farm infrastructure improvements.
- (8) \$1,500,000 of the appropriation is provided solely for the development of housing for low-income or homeless Native Americans. The department shall work with Native American tribes, not-for-profit organizations with experience in serving Native American populations, and Native American housing development organizations to prioritize projects located in the areas of highest identified need.
- (9) \$4,000,000 of the appropriation is provided solely for loans and grants to eligible organizations to purchase manufactured/mobile home communities with the intent of preserving the communities for affordable housing.
- (10) The appropriation in this section shall not be used for the administrative costs of the department. The amount of the appropriation shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Taxable Building Construction Account--State. . . . .	\$100,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$560,000,000
<b>TOTAL</b> .....	<b>\$660,000,000</b>

**NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Job Development Fund Grants (07-4-010)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$429,000 of the appropriation in this section is for administration.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
Mint farm industrial park phase 2 infrastructure improvements	City of Longview	\$1,982,000
Fruitdale road/McGarigle road improvements	Skagit county	\$2,277,000
Valentine road corridor improvements	City of Pacific	\$4,946,000
Wenatchee waterfront revitalization project	City of Wenatchee	\$10,000,000
Northeast Lacey public infrastructure and economic stimulus package	City of Lacey	\$9,912,000
Soap Lake spa and wellness center	City of Soap Lake	\$1,000,000
Port of Ephrata transportation center	Port of Ephrata	\$471,000
Project Pier 1	Port of Anacortes	\$5,610,000
Totem Lake mall and business center	City of Kirkland	\$3,000,000
Burnham/Borgen interchange improvements	City of Gig Harbor	\$5,000,000
Satsop development park turbine/administration building improvements	Grays Harbor public development authority	\$5,053,000
Technical and scientific service incubator	City of Tacoma	\$250,000
<b>Total</b>		<b>\$49,501,000</b>

Appropriation:

Job Development Account--State.....	\$49,930,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
<b>TOTAL.....</b>	<b>\$49,930,000</b>

**NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Belfair Sewer Improvements (08-4-852)

Appropriation:

Public Works Assistance Account--State.....	\$4,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
<b>TOTAL.....</b>	<b>\$4,800,000</b>

**NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Public Works Trust Fund (07-4-005)

The appropriation in this section is subject to the following conditions and limitations: The department and the public works board shall immediately revise policy for interest rates for loans so that the minimum rate is not less than one percent and the criteria for setting the rate is based on the fiscal capacity of the applicant, with lower interest rates awarded to applicants with lower fiscal capacity. Fiscal capacity shall include a determination of the impact of the project on rate payers compared to rates typically seen in the region. The department and the board shall review all waste water and storm water projects with the department of ecology to determine which projects would result in the greatest improvement to water quality. The department and the public works board shall prioritize waste water and storm water projects to achieve the greatest improvement in water quality and to assist jurisdictions with the lowest fiscal capacity. The list of projects submitted to the legislature for approval in accordance with RCW 43.155.070(6) shall include a summary of the information obtained from the department of ecology and information on fiscal capacity for each project. The department and the public works board shall not count prior loans or grants from any state sources as local matching funds.

Appropriation:

Public Works Assistance Account--State.....	\$327,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$1,400,000,000
<b>TOTAL.....</b>	<b>\$1,727,000,000</b>

**NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Rural Washington Loan Fund (07-4-008)

Appropriation:

Rural Washington Loan Account--State.....	\$4,127,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$16,508,000
TOTAL.....	\$20,635,000

**NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Youth Recreational Facilities Grants (07-4-003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.135.
- (2) Up to \$8,000,000 of the appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
YMCA of the inland northwest	Spokane	\$800,000
Boys and girls clubs of south Puget Sound	Lakewood	\$300,000
YMCA of Snohomish county	Mukilteo	\$385,000
YMCA of Snohomish county	Everett	\$800,000
Boys and girls club of south Puget Sound	Gig Harbor	\$600,000
Toutle river ranch	Longview	\$525,000
Boys and girls club of Bellevue	Bellevue	\$800,000
YMCA of Tacoma-Pierce county	Gig Harbor	\$800,000
Wenatchee valley YMCA	Wenatchee	\$213,000
YMCA of greater Seattle	Seattle	\$250,000
Maple Valley community center	Maple Valley	\$100,000
Boys and girls clubs of King county	Seattle	\$618,000
Filipino community of Seattle	Seattle	\$146,000
Boys and girls clubs of King county	Seattle	\$800,000
Ferndale boys and girls club	Ferndale	\$863,290
<b>Total</b>		<b>\$8,000,000</b>

(3) Up to \$2,000,000 of the appropriation is for a supplemental list of projects to be selected by the department under the same rules and criteria used for selecting the list of projects in subsection (2) of this section.

Appropriation:

State Building Construction Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$32,000,000
TOTAL.....	\$42,000,000

**NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 High Risk Forests Program (08-2-853)

The appropriation in this section is subject to the following conditions and limitations: \$3,000,000 of the appropriation is provided solely for grants to an independent nonprofit land stewardship organization to purchase or lease development rights or conservation easements from willing family forest landowners facing pressure to convert their lands and who desire to keep their land as working forest. The organization shall award grants only for transfer of development rights programs approved by the local government participants.

Appropriation:

State Building Construction Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Infrastructure Assistance (08-4-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for an infrastructure grant to the city of Tieton for water system improvements.

Appropriation:

State Building Construction Account--State. . . . .	\$2,627,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,627,000

**NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Innovation Partnership Zones (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: Pursuant to chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007 (innovation partnership zones), the state will designate unique areas of the state as innovation partnership zones, where globally competitive companies, research institutions, and advanced training are creating special competitive advantages for the state. From among the innovation partnership zones, using a competitive process based on need, estimated economic impact, geographic diversity, and local matches, five zones or projects will be selected to receive funding authorized by chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007. The appropriation in this section is provided solely for shared telecommunications within the zone, shared infrastructure and facilities, long-term capital purchases, and up to 10 percent for zone administration through the locally-designated innovation partnership zone administrator. If chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007 is not enacted by June 30, 2007, the funds in this section shall lapse.

Appropriation:

State Building Construction Account--State. . . . .	\$5,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,000,000

**NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Water System Acquisition Rehabilitation Program (07-4-006)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the appropriation is provided solely for the city of Republic to acquire the Pine Grove water system.

Appropriation:

State Building Construction Account--State. . . . .	\$5,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,000,000

**NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Local and Community Projects (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.
- (2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement shall not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.
- (3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.
- (4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.
- (5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).
- (6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.
- (7) Funding for preconstruction activities for the Camas and Washougal community and recreation center is contingent on voter approval of a metropolitan park district.
- (8) The appropriation provided in this section for the bridge for kids project shall not be released until the department obtains a report from the project sponsor updating the cost of the project and the current fund raising plan.
- (9) The appropriation provided in this section for the Fox theater shall be provided only under an agreement that the theater shall retain its current name as the Fox theater.
- (10) The appropriation is provided solely for the following list of projects:

Project Name	Amount
Aberdeen union gospel mission	\$562,000
Arts west playhouse and gallery	\$150,000
Ashford cultural center and mountaineering museum	\$800,000
Asian counseling/referral services	\$2,000,000
Ballard Corners park	\$125,000
Beaver mitigation of Little Spokane river	\$75,000

Benton City food bank	\$200,000
Blueberry park improvements	\$5,000
Bowen field	\$500,000
Bremerton downtown economic revitalization - harborside commons	\$1,000,000
Bridge for kids	\$500,000
Brightwater education facility	\$675,000
Burien town square	\$1,600,000
Camp Kilworth land acquisition - Federal Way	\$1,100,000
CASA latina	\$1,000,000
Chehalis branch of timberland library	\$500,000
Chehalis veterans wall of honor security enclosure	\$25,000
Cities of Camas and Washougal community/recreation center design	\$500,000
City of Everett minor league baseball - aquasox	\$433,000
City of Kent event center	\$3,000,000
City of Mount Vernon downtown and waterfront flood control	\$1,000,000
City of Spokane minor league baseball - indians	\$2,000,000
City of Tacoma minor league baseball - rainiers	\$2,500,000
City of Yakima minor league baseball	\$433,000
Civil war cemetery near Volunteer park	\$5,000
Columbia Springs environmental learning center	\$200,000
Confluence project	\$500,000
Counter-Balance park	\$100,000
Covered Bridge park land acquisition and roof repair (Grays river)	\$90,000
Cowlitz drug center	\$580,000
Darrington water system improvements	\$100,000
Daybreak star in Discovery park	\$300,000
Des Moines beach flood project	\$250,000
Dining car historic preservation	\$50,000
Discover park - Fort Lawton	\$700,000
Duwamish longhouse project	\$275,000
El Centro de la Raza center	\$821,000
Emmanuel family life center	\$500,000
Federal Way little league field lighting	\$50,000
Fish Lake trail	\$2,000,000
Fort Dent sewer	\$450,000
Foss waterway	\$1,000,000
Fox theater	\$2,000,000
Goodwill of Tacoma	\$1,500,000
High Point neighborhood center in West Seattle	\$1,000,000
Innovative services northwest	\$1,900,000
Institute for community leadership	\$500,000
Japanese cultural center of Washington	\$750,000
Jewish federation of greater Seattle	\$900,000
Kent alliance center	\$500,000
Kitsap community resources	\$900,000
Kitsap SEED program	\$1,100,000
Klickitat law enforcement firing range	\$20,000
Korean women's association center	\$1,500,000
Kruckeberg botanical garden	\$150,000
Lake Stevens civic center	\$800,000
Lake Stevens senior center	\$200,000
Lake Waughop/department of ecology aquatic weeds	\$50,000
Library connection at Greenbridge	\$200,000
Lions club renovation	\$110,000
Long Lake nutrient reduction	\$300,000
Loon Lake wood waste removal pilot study	\$350,000
Lucy Lopez center land acquisition	\$750,000
McCaw hall	\$3,000,000
Mirabeau Point Children's Universal park	\$800,000
Morning star cultural center	\$300,000
Mountain to sound - state route 18/I90 interchange	\$1,100,000
Nisei veterans committee	\$250,000
Nordic heritage museum	\$1,500,000
Northwest harvest	\$3,000,000
Northwest museum of arts and culture	\$1,000,000
Palouse street safety improvements	\$210,000
Pedestrian overpass state route 395 and court street	\$400,000
Perry technical institute hanger	\$250,000
Pike Place market	\$1,070,000
Prime time repairs (terminally ill kids)	\$250,000
River walk trail--Puyallup	\$600,000
Salishan housing community	\$3,000,000
Sea Mar family housing community	\$800,000

Seatac World War I memorial plaza	\$300,000
Seattle art museum	\$1,250,000
Seattle Chinese garden	\$500,000
Shoreline YMCA	\$800,000
Spokane east central community center	\$150,000
Spokane northeast community center	\$1,000,000
Spokane Valley community center and foodbank	\$260,000
Spokane YWCA/YMCA joint project	\$2,500,000
Springwood youth center in Kent	\$500,000
Suquamish inviting house construction	\$1,000,000
Tacoma Narrows bridge lights	\$1,500,000
Tanaskat viewing platform	\$100,000
Tanbara clinic - East Tacoma community	\$750,000
The Northwest maritime center	\$1,000,000
The Tri-Cities minor league baseball	\$666,000
Thurston county small business incubator	\$750,000
Tokeland/North Cove water tank for fire	\$10,000
Turning point domestic violence shelter	\$700,000
University Place town square plaza	\$1,000,000
ValHalla hall	\$700,000
Vancouver national historic reserve	\$1,000,000
Wapato Filipino-American center	\$118,000
White Center Heights park	\$400,000
White Salmon water improvement	\$1,500,000
Willapa Harbor community center	\$300,000
Wing-It production's historic theater	\$20,000
Yakima domestic violence shelter	\$200,000
Yakima downtown futures initiative phase 3	\$1,000,000
YMCA of Snohomish county: Ebey Island project	\$2,200,000

Total \$83,988,000

Appropriation:

State Building Construction Account--State. ....	\$83,988,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$83,988,000

**NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Grays Harbor Wind Project (08-4-950)

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1043. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Graving Dock Settlement (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the purposes of settling all identified and potential claims from the port of Port Angeles and the city of Port Angeles related to the construction of a graving dock facility on the graving dock property. In conjunction with the settlement agreement in *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the city of Port Angeles, port of Port Angeles, and the state of Washington entered into an economic development agreement which settles all claims related to graving dock property and associated construction and releases the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitation set forth in subsections (2), (3), and (4) of this section.

(2) \$7,500,000 of the state building construction account--state appropriation is provided solely for the city of Port Angeles for funding capital projects intended to enhance economic development.

(3) \$7,500,000 of the state building construction account--state appropriation is provided solely for the port of Port Angeles for funding capital projects intended to enhance economic development.

(4) \$480,000 of the state building construction account--state appropriation is provided solely for the city of Port Angeles for archaeological work as specified in the settlement agreement.

Appropriation:

State Building Construction Account--State. ....	\$15,480,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,480,000

**NEW SECTION. Sec. 1044. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Snohomish, Island, and Skagit County Regional Higher Education (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$1,500,000 is for the office of financial management to assess options and make recommendations on the siting of a higher education institution in the Snohomish-Island-Skagit county region. The office of financial management shall develop the operational and management plans needed to establish the institution, including but not limited to: A master business plan for design and implementation; governance; site selection; and programs to be offered to address demographic pressures and workforce needs. Planning and analysis shall be done in coordination with the local community and existing higher education institutions. The office of financial management shall evaluate sites based on, but not limited to, the following criteria: Meeting the objectives of the master business plan; meeting the unmet baccalaureate needs in the region including high demand program needs; compliance with provisions of the state's growth management act; and accessibility from existing and planned transportation infrastructure.

(2) The office of financial management shall report its findings to the governor and the appropriate committees of the senate and house of representatives by December 1, 2007.

(3) The office of financial management may contract with outside sources to carry out the provisions of this section.

(4) \$2,500,000 is provided solely for the office of financial management to purchase or to secure purchase options on a site for the institution. If a site is available for the recommended development alternative at no cost, or for less than the amount appropriated, the remainder shall instead be applied to pre-design of recommended facilities and infrastructure.

Appropriation:

State Building Construction Account--State. ....	\$4,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 1045. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Higher Education Cost Escalation (08-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to assist public baccalaureate higher education institutions in managing unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts used must be matched equally from nonstate resources. The office of financial management shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than originally specified in the design. For purposes of this section, "nonstate resources" may include tuition revenues and funds appropriated from an institution's local capital project account for a minor works project under this act. Prior to approving use of a local account appropriation as a match, and its transfer to the project with unanticipated cost escalation, the office of financial management shall require the institution to describe what it has done to identify and develop alternative nonstate resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The office of financial management shall report to the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1046. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Oversight of State Facilities (08-2-855)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to strengthen its oversight role in state facility analysis and decision making as generally described in chapter . . . (Substitute House Bill No. 2366), Laws of 2007.

Appropriation:

State Building Construction Account--State. ....	\$1,015,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,015,000

**NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Transportation Building Preservation (02-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$2,928,000
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Appropriation:

Thurston County Capital Facilities Account--State. ....	\$3,425,000
Prior Biennia (Expenditures). ....	\$5,252,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,605,000

**NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Capitol Public/Historic Facilities: Preservation Minor Works (06-1-006)

Reappropriation:

State Building Construction Account--State. ....	\$327,000
Prior Biennia (Expenditures). ....	\$673,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Heritage Park Development (01-H-004)

Reappropriation:

State Building Construction Account--State. ....	\$2,000
Prior Biennia (Expenditures). ....	\$1,676,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,678,000

**NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Engineering and Architectural Services (06-2-012)

Reappropriation:

Community/Technical College Capital Projects Account--State. ....	\$850,000
Prior Biennia (Expenditures). ....	\$874,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,724,000

**NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Highway-License Building Repair and Renewal (06-1-013)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$497,000
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Appropriation:

Thurston County Capital Facilities Account--State. ....	\$2,598,000
Prior Biennia (Expenditures). ....	\$354,000
Future Biennia (Projected Costs). ....	\$1,639,000
TOTAL.....	\$5,088,000

**NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Natural Resources Building Repairs and Renewal (06-1-014)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$269,000
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Appropriation:

State Vehicle Parking Account--State. ....	\$258,000
Thurston County Capital Facilities Account--State. ....	\$2,223,000
Subtotal Appropriation.....	\$2,481,000
Prior Biennia (Expenditures). ....	\$233,000
Future Biennia (Projected Costs). ....	\$5,266,000
TOTAL.....	\$8,249,000

**NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Statewide Infrastructure: Preservation Minor Works (06-1-004)

Reappropriation:

State Vehicle Parking Account--State. ....	\$31,000
State Building Construction Account--State. ....	\$246,000
Thurston County Capital Facilities Account--State. ....	\$1,824,000
Subtotal Reappropriation. ....	\$2,101,000
Prior Biennia (Expenditures). ....	\$918,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,019,000

**NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Statewide Office Facilities: Preservation Minor Works (06-1-003)

Reappropriation:

Thurston County Capital Facilities Account--State. . . . .	\$812,000
General Administration Service Account--State. . . . .	\$510,000
Subtotal Reappropriation. . . . .	\$1,322,000
Prior Biennia (Expenditures). . . . .	\$3,558,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,880,000

**NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Statewide Parking Facilities: Preservation Minor Works (06-1-007)

Reappropriation:

State Vehicle Parking Account--State. . . . .	\$697,000
Prior Biennia (Expenditures). . . . .	\$183,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$880,000

**NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Capitol Campus High Voltage System Improvements (08-1-010)

Appropriation:

State Building Construction Account--State. . . . .	\$2,204,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,204,000

**NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Deferred Maintenance (08-1-018)

Appropriation:

State Building Construction Account--State. . . . .	\$2,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,000,000

**NEW SECTION. Sec. 1058. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Emergency Repairs (08-1-001)

Appropriation:

State Building Construction Account--State. . . . .	\$350,000
Thurston County Capital Facilities Account--State. . . . .	\$900,000
General Administration Service Account--State. . . . .	\$150,000
Subtotal Appropriation. . . . .	\$1,400,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$6,000,000
TOTAL. . . . .	\$7,400,000

**NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Engineering and Architectural Services (08-2-013)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$380,000
State Vehicle Parking Account--State. . . . .	\$133,000
State Building Construction Account--State. . . . .	\$12,340,000
Thurston County Capital Facilities Account--State. . . . .	\$461,000
General Administration Service Account--State. . . . .	\$104,000
Subtotal Appropriation. . . . .	\$13,418,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$42,815,000
TOTAL. . . . .	\$56,233,000

**NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Legislative Building Improvements (08-1-011)

The appropriation in this section is subject to the following conditions and limitations: \$25,000 of the appropriation is provided solely to establish a legislative gift center created in chapter . . . (Second Substitute House Bill No. 1896), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

Capitol Building Construction Account--State.....	\$676,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,836,000
TOTAL.....	\$3,512,000

**NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Facility Preservation (08-1-015)

Appropriation:

Capitol Building Construction Account--State.....	\$1,715,000
State Building Construction Account--State.....	\$1,456,000
Thurston County Capital Facilities Account--State.....	\$3,634,000
General Administration Service Account--State.....	\$1,386,000
Subtotal Appropriation.....	\$8,191,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$20,365,000
TOTAL.....	\$28,556,000

**NEW SECTION. Sec. 1062. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

Capitol Building Construction Account--State.....	\$600,000
State Vehicle Parking Account--State.....	\$22,000
State Building Construction Account--State.....	\$3,000,000
Thurston County Capital Facilities Account--State.....	\$1,899,000
General Administration Service Account--State.....	\$200,000
Subtotal Appropriation.....	\$5,721,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$7,006,000
TOTAL.....	\$12,727,000

**NEW SECTION. Sec. 1063. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Program (08-2-012)

The appropriation in this section is subject to the following conditions and limitations: The department shall post signs on eastbound and westbound 5th avenue in Olympia, Washington over Capitol Lake dam to notify cyclists that the bike lanes discontinue.

Appropriation:

State Building Construction Account--State.....	\$370,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,720,000
TOTAL.....	\$3,090,000

**NEW SECTION. Sec. 1064. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

O'Brien Building Improvements (08-1-007)

Appropriation:

State Building Construction Account--State.....	\$2,981,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$15,501,000
TOTAL.....	\$18,482,000

**NEW SECTION. Sec. 1065. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Pritchard Building Rehabilitation (08-2-017)

Appropriation:

State Building Construction Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1066. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Heritage Center/Executive Office Building Development (08-2-954)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided for the development of a heritage center and executive office building on the west capitol campus. The project shall be procured under a general contractor construction management contract. Prior to issuing the request for proposals for the project, the department shall report to the appropriate committees of the legislature the results of: (1) A detailed analysis of the soils of the proposed development site, including the stability of the soils and the affect on the cost of the project; and (2) cost reduction options resulting from a detailed "best study" or value engineering study. The report to the legislature shall be submitted prior to January 1, 2008. The request for proposal shall not be released prior to February 1, 2008.

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1067. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Wheeler Block Development--Department of Information Services, State Patrol, and General Office (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided to lease/develop state office buildings and facilities for the department of information services on the "Wheeler block" of the east capitol campus. The office buildings shall be constructed and financed so that agencies' occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department of general administration. In addition to the department of information services, state agency tenants shall include the state patrol and other state agencies specified in LEAP capital document No. 2007-xx. The department shall also coordinate with state agency tenants of the existing general administration building that will not be relocated to the new facilities of the "Wheeler block" for occupancy of state-owned or existing leased facilities vacated by the state patrol or the department of information services.

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1068. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Emergency Newhouse Repairs and South Campus Plan (08-2-952)

Appropriation:

State Building Construction Account--State. ....	\$750,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$750,000

**NEW SECTION. Sec. 1069. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Capital Lake Plan Completion (08-2-953)

Appropriation:

State Building Construction Account--State. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 1070. FOR THE MILITARY DEPARTMENT**  
 Omnibus Support to Federal Preservation Projects (06-1-003)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$5,993,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,493,000

**NEW SECTION. Sec. 1071. FOR THE MILITARY DEPARTMENT**  
 Auditorium and Instructor Support Facility (06-2-003)

Reappropriation:

General Fund--Federal. ....	\$1,240,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,240,000

**NEW SECTION. Sec. 1072. FOR THE MILITARY DEPARTMENT**  
**Omnibus Support for Federal Minor Works Projects-Statewide (06-2-001)**

Reappropriation:

State Building Construction Account--State. . . . .	\$846,000
General Fund--Federal. . . . .	\$7,200,000
Subtotal Reappropriation. . . . .	\$8,046,000
Prior Biennia (Expenditures). . . . .	\$1,154,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$9,200,000

**NEW SECTION. Sec. 1073. FOR THE MILITARY DEPARTMENT**  
**Modular Building Reutilization (08-2-001)**

Reappropriation:

State Building Construction Account--State. . . . .	\$1,850,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,850,000

**NEW SECTION. Sec. 1074. FOR THE MILITARY DEPARTMENT**  
**Energy Conservation Project (08-2-005)**

Appropriation:

General Fund--Federal. . . . .	\$275,000
State Building Construction Account--State. . . . .	\$275,000
Subtotal Appropriation. . . . .	\$550,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$550,000

**NEW SECTION. Sec. 1075. FOR THE MILITARY DEPARTMENT**  
**Minor Works - Facility Preservation (08-1-004)**

Appropriation:

General Fund--Federal. . . . .	\$5,522,000
State Building Construction Account--State. . . . .	\$2,801,000
Subtotal Appropriation. . . . .	\$8,323,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$35,867,000
TOTAL. . . . .	\$44,190,000

**NEW SECTION. Sec. 1076. FOR THE MILITARY DEPARTMENT**  
**Minor Works - Program (08-2-003)**

Appropriation:

General Fund--Federal. . . . .	\$4,938,000
State Building Construction Account--State. . . . .	\$1,665,000
Subtotal Appropriation. . . . .	\$6,603,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$36,215,000
TOTAL. . . . .	\$42,818,000

**NEW SECTION. Sec. 1077. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**  
**Historical Preservation (06-4-009)**

Reappropriation:

State Building Construction Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$4,500,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,000,000

**NEW SECTION. Sec. 1078. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**  
**Historical Courthouse Rehabilitation (08-2-851)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovations

completed since January 1, 2006, and improvements to access and accommodations for persons with disabilities. By July 1, 2007, the department shall revise the existing eligibility criteria and grant application process to include review of projects selected for funding by the courthouse advisory committee. Those projects chosen for funding shall undergo a review by the department of general administration's barrier free program to ensure that they meet Americans with disabilities act standards and accessibility and all other Americans with disabilities act requirements are maintained during the construction. The existing historic courthouse advisory committee shall continue to review grant applications and make funding recommendations to the state historic preservation officer. All rehabilitation work shall comply with the secretary of interior's standards for rehabilitation. Grants shall not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall use up to two percent of the appropriation for program administration.

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$20,000,000
TOTAL.....	\$25,000,000

**NEW SECTION. Sec. 1079. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**  
 Historic Barn Preservation (08-4-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the historic barn preservation program created in chapter . . . (Substitute House Bill No. 2115), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 1080. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**  
 Inventory of Historic Theaters (08-2-950)

Appropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$150,000

**NEW SECTION. Sec. 1081. FOR THE STATE CONVENTION AND TRADE CENTER**  
 Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Convention and Trade Center Account--State. ....	\$5,990,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,990,000

**NEW SECTION. Sec. 1082. FOR THE STATE CONVENTION AND TRADE CENTER**  
 Omnibus Minor Works (06-1-001)

Reappropriation:

State Convention and Trade Center Account--State. ....	\$995,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$995,000

**PART 2  
 HUMAN SERVICES**

**NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
 Mapping of K-8 Schools (08-4-003)

Appropriation:

State Building Construction Account--State. ....	\$6,236,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,236,000

**NEW SECTION. Sec. 2002. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
 Minor Works - Preservation (08-1-002)

Appropriation:

State Building Construction Account--State. ....	\$598,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$598,000

**NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Echo Glen Children's Center-Housing Units (00-1-041)

Reappropriation:

State Building Construction Account--State. ....	\$5,700,000
Prior Biennia (Expenditures). ....	\$6,292,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,992,000

**NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Developmental Disabilities: Omnibus Programmatic Projects (06-2-465)

Reappropriation:

State Building Construction Account--State. ....	\$800,000
Prior Biennia (Expenditures). ....	\$700,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Eastern State Hospital-Westlake Building: Fire Alarm Upgrades (06-1-370)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$150,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,650,000

**NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Fircrest School - Health and Safety Improvements (06-1-852)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$300,000
Prior Biennia (Expenditures). ....	\$350,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$650,000

**NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Green Hill School: New IMU, Health Center, and Administration (06-2-202)

The appropriation in this section is subject to the following conditions and limitations: The new appropriation is provided solely for a new intensive management unit and health center at either Green Hill school or Maple Lane school. The department shall not expend any of the funds until May 1, 2008. The department shall submit a report to the appropriate committees of the legislature by January 1, 2008, containing the following information: (1) Unused bed capacity in state and county juvenile rehabilitation facilities; (2) an analysis of the distinguishing characteristics of resident populations at the different state facilities and the residents in county facilities; and (3) the different utilization rates of intensive management beds at Green Hill, Maple Lane, and Echo Glenn. This analysis shall include the number of occupied intensive management unit beds at each facility, the average length of stay in intensive management unit beds at each facility, and rate of repeated use of intensive management unit beds for the same residents.

Reappropriation:

State Building Construction Account--State. ....	\$900,000
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Appropriation:

State Building Construction Account--State. ....	\$13,325,000
Prior Biennia (Expenditures). ....	\$350,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$14,575,000

**NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Juvenile Rehabilitation: Omnibus Programmatic Projects (06-2-265)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$850,000
Prior Biennia (Expenditures).....	\$150,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Lakeland Village-Nine Cottages: Renovation, Phase 4, 5, and 6 (06-1-402)

Reappropriation:

State Building Construction Account--State.....	\$2,000,000
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Appropriation:

State Building Construction Account--State.....	\$2,990,000
Prior Biennia (Expenditures).....	\$400,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,390,000

**NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Mental Health Division-CLIP Facilities: Preservation (06-4-353)

The appropriations in the section are subject to the following conditions and limitations: The department shall evaluate options for maximizing federal fund contributions for capital needs of privately-owned facilities that contract with the department for children's long-term inpatient program services and report to the appropriate fiscal committees of the legislature by September 1, 2007.

Reappropriation:

State Building Construction Account--State.....	\$600,000
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Appropriation:

State Building Construction Account--State.....	\$2,381,000
State and Local Improvements Revolving Account--State.....	\$20,000
Subtotal Appropriation.....	\$2,401,000
Prior Biennia (Expenditures).....	\$700,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,701,000

**NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Mental Health Division-Eastern Washington: Evaluation and Treatment (06-4-352)

Reappropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Mental Health: Omnibus Programmatic Projects (06-2-365)

Reappropriation:

State Building Construction Account--State.....	\$400,000
Prior Biennia (Expenditures).....	\$600,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Omnibus Preservation: Facility Preservation (06-1-112)

Reappropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$2,000,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Omnibus Preservation: Health, Safety, and Code Requirements (06-1-111)

Reappropriation:

State Building Construction Account--State. ....	\$2,900,000
Prior Biennia (Expenditures). ....	\$2,100,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Omnibus Preservation: Infrastructure Preservation (06-1-113)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$1,500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Rainier School: Storm and Sanitary Sewer, Phase 3 (06-1-853)

Reappropriation:

State Building Construction Account--State. ....	\$60,000
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Appropriation:

State Building Construction Account--State. ....	\$665,000
Prior Biennia (Expenditures). ....	\$40,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$765,000

**NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide: Emergency and Unanticipated Repair Projects (06-1-101)

Reappropriation:

State Building Construction Account--State. ....	\$170,000
Prior Biennia (Expenditures). ....	\$630,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$800,000

**NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide: Hazards Abatement and Demolition (06-1-119)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$400,000
Prior Biennia (Expenditures). ....	\$900,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,300,000

**NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Statewide: Facilities Assessment and Cultural Resources Planning (06-1-120)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$270,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$270,000

**NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Capital Project Management (08-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$2,555,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$11,870,000
TOTAL.....	\$14,425,000

**NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Echo Glen Children's Center: Housing Units Renovation (08-1-041)

Appropriation:

State Building Construction Account--State. ....	\$5,400,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$13,185,000
TOTAL . . . . .	\$18,585,000

**NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency Repairs (08-1-101)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State . . . . .	\$933,000
State Social and Health Services Construction Account--State . . . . .	\$67,000
Subtotal Appropriation . . . . .	\$1,000,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	\$5,000,000

**NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Hazards Abatement and Demolition (08-1-119)

Appropriation:

State Building Construction Account--State . . . . .	\$1,000,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$5,200,000
TOTAL . . . . .	\$6,200,000

**NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Facility Preservation (08-1-112)

Appropriation:

State Building Construction Account--State . . . . .	\$9,000,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$50,500,000
TOTAL . . . . .	\$59,500,000

**NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Health, Safety, and Code Requirements (08-1-111)

Appropriation:

State Building Construction Account--State . . . . .	\$6,000,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,000,000
TOTAL . . . . .	\$26,000,000

**NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Infrastructure Preservation (08-1-113)

Appropriation:

State Building Construction Account--State . . . . .	\$6,500,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$23,000,000
TOTAL . . . . .	\$29,500,000

**NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Program Projects (08-2-365)

The appropriation in this section is subject to the following conditions and limitations: Up to \$250,000 is provided for roof repairs of historic homes on the grounds of western state hospital.

Appropriation:

State Building Construction Account--State . . . . .	\$1,480,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,000,000
TOTAL . . . . .	\$11,480,000

**NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center Medium Management Housing Addition (08-2-505)

The appropriation in this section is subject to the following conditions and limitations: Funding is for the evaluation of design alternatives to meet programmatic needs.

Appropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Upgrade Eastern State Hospital Communications Systems (08-1-306)

Appropriation:

State Building Construction Account--State. ....	\$2,280,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,280,000

**NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Utility Replacements at the Special Commitment Center (08-1-504)

Appropriation:

State Building Construction Account--State. ....	\$3,040,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,040,000

**NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital Laundry Upgrades (08-1-325)

Appropriation:

State Building Construction Account--State. ....	\$885,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$885,000

**NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Western State Hospital New Kitchen and Commissary Building (08-1-319)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of a new kitchen and commissary building at western state hospital. The office of financial management shall not allot design funding until a predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval. The predesign must assess cook chill alternatives showing staffing and other operating efficiencies such as providing food for the special commitment center and other facilities located in Pierce county.

Appropriation:

State Building Construction Account--State. ....	\$650,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$9,820,000
TOTAL.....	\$10,470,000

**NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Rainier School Waste Treatment Plant (08-2-001)

Appropriation:

State Building Construction Account--State. ....	\$4,200,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,200,000

**NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 JRA Camp Outlook-Basic Training Camp (08-2-205)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a final site selection and preliminary plans for a permanent facility for camp outlook. The department shall further explore possible existing facilities that would support the privately operated program. If the preferred location remains at Connell, Washington, the department shall ensure that the planned facility shall be designed to minimize the added cost for the program, and retain its cost effectiveness when debt service costs for

the new facility are included. The department shall submit a report to the appropriate committees of the legislature before September 1, 2008, with the recommended plan for the facility.

Appropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$4,000,000
TOTAL.....	\$4,150,000

**NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:

State Building Construction Account--State. ....	\$474,000
Prior Biennia (Expenditures). ....	\$2,380,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,854,000

**NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Roof Replacement (06-1-002)

Reappropriation:

State Building Construction Account--State. ....	\$898,000
Prior Biennia (Expenditures). ....	\$727,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,625,000

**NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF HEALTH**  
Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$386,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$2,531,000
TOTAL.....	\$2,917,000

**NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF HEALTH**  
Minor Works - Program (08-2-004)

Appropriation:

State Building Construction Account--State. ....	\$135,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,542,000
TOTAL.....	\$1,677,000

**NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory Addition (08-2-003)

Appropriation:

State Building Construction Account--State. ....	\$1,184,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$8,984,000
TOTAL.....	\$10,168,000

**NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory Heating, Ventilation, and Air Conditioning Systems Upgrades (08-1-002)

Appropriation:

State Building Construction Account--State. ....	\$4,912,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,912,000

**NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF HEALTH**  
Shoreline Campus Master Plan (08-2-005)

Appropriation:

State Building Construction Account--State. . . . .	\$255,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$255,000

**NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF HEALTH**  
 Drinking Water Assistance Program (06-4-001)

Reappropriation:

Drinking Water Assistance Account--Federal. . . . .	\$18,588,000
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Appropriation:

Drinking Water Assistance Account--Federal. . . . .	\$54,300,000
Prior Biennia (Expenditures). . . . .	\$7,086,000
Future Biennia (Projected Costs). . . . .	\$99,360,000
TOTAL. . . . .	\$179,334,000

**NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Building 10 Assisted Living Upgrades (08-2-005)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$1,242,000
State Building Construction Account--State. . . . .	\$571,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,813,000

**NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Minor Works - Facility Preservation (08-1-003)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$722,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$1,283,000
TOTAL. . . . .	\$2,005,000

**NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Minor Works - Program (08-2-002)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$344,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$231,000
TOTAL. . . . .	\$575,000

**NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 State Veterans Cemetery (08-2-004)

Appropriation:

General Fund--Federal. . . . .	\$6,886,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$939,000
Subtotal Appropriation. . . . .	\$7,825,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,825,000

**NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Emergency Repairs (08-1-004)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$300,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$300,000

**NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$596,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$1,680,000
TOTAL.....	\$2,276,000

**NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works - Infrastructure Preservation (08-1-001)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$1,025,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,377,000
TOTAL.....	\$3,402,000

**NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Retsil Energy Assessment and Audit (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$40,000 of the appropriation is for a department of general administration assessment of the use of digester gas fuel generated by a nearby wastewater treatment facility to heat the veterans home in Retsil.
- (2) Up to \$60,000 of the appropriation is for a department of general administration energy audit of the veterans home in Retsil.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$100,000

**NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF CORRECTIONS**

Coyote Ridge Corrections Center: Design and Construct Medium Security Facility (98-2-011)

Reappropriation:

State Building Construction Account--State.....	\$155,459,000
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Appropriation:

State Building Construction Account--State.....	\$13,700,000
Prior Biennia (Expenditures).....	\$75,449,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$244,608,000

**NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Regional Infrastructure (04-2-008)

Reappropriation:

State Building Construction Account--State.....	\$13,208,000
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Prior Biennia (Expenditures).....	\$1,521,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$14,729,000

**NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State.....	\$10,482,000
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Prior Biennia (Expenditures).....	\$130,276,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$140,758,000

**NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Install Close Custody Slider Doors (06-2-070)

Reappropriation:

State Building Construction Account--State.....	\$660,000
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Prior Biennia (Expenditures).....	\$90,000
Future Biennia (Projected Costs).....	\$11,581,000

TOTAL..... \$12,331,000

**NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF CORRECTIONS**  
 Clallam Bay Corrections Center: Replace Support Building Roof (06-1-044)

Reappropriation:  
 State Building Construction Account--State. .... \$3,930,000  
 Prior Biennia (Expenditures). .... \$822,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$4,752,000

**NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF CORRECTIONS**  
 Cedar Creek Corrections Center: Add 100 Minimum Security Beds (06-2-851)

Reappropriation:  
 State Building Construction Account--State. .... \$6,022,000  
 Prior Biennia (Expenditures). .... \$207,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$6,229,000

**NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF CORRECTIONS**  
 Larch Corrections Center: 80 Bed Expansion (06-2-852)

Reappropriation:  
 State Building Construction Account--State. .... \$2,915,000  
 Prior Biennia (Expenditures). .... \$157,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$3,072,000

**NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF CORRECTIONS**  
 Monroe Corrections Complex: Improve C and D Units Security Features (06-1-046)

Reappropriation:  
 State Building Construction Account--State. .... \$280,000  
 Prior Biennia (Expenditures). .... \$2,618,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$2,898,000

**NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF CORRECTIONS**  
 McNeil Island Corrections Center: Replace/Stabilize Housing Unit Siding (06-1-005)

Reappropriation:  
 State Building Construction Account--State. .... \$445,000  
 Appropriation:  
 State Building Construction Account--State. .... \$3,000,000  
 Prior Biennia (Expenditures). .... \$349,000  
 Future Biennia (Projected Costs). .... \$9,024,000  
 TOTAL..... \$12,818,000

**NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington State Penitentiary: Kitchen Improvements (06-1-007)

Reappropriation:  
 State Building Construction Account--State. .... \$569,000  
 Appropriation:  
 State Building Construction Account--State. .... \$0  
 Prior Biennia (Expenditures). .... \$61,000  
 Future Biennia (Projected Costs). .... \$0  
 TOTAL..... \$630,000

**NEW SECTION. Sec. 2061. FOR THE DEPARTMENT OF CORRECTIONS**  
 Mission Creek: Add 120 Beds (06-2-017)

Reappropriation:  
 State Building Construction Account--State. .... \$2,861,000  
 Prior Biennia (Expenditures). .... \$564,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$3,425,000

**NEW SECTION. Sec. 2062. FOR THE DEPARTMENT OF CORRECTIONS**  
 Omnibus Preservation: Facility Preservation (Minor Works) (06-1-035)

Reappropriation:  
 State Building Construction Account--State. .... \$2,268,000  
  
 Prior Biennia (Expenditures) ..... \$1,565,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$3,833,000

**NEW SECTION. Sec. 2063. FOR THE DEPARTMENT OF CORRECTIONS**  
 Omnibus Preservation: Health, Safety, and Code (Minor Works) (06-1-027)

Reappropriation:  
 State Building Construction Account--State. .... \$2,039,000  
  
 Prior Biennia (Expenditures) ..... \$2,061,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$4,100,000

**NEW SECTION. Sec. 2064. FOR THE DEPARTMENT OF CORRECTIONS**  
 Omnibus Preservation: Infrastructure Preservation (Minor Works) (06-1-025)

Reappropriation:  
 State Building Construction Account--State. .... \$3,183,000  
  
 Prior Biennia (Expenditures) ..... \$643,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$3,826,000

**NEW SECTION. Sec. 2065. FOR THE DEPARTMENT OF CORRECTIONS**  
 Omnibus Program: Programmatic Projects (Minor Works) (06-2-033)

Reappropriation:  
 State Building Construction Account--State. .... \$1,554,000  
  
 Prior Biennia (Expenditures) ..... \$361,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$1,915,000

**NEW SECTION. Sec. 2066. FOR THE DEPARTMENT OF CORRECTIONS**  
 Monroe Corrections Center: Health Care Facility (06-2-043)

Reappropriation:  
 State Building Construction Account--State. .... \$360,000  
  
 Prior Biennia (Expenditures) ..... \$340,000  
 Future Biennia (Projected Costs) ..... \$76,027,000  
 TOTAL..... \$76,727,000

**NEW SECTION. Sec. 2067. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington Corrections Center: Health Care Facility (06-2-072)

Reappropriation:  
 State Building Construction Account--State. .... \$1,039,000  
  
 Prior Biennia (Expenditures) ..... \$161,000  
 Future Biennia (Projected Costs) ..... \$17,592,000  
 TOTAL..... \$18,792,000

**NEW SECTION. Sec. 2068. FOR THE DEPARTMENT OF CORRECTIONS**  
 Stafford Creek Corrections Center: Correct Security Deficiencies (06-1-013)

Reappropriation:  
 State Building Construction Account--State. .... \$1,000,000  
  
 Prior Biennia (Expenditures) ..... \$593,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$1,593,000

**NEW SECTION. Sec. 2069. FOR THE DEPARTMENT OF CORRECTIONS**  
 Statewide: Add Minimum Security Beds (06-2-950)

Reappropriation:	
State Building Construction Account--State. ....	\$5,361,000
Prior Biennia (Expenditures). ....	\$2,082,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,443,000

**NEW SECTION. Sec. 2070. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington Corrections Center for Women Healthcare Center (06-2-066)

Reappropriation:	
State Building Construction Account--State. ....	\$758,000
Appropriation:	
State Building Construction Account--State. ....	\$17,858,000
Prior Biennia (Expenditures). ....	\$442,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$19,058,000

**NEW SECTION. Sec. 2071. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington Corrections Center for Women: Replace Steamlines (06-1-018)

Reappropriation:	
State Building Construction Account--State. ....	\$641,000
Appropriation:	
State Building Construction Account--State. ....	\$5,179,000
Prior Biennia (Expenditures). ....	\$375,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,195,000

**NEW SECTION. Sec. 2072. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	\$1,619,000
State Building Construction Account--State. ....	\$1,338,000
Subtotal Reappropriation. ....	\$2,957,000
Prior Biennia (Expenditures). ....	\$494,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,451,000

**NEW SECTION. Sec. 2073. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington State Penitentiary: South Close Security Complex (06-2-021)

Reappropriation:	
State Building Construction Account--State. ....	\$2,983,000
Appropriation:	
State Building Construction Account--State. ....	\$61,294,000
Prior Biennia (Expenditures). ....	\$1,017,000
Future Biennia (Projected Costs). ....	\$69,193,000
TOTAL.....	\$134,487,000

**NEW SECTION. Sec. 2074. FOR THE DEPARTMENT OF CORRECTIONS**  
 100 Bed Expansion at Mission Creek Corrections Center for Women (08-2-020)

Appropriation:	
State Building Construction Account--State. ....	\$6,627,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,627,000

**NEW SECTION. Sec. 2075. FOR THE DEPARTMENT OF CORRECTIONS**  
 Airway Heights Heating and Cooling Loop Replacement (08-1-001)

Appropriation:	
State Building Construction Account--State. ....	\$2,925,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,925,000

**NEW SECTION. Sec. 2076. FOR THE DEPARTMENT OF CORRECTIONS**  
 Close Sewer Lagoon at Monroe Correctional Complex (08-2-022)

Appropriation:

State Building Construction Account--State. . . . .	\$229,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$6,736,000
TOTAL . . . . .	\$6,965,000

**NEW SECTION. Sec. 2077. FOR THE DEPARTMENT OF CORRECTIONS**  
 Emergency Repairs (08-1-035)

Appropriation:

State Building Construction Account--State. . . . .	\$2,500,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$500,000
Subtotal Appropriation . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,000,000
TOTAL . . . . .	\$13,000,000

**NEW SECTION. Sec. 2078. FOR THE DEPARTMENT OF CORRECTIONS**  
 Expand Reception Center at Washington Corrections Center (08-2-016)

Appropriation:

State Building Construction Account--State. . . . .	\$470,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$45,353,000
TOTAL . . . . .	\$45,823,000

**NEW SECTION. Sec. 2079. FOR THE DEPARTMENT OF CORRECTIONS**  
 Laundry Improvements at Washington State Penitentiary (08-1-033)

Appropriation:

State Building Construction Account--State. . . . .	\$4,051,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,051,000

**NEW SECTION. Sec. 2080. FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works - Facility Preservation (08-1-024)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000
TOTAL . . . . .	\$15,000,000

**NEW SECTION. Sec. 2081. FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works - Health, Safety, and Code Requirements (08-1-031)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000
TOTAL . . . . .	\$15,000,000

**NEW SECTION. Sec. 2082. FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works - Infrastructure Preservation (08-1-018)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State. . . . .	\$1,000,000
Subtotal Appropriation . . . . .	\$2,000,000

Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$8,000,000  
 TOTAL . . . . . \$10,000,000

**NEW SECTION. Sec. 2083. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace Barge Slip Pilings at McNeil Island Corrections Center (08-1-002)

Appropriation:  
 State Building Construction Account--State. . . . . \$3,900,000  
  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$3,900,000

**NEW SECTION. Sec. 2084. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace Cell Door and Electronics at Washington State Reformatory (08-1-010)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,545,000  
  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,545,000

**NEW SECTION. Sec. 2085. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace Electrical Distribution Building at Special Offenders Unit (08-1-009)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,222,000  
  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,222,000

**NEW SECTION. Sec. 2086. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace Fire Alarm System at Washington Corrections Center (08-1-008)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,524,000  
  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,524,000

**NEW SECTION. Sec. 2087. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace G Building Roof at Washington Corrections Center (08-1-004)

Appropriation:  
 State Building Construction Account--State. . . . . \$4,431,000  
  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$4,431,000

**NEW SECTION. Sec. 2088. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace Kitchen Roofs at Monroe Correctional Complex (08-1-003)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,062,000  
  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,062,000

**NEW SECTION. Sec. 2089. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace Roofs at Washington Corrections Center (08-1-005)

Appropriation:  
 State Building Construction Account--State. . . . . \$6,666,000  
  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$6,666,000

**NEW SECTION. Sec. 2090. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace Roofs at Washington State Penitentiary (08-1-007)

Appropriation:

State Building Construction Account--State. ....	\$1,789,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,789,000

**NEW SECTION. Sec. 2091. FOR THE DEPARTMENT OF CORRECTIONS**  
 Replace Telecommunications Infrastructure at Clallam Bay (08-1-013)

Appropriation:

State Building Construction Account--State. ....	\$1,850,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,691,000
TOTAL.....	\$15,541,000

**NEW SECTION. Sec. 2092. FOR THE DEPARTMENT OF CORRECTIONS**  
 Sex Offender Treatment Program Building at Airway Heights (08-2-028)

Appropriation:

State Building Construction Account--State. ....	\$4,947,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,947,000

**NEW SECTION. Sec. 2093. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
 Employment Resource Center (05-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for services and activities including the purchase and installation of state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:

Unemployment Compensation Administration Account--Federal. ....	\$3,354,000
Prior Biennia (Expenditures). ....	\$2,646,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,000,000

**NEW SECTION. Sec. 2094. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
 Employment Security Headquarters Building Assessment (08-1-002)

Appropriation:

Unemployment Compensation Administration Account--Federal. ....	\$300,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$300,000

**NEW SECTION. Sec. 2095. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
 Walla Walla WorkSource Expansion Project (06-2-001)

Reappropriation:

Unemployment Compensation Administration Account--Federal. ....	\$250,000
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Appropriation:

Unemployment Compensation Administration Account--Federal. ....	\$578,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$828,000

**PART 3**  
**NATURAL RESOURCES**

**NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Supply Facilities (74-2-006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State. . . . .	\$2,756,000
Prior Biennia (Expenditures). . . . .	\$13,543,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$16,299,000

**NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY**  
 Centennial Clean Water Fund (86-2-007)

Reappropriation:

Water Quality Capital Account--State. . . . .	\$678,000
Prior Biennia (Expenditures). . . . .	\$351,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,029,000

**NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY**  
 Local Toxics Grants for Cleanup and Prevention (88-2-008)

Reappropriation:

Local Toxics Control Account--State. . . . .	\$400,000
Prior Biennia (Expenditures). . . . .	\$3,191,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,591,000

**NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal. . . . .	\$400,000
Prior Biennia (Expenditures). . . . .	\$13,306,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$13,706,000

**NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY**  
 Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State. . . . .	\$4,800,000
Prior Biennia (Expenditures). . . . .	\$7,045,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$11,845,000

**NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Irrigation Efficiencies (01-H-010)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State. . . . .	\$1,318,000
Water Quality Capital Account--State. . . . .	\$310,000
Subtotal Reappropriation. . . . .	\$1,628,000
Prior Biennia (Expenditures). . . . .	\$8,449,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$10,077,000

**NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Measuring Devices (01-H-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.

Reappropriation:

State Building Construction Account--State. . . . .	\$1,201,000
Prior Biennia (Expenditures). . . . .	\$1,943,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,144,000

**NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY**  
 Centennial Clean Water Fund (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Water Quality Capital Account--State. ....	\$1,625,000
Prior Biennia (Expenditures). ....	\$1,974,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,599,000

**NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State. ....	\$7,000,000
Water Pollution Control Revolving Account--Federal. ....	\$79,000
Subtotal Reappropriation. ....	\$7,079,000
Prior Biennia (Expenditures). ....	\$37,134,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$44,213,000

**NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Supply Facilities (02-4-006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State. ....	\$2,110,000
Prior Biennia (Expenditures). ....	\$3,889,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,999,000

**NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY**  
 Centennial Clean Water Fund (04-4-007)

Reappropriation:

State Building Construction Account--State. ....	\$4,650,000
Water Quality Capital Account--State. ....	\$1,400,000
Subtotal Reappropriation. ....	\$6,050,000
Prior Biennia (Expenditures). ....	\$8,702,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$14,752,000

**NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY**  
 Local Toxics Grants for Cleanup and Prevention (04-4-008)

Reappropriation:

Local Toxics Control Account--State. ....	\$1,100,000
Prior Biennia (Expenditures). ....	\$10,296,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,396,000

**NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY**  
 Site Closure - Nuclear Waste Trench Site Investigation (04-4-010)

Reappropriation:

Site Closure Account--State. ....	\$1,120,000
Prior Biennia (Expenditures). ....	\$1,146,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,266,000

**NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY**  
 Twin Lake Aquifer Recharge Project (04-2-951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water applications and restoration of the Twin Lakes in the Methow Valley.

Reappropriation:

State Building Construction Account--State. . . . .	\$643,000
Prior Biennia (Expenditures). . . . .	\$106,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$749,000

**NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Account (04-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State. . . . .	\$13,000,000
Water Pollution Control Revolving Account--Federal. . . . .	\$6,200,000
Subtotal Reappropriation. . . . .	\$19,200,000
Prior Biennia (Expenditures). . . . .	\$65,228,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$84,428,000

**NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY**

Water Rights Purchase/Lease (04-1-005)

Reappropriation:

State Drought Preparedness--State. . . . .	\$804,000
Prior Biennia (Expenditures). . . . .	\$696,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,500,000

**NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY**

Water Supply Facilities (04-4-006)

Reappropriation:

State Building Construction Account--State. . . . .	\$3,389,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State. . . . .	\$1,438,000
Subtotal Reappropriation. . . . .	\$4,827,000
Prior Biennia (Expenditures). . . . .	\$8,799,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$13,626,000

**NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY**

Quad Cities Water Right Mitigation (05-2-852)

Reappropriation:

State Building Construction Account--State. . . . .	\$2,047,000
Prior Biennia (Expenditures). . . . .	\$153,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,200,000

**NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY**

State Drought Preparedness (05-4-009)

Reappropriation:

State Drought Preparedness--State. . . . .	\$1,464,000
Prior Biennia (Expenditures). . . . .	\$5,865,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,329,000

**NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Reappropriation:

State Building Construction Account--State. . . . .	\$3,187,000
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Appropriation:

State Building Construction Account--State. . . . .	\$2,544,000
Prior Biennia (Expenditures). . . . .	\$1,133,000
Future Biennia (Projected Costs). . . . .	\$2,132,000
TOTAL. . . . .	\$8,996,000

**NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Conveyance Infrastructure Projects (05-2-850)

Reappropriation:

State Building Construction Account--State. . . . .	\$3,168,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State. . . . .	\$1,415,000
Water Quality Capital Account--State. . . . .	\$293,000
Subtotal Reappropriation. . . . .	\$4,876,000
Prior Biennia (Expenditures). . . . .	\$954,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,830,000

**NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**  
 Centennial Clean Water Program (06-4-007)

Reappropriation:

State Building Construction Account--State. . . . .	\$5,900,000
Water Quality Capital Account--State. . . . .	\$8,500,000
State Toxics Control Account--State. . . . .	\$10,000,000
Subtotal Reappropriation. . . . .	\$24,400,000
Prior Biennia (Expenditures). . . . .	\$32,024,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$56,424,000

**NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**  
 Cleanup Toxic Sites - Puget Sound (06-4-001)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphaned and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first.

Reappropriation:

State Toxics Control Account--State. . . . .	\$2,750,000
Prior Biennia (Expenditures). . . . .	\$1,233,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,983,000

**NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**  
 Columbia River Basin Water Supply Development Program (06-2-950)

Reappropriation:

Columbia River Basin Water Supply Development Account--State. . . . .	\$10,000,000
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Appropriation:

Columbia River Basin Water Supply Development Account--State. . . . .	\$34,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$155,500,000
TOTAL. . . . .	\$200,000,000

**NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY**  
 Columbia River Program (06-2-010)

Reappropriation:

State Building Construction Account--State. . . . .	\$11,542,000
Prior Biennia (Expenditures). . . . .	\$4,458,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$16,000,000

**NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY**  
 Local Toxics Grants for Cleanup and Prevention (06-4-008)

Reappropriation:

Local Toxics Control Account--State. . . . .	\$56,470,000
Prior Biennia (Expenditures). . . . .	\$42,430,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$98,900,000

**NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY**

Low Impact Development for Storm Water Management (06-2-006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low-impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design provides similar performance. All projects must include performance monitoring.

Reappropriation:

State Toxics Control Account--State. ....	\$2,500,000
Prior Biennia (Expenditures). ....	\$2,500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY**  
 Minor Works (06-1-004)

Reappropriation:

State Building Construction Account--State. ....	\$30,000
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Appropriation:

State Building Construction Account--State. ....	\$270,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$300,000

**NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY**  
 Motor Vehicle Mercury Removal Program (06-2-850)

Reappropriation:

State Toxics Control Account--State. ....	\$900,000
Prior Biennia (Expenditures). ....	\$100,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY**  
 Puget Sound Aquatic Cleanup and Restoration (06-1-005)

Reappropriation:

State Toxics Control Account--State. ....	\$3,129,000
Prior Biennia (Expenditures). ....	\$1,871,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY**  
 Safe Soil Remediation and Awareness Projects (06-2-001)

Reappropriation:

State Toxics Control Account--State. ....	\$1,059,000
Prior Biennia (Expenditures). ....	\$1,909,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,968,000

**NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY**  
 Waste Tire Piles (06-1-002)

Reappropriation:

Waste Tire Removal Account--State. ....	\$3,500,000
Prior Biennia (Expenditures). ....	\$4,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,500,000

**NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Irrigation Efficiencies (06-2-009)

Reappropriation:

State Building Construction Account--State. ....	\$3,435,000
Prior Biennia (Expenditures). ....	\$64,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,499,000

**NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Account (06-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for up to \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

(2) Up to \$5,000,000 of the water pollution control revolving account--state reappropriation is for loans for on-site sewage replacement. This reappropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with water quality capital account--state appropriation in section 3022 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2008, including any recommendations for improving the program.

Reappropriation:

Water Pollution Control Revolving Account--State. ....	\$124,000,000
Water Pollution Control Revolving Account--Federal. ....	\$65,000,000
Subtotal Reappropriation. ....	\$189,000,000
Prior Biennia (Expenditures). ....	\$50,617,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$239,617,000

**NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (06-2-003)

Reappropriation:

State Building Construction Account--State. ....	\$10,849,000
Water Quality Capital Account--State. ....	\$386,000
Subtotal Reappropriation. ....	\$11,235,000
Prior Biennia (Expenditures). ....	\$1,563,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$12,798,000

**NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (08-4-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for the Adams and Lincoln counties ground water mapping project. The project shall submit a report to the appropriate committees of the legislature describing the dynamic relationship between groundwater and surface water in the region. The report shall be submitted by January 1, 2009.

(4) \$2,100,000 of the state toxics control account appropriation is provided solely for wastewater and clean water improvement projects at Illahee state park, Fort Flagler state park, and Larrabee state park.

(5)(a) \$16,545,000 of the state building construction account--state appropriation is provided solely for the following projects:

Project	Amount
Rock Island waste water treatment system	\$870,000
Enumclaw waste water treatment system	\$750,000
Snohomish waste water treatment system	\$4,925,000
Freeland sewer district	\$1,000,000
North Clark county regional sewer demonstration project	\$4,000,000
Town of Warden waste water	\$3,000,000

(b) The appropriation for entities that are listed in (a) of this subsection shall not affect the entities' eligibility for centennial fund hardship assistance and shall be excluded from any financial hardship calculation that would have the effect of reducing other moneys for which the entity is currently contracted and eligible under WAC 173-95A-030(8), as it existed on the effective date of this section.

Appropriation:

State Building Construction Account--State. ....	\$51,495,000
Water Quality Capital Account--State. ....	\$7,550,000
State Toxics Control Account--State. ....	\$2,100,000
Subtotal Appropriation. ....	\$61,145,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$178,400,000
TOTAL. ....	\$239,545,000

**NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY**  
Cleanup Toxic Sites in Puget Sound (08-4-005)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups shall include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Toxics Control Account--State. ....	\$4,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$18,820,000
TOTAL. ....	\$22,820,000

**NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY**  
Coordinated Prevention Grants (08-4-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local waste and pollution prevention projects. Grants shall fund new organics composting and conversion, green building, and moderate risk waste initiatives described in the state "beyond waste" plan.

(2) Up to \$2,000,000 of the appropriation may be used for grants to local governments to provide alternatives to backyard burning of organic materials. Priority for these grants shall be given to: (a) Urban growth areas of less than 5,000 people affected by the January 1, 2007, ban on outdoor burning; (b) projects that develop infrastructure for an on-going program; and (c) projects that coordinate regionally.

Appropriation:

Local Toxics Control Account--State. ....	\$25,500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$114,000,000
TOTAL. ....	\$139,500,000

**NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY**  
On-Site Septic Replacement Program (08-4-012)

The appropriation in this section is subject to the following conditions and limitations: Up to \$3,000,000 of the water quality capital account--state appropriation is for a contract with a nonprofit organization that is familiar with on-site sewage repair and replacement in Hood Canal to coordinate improvements to sewage systems. As part of a pilot project, the nonprofit organization may provide funds to a qualified private or nonprofit lending institution to provide financial assistance to local governments and private landowners for the repair, replacement, or upgrade of on-site sewage systems.

Appropriation:

Water Quality Capital Account--State. ....	\$3,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$3,000,000

**NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY**  
Puget Sound Aquatic Cleanup and Restoration (08-4-004)

The appropriation in this section is subject to the following conditions and limitations: The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Toxics Control Account--State. ....	\$5,905,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$23,620,000
TOTAL. ....	\$29,525,000

**NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY**  
**Puget Sound Storm Water Projects (08-2-002)**

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for grants to local governments within Puget Sound for municipal storm water projects that would prevent the contamination or recontamination of hazardous waste cleanup sites, including but not limited to, retrofit of existing storm water projects in urban areas where storm water is a significant source of contamination, identification and removal of nonstorm water discharges into municipal storm sewer systems, and local innovative storm water projects that implement low-impact development. The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Building Construction Account--State. . . . .	\$19,170,000
Local Toxics Control Account--State. . . . .	\$5,000,000
Subtotal Appropriation. . . . .	\$24,170,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$56,680,000
TOTAL. . . . .	\$80,850,000

**NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY**  
**Storm Water Projects (08-2-003)**

Appropriation:

State Toxics Control Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY**  
**Rebuild East Wall of Ecology Headquarters (08-1-002)**

Appropriation:

State Building Construction Account--State. . . . .	\$100,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$100,000

**NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY**  
**Reclaimed Water (08-4-002)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for grants to local governments in Puget Sound to complete reclaimed water projects. Priority shall be given to projects in water short areas where reclaimed water can be used to replace other water sources and where reclaimed water can be used to restore important ecosystem functions in Puget Sound.

Appropriation:

State Building Construction Account--State. . . . .	\$6,080,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$24,320,000
TOTAL. . . . .	\$30,400,000

**NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY**  
**Reduce Health Risks from Toxic Diesel Pollution (08-4-024)**

The appropriation in this section is subject to the following conditions and limitations:  
 (1) \$4,840,000 of the appropriation is provided solely for school bus diesel retrofits for local school districts.  
 (2) \$2,330,000 of the appropriation is provided solely for emission reduction projects for local governments to retrofit public sector diesel engines to allow public sector fleets to reduce their emissions.

Appropriation:

Local Toxics Control Account--State. . . . .	\$7,170,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,170,000

**NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY**  
**Remedial Action Grants (08-4-008)**

Appropriation:

Local Toxics Control Account--State.....	\$84,475,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$180,000,000
TOTAL.....	\$264,475,000

**NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY**

Repair Exterior Surfaces and Expand Emergency Power Supply (08-1-003)

Appropriation:

State Building Construction Account--State.....	\$475,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$475,000

**NEW SECTION. Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY**

Safe Soils Remediation Grants (08-4-009)

Appropriation:

State Toxics Control Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$4,000,000
TOTAL.....	\$6,000,000

**NEW SECTION. Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY**

Reduce Public Health Risks from Wood Stove Pollution (08-4-019)

Appropriation:

Wood Stove Education Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,000,000
TOTAL.....	\$2,500,000

**NEW SECTION. Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY**

Skykomish Cleanup (08-4-020)

Appropriation:

State Toxics Control Account--State.....	\$7,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$7,000,000

**NEW SECTION. Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY**

Waste Tire Pile Cleanup (08-4-022)

Appropriation:

Waste Tire Removal Account--State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$5,000,000
TOTAL.....	\$10,000,000

**NEW SECTION. Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY**

Water Irrigation Efficiencies (08-4-028)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 is provided solely for emergency repairs for the South Naches irrigation district.

Appropriation:

State Building Construction Account--State.....	\$3,250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$12,000,000
TOTAL.....	\$15,250,000

**NEW SECTION. Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Loan Program (08-4-011)

Appropriation:

Water Pollution Control Revolving Account-- State. . . . .	\$90,000,000
Water Pollution Control Revolving Account-- Federal. . . . .	\$50,000,000
Subtotal Appropriation. . . . .	\$140,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$500,000,000
TOTAL. . . . .	\$640,000,000

**NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY**  
Watershed Plan Implementation and Flow Achievement (08-4-029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

- (1) Surface or ground water storage projects, where such projects are consistent with the recommendations of the water storage task force. The department shall consult the departments of agriculture and fish and wildlife before issuing water storage grants.
- (2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.
- (3) Agricultural water supply projects that improve water conservation and water use efficiency.
- (4) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use measurement.
- (5) Acquisition of water to achieve instream flows or to establish water banks. The department shall give priority to acquisitions in salmon critical basins. The department shall place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW).
- (6) Up to \$200,000 of the appropriation is provided for a portion of the costs of the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.
- (7) \$560,000 is provided solely for the Chehalis watershed.
- (8) \$300,000 is provided solely for the Nisqually watershed.
- (9) Up to \$1,200,000 of the appropriation is provided for grants to lead local government entities for planning unit administrative support to watershed planning units. Such grants shall only be provided to those entities that have completed, approved plans that are actively being implemented. Grant amounts will range from \$30,000 to \$60,000, based on criteria to be developed by the department. Criteria should consider factors including complexity of water issues, geographical size, population growth pressure, rate of plan implementation, and others issues to be determined by the department.

Appropriation:

State Building Construction Account--State. . . . .	\$16,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$64,000,000
TOTAL. . . . .	\$80,000,000

**NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY**  
Yakima River Basin Water Storage Feasibility Study (08-4-026)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for completion of the United States bureau of reclamation's Yakima Basin storage feasibility study, including the associated joint national environmental policy act, the state environmental policy act, and environmental impact statement. The appropriated funds shall be used by the bureau of reclamation and the department of ecology to evaluate potential in-basin storage facilities such as the proposed Black Rock and Wymer reservoirs and other reasonable alternatives that will enhance water supply in the Yakima Basin.

Appropriation:

State Building Construction Account--State. . . . .	\$3,250,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,250,000

**NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY**  
Transfer of Water Rights for Cabin Owners (08-1-951)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 is appropriated to purchase water for domestic water users in the Yakima Basin (WRIAs 37, 38, and 39) that have a surface water right with a priority date later than May 10, 1905, as well as for all out-of-priority surface water users in the Yakima Basin. A portion of the appropriation may be used for administrative and other costs associated with acquiring and transferring the water rights. The department shall recover all costs from participating domestic water users for their prorated portion of the cost of securing a water right or rights for this purpose and associated annual operational costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be placed in the drought preparedness account.

Appropriation:

State Building Construction Account--State. . . . .	\$450,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$450,000

**NEW SECTION. Sec. 3057. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Spokane Centennial Trail - Unanticipated Receipt (03-2-001)

Reappropriation:

General Fund--Private/Local. . . . .	\$34,000
Prior Biennia (Expenditures) . . . . .	\$5,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$39,000

**NEW SECTION. Sec. 3058. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Cowan Barn and House (06-2-851)

Reappropriation:

State Building Construction Account--State. . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$51,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$301,000

**NEW SECTION. Sec. 3059. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Deception Pass - Renewed Traditions (06-2-013)

Reappropriation:

State Building Construction Account--State. . . . .	\$770,000
Prior Biennia (Expenditures) . . . . .	\$100,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$870,000

**NEW SECTION. Sec. 3060. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Facility Preservation - Facilities (06-1-004)

Reappropriation:

State Building Construction Account--State. . . . .	\$6,000,000
Prior Biennia (Expenditures) . . . . .	\$4,419,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$10,419,000

**NEW SECTION. Sec. 3061. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Fort Worden - Facilities (06-1-003)

Reappropriation:

State Building Construction Account--State. . . . .	\$432,000
Prior Biennia (Expenditures) . . . . .	\$838,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,270,000

**NEW SECTION. Sec. 3062. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Historic Stewardship - Stewardship (06-1-002)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,485,000
Prior Biennia (Expenditures) . . . . .	\$117,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,602,000

**NEW SECTION. Sec. 3063. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Ice Age Floods - Cherished Resources (06-2-014)

Reappropriation:

State Building Construction Account--State. . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$78,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$228,000

**NEW SECTION. Sec. 3064. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Natural Resources - Stewardship (06-1-001)

Reappropriation:

State Building Construction Account--State. ....	\$600,000
Prior Biennia (Expenditures). ....	\$89,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$689,000

**NEW SECTION. Sec. 3065. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Park Development (06-1-950)

Reappropriation:

State Building Construction Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$415,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$715,000

**NEW SECTION. Sec. 3066. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Revenue Creation - Financial Strategy (06-2-010)

Reappropriation:

State Building Construction Account--State. ....	\$1,100,000
Prior Biennia (Expenditures). ....	\$250,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,350,000

**NEW SECTION. Sec. 3067. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Rocky Reach - Chelan County Public Utility District (06-1-023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided to construct and surface the northern mile of Rocky Reach trail, and partially fund installation of signs, interpretive panels, and bridges related to the 5.1 mile project.

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 3068. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Southeast Washington Parks (06-2-852)

Reappropriation:

State Building Construction Account--State. ....	\$217,000
Prior Biennia (Expenditures). ....	\$2,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$219,000

**NEW SECTION. Sec. 3069. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Statewide Boat Pumpout - Federal Clean Vessel Act (06-4-018)

Reappropriation:

General Fund--Federal. ....	\$696,000
Prior Biennia (Expenditures). ....	\$40,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$736,000

**NEW SECTION. Sec. 3070. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Trails (06-2-017)

Reappropriation:

State Building Construction Account--State. ....	\$441,000
Prior Biennia (Expenditures). ....	\$208,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$649,000

**NEW SECTION. Sec. 3071. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Hood Canal Wastewater (06-1-850)

Reappropriation:

Hood Canal Aquatic Rehabilitation Bond	
Account--State. . . . .	\$5,100,000
Prior Biennia (Expenditures). . . . .	\$702,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,802,000

**NEW SECTION. Sec. 3072. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Puget Sound Wastewater (06-1-851)

Reappropriation:

State Building Construction Account--State. . . . .	\$6,100,000
Prior Biennia (Expenditures). . . . .	\$1,095,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,195,000

**NEW SECTION. Sec. 3073. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Sustainable Development and Restoration (06-1-011)

Reappropriation:

State Toxics Control Account--State. . . . .	\$80,000
Prior Biennia (Expenditures). . . . .	\$412,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$492,000

**NEW SECTION. Sec. 3074. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Cama Beach - New Destinations (06-2-011)

Reappropriation:

State Building Construction Account--State. . . . .	\$4,015,000
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Appropriation:

State Building Construction Account--State. . . . .	\$1,800,000
Prior Biennia (Expenditures). . . . .	\$305,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,120,000

**NEW SECTION. Sec. 3075. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Bay View Park Wide Wastewater Treatment System (08-2-041)

Appropriation:

State Building Construction Account--State. . . . .	\$2,187,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,187,000

**NEW SECTION. Sec. 3076. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Beacon Rock-Pierce Trust Grant (08-4-034)

Appropriation:

Parks Renewal and Stewardship Account--	
Private/Local. . . . .	\$25,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$100,000
TOTAL. . . . .	\$125,000

**NEW SECTION. Sec. 3077. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Belfair Major Park Upgrade (08-1-018)

Appropriation:

State Building Construction Account--State. . . . .	\$400,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,500,000
TOTAL. . . . .	\$2,900,000

**NEW SECTION. Sec. 3078. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Cape Disappointment Major Park Upgrade (08-1-012)

Appropriation:

State Building Construction Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$4,219,000
TOTAL. . . . .	\$4,719,000

**NEW SECTION. Sec. 3079. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Clean Vessel Boating Pumpout Grants (08-4-035)

The appropriation in this section is subject to the following conditions and limitations: The commission shall coordinate with the department of natural resources to develop a plan to transition the boat pumpout grant program to the department of natural resources. The legislature intends to accelerate the use of the federal money for boat pumpouts and integrate the grant program with the aquatic lands leasing program of the department of natural resources. The transition plan shall be submitted to the office of financial management and the appropriate committees of the legislature by September 1, 2007. The plan shall include the necessary supplemental budget adjustments to accomplish the transition by July 1, 2008.

Appropriation:

General Fund--Federal. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,000,000
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 3080. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Deferred Maintenance (08-1-025)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a plan of action, agreed upon between the office of financial management and the appropriate fiscal committees of the legislature by September 1, 2007. Up to \$200,000 of the appropriation may be used for systems necessary to implement the plan. The plan shall address the conclusions and key findings in the 2006 study of the department's capital development, execution, and monitoring process, including but not limited to:

- (1) The capital budget submittal and approval process;
- (2) Emergent needs and unforeseen cost overruns;
- (3) Adherence to project budgets and schedules;
- (4) Project completion rate;
- (5) Agency expenditure of capital budget appropriations;
- (6) Permitting delays;
- (7) The number of projects with complete close-out;
- (8) Project funding sources by project, phase, and/or activity;
- (9) Movement of project funding sources from original appropriation;
- (10) Satisfaction levels of operations staff and end users; and
- (11) Instances of noncompliance with environmental regulations.

Appropriation:

State Building Construction Account--State. . . . .	\$3,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$14,000,000
TOTAL. . . . .	\$17,500,000

**NEW SECTION. Sec. 3081. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Visible Park Improvements (08-1-951)

Appropriation:

State Building Construction Account--State. . . . .	\$10,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$10,000,000

**NEW SECTION. Sec. 3082. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Emergency Repairs (08-1-024)

Appropriation:

State Building Construction Account--State. . . . .	\$600,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$1,200,000
TOTAL. . . . .	\$1,800,000

**NEW SECTION. Sec. 3083. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Federal Grant Authority (08-4-032)

Appropriation:

General Fund--Federal. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,000,000
TOTAL. . . . .	\$2,500,000

**NEW SECTION. Sec. 3084. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Historic Preservation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations:

- Par. (1) \$500,000 of the appropriation is provided solely for the design, permits, and drawings for the seminary building at St. Edward State Park.  
 (2) \$500,000 of the appropriation is provided solely for improvements to prevent further degradation of the seminary building.

Appropriation:

State Building Construction Account--State. . . . .	\$7,101,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$14,500,000
TOTAL. . . . .	\$21,601,000

**NEW SECTION. Sec. 3085. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Ice Age Flood (08-2-037)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$3,000,000 of the appropriation is provided solely for a grant for the Hanford Reach national monument heritage and visitor center. The funds may be used for preconstruction activities.  
 (2) \$100,000 is provided for the department to prepare interpretive materials describing the ice age floods.

Appropriation:

State Building Construction Account--State. . . . .	\$3,100,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,100,000

**NEW SECTION. Sec. 3086. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Local Grant Authority (08-4-033)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,000,000
TOTAL. . . . .	\$2,500,000

**NEW SECTION. Sec. 3087. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. . . . .	\$10,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$40,000,000
TOTAL. . . . .	\$50,000,000

**NEW SECTION. Sec. 3088. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Parkland Acquisition (08-2-031)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the appropriate policy and fiscal committees of the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. The list shall include any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0

Future Biennia (Projected Costs) ..... \$16,000,000  
 TOTAL..... \$20,000,000

**NEW SECTION. Sec. 3089. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Pearrygin Lake Major Park Upgrade (08-2-016)

Appropriation:  
 State Building Construction Account--State. .... \$1,367,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$3,633,000  
 TOTAL..... \$5,000,000

**NEW SECTION. Sec. 3090. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Road Preservation (08-1-036)

Appropriation:  
 State Building Construction Account--State. .... \$3,700,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$3,700,000

**NEW SECTION. Sec. 3091. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Storm Water Improvements (08-1-027)

Appropriation:  
 State Building Construction Account--State. .... \$571,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$3,000,000  
 TOTAL..... \$3,571,000

**NEW SECTION. Sec. 3092. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Trail Development (08-1-008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$500,000 of the appropriation is provided solely to construct the ecological trail from Baker Bay to the Pacific ocean at Cape Disappointment state park, as identified in the commission's master capital plan.
- (2) \$350,000 of the appropriation is provided solely for upgrades to the Squak mountain trail.

Appropriation:  
 State Building Construction Account--State. .... \$4,350,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$4,350,000

**NEW SECTION. Sec. 3093. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Statewide Boat Pumpout (04-4-014)

The appropriation in this section is subject to the following conditions and limitations: The commission shall coordinate with the department of natural resources to develop a plan to transition the boat pumpout grant program to the department of natural resources. The legislature intends to accelerate the use of the federal money for boat pumpouts and integrate the grant program with the aquatic lands leasing program of the department of natural resources. The transition plan shall be submitted to the office of financial management and the appropriate committees of the legislature by September 1, 2007. The plan shall include the necessary supplemental budget adjustments to accomplish the transition by July 1, 2008.

Reappropriation:  
 General Fund--Federal. .... \$497,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$497,000

**NEW SECTION. Sec. 3094. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Cama Beach Donation (06-2-853)

Reappropriation:  
 General Fund--Private/Local. .... \$1,716,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$0

TOTAL..... \$1,716,000

**NEW SECTION. Sec. 3095. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Lake Sammamish Major Park Upgrade (08-1-014)

Appropriation:

State Building Construction Account--State. .... \$1,400,000  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$1,400,000

**NEW SECTION. Sec. 3096. FOR THE STATE PARKS AND RECREATION COMMISSION**  
City to Mountains Regional Gap Fund (08-1-950)

Appropriation:

State Building Construction Account--State. .... \$3,600,000  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$3,600,000

**NEW SECTION. Sec. 3097. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Nisqually Mashel State Park (08-1-953)

Appropriation:

State Building Construction Account--State. .... \$500,000  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$500,000

**NEW SECTION. Sec. 3098. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Boating Facilities Projects (98-2-001)

Reappropriation:

Recreation Resources Account--State. .... \$1,369,000  
Prior Biennia (Expenditures). .... \$18,187,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$19,556,000

**NEW SECTION. Sec. 3099. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Firearms and Archery Range Program (98-2-004)

Reappropriation:

Firearms Range Account--State. .... \$25,000  
Prior Biennia (Expenditures). .... \$549,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$574,000

**NEW SECTION. Sec. 3100. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Nonhighway Off-Road Vehicle Program (NOVA) (98-2-002)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities  
Program Account--State. .... \$249,000  
Prior Biennia (Expenditures). .... \$10,847,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$11,096,000

**NEW SECTION. Sec. 3101. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Washington Wildlife and Recreation Program (98-2-003)

Reappropriation:

Outdoor Recreation Account--State. .... \$1,767,000  
Habitat Conservation Account--State. .... \$2,252,000  
Subtotal Reappropriation. .... \$4,019,000  
Prior Biennia (Expenditures). .... \$73,582,000  
Future Biennia (Projected Costs). .... \$0

TOTAL..... \$77,601,000

**NEW SECTION. Sec. 3102. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Salmon Recovery Funding Board Programs (00-2-001)

Reappropriation:  
 General Fund--Federal. . . . . \$166,000  
 Salmon Recovery Account--State. . . . . \$1,175,000  
 Subtotal Reappropriation. . . . . \$1,341,000  
  
 Prior Biennia (Expenditures). . . . . \$100,284,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$101,625,000

**NEW SECTION. Sec. 3103. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Facilities Program (02-4-001)

Reappropriation:  
 Recreation Resources Account--State. . . . . \$766,000  
  
 Prior Biennia (Expenditures). . . . . \$6,167,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$6,933,000

**NEW SECTION. Sec. 3104. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Infrastructure Grant (02-4-010)

Reappropriation:  
 Recreation Resources Account--Federal. . . . . \$529,000  
  
 Prior Biennia (Expenditures). . . . . \$1,471,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$2,000,000

**NEW SECTION. Sec. 3105. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Firearms and Archery Range Program (02-0-001)

Reappropriation:  
 Firearms Range Account--State. . . . . \$43,000  
  
 Prior Biennia (Expenditures). . . . . \$357,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$400,000

**NEW SECTION. Sec. 3106. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Hatchery Management Program (02-4-009)

Reappropriation:  
 General Fund--Federal. . . . . \$1,482,000  
  
 Prior Biennia (Expenditures). . . . . \$9,719,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$11,201,000

**NEW SECTION. Sec. 3107. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Land and Water Conservation Fund (02-4-005)

Reappropriation:  
 Recreation Resources Account--Federal. . . . . \$1,350,000  
  
 Prior Biennia (Expenditures). . . . . \$6,150,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$7,500,000

**NEW SECTION. Sec. 3108. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Nonhighway Off-Road Vehicle Program (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State.....	\$69,000
Prior Biennia (Expenditures).....	\$5,459,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,528,000

**NEW SECTION. Sec. 3109. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Salmon Recovery Funding Board Programs (02-4-007)

Reappropriation:

General Fund--Federal.....	\$8,470,000
State Building Construction Account--State.....	\$2,786,000
Subtotal Reappropriation.....	\$11,256,000
Prior Biennia (Expenditures).....	\$63,737,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$74,993,000

**NEW SECTION. Sec. 3110. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Washington Wildlife and Recreation Program (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State.....	\$299,000
Habitat Conservation Account--State.....	\$1,164,000
Subtotal Reappropriation.....	\$1,463,000
Prior Biennia (Expenditures).....	\$43,537,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$45,000,000

**NEW SECTION. Sec. 3111. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Aquatic Lands Enhancement (04-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State.....	\$1,395,000
Prior Biennia (Expenditures).....	\$3,962,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,357,000

**NEW SECTION. Sec. 3112. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Boating Facilities Program (04-4-003)

Reappropriation:

Recreation Resources Account--State.....	\$1,501,000
Prior Biennia (Expenditures).....	\$6,006,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$7,507,000

**NEW SECTION. Sec. 3113. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Boating Infrastructure Grant (04-4-009)

Reappropriation:

General Fund--Federal.....	\$720,000
Prior Biennia (Expenditures).....	\$1,280,000

Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 3114. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Family Forest Fish Blockages Program (04-4-011)

Reappropriation:  
 State Building Construction Account--State . . . . . \$188,000  
  
 Prior Biennia (Expenditures) . . . . . \$1,812,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 3115. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Firearms and Archery Range Program (04-4-006)

Reappropriation:  
 Firearms Range Account--State . . . . . \$82,000  
  
 Prior Biennia (Expenditures) . . . . . \$169,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$251,000

**NEW SECTION. Sec. 3116. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Hatchery Management Program (04-4-010)

Reappropriation:  
 General Fund--Federal . . . . . \$3,002,000  
  
 Prior Biennia (Expenditures) . . . . . \$6,997,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$9,999,000

**NEW SECTION. Sec. 3117. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Land and Water Conservation Fund (04-4-007)

Reappropriation:  
 General Fund--Federal . . . . . \$1,133,000  
  
 Prior Biennia (Expenditures) . . . . . \$4,602,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$5,735,000

**NEW SECTION. Sec. 3118. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 National Recreation Trails Program (04-4-008)

Reappropriation:  
 General Fund--Federal . . . . . \$226,000  
  
 Prior Biennia (Expenditures) . . . . . \$2,034,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,260,000

**NEW SECTION. Sec. 3119. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

Reappropriation:  
 Nonhighway and Off-Road Vehicle Activities  
     Program Account--State . . . . . \$2,665,000  
  
 Prior Biennia (Expenditures) . . . . . \$4,262,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$6,927,000

**NEW SECTION. Sec. 3120. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Salmon Recovery Fund Board Programs (04-4-001)

Reappropriation:  
 General Fund--Federal . . . . . \$15,132,000  
 State Building Construction Account--State . . . . . \$5,682,000  
     Subtotal Reappropriation . . . . . \$20,814,000  
  
 Prior Biennia (Expenditures) . . . . . \$25,561,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$46,375,000

**NEW SECTION. Sec. 3121. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Washington Wildlife and Recreation Program (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State.....	\$4,394,000
Habitat Conservation Account--State.....	\$10,267,000
Subtotal Reappropriation.....	\$14,661,000

Prior Biennia (Expenditures).....	\$30,339,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$45,000,000

**NEW SECTION. Sec. 3122. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Hood Canal Aquatic Rehabilitation Program (06-4-850)

Reappropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State.....	\$996,000
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Prior Biennia (Expenditures).....	\$4,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 3123. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Aquatic Lands Enhancement Account (06-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State.....	\$2,010,000
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Prior Biennia (Expenditures).....	\$3,015,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,025,000

**NEW SECTION. Sec. 3124. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Facilities Program (06-4-003)

Reappropriation:

Recreation Resources Account--State.....	\$3,340,000
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Prior Biennia (Expenditures).....	\$3,931,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$7,271,000

**NEW SECTION. Sec. 3125. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Infrastructure Grant (06-4-009)

Reappropriation:

General Fund--Federal.....	\$80,000
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Prior Biennia (Expenditures).....	\$120,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 3126. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Family Forest Fish Passage Program (06-4-011)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 3132 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Reappropriation:

General Fund--Federal.....	\$35,000
State Building Construction Account--State.....	\$2,502,000

Subtotal Reappropriation. . . . .	\$2,537,000
Prior Biennia (Expenditures). . . . .	\$1,830,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,367,000

**NEW SECTION. Sec. 3127. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Firearm and Archery Range Program (06-4-006)

Reappropriation:

Firearms Range Account--State. . . . .	\$113,000
Prior Biennia (Expenditures). . . . .	\$109,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$222,000

**NEW SECTION. Sec. 3128. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Improve Hatchery Management (06-4-010)

Reappropriation:

General Fund--Federal. . . . .	\$2,400,000
Prior Biennia (Expenditures). . . . .	\$3,600,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,000,000

**NEW SECTION. Sec. 3129. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Land and Water Conservation Fund (06-4-007)

Reappropriation:

General Fund--Federal. . . . .	\$3,150,000
Prior Biennia (Expenditures). . . . .	\$1,350,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,500,000

**NEW SECTION. Sec. 3130. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 National Recreation Trails Program (06-4-008)

Reappropriation:

General Fund--Federal. . . . .	\$1,830,000
Prior Biennia (Expenditures). . . . .	\$970,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,800,000

**NEW SECTION. Sec. 3131. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$100,000 of the reappropriation is for the following studies:

(1) The committee shall prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used GPS devices, including the feasibility and cost to make GPS maps readily available for all users of Washington recreational lands and facilities. For this purpose, available GPS maps shall include GPS maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The committee shall recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study shall include a review of relevant existing laws and regulations. The recommendations shall address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive ORV noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State. . . . .	\$5,157,000
Prior Biennia (Expenditures). . . . .	\$2,422,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,579,000

**NEW SECTION. Sec. 3132. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Salmon Recovery Fund Board Programs (06-4-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for grants for salmon recovery efforts. These grants may include a grant to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

Reappropriation:

General Fund--Federal. . . . .	\$25,739,000
State Building Construction Account--State. . . . .	\$13,412,000
Subtotal Reappropriation. . . . .	\$39,151,000
Prior Biennia (Expenditures). . . . .	\$22,849,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$62,000,000

**NEW SECTION. Sec. 3133. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Washington Wildlife and Recreation Program (06-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriation is provided for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.
- (2) Funds reappropriated for distribution according to RCW 79A.15.050 shall fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the difference may be allocated to the remaining development projects.
- (3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Reappropriation:

Outdoor Recreation Account--State. . . . .	\$13,363,000
Habitat Conservation Account--State. . . . .	\$17,062,000
Subtotal Reappropriation. . . . .	\$30,425,000
Prior Biennia (Expenditures). . . . .	\$19,575,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$50,000,000

**NEW SECTION. Sec. 3134. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Youth Athletic Fields (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible and the amount of a grant need not be in proportion to the population of the city or county where the community outdoor athletic facility is located.

Reappropriation:

State Building Construction Account--State. . . . .	\$2,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,500,000

**NEW SECTION. Sec. 3135. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Aquatic Lands Enhancement Account (08-4-005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.
- (2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

Appropriation:

Aquatic Lands Enhancement Account--State. . . . .	\$5,025,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$20,100,000
TOTAL. . . . .	\$25,125,000

**NEW SECTION. Sec. 3136. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Boating Facilities Program (08-4-001)

Appropriation:

Recreation Resources Account--State. . . . .	\$8,021,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$35,688,000
TOTAL . . . . .	\$43,709,000

**NEW SECTION. Sec. 3137. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Boating Improvement Grants (08-4-002)

Appropriation:

General Fund--Federal . . . . .	\$200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$800,000
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3138. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Family Forest and Fish Passage Program (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 3140 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State . . . . .	\$6,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$24,000,000
TOTAL . . . . .	\$30,000,000

**NEW SECTION. Sec. 3139. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Firearms and Archery Range Recreation (08-4-003)

Appropriation:

Firearms Range Account--State . . . . .	\$472,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,007,000
TOTAL . . . . .	\$1,479,000

**NEW SECTION. Sec. 3140. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Salmon Recovery Funding Board Programs (SRFB) (08-4-851)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for grants for salmon recovery efforts. These grants may include grants to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

(2) The administrative funding currently provided by the salmon recovery funding board for the regional salmon recovery organization in Puget Sound shall be redirected to the Puget Sound partnership created in chapter . . . ([House][Senate] Bill No. ....), Laws of 2007 (Z-0369, Puget Sound partnership).

(3) Prior to awarding project grants for projects in Puget Sound, the salmon recovery funding board shall submit the list of proposed projects to the Puget Sound partnership for their review. The Puget Sound partnership shall provide their comments back to the salmon recovery funding board within forty-five days of receiving the proposed list of projects.

Appropriation:

General Fund--Federal . . . . .	\$42,000,000
State Building Construction Account--State . . . . .	\$18,000,000
Subtotal Appropriation . . . . .	\$60,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$240,000,000
TOTAL . . . . .	\$300,000,000

**NEW SECTION. Sec. 3141. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Hatchery Reform Program (08-4-006)

Appropriation:

General Fund--Federal . . . . .	\$6,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$32,000,000
TOTAL . . . . .	\$38,000,000

**NEW SECTION. Sec. 3142. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Land and Water Conservation (08-4-007)

Appropriation:

General Fund--Federal. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$4,000,000
TOTAL. . . . .	\$5,000,000

**NEW SECTION. Sec. 3143. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 National Recreational Trails Program (08-4-009)

Appropriation:

General Fund--Federal. . . . .	\$3,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$14,000,000
TOTAL. . . . .	\$17,500,000

**NEW SECTION. Sec. 3144. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Nonhighway Off-Road Vehicle Activities (08-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 of the appropriation is provided solely for grants to local law enforcement agencies for the enforcement of existing state noise laws and regulations. Grants may be used to acquire noise monitoring equipment and to compensate law enforcement agencies for staff overtime and administrative expenses.

Appropriation:

Nonhighway Off-Road Vehicle Activities Program Account--State. . . . .	\$9,036,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$42,945,000
TOTAL. . . . .	\$51,981,000

**NEW SECTION. Sec. 3145. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Puget Sound Restoration and Acquisition (08-4-004)

The appropriation in this section is subject to the following conditions and limitations:  
 (1) Prior to awarding project grants, the department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.  
 (2) All estuary projects shall be submitted for review and coordination with the executive committee of the Puget Sound nearshore partnership between the department of fish and wildlife and the United States army corps of engineers.

Appropriation:

State Building Construction Account--State. . . . .	\$47,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$168,000,000
TOTAL. . . . .	\$215,000,000

**NEW SECTION. Sec. 3146. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
 Washington Wildlife Recreation Grants (08-4-011)

The appropriations in this section are subject to the following conditions and limitations:  
 (1) The appropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007.  
 (2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the commission may:  
 (a) Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.  
 (b) Conduct a second grant cycle in the 2007-2009 biennium for farmlands preservation projects. A ranked list of farmlands preservation projects may be submitted to the governor by November 1, 2007, for approval in the 2008 supplemental capital budget. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the supplemental capital budget request to the legislature.  
 (3) \$627,299 of the appropriation from the habitat conservation account is provided solely for the Chehalis river surge plain natural area preserve. This amount shall not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Appropriation:

Outdoor Recreation Account--State. . . . .	\$36,000,000
Farmlands Preservation Account--State. . . . .	\$9,000,000

Riparian Protection Account--State. . . . .	\$19,000,000
Habitat Conservation Account--State. . . . .	\$36,000,000
Subtotal Appropriation. . . . .	\$100,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$280,000,000
TOTAL. . . . .	\$380,000,000

**NEW SECTION. Sec. 3147. FOR THE STATE CONSERVATION COMMISSION**  
 Conservation Reserve Enhancement Program (06-4-001)

The reappropriation in this section is subject to the following conditions and limitations: The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State. . . . .	\$1,936,000
Prior Biennia (Expenditures). . . . .	\$64,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,000,000

**NEW SECTION. Sec. 3148. FOR THE STATE CONSERVATION COMMISSION**  
 Livestock Water Quality - Landowner Cost Share (06-4-006)

Reappropriation:

Water Quality Capital Account--State. . . . .	\$10,000
Prior Biennia (Expenditures). . . . .	\$2,490,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,500,000

**NEW SECTION. Sec. 3149. FOR THE STATE CONSERVATION COMMISSION**  
 Puget Sound District Grants (06-4-003)

Reappropriation:

Water Quality Capital Account--State. . . . .	\$100,000
Prior Biennia (Expenditures). . . . .	\$1,605,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,705,000

**NEW SECTION. Sec. 3150. FOR THE STATE CONSERVATION COMMISSION**  
 Water Quality Grants Program (06-4-007)

Reappropriation:

Water Quality Capital Account--State. . . . .	\$300,000
Prior Biennia (Expenditures). . . . .	\$6,450,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,750,000

**NEW SECTION. Sec. 3151. FOR THE STATE CONSERVATION COMMISSION**  
 Skokomish Anaerobic Digester (06-4-009)

Reappropriation:

State Building Construction Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$60,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$560,000

**NEW SECTION. Sec. 3152. FOR THE STATE CONSERVATION COMMISSION**  
 Land Restoration (07-1-001)

Reappropriation:

State Building Construction Account--State. . . . .	\$587,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$587,000

**NEW SECTION. Sec. 3153. FOR THE STATE CONSERVATION COMMISSION**  
Conservation Reserve Enhancement Program Cost Share (08-4-005)

Appropriation:

State Building Construction Account--State. ....	\$1,170,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,170,000

**NEW SECTION. Sec. 3154. FOR THE STATE CONSERVATION COMMISSION**  
Conservation Reserve Enhancement Program Water Quality (08-4-002)

Appropriation:

State Building Construction Account--State. ....	\$709,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$709,000

**NEW SECTION. Sec. 3155. FOR THE STATE CONSERVATION COMMISSION**  
Practice Incentive Payment Loan Program (08-4-004)

Appropriation:

Conservation Assistance Revolving Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$3,000,000
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 3156. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Deschutes Watershed Center (06-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the design of the Deschutes Watershed center.

Reappropriation:

State Building Construction Account--State. ....	\$582,000
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Appropriation:

State Building Construction Account--State. ....	\$2,345,000
Prior Biennia (Expenditures). ....	\$268,000
Future Biennia (Projected Costs). ....	\$21,500,000
TOTAL.....	\$24,695,000

**NEW SECTION. Sec. 3157. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Department of Natural Resources Land Exchange - Shrub Steppe (06-2-851)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Reappropriation:

State Building Construction Account--State. ....	\$250,000
Prior Biennia (Expenditures). ....	\$250,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 3158. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$5,000 of the reappropriation in this section is for bank stabilization of the south Toledo access road.

Reappropriation:

State Building Construction Account--State. ....	\$1,937,000
Prior Biennia (Expenditures). ....	\$4,520,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,457,000

**NEW SECTION. Sec. 3159. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish and Wildlife Opportunity Improvements (06-2-004)

Reappropriation:

State Building Construction Account--State. . . . .	\$155,000
Prior Biennia (Expenditures). . . . .	\$345,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 3160. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Hatchery Reform, Retrofits, and Condition Improvements (06-1-001)

Reappropriation:

State Building Construction Account--State. . . . .	\$2,195,000
Prior Biennia (Expenditures). . . . .	\$4,076,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,271,000

**NEW SECTION. Sec. 3161. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish and Wildlife Population and Habitat Protection (06-1-003)

Reappropriation:

Wildlife Account--State. . . . .	\$20,000
Prior Biennia (Expenditures). . . . .	\$580,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$600,000

**NEW SECTION. Sec. 3162. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Sinlahekin Creek Dams - Flood Damage Repair (07-1-004)

Reappropriation:

State Building Construction Account--State. . . . .	\$70,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$70,000

**NEW SECTION. Sec. 3163. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Region 1 Office - Complete Phase 1 (07-2-009)

Reappropriation:

State Building Construction Account--State. . . . .	\$588,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$588,000

**NEW SECTION. Sec. 3164. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
2006 Flood Damage (08-1-006)

Appropriation:

State Building Construction Account--State. . . . .	\$630,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$630,000

**NEW SECTION. Sec. 3165. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Aquatic Lands Enhancement Account (08-2-017)

Appropriation:

Aquatic Lands Enhancement Account--State. . . . .	\$350,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$350,000

**NEW SECTION. Sec. 3166. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Chambers Creek Adult Trap - Phase 2 (08-1-004)

Appropriation:

State Building Construction Account--State. ....	\$252,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$252,000

**NEW SECTION. Sec. 3167. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Dole Bee Be Property (06-1-950)

Reappropriation:

State Building Construction Account--State. ....	\$380,000
Prior Biennia (Expenditures). ....	\$570,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$950,000

**NEW SECTION. Sec. 3168. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Emergency Projects (08-1-019)

Appropriation:

State Building Construction Account--State. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$2,000,000
TOTAL.....	\$2,500,000

**NEW SECTION. Sec. 3169. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Methow Culverts Replacement (08-1-027)

Appropriation:

State Building Construction Account--State. ....	\$754,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$994,000
TOTAL.....	\$1,748,000

**NEW SECTION. Sec. 3170. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minor Works - Facility Preservation (08-1-013)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a plan of action, agreed upon between the office of financial management and the appropriate fiscal committees of the legislature by September 1, 2007. Up to \$200,000 of the appropriation may be used for systems necessary to implement the plan. The plan shall address the conclusions and key findings in the 2006 study of the department's capital development, execution, and monitoring process, including but not limited to:

- (1) The commitment and role of senior management to improve and change the department's capital budget practices;
- (2) The clarification of the commission's role and responsibility for the capital budget process;
- (3) The development of capital program performance measures;
- (4) The alignment of the capital budget process with the department's strategic plan and priorities;
- (5) The implementation of a project scoping process;
- (6) The prioritization of capital projects, including both maintenance and other capital activities;
- (7) The review of business lines; and
- (8) The review of construction project delivery and organization.

Appropriation:

State Building Construction Account--State. ....	\$3,525,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,525,000

**NEW SECTION. Sec. 3171. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minor Works - Health Safety and Code Requirements (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$2,100,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,100,000

**NEW SECTION. Sec. 3172. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minor Works - Infrastructure Preservation (08-1-014)

Appropriation:

State Building Construction Account--State. . . . .	\$6,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,000,000

**NEW SECTION. Sec. 3173. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funding (08-2-048)

The appropriations in this section are subject to the following conditions and limitations: \$2,300,000 of the appropriation is provided solely for capital projects and engineering to pay the total cost of labor and materials provided by the department of fish and wildlife.

Appropriation:

General Fund--Federal. . . . .	\$22,800,000
General Fund--Private/Local. . . . .	\$3,700,000
Game Special Wildlife Account--Federal. . . . .	\$1,000,000
Game Special Wildlife Account--Private/Local. . . . .	\$625,000
Subtotal Appropriation. . . . .	\$28,125,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$106,800,000
TOTAL. . . . .	\$134,925,000

**NEW SECTION. Sec. 3174. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Puget Sound Initiative - Nearshore Salmon Restoration (06-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department shall focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372), Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding, and project evaluation ranking criteria.

(3) Funded projects require a nonstate match or in-kind contributions. The department shall seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria shall be developed by the Puget Sound nearshore steering committee. The criteria shall be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects shall be obtained from the department's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$723,000 of this appropriation may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

Reappropriation:

State Building Construction Account--State. . . . .	\$2,500,000
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Appropriation:

State Building Construction Account--State. . . . .	\$12,000,000
General Fund--Federal. . . . .	\$1,000,000
Subtotal Appropriation. . . . .	\$13,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$28,000,000
TOTAL. . . . .	\$43,500,000

**NEW SECTION. Sec. 3175. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Ranch Lands Irrigation Efficiencies (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for irrigation efficiency projects on ranch lands owned by the department.

Reappropriation:

State Building Construction Account--State. . . . .	\$600,000
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Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$600,000

**NEW SECTION. Sec. 3176. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Skookumchuck Hatchery Renovation - Phase 2 (08-2-015)

Appropriation:

State Building Construction Account--State. . . . .	\$528,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$3,389,000
TOTAL. . . . .	\$3,917,000

**NEW SECTION. Sec. 3177. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Spokane Region One Office - Phase 2 (08-2-008)

As of the effective date of this section, the department of fish and wildlife's Spokane region one building shall be known as the "Fred Shiosaki" building.

Appropriation:

State Building Construction Account--State. . . . .	\$1,830,000
Prior Biennia (Expenditures). . . . .	\$4,400,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,230,000

**NEW SECTION. Sec. 3178. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Statewide Fencing Renovation and Replacement (08-1-009)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the appropriation is provided solely for the replacement of elk fencing lost in the 2005 school fire in the Wooten wildlife area. The department shall contract with another state agency to construct the fence.

Appropriation:

State Building Construction Account--State. . . . .	\$2,100,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,100,000

**NEW SECTION. Sec. 3179. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Sustainability and Energy Savings (06-1-009)

Reappropriation:

State Building Construction Account--State. . . . .	\$360,000
Prior Biennia (Expenditures). . . . .	\$140,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 3180. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Wiley Slough Restoration (08-1-028)

Appropriation:

General Fund--Federal. . . . .	\$2,500,000
State Building Construction Account--State. . . . .	\$295,000
Subtotal Appropriation. . . . .	\$2,795,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,795,000

**NEW SECTION. Sec. 3181. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Tokul Creek Hatchery (08-1-005)

Appropriation:

State Building Construction Account--State. . . . .	\$435,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$4,857,000
TOTAL. . . . .	\$5,292,000

**NEW SECTION. Sec. 3182. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Grazing Monitoring on Fish and Wildlife Lands (08-2-001)

Appropriation:

State Building Construction Account--State. . . . .	\$200,000
Prior Biennia (Expenditures). . . . .	\$0

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$200,000

**NEW SECTION. Sec. 3183. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Voights Creek Hatchery - Phase 1 (08-1-003)

Appropriation:  
 State Building Construction Account--State. .... \$505,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$6,402,000  
 TOTAL..... \$6,907,000

**NEW SECTION. Sec. 3184. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Bee Be Property (08-1-029)

Appropriation:  
 State Building Construction Account--State. .... \$502,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$502,000

**NEW SECTION. Sec. 3185. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Combined State Agency Aviation Facility (08-1-950)

Appropriation:  
 State Building Construction Account--State. .... \$66,000  
 Wildlife Account--State. .... \$66,000  
 Subtotal Appropriation..... \$132,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$1,608,000  
 TOTAL..... \$1,740,000

**NEW SECTION. Sec. 3186. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Community and Technical College Trust Land Acquisitions (08-2-004)

Appropriation:  
 Community and Technical College Forest Reserve  
 Account--State. .... \$200,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$950,000  
 TOTAL..... \$1,150,000

**NEW SECTION. Sec. 3187. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Creosote Removal in Puget Sound (08-2-017)

The appropriation in this section is subject to the following conditions and limitations: The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:  
 State Toxics Control Account--State. .... \$4,000,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$4,000,000  
 TOTAL..... \$8,000,000

**NEW SECTION. Sec. 3188. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Forest Legacy (04-2-015)

Reappropriation:  
 General Fund--Federal. .... \$8,186,000  
 Appropriation:  
 General Fund--Federal. .... \$8,500,000  
 Prior Biennia (Expenditures) ..... \$7,520,000  
 Future Biennia (Projected Costs) ..... \$39,000,000  
 TOTAL..... \$63,206,000

**NEW SECTION. Sec. 3189. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Storm Damage (07-1-850)

Reappropriation:

State Building Construction Account--State. ....	\$282,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$282,000

**NEW SECTION. Sec. 3190. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Forest Riparian Easement Program (08-2-022)

Appropriation:

State Building Construction Account--State. ....	\$8,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$32,000,000
TOTAL.....	\$40,000,000

**NEW SECTION. Sec. 3191. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Land Acquisition Grants (05-2-021)

Reappropriation:

General Fund--Federal. ....	\$3,247,000
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Appropriation:

General Fund--Federal. ....	\$26,000,000
Prior Biennia (Expenditures). ....	\$43,271,000
Future Biennia (Projected Costs). ....	\$113,363,000
TOTAL.....	\$185,881,000

**NEW SECTION. Sec. 3192. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Marine Station Public Access (04-2-019)

Reappropriation:

Aquatic Lands Enhancement Account--State.....	\$72,000
Prior Biennia (Expenditures). ....	\$236,000
Future Biennia (Projected Costs). ....	\$2,145,000
TOTAL.....	\$2,453,000

**NEW SECTION. Sec. 3193. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Minor Works - Preservation (08-1-007)

Appropriation:

Forest Development Account--State.....	\$413,000
Resources Management Cost Account--State.....	\$430,000
State Building Construction Account--State. ....	\$607,000
Subtotal Appropriation.....	\$1,450,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$4,154,000
TOTAL.....	\$5,604,000

**NEW SECTION. Sec. 3194. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Minor Works - Programmatic (08-2-016)

Appropriation:

Forest Development Account--State.....	\$534,000
Resources Management Cost Account--State.....	\$556,000
State Building Construction Account--State. ....	\$85,000
Subtotal Appropriation.....	\$1,175,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$2,515,000
TOTAL.....	\$3,690,000

**NEW SECTION. Sec. 3195. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Natural Areas Facilities Preservation and Access (08-1-014)

Appropriation:

State Building Construction Account--State. ....	\$942,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$9,958,000
TOTAL . . . . .	\$10,900,000

**NEW SECTION. Sec. 3196. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Recreation Capital Renovations (08-2-006)

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the appropriation is provided solely for trail system signage.

Appropriation:

State Building Construction Account--State. . . . .	\$1,065,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$15,278,000
TOTAL . . . . .	\$16,343,000

**NEW SECTION. Sec. 3197. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Right-of-Way Acquisition (08-2-020)

Appropriation:

Forest Development Account--State. . . . .	\$250,000
Resources Management Cost Account--State. . . . .	\$750,000
Subtotal Appropriation. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	\$5,000,000

**NEW SECTION. Sec. 3198. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Riparian Open Space Program (08-2-001)

Appropriation:

State Building Construction Account--State. . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$11,000,000
TOTAL . . . . .	\$12,500,000

**NEW SECTION. Sec. 3199. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Statewide Aquatic Restoration Projects (06-2-008)

Reappropriation:

State Building Construction Account--State. . . . .	\$150,000
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Appropriation:

Aquatic Lands Enhancement Account--State. . . . .	\$300,000
Prior Biennia (Expenditures) . . . . .	\$500,000
Future Biennia (Projected Costs) . . . . .	\$1,200,000
TOTAL . . . . .	\$2,150,000

**NEW SECTION. Sec. 3200. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Road Maintenance and Abandonment Projects (06-2-003)

Reappropriation:

State Building Construction Account--State. . . . .	\$87,000
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Appropriation:

State Building Construction Account--State. . . . .	\$700,000
Prior Biennia (Expenditures) . . . . .	\$700,000
Future Biennia (Projected Costs) . . . . .	\$500,000
TOTAL . . . . .	\$1,987,000

**NEW SECTION. Sec. 3201. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 State Lands Maintenance (08-1-019)

Appropriation:

Forest Development Account--State. . . . .	\$250,000
Resources Management Cost Account--State. . . . .	\$2,350,000
Subtotal Appropriation. . . . .	\$2,600,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,400,000

TOTAL..... \$13,000,000

**NEW SECTION. Sec. 3202. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Statewide Aquatic Restoration Projects (06-2-008)

Reappropriation:

State Building Construction Account--State. .... \$150,000  
Prior Biennia (Expenditures). .... \$465,000  
Future Biennia (Projected Costs). .... \$1,200,000  
TOTAL..... \$1,815,000

**NEW SECTION. Sec. 3203. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Trust Land Transfer (08-2-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes. The approved list of projects is identified in the LEAP capital document 2007-4, developed March 20, 2007.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring forest lands of equal value to be managed as common school trust land.

(3) Property subject to lease agreements under this section shall be appraised at fair market value. Lease payments shall be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and shall be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

(9) On June 30, 2009, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State. .... \$96,485,000  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$287,000,000  
TOTAL..... \$383,485,000

**NEW SECTION. Sec. 3204. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Federal Habitat Conservation Program Land Acquisition Grants (06-2-950)

Reappropriation:

General Fund--Federal. .... \$705,000  
Prior Biennia (Expenditures). .... \$6,015,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$6,720,000

**NEW SECTION. Sec. 3205. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Loomis Natural Resources Conservation Area Restoration (07-1-004)

Reappropriation:

State Building Construction Account--State. .... \$271,000  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0

TOTAL.....\$271,000

**NEW SECTION. Sec. 3206. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Deep Water Geoduck/Sea Cucumber Population Surveys (06-2-850)

Reappropriation:  
 State Building Construction Account--State. ....\$491,000  
 Prior Biennia (Expenditures). ....\$159,000  
 Future Biennia (Projected Costs). ....\$0  
 TOTAL.....\$650,000

**NEW SECTION. Sec. 3207. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Riparian Open Space Program (06-2-018)

Reappropriation:  
 State Building Construction Account--State. ....\$700,000  
 Prior Biennia (Expenditures). ....\$800,000  
 Future Biennia (Projected Costs). ....\$0  
 TOTAL.....\$1,500,000

**NEW SECTION. Sec. 3208. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Port Angeles Armory (08-1-851)

Appropriation:  
 Forest Development Account--State.....\$135,000  
 Resource Management Cost Account--State. ....\$151,000  
 State Building Construction Account--State. ....\$157,000  
 Subtotal Appropriation.....\$443,000  
 Prior Biennia (Expenditures). ....\$0  
 Future Biennia (Projected Costs). ....\$0  
 TOTAL.....\$443,000

**NEW SECTION. Sec. 3209. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Colville Armory (08-2-851)

Appropriation:  
 Forest Development Account--State.....\$313,000  
 Resource Management Cost Account--State. ....\$330,000  
 State Building Construction Account--State. ....\$299,000  
 Subtotal Appropriation.....\$942,000  
 Prior Biennia (Expenditures). ....\$0  
 Future Biennia (Projected Costs). ....\$0  
 TOTAL.....\$942,000

**NEW SECTION. Sec. 3210. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Combined State Agency Aviation Facility (08-1-952)

Appropriation:  
 Forest Development Account--State.....\$87,000  
 Resource Management Cost Account--State. ....\$94,000  
 State Building Construction Account--State. ....\$211,000  
 Subtotal Appropriation.....\$392,000  
 Prior Biennia (Expenditures). ....\$0  
 Future Biennia (Projected Costs). ....\$3,783,000  
 TOTAL.....\$4,175,000

**NEW SECTION. Sec. 3211. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Blanchard Mountain (08-1-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands as an initial purchase in support of an approved plan to preserve the core of Blanchard mountain in Skagit county. The department shall consult with the University of Washington college of forestry resources' northwest environmental forum and with other interest groups prior to the purchase. The department shall coordinate purchases funded under this section with purchases funded under section 3213 of this act to block up and preserve working forest lands at risk of conversion in Skagit county.

Appropriation:  
 State Building Construction Account--State. ....\$4,000,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 3212. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Marine Station (08-1-015)

Appropriation:

Resource Management Cost Account--State. . . . .	\$750,000
State Building Construction Account--State. . . . .	\$750,000
Subtotal Appropriation . . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,500,000

**NEW SECTION. Sec. 3213. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Conversion Land Acquisition (08-1-950)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for acquisition of working forest lands at risk of conversion to nonforest uses. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products industry, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these conversion lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2008, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intention of the legislature to lease the development rights of these conversion lands and retain them as long-term working forest lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan. The appropriation provided in this section shall lapse unless chapter . . . (Substitute House Bill No. 2382 (An act relating to leasing state lands and development rights on state lands to public agencies), Laws of 2007, or similar provisions contained in other legislation, is enacted prior to June 30, 2007.

Appropriation:

Resource Management Cost Account--State. . . . .	\$40,000,000
Natural Resources Real Property Replacement Account--State. . . . .	\$20,000,000
Subtotal Appropriation . . . . .	\$60,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$60,000,000

**NEW SECTION. Sec. 3214. FOR THE DEPARTMENT OF AGRICULTURE**  
 Fair Improvements (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: \$850,000 is provided solely for renovations and repairs to the historic pavilion at the Walla Walla fairgrounds.

Appropriation:

State Building Construction Account--State. . . . .	\$1,250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,250,000

**NEW SECTION. Sec. 3215. FOR THE DEPARTMENT OF AGRICULTURE**  
 Energy Freedom Program (06-2-851)

The reappropriation in this section is subject to the following conditions and limitations: If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State. . . . .	\$8,529,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,529,000

**NEW SECTION. Sec. 3216. FOR THE DEPARTMENT OF AGRICULTURE**  
 Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The reappropriation in this section is subject to the following conditions and limitations: If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State. . . . .	\$5,971,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,971,000

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL**  
Fire Training Academy Sanitary System (08-2-002)

Appropriation:

Fire Service Training Account--State. . . . .	\$3,500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,500,000

**NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL**  
Minor Works - Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. . . . .	\$480,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,000,000
TOTAL. . . . .	\$2,480,000

**NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL**  
Replace Existing Dormitory (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The state building construction account appropriation is provided solely for one-half of the construction cost for replacement of the student dormitory at the fire training academy and is contingent upon the remaining construction cost being funded with a certificate of participation that is repaid with revenues from fees charged by the fire training academy. Any expenditures from this appropriation must be matched by an equal expenditure from the certificate of participation.

Appropriation:

State Building Construction Account--State. . . . .	\$1,360,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,360,000

**NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL**  
Combined State Agency Aviation Facility (08-2-951)

Appropriation:

State Building Construction Account--State. . . . .	\$67,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$813,000
TOTAL. . . . .	\$880,000

**NEW SECTION. Sec. 4005. FOR THE DEPARTMENT OF TRANSPORTATION**  
Columbia River Dredging (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:

State Building Construction Account--State. . . . .	\$2,980,000
Prior Biennia (Expenditures). . . . .	\$14,720,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$17,700,000

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2001-2003 School Construction Assistance Grant Program (02-4-001)

Reappropriation:

Common School Construction Account--State.....	\$3,850,000
Prior Biennia (Expenditures).....	\$8,150,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$12,000,000

**NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2003-2005 School Construction Assistance Grant Program (04-4-001)

Reappropriation:

State Building Construction Account--State.....	\$11,961,000
Common School Construction Account--State.....	\$10,682,000
Subtotal Reappropriation.....	\$22,643,000
Prior Biennia (Expenditures).....	\$171,568,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$194,211,000

**NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2005-2007 Apple Achievement Awards (06-4-850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 196, chapter 371, Laws of 2006.

Reappropriation:

Education Construction Account--State.....	\$302,000
Prior Biennia (Expenditures).....	\$198,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2005-2007 High Performance School Building Grants (06-4-852)

The reappropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction.

Reappropriation:

State Building Construction Account--State.....	\$6,078,000
Prior Biennia (Expenditures).....	\$25,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$6,103,000

**NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2005-2007 School Construction Assistance Grant Program (06-4-100)

Reappropriation:

State Building Construction Account--State.....	\$117,539,000
Common School Construction Account--State.....	\$218,896,000
Subtotal Reappropriation.....	\$336,435,000
Prior Biennia (Expenditures).....	\$305,331,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$641,766,000

**NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Capital Project Administration (08-4-100)

Appropriation:

Common School Construction Account--State.. . . . .	\$2,528,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,049,000
TOTAL . . . . .	\$14,577,000

**NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 School Construction Assistance Grants (08-4-200)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) The legislature has made a commitment to phase in all-day kindergarten programs beginning with the 2007-08 school year. However, the legislature finds that one potential barrier to successful expansion of all-day kindergarten programs may be a lack of facilities that meet the requirements of an all-day kindergarten program. The office of the superintendent of public instruction, in consultation with the school facilities citizen advisory panel, shall examine alternatives for addressing school facilities needs for all-day kindergarten programs, including adapting existing unused space, creating innovative public-private partnerships and partnerships with early learning providers, shifting the location of current programs within a district or a school, and temporary, limited use of portables. The office of the superintendent of public instruction shall submit a report to the capital budget committee of the house of representatives and the ways and means committee of the senate by September 1, 2007, with recommendations on preferred alternatives and an analysis of the feasibility and cost of implementing the alternatives.

Appropriation:

State Building Construction Account--State. . . . .	\$113,195,000
Common School Construction Account--State.. . . .	\$768,888,000
Subtotal Appropriation. . . . .	\$882,083,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,500,725,000
TOTAL . . . . .	\$4,382,808,000

**NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Small Repair Grants (08-4-402)

Appropriation:

State Building Construction Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000
TOTAL . . . . .	\$15,000,000

**NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Vocational Skills Centers (08-4-300)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,362,000 from this appropriation is provided solely for minor capital projects at all of the state's skills centers ranked with a "severity score" of 40 points or more.

(2) \$24,400,000 from this appropriation is provided solely for the design and construction of the Skagit Valley vocational skills center.

(3) \$16,366,000 from this appropriation is provided solely for the design and construction of the Yakima Valley technical skills center.

(4) \$23,161,000 from this appropriation is provided solely for the design and construction of the Sno-Isle skills center.

(5) \$1,118,000 from this appropriation is provided solely for the design and construction of the Clark county skills center.

(6) \$300,000 from this appropriation is provided solely for the completion of the new market skills center project and to address storm water issues.

Appropriation:

State Building Construction Account--State. . . . .	\$74,707,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$83,984,000
TOTAL . . . . .	\$158,691,000

**NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Island Wood Environmental Learning Center (08-4-406)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5011. FOR THE STATE SCHOOL FOR THE BLIND**  
 Campus Preservation (06-1-003)

Reappropriation:

State Building Construction Account--State. ....	\$400,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$400,000

**NEW SECTION. Sec. 5012. FOR THE STATE SCHOOL FOR THE BLIND**  
 Minor Works - Facility Preservation (08-1-005)

Appropriation:

State Building Construction Account--State. ....	\$770,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$2,500,000
TOTAL.....	\$3,270,000

**NEW SECTION. Sec. 5013. FOR THE STATE SCHOOL FOR THE BLIND**  
 New Physical Education Center (08-2-001)

Appropriation:

State Building Construction Account--State. ....	\$9,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$9,000,000

**NEW SECTION. Sec. 5014. FOR THE STATE SCHOOL FOR THE DEAF**  
 Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$1,325,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,000,000
TOTAL.....	\$2,325,000

**NEW SECTION. Sec. 5015. FOR THE STATE SCHOOL FOR THE DEAF**  
 Vocational Education, Cafeteria, and Maintenance Support Building (08-2-002)

Appropriation:

State Building Construction Account--State. ....	\$10,900,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$10,900,000

**NEW SECTION. Sec. 5016. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell/Cascadia Community College - State Route 522 Off Ramp (02-2-014)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$255,000
Prior Biennia (Expenditures). ....	\$1,495,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,750,000

**NEW SECTION. Sec. 5017. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma Land Acquisition/Soils Remediation (01-2-029)

Reappropriation:

Education Construction Account--State.....	\$50,000
Prior Biennia (Expenditures). ....	\$5,900,000
Future Biennia (Projected Costs). ....	\$20,000,000
TOTAL.....	\$25,950,000

**NEW SECTION. Sec. 5018. FOR THE UNIVERSITY OF WASHINGTON**  
 Facility Preservation Backlog Reduction (04-1-951)

Reappropriation:

State Building Construction Account--State. ....	\$4,100,000
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Prior Biennia (Expenditures) . . . . .	\$21,214,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$25,314,000

**NEW SECTION. Sec. 5019. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Emergency Power Expansion - Phase II (04-1-024)

Reappropriation:

University of Washington Building Account--State . . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$5,148,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,648,000

**NEW SECTION. Sec. 5020. FOR THE UNIVERSITY OF WASHINGTON**  
 Classroom Improvements (05-1-850)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$3,850,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 5021. FOR THE UNIVERSITY OF WASHINGTON**  
 Infectious Disease Laboratory Facilities (05-2-850)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State . . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 5022. FOR THE UNIVERSITY OF WASHINGTON**  
 Playhouse Theater (05-1-004)

Appropriation:

State Building Construction Account--State . . . . .	\$6,578,000
Prior Biennia (Expenditures) . . . . .	\$1,000,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$7,578,000

**NEW SECTION. Sec. 5023. FOR THE UNIVERSITY OF WASHINGTON**  
 Architecture Hall Renovation (06-1-008)

Reappropriation:

State Building Construction Account--State . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$20,324,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$23,324,000

**NEW SECTION. Sec. 5024. FOR THE UNIVERSITY OF WASHINGTON**  
 Clark Hall Renovation (06-1-007)

Reappropriation:

State Building Construction Account--State . . . . .	\$1,200,000
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Appropriation:

State Building Construction Account--State . . . . .	\$554,000
Education Construction Account--State . . . . .	\$15,000,000
Subtotal Appropriation . . . . .	\$15,554,000
Prior Biennia (Expenditures) . . . . .	\$1,300,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$18,054,000

**NEW SECTION. Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON**  
 Cleanup More Hall and Other Toxics (06-1-950)

Reappropriation:

State Toxics Control Account--State. ....	\$1,125,000
Prior Biennia (Expenditures). ....	\$3,375,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,500,000

**NEW SECTION. Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON**  
 Guggenheim Hall Renovation (06-1-006)

Reappropriation:

State Building Construction Account--State. ....	\$3,000,000
Education Construction Account--State.....	\$4,000,000
Subtotal Reappropriation. ....	\$7,000,000
Prior Biennia (Expenditures). ....	\$19,312,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$26,312,000

**NEW SECTION. Sec. 5027. FOR THE UNIVERSITY OF WASHINGTON**  
 Health Sciences - H Wing (06-1-001)

Reappropriation:

State Building Construction Account--State. ....	\$5,000,000
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Appropriation:

State Building Construction Account--State. ....	\$7,000,000
University of Washington Building Account--State.....	\$3,000,000
Subtotal Appropriation.....	\$10,000,000

Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,000,000

**NEW SECTION. Sec. 5028. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works - Facility Preservation (06-1-002)

Reappropriation:

University of Washington Building Account--State.....	\$9,000,000
Prior Biennia (Expenditures). ....	\$12,200,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$21,200,000

**NEW SECTION. Sec. 5029. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works - Health, Safety, and Code Requirements (06-1-003)

Reappropriation:

University of Washington Building Account--State.....	\$5,000,000
Prior Biennia (Expenditures). ....	\$6,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,000,000

**NEW SECTION. Sec. 5030. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works - Infrastructure Preservation (06-1-004)

Reappropriation:

University of Washington Building Account--State.....	\$2,500,000
Prior Biennia (Expenditures). ....	\$2,500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 5031. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works - Program (06-2-009)

Reappropriation:

University of Washington Building Account--State.....	\$3,000,000
Prior Biennia (Expenditures). ....	\$1,700,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,700,000

**NEW SECTION. Sec. 5032. FOR THE UNIVERSITY OF WASHINGTON**  
 Savery Hall Renovation (06-1-005)

Reappropriation:	
State Building Construction Account--State. ....	\$3,000,000
Appropriation:	
Gardner-Evans Higher Education Construction	
Account--State. ....	\$54,910,000
Prior Biennia (Expenditures). ....	\$3,600,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$61,510,000

**NEW SECTION. Sec. 5033. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma - Assembly Hall (06-2-007)

Reappropriation:	
State Building Construction Account--State. ....	\$7,000,000
Prior Biennia (Expenditures). ....	\$500,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,500,000

**NEW SECTION. Sec. 5034. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma Land Acquisition (06-2-852)

Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State. ....	\$750,000
Prior Biennia (Expenditures). ....	\$3,250,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 5035. FOR THE UNIVERSITY OF WASHINGTON**  
 Balmer Hall Reconstruction (08-1-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the reconstruction/replacement of Balmer hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:	
State Building Construction Account--State. ....	\$4,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$42,800,000
TOTAL.....	\$46,800,000

**NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON**  
 Denny Hall Renovation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the renovation of Denny hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:	
State Building Construction Account--State. ....	\$4,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$52,915,000
TOTAL.....	\$56,915,000

**NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON**  
 Interdisciplinary Academic Building (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the interdisciplinary academic building. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State. . . . .	\$5,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$57,500,000
TOTAL. . . . .	\$62,500,000

**NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON**  
 Intermediate Student Service and Classroom Improvements (08-1-005)

Appropriation:

State Building Construction Account--State. . . . .	\$13,281,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$13,281,000

**NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON**  
 Lewis Hall Renovation (08-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the renovation of Lewis hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State. . . . .	\$2,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$16,501,000
TOTAL. . . . .	\$18,501,000

**NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works - Facility Preservation (08-1-001)

Appropriation:

University of Washington Building Account--State. . . . .	\$23,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$140,000,000
TOTAL. . . . .	\$163,000,000

**NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works - Program (08-2-001)

Appropriation:

University of Washington Building Account--State. . . . .	\$5,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$32,610,000
TOTAL. . . . .	\$37,610,000

**NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON**  
 Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$1
Gardner-Evans Higher Education Construction Account--State. . . . .	\$1
Subtotal Appropriation. . . . .	\$2
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2

**NEW SECTION. Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON**  
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$25,825,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$25,825,000

**NEW SECTION. Sec. 5044. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell Phase 3 - Predesign (08-2-006)

Appropriation:

State Building Construction Account--State.....	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$62,850,000
TOTAL.....	\$63,000,000

**NEW SECTION. Sec. 5045. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Tacoma Phase 3 (08-2-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of UW Tacoma phase 3. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State.....	\$6,150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$54,000,000
TOTAL.....	\$60,150,000

**NEW SECTION. Sec. 5046. FOR THE UNIVERSITY OF WASHINGTON**  
 Computing and Communications Upgrades and Data Center (08-2-004)

Appropriation:

State Building Construction Account--State.....	\$25,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$22,000,000
TOTAL.....	\$47,000,000

**NEW SECTION. Sec. 5047. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Spokane Riverpoint - Academic Center Building (00-2-906)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	\$1,750,000
Prior Biennia (Expenditures).....	\$32,100,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$33,850,000

**NEW SECTION. Sec. 5048. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Vancouver - Student Services Center (00-2-905)

Reappropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$13,126,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$14,626,000

**NEW SECTION. Sec. 5049. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:	
Gardner-Evans Higher Education Construction Account--State. . . . .	\$2,600,000
Appropriation:	
State Building Construction Account--State. . . . .	\$9,022,000
Gardner-Evans Higher Education Construction Account--State. . . . .	\$48,978,000
Subtotal Appropriation. . . . .	\$58,000,000
Prior Biennia (Expenditures). . . . .	\$12,050,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$72,650,000

**NEW SECTION. Sec. 5050. FOR WASHINGTON STATE UNIVERSITY**  
WSU Spokane - Nursing Building at Riverpoint (04-2-941)

The reappropriation in this section is subject to the following conditions and limitations: Upon completion of construction of this facility at the Riverpoint campus in Spokane, the existing land and facilities housing the intercollegiate nursing center adjacent to Spokane Falls Community College shall be transferred to the state board for community and technical colleges for the use of community college district 17, community colleges of Spokane.

Reappropriation:	
State Building Construction Account--State. . . . .	\$20,000,000
Prior Biennia (Expenditures). . . . .	\$14,600,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$34,600,000

**NEW SECTION. Sec. 5051. FOR WASHINGTON STATE UNIVERSITY**  
WSU Tri-Cities - Bioproducts Facility (04-2-940)

Reappropriation:	
State Taxable Building Construction Account--State. . . . .	\$1,500,000
Prior Biennia (Expenditures). . . . .	\$23,250,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$24,750,000

**NEW SECTION. Sec. 5052. FOR WASHINGTON STATE UNIVERSITY**  
Campus Infrastructure (06-1-073)

Reappropriation:	
State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$6,000,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,000,000

**NEW SECTION. Sec. 5053. FOR WASHINGTON STATE UNIVERSITY**  
Minor Capital Improvements (06-2-002)

Reappropriation:	
Washington State University Building Account--State. . . . .	\$1,100,000
Prior Biennia (Expenditures). . . . .	\$4,900,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,000,000

**NEW SECTION. Sec. 5054. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works - Facility Preservation (06-1-001)

Reappropriation:	
State Building Construction Account--State. . . . .	\$3,500,000
Washington State University Building Account--State. . . . .	\$500,000
Subtotal Reappropriation. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$26,500,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$30,500,000

**NEW SECTION. Sec. 5055. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works - Health, Safety, and Code (06-1-002)

Reappropriation:

Washington State University Building Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$1,500,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,000,000

**NEW SECTION. Sec. 5056. FOR WASHINGTON STATE UNIVERSITY**  
Center for Precision Agriculture (06-2-850)

Reappropriation:

State Building Construction Account--State. . . . .	\$800,000
Prior Biennia (Expenditures). . . . .	\$2,000,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,800,000

**NEW SECTION. Sec. 5057. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - Undergraduate Classroom Building (06-2-951)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,200,000
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Appropriation:

State Building Construction Account--State. . . . .	\$24,350,000
Prior Biennia (Expenditures). . . . .	\$2,450,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$28,000,000

**NEW SECTION. Sec. 5058. FOR WASHINGTON STATE UNIVERSITY**  
Intermediate Preservation Projects (08-1-702)

Appropriation:

State Building Construction Account--State. . . . .	\$3,119,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$31,240,000
TOTAL. . . . .	\$34,359,000

**NEW SECTION. Sec. 5059. FOR WASHINGTON STATE UNIVERSITY**  
Library Road Infrastructure (08-1-703)

Appropriation:

State Building Construction Account--State. . . . .	\$12,000,000
Washington State University Building Account--State. . . . .	\$3,000,000
Subtotal Appropriation. . . . .	\$15,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$15,000,000

**NEW SECTION. Sec. 5060. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. . . . .	\$18,900,000
Washington State University Building Account--State. . . . .	\$20,000,000
Subtotal Appropriation. . . . .	\$38,900,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$155,900,000
TOTAL. . . . .	\$194,800,000

**NEW SECTION. Sec. 5061. FOR WASHINGTON STATE UNIVERSITY**  
Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$1
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Gardner-Evans Higher Education Construction Account--State. . . . .	\$1
Subtotal Appropriation. . . . .	\$2
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2

**NEW SECTION. Sec. 5062. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works - Program (08-2-002)

Appropriation:

Washington State University Building Account--State. . . . .	\$17,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$73,000,000
TOTAL. . . . .	\$90,000,000

**NEW SECTION. Sec. 5063. FOR WASHINGTON STATE UNIVERSITY**  
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.
- (2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
- (3) Section 6003 of this act does not apply to this appropriation.
- (4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State. . . . .	\$10,115,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$10,115,000

**NEW SECTION. Sec. 5064. FOR WASHINGTON STATE UNIVERSITY**  
 University Wide Infrastructure (08-1-701)

Appropriation:

State Building Construction Account--State. . . . .	\$8,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$72,500,000
TOTAL. . . . .	\$80,500,000

**NEW SECTION. Sec. 5065. FOR WASHINGTON STATE UNIVERSITY**  
 Utilities Extension (08-1-100)

Appropriation:

Washington State University Building Account--State. . . . .	\$11,536,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$11,536,000

**NEW SECTION. Sec. 5066. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Vancouver: Applied Technology and Classroom Building (06-2-950)

Appropriation:

State Building Construction Account--State. . . . .	\$4,770,000
Prior Biennia (Expenditures). . . . .	\$150,000
Future Biennia (Projected Costs). . . . .	\$35,300,000
TOTAL. . . . .	\$40,220,000

**NEW SECTION. Sec. 5067. FOR EASTERN WASHINGTON UNIVERSITY**  
 Patterson Hall Remodel (06-2-002)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . . \$40,000

Appropriation:

State Building Construction Account--State. . . . . \$2,000,000  
 Prior Biennia (Expenditures). . . . . \$160,000  
 Future Biennia (Projected Costs). . . . . \$28,000,000  
 TOTAL. . . . . \$30,200,000

**NEW SECTION. Sec. 5068. FOR EASTERN WASHINGTON UNIVERSITY**  
 Infrastructure Savings (06-1-751)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . . \$800,000  
 Prior Biennia (Expenditures). . . . . \$377,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,177,000

**NEW SECTION. Sec. 5069. FOR EASTERN WASHINGTON UNIVERSITY**  
 Hargreaves Hall Renovation (06-1-701)

Reappropriation:

State Building Construction Account--State. . . . . \$500,000

Appropriation:

State Building Construction Account--State. . . . . \$10,821,000  
 Prior Biennia (Expenditures). . . . . \$914,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$12,235,000

**NEW SECTION. Sec. 5070. FOR EASTERN WASHINGTON UNIVERSITY**  
 Martin Williamson Hall Renovation (06-1-706)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . . \$40,000  
 Prior Biennia (Expenditures). . . . . \$160,000  
 Future Biennia (Projected Costs). . . . . \$26,000,000  
 TOTAL. . . . . \$26,200,000

**NEW SECTION. Sec. 5071. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (06-1-710)

Reappropriation:

State Building Construction Account--State. . . . . \$3,000,000  
 Prior Biennia (Expenditures). . . . . \$5,000,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$8,000,000

**NEW SECTION. Sec. 5072. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health Safety and Code Compliance (06-1-711)

Reappropriation:

State Building Construction Account--State. . . . . \$2,500,000  
 Prior Biennia (Expenditures). . . . . \$3,200,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$5,700,000

**NEW SECTION. Sec. 5073. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Infrastructure Preservation (06-1-712)

Reappropriation:

State Building Construction Account--State. . . . . \$2,500,000  
 Prior Biennia (Expenditures). . . . . \$1,500,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$4,000,000

**NEW SECTION. Sec. 5074. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works Program (06-2-006)

Reappropriation:

State Building Construction Account--State. . . . .	\$3,500,000
Eastern Washington University Capital Projects Account--State. . . . .	\$3,500,000
Subtotal Reappropriation. . . . .	\$7,000,000
Prior Biennia (Expenditures). . . . .	\$8,600,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$15,600,000

**NEW SECTION. Sec. 5075. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works - Facility Preservation (08-1-001)

Appropriation:

Eastern Washington University Capital Projects Account--State. . . . .	\$3,500,000
State Building Construction Account--State. . . . .	\$500,000
Subtotal Appropriation. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$24,000,000
TOTAL. . . . .	\$28,000,000

**NEW SECTION. Sec. 5076. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

State Building Construction Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$24,000,000
TOTAL. . . . .	\$28,000,000

**NEW SECTION. Sec. 5077. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works - Infrastructure Preservation (08-1-003)

Appropriation:

State Building Construction Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$22,000,000
TOTAL. . . . .	\$26,000,000

**NEW SECTION. Sec. 5078. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works - Program (08-2-001)

Appropriation:

State Building Construction Account--State. . . . .	\$4,000,000
Eastern Washington University Capital Projects Account--State. . . . .	\$7,000,000
Subtotal Appropriation. . . . .	\$11,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$62,400,000
TOTAL. . . . .	\$73,400,000

**NEW SECTION. Sec. 5079. FOR EASTERN WASHINGTON UNIVERSITY**

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$1
Gardner-Evans Higher Education Construction Account--State. . . . .	\$1
Subtotal Appropriation. . . . .	\$2
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2

**NEW SECTION. Sec. 5080. FOR EASTERN WASHINGTON UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$2,217,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,217,000

**NEW SECTION. Sec. 5081. FOR CENTRAL WASHINGTON UNIVERSITY**  
Dean Hall Renovation (06-1-004)

Reappropriation:

State Building Construction Account--State.....	\$924,000
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Appropriation:

State Building Construction Account--State.....	\$23,200,000
Prior Biennia (Expenditures).....	\$1,276,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$25,400,000

**NEW SECTION. Sec. 5082. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Facility Preservation (06-1-003)

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$250,000
Prior Biennia (Expenditures).....	\$1,808,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,058,000

**NEW SECTION. Sec. 5083. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (06-1-002)

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$27,000
Prior Biennia (Expenditures).....	\$1,073,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,100,000

**NEW SECTION. Sec. 5084. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works Program (06-2-005)

Reappropriation:

Central Washington University Capital Projects Account--State.....	\$669,000
Prior Biennia (Expenditures).....	\$3,721,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,390,000

**NEW SECTION. Sec. 5085. FOR CENTRAL WASHINGTON UNIVERSITY**  
Nicholson Pavilion Indoor Air/Asbestos (06-1-008)

Reappropriation:

State Building Construction Account--State.....	\$375,000
Prior Biennia (Expenditures).....	\$3,725,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,100,000

**NEW SECTION. Sec. 5086. FOR CENTRAL WASHINGTON UNIVERSITY**  
Combined Utilities (08-1-011)

Appropriation:

State Building Construction Account--State. ....	\$6,800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$15,000,000
TOTAL.....	\$21,800,000

**NEW SECTION. Sec. 5087. FOR CENTRAL WASHINGTON UNIVERSITY**  
Hogue Hall Renovation and Addition (08-2-003)

Appropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$3,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$35,000,000
TOTAL.....	\$38,000,000

**NEW SECTION. Sec. 5088. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$3,175,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$12,700,000
TOTAL.....	\$15,875,000

**NEW SECTION. Sec. 5089. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Health, Safety, and Code Requirements (08-1-009)

Appropriation:

State Building Construction Account--State. ....	\$660,000
Central Washington University Capital Projects Account--State. ....	\$2,675,000
Subtotal Appropriation.....	\$3,335,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,340,000
TOTAL.....	\$16,675,000

**NEW SECTION. Sec. 5090. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (08-1-010)

Appropriation:

State Building Construction Account--State. ....	\$2,165,000
Central Washington University Capital Projects Account--State. ....	\$1,125,000
Subtotal Appropriation.....	\$3,290,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,160,000
TOTAL.....	\$16,450,000

**NEW SECTION. Sec. 5091. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Program (08-2-002)

Appropriation:

State Building Construction Account--State. ....	\$4,000,000
Central Washington University Capital Projects Account--State. ....	\$3,800,000
Subtotal Appropriation.....	\$7,800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$17,500,000
TOTAL.....	\$25,300,000

**NEW SECTION. Sec. 5092. FOR CENTRAL WASHINGTON UNIVERSITY**  
Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Gardner-Evans Higher Education Construction Account--State. ....	\$1

Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5093. FOR CENTRAL WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$2,422,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,422,000

**NEW SECTION. Sec. 5094. FOR THE EVERGREEN STATE COLLEGE**  
Seminar Building Phase II - Construction (02-2-004)

Reappropriation:

The Evergreen State College Capital Projects Account--State.....	\$150,000
Prior Biennia (Expenditures).....	\$47,350,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$47,500,000

**NEW SECTION. Sec. 5095. FOR THE EVERGREEN STATE COLLEGE**  
Daniel J. Evans Building - Modernization (04-2-006)

The reappropriation in this section is subject to the following conditions and limitations: Should updated bids related to this project exceed the reappropriation due to unexpected inflation in the cost of construction, the office of financial management may authorize a transfer or transfers of appropriations from the minor works -infrastructure preservation project in section 5103 of this act; from the minor works - preservation project in section 5105 of this act; or from the minor works - program project in section 5107 of this act. The appropriations transferred from one or more of these three minor works projects shall not exceed \$2,500,000 in total. Prior to approval of the transfer, The Evergreen State College shall report to the office of financial management, the house of representatives capital budget committee, and the senate committee on ways and means on alternatives examined to negotiate a reduction in the bid price pursuant to RCW 39.04.105, and on the specific minor works projects that would be deferred as a result of the transfer.

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	\$20,250,000
Prior Biennia (Expenditures).....	\$24,500,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$44,750,000

**NEW SECTION. Sec. 5096. FOR THE EVERGREEN STATE COLLEGE**  
Health, Safety, and Code Requirements (06-1-002)

Reappropriation:

The Evergreen State College Capital Projects Account--State.....	\$300,000
Prior Biennia (Expenditures).....	\$1,700,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 5097. FOR THE EVERGREEN STATE COLLEGE**  
Infrastructure Preservation (06-1-004)

Reappropriation:

The Evergreen State College Capital Projects Account--State.....	\$175,000
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Prior Biennia (Expenditures) . . . . .	\$825,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5098. FOR THE EVERGREEN STATE COLLEGE**  
 Lab I First Floor Class/Laboratory Renovation (06-2-001)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,950,000
Prior Biennia (Expenditures) . . . . .	\$1,150,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,100,000

**NEW SECTION. Sec. 5099. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works - Facility Preservation (06-1-003)

Reappropriation:

The Evergreen State College Capital Projects Account--State. . . . .	\$1,100,000
Prior Biennia (Expenditures) . . . . .	\$2,900,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 5100. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works Program (06-2-005)

Reappropriation:

The Evergreen State College Capital Projects Account--State. . . . .	\$75,000
Prior Biennia (Expenditures) . . . . .	\$425,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$500,000

**NEW SECTION. Sec. 5101. FOR THE EVERGREEN STATE COLLEGE**  
 College Activities Building Renovation (08-2-009)

Appropriation:

State Building Construction Account--State. . . . .	\$4,900,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,900,000

**NEW SECTION. Sec. 5102. FOR THE EVERGREEN STATE COLLEGE**  
 Longhouse Expansion (08-2-007)

Appropriation:

State Building Construction Account--State. . . . .	\$1,700,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,700,000

**NEW SECTION. Sec. 5103. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

State Building Construction Account--State. . . . .	\$700,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$700,000

**NEW SECTION. Sec. 5104. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

State Building Construction Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,000,000

**NEW SECTION. Sec. 5105. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Preservation (08-1-001)

Appropriation:

The Evergreen State College Capital Projects Account--State.....	\$5,300,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,300,000

**NEW SECTION. Sec. 5106. FOR THE EVERGREEN STATE COLLEGE**

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State.....	\$1
Gardner-Evans Higher Education Construction Account--State.....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5107. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Program (08-2-003)

Appropriation:

State Building Construction Account--State.....	\$930,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$930,000

**NEW SECTION. Sec. 5108. FOR THE EVERGREEN STATE COLLEGE**

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$760,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$760,000

**NEW SECTION. Sec. 5109. FOR WESTERN WASHINGTON UNIVERSITY**

Academic Instructional Center (02-2-026)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	\$48,000,000
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Appropriation:

State Building Construction Account--State.....	\$5,895,000
Western Washington University Capital Projects Account--State.....	\$1,178,000
Subtotal Appropriation.....	\$7,073,000
Prior Biennia (Expenditures).....	\$9,171,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$64,244,000

**NEW SECTION. Sec. 5110. FOR WESTERN WASHINGTON UNIVERSITY**

Miller Hall Renovation (04-1-953)

Appropriation:

State Building Construction Account--State. ....	\$5,523,000
Prior Biennia (Expenditures). ....	\$250,000
Future Biennia (Projected Costs). ....	\$52,227,000
TOTAL.....	\$58,000,000

NEW SECTION. Sec. 5111. FOR WESTERN WASHINGTON UNIVERSITY  
Minor Works - Facility Preservation (06-1-083)

Reappropriation:

State Building Construction Account--State. ....	\$1,850,000
Prior Biennia (Expenditures). ....	\$2,440,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,290,000

NEW SECTION. Sec. 5112. FOR WESTERN WASHINGTON UNIVERSITY  
Minor Works - Health, Safety, and Code (06-1-082)

Reappropriation:

State Building Construction Account--State. ....	\$850,000
Prior Biennia (Expenditures). ....	\$1,240,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,090,000

NEW SECTION. Sec. 5113. FOR WESTERN WASHINGTON UNIVERSITY  
Minor Works - Infrastructure Preservation (06-1-084)

Reappropriation:

State Building Construction Account--State. ....	\$850,000
Prior Biennia (Expenditures). ....	\$1,375,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,225,000

NEW SECTION. Sec. 5114. FOR WESTERN WASHINGTON UNIVERSITY  
Minor Works - Program (06-2-085)

Reappropriation:

Western Washington University Capital Projects Account--State. ....	\$2,200,000
Prior Biennia (Expenditures). ....	\$5,522,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,722,000

NEW SECTION. Sec. 5115. FOR WESTERN WASHINGTON UNIVERSITY  
Academic Facilities Modernization Projects (08-2-099)

Appropriation:

State Building Construction Account--State. ....	\$11,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,000,000

NEW SECTION. Sec. 5116. FOR WESTERN WASHINGTON UNIVERSITY  
Carver Academic Renovation (08-1-060)

Appropriation:

State Building Construction Account--State. ....	\$400,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$51,587,000
TOTAL.....	\$51,987,000

NEW SECTION. Sec. 5117. FOR WESTERN WASHINGTON UNIVERSITY  
Minor Works - Facility Preservation (08-1-091)

Appropriation:

State Building Construction Account--State. ....	\$5,051,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$18,000,000
TOTAL.....	\$23,051,000

**NEW SECTION. Sec. 5118. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health, Safety, and Code Requirements (08-1-090)

Appropriation:

State Building Construction Account--State. ....	\$2,933,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$12,000,000
TOTAL.....	\$14,933,000

**NEW SECTION. Sec. 5119. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Infrastructure Preservation (08-1-092)

Appropriation:

State Building Construction Account--State. ....	\$2,016,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$8,000,000
TOTAL.....	\$10,016,000

**NEW SECTION. Sec. 5120. FOR WESTERN WASHINGTON UNIVERSITY**  
 Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Gardner-Evans Higher Education Construction Account--State. ....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5121. FOR WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Program (08-2-093)

Appropriation:

State Building Construction Account--State. ....	\$3,000,000
Western Washington University Capital Projects Account--State. ....	\$7,000,000
Subtotal Appropriation.....	\$10,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$40,000,000
TOTAL.....	\$50,000,000

**NEW SECTION. Sec. 5122. FOR WESTERN WASHINGTON UNIVERSITY**  
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State.....	\$3,614,000
Prior Biennia (Expenditures). ....	\$0

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,614,000

**NEW SECTION. Sec. 5123. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Pacific - Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:

State Building Construction Account--State. ....	\$666,000
Prior Biennia (Expenditures) .....	\$1,885,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,551,000

**NEW SECTION. Sec. 5124. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Lewis and Clark Trail Interpretive Infrastructure Grant (02-4-001)

Reappropriation:

State Building Construction Account--State. ....	\$1,081,000
Prior Biennia (Expenditures) .....	\$646,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,727,000

**NEW SECTION. Sec. 5125. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Washington Heritage Projects (04-4-004)

Reappropriation:

State Building Construction Account--State. ....	\$1,947,000
Prior Biennia (Expenditures) .....	\$2,053,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 5126. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Olympia - State Capital Museum: Building Preservation (06-1-003)

Reappropriation:

State Building Construction Account--State. ....	\$17,000
Prior Biennia (Expenditures) .....	\$314,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$331,000

**NEW SECTION. Sec. 5127. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Statewide - Washington Heritage Project Grants (06-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the project list in section 733, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State. ....	\$3,821,000
Prior Biennia (Expenditures) .....	\$843,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,664,000

**NEW SECTION. Sec. 5128. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma - State History Museum: Building Preservation (06-1-001)

Reappropriation:

State Building Construction Account--State. ....	\$100,000
Prior Biennia (Expenditures) .....	\$381,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$481,000

**NEW SECTION. Sec. 5129. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma - Research Center: Building Preservation (06-1-002)

Reappropriation:

State Building Construction Account--State. ....	\$100,000
Prior Biennia (Expenditures) .....	\$82,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$182,000

**NEW SECTION. Sec. 5130. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma Research Center Building Preservation (07-1-002)

Appropriation:  
 State Building Construction Account--State. .... \$200,000  
  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$537,000  
 TOTAL..... \$737,000

**NEW SECTION. Sec. 5131. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma State History Museum Building Preservation (07-1-001)

Appropriation:  
 State Building Construction Account--State. .... \$500,000  
  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$1,000,000  
 TOTAL..... \$1,500,000

**NEW SECTION. Sec. 5132. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Washington Heritage Grants (07-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Recommended</b>
Cascade land conservancy	\$202,000
Suquamish museum and arts center	\$1,000,000
Moses Lake museum and arts center	\$1,000,000
White River Valley museum	\$245,000
The Tulalip tribe	\$1,000,000
City of Mukilteo	\$490,000
Lewis county historical museum	\$43,000
Pacific county historical society	\$186,000
City of Gig Harbor	\$1,000,000
Bainbridge Island metro parks and recreation	\$70,000
Polson museum	\$171,000
Washington trust for historic preservation	\$83,000
Historic Seattle PDA	\$500,000
City of Tacoma	\$77,000
City of Des Moines	\$1,000,000
Fort Walla Walla museum	\$859,000
Foss waterway seaport	\$300,000
LaConner quilt museum	\$125,000
Cowlitz River Valley historical society	\$158,000
Western forest industries museum	\$158,000
San Juan historical society	\$25,000
Central Washington fair association	\$48,000
Urban league of metro Seattle	\$650,000
The center for wooden boats	\$235,000
Jefferson county historical society	\$200,000
Mansfield museum	\$10,000
Martin Luther King Ballet	\$50,000
The northwest railway museum	\$75,000
Northpoint cooperative preschool	\$40,000
 Total	 \$10,000,000

Appropriation:  
 State Building Construction Account--State. .... \$10,000,000  
  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$40,000,000  
 TOTAL..... \$50,000,000

**NEW SECTION. Sec. 5133. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Women's History Preservation Grants (07-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the preservation of documents that are important in revealing the role of women in the history of the region and the role Washington women played in the nation's history.

Appropriation:

State Building Construction Account--State. ....	\$200,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 5134. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Building Management System (08-1-003)

Appropriation:

State Building Construction Account--State. ....	\$196,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$196,000

**NEW SECTION. Sec. 5135. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Campbell House Long-Term Preservation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to repair the foundation, sandstone, mortar, brick, chimney, and roof of state-owned National Register property "Campbell house" and its carriage house.

Appropriation:

State Building Construction Account--State. ....	\$402,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$293,000
TOTAL.....	\$695,000

**NEW SECTION. Sec. 5136. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Computer Catalog System (08-2-010)

Appropriation:

State Building Construction Account--State. ....	\$63,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$63,000

**NEW SECTION. Sec. 5137. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Museum Preservation (08-1-001)

Appropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,154,000
TOTAL.....	\$1,304,000

**NEW SECTION. Sec. 5138. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Security System and Technology Infrastructure (08-1-005)

Appropriation:

State Building Construction Account--State. ....	\$408,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$408,000

**NEW SECTION. Sec. 5139. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Storage and Exhibit Equipment for Collections (08-2-012)

Appropriation:

State Building Construction Account--State. ....	\$42,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$114,000
TOTAL . . . . .	\$156,000

**NEW SECTION. Sec. 5140. COMMUNITY AND TECHNICAL COLLEGE SYSTEM FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College: Clark Center at WSU Vancouver (00-2-680)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$19,624,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$19,774,000

**NEW SECTION. Sec. 5141. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Puyallup: Phase III Expansion (00-2-676)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$24,335,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$25,335,000

**NEW SECTION. Sec. 5142. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Science Building (01-2-688)

Reappropriation:

State Building Construction Account--State. . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$25,804,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$29,804,000

**NEW SECTION. Sec. 5143. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College: Science Building (01-2-687)

Reappropriation:

State Building Construction Account--State. . . . .	\$10,500,000
Prior Biennia (Expenditures) . . . . .	\$21,496,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$31,996,000

**NEW SECTION. Sec. 5144. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates Technical College: Learning Resource Center/Vocational (02-2-684)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,300,000
Prior Biennia (Expenditures) . . . . .	\$15,760,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$17,060,000

**NEW SECTION. Sec. 5145. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College/UW Bothell: Phase 2B Off Ramp (02-2-999)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$320,000
Prior Biennia (Expenditures) . . . . .	\$1,430,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,750,000

**NEW SECTION. Sec. 5146. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College: Instructional Lab Building - Construction (02-2-685)

Reappropriation:

State Building Construction Account--State. . . . .	\$8,000,000
Prior Biennia (Expenditures) . . . . .	\$9,488,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$17,488,000

**NEW SECTION. Sec. 5147. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College: Information Technology Vocational Center (02-2-683)

Reappropriation:

State Building Construction Account--State. ....	\$450,000
Prior Biennia (Expenditures) .....	\$15,280,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$15,730,000

**NEW SECTION. Sec. 5148. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$3,000,000
Prior Biennia (Expenditures) .....	\$4,178,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$7,178,000

**NEW SECTION. Sec. 5149. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellevue Community College: Science and Technology (04-2-690)

Reappropriation:

State Building Construction Account--State. ....	\$1,400,000
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Appropriation:

State Building Construction Account--State. ....	\$31,332,000
Prior Biennia (Expenditures) .....	\$1,066,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$33,798,000

**NEW SECTION. Sec. 5150. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Reappropriation:

State Building Construction Account--State. ....	\$600,000
Gardner-Evans Higher Education Construction Account--State. ....	\$2,600,000
Subtotal Reappropriation. ....	\$3,200,000
Prior Biennia (Expenditures) .....	\$13,638,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$16,838,000

**NEW SECTION. Sec. 5151. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Cascadia Community College: Center for Arts, Technology, and Communications (04-2-693)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$2,100,000
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Appropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$32,636,000
Prior Biennia (Expenditures) .....	\$1,091,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$35,827,000

**NEW SECTION. Sec. 5152. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Centralia Community College: Science Building (04-2-850)

Reappropriation:

State Building Construction Account--State. ....	\$1,700,000
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Appropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$28,716,000
Prior Biennia (Expenditures) .....	\$1,697,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$32,113,000

**NEW SECTION. Sec. 5153. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clark College: East County Satellite (04-1-689)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. . . . . \$2,000,000

Appropriation:  
 Gardner-Evans Higher Education Construction Account--State. . . . . \$27,184,000  
 Prior Biennia (Expenditures). . . . . \$693,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$29,877,000

**NEW SECTION. Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)

Reappropriation:  
 State Building Construction Account--State. . . . . \$230,000  
 Prior Biennia (Expenditures). . . . . \$8,596,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$8,826,000

**NEW SECTION. Sec. 5155. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Everett Community College: Pilchuck/Glacier (04-1-205)

Reappropriation:  
 State Building Construction Account--State. . . . . \$130,000  
 Prior Biennia (Expenditures). . . . . \$18,815,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$18,945,000

**NEW SECTION. Sec. 5156. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Everett Community College: Replacement - Monte Cristo Hall (04-1-305)

Reappropriation:  
 State Building Construction Account--State. . . . . \$45,000  
 Prior Biennia (Expenditures). . . . . \$7,307,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$7,352,000

**NEW SECTION. Sec. 5157. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Everett Community College: University Center - North Puget Sound (04-2-692)

Reappropriation:  
 State Building Construction Account--State. . . . . \$1,900,000  
 Gardner-Evans Higher Education Construction Account--State. . . . . \$3,844,000  
 Subtotal Reappropriation. . . . . \$5,744,000

Appropriation:  
 State Building Construction Account--State. . . . . \$40,604,000  
 Prior Biennia (Expenditures). . . . . \$5,590,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$51,938,000

**NEW SECTION. Sec. 5158. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Facility Preservation Backlog Reduction (04-1-951)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.
- (2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.
- (3) This section is subject to the same allotment procedures as a minor works category.
- (4) Section 6003 of this act does not apply to this reappropriation.

Reappropriation:  
 State Building Construction Account--State. . . . . \$12,000,000  
 Prior Biennia (Expenditures). . . . . \$52,298,000  
 Future Biennia (Projected Costs). . . . . \$0

TOTAL..... \$64,298,000

**NEW SECTION. Sec. 5159. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$420,000  
Prior Biennia (Expenditures). .... \$20,314,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$20,734,000

**NEW SECTION. Sec. 5160. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Riverview Education Center (07-1-850)

Reappropriation:

State Building Construction Account--State. .... \$498,000  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$498,000

**NEW SECTION. Sec. 5161. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State. .... \$580,000  
Prior Biennia (Expenditures). .... \$11,419,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$11,999,000

**NEW SECTION. Sec. 5162. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College: Redmond Land Acquisition (04-2-403)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the reappropriation is to purchase property for expansion, storm water retention, and parking requirements.
- (2) State funds must be matched with nonstate resources of at least \$500,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Reappropriation:

Community/Technical College Capital Projects Account--State. .... \$500,000  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$500,000

**NEW SECTION. Sec. 5163. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Reappropriation:

State Building Construction Account--State. .... \$150,000  
Prior Biennia (Expenditures). .... \$4,271,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$4,421,000

**NEW SECTION. Sec. 5164. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia College: Instructional Fine Arts Building (04-1-214)

Reappropriation:

State Building Construction Account--State. .... \$300,000  
Gardner-Evans Higher Education Construction Account--State. .... \$13,500,000  
Subtotal Reappropriation. .... \$13,800,000  
Prior Biennia (Expenditures). .... \$10,861,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$24,661,000

**NEW SECTION. Sec. 5165. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program (Minor Improvements) (04-2-130)

Reappropriation:

State Building Construction Account--State. . . . .	\$730,000
Community/Technical College Capital Projects Account--State. . . . .	\$1,400,000
Subtotal Reappropriation. . . . .	\$2,130,000
Prior Biennia (Expenditures). . . . .	\$12,850,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$14,980,000

**NEW SECTION. Sec. 5166. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College: Science and Technology Building Replacement (04-1-202)

Reappropriation:

State Building Construction Account--State. . . . .	\$2,000,000
Prior Biennia (Expenditures). . . . .	\$11,998,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$13,998,000

**NEW SECTION. Sec. 5167. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Peninsula College: Replacement Science and Technology Building (04-1-208)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures). . . . .	\$20,640,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$23,640,000

**NEW SECTION. Sec. 5168. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College - Fort Steilacoom: Science and Technology (04-2-694)

Reappropriation:

State Building Construction Account--State. . . . .	\$850,000
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Appropriation:

State Building Construction Account--State. . . . .	\$30,407,000
Prior Biennia (Expenditures). . . . .	\$1,327,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$32,584,000

**NEW SECTION. Sec. 5169. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Fort Steilacoom: Childcare Center (04-2-401)

Reappropriation:

Community/Technical College Capital Projects Account--State. . . . .	\$40,000
Prior Biennia (Expenditures). . . . .	\$460,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 5170. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Puyallup: Communication Arts/Health Building (04-2-691)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$900,000
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Appropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$25,303,000
Prior Biennia (Expenditures). . . . .	\$1,196,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$27,399,000

**NEW SECTION. Sec. 5171. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Renton Technical College: Portable Replacement (04-1-215)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$2,396,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,396,000

**NEW SECTION. Sec. 5172. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs "A" (04-1-010)

Reappropriation:

State Building Construction Account--State. ....	\$640,000
Prior Biennia (Expenditures). ....	\$6,626,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,266,000

**NEW SECTION. Sec. 5173. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Site Repairs "A" (04-1-090)

Reappropriation:

State Building Construction Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$5,006,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,306,000

**NEW SECTION. Sec. 5174. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley College: Science Building Replacement (04-1-209)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Gardner-Evans Higher Education Construction Account--State. ....	\$325,000
Subtotal Reappropriation. ....	\$1,825,000

Appropriation:

State Building Construction Account--State. ....	\$28,068,000
Prior Biennia (Expenditures). ....	\$1,217,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$31,110,000

**NEW SECTION. Sec. 5175. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Puget Sound Community College: Science Complex (04-2-695)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$2,000,000
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Appropriation:

State Building Construction Account--State. ....	\$25,867,000
Prior Biennia (Expenditures). ....	\$1,253,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$29,120,000

**NEW SECTION. Sec. 5176. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Instructional Technology Center (04-2-681)

Reappropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$18,711,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$18,861,000

**NEW SECTION. Sec. 5177. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Spokane Community College: Science Building Replacement (04-1-212)

Reappropriation:

State Building Construction Account--State. ....	\$1,200,000
Prior Biennia (Expenditures). ....	\$14,521,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,721,000

**NEW SECTION. Sec. 5178. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Replacement - Portable Buildings (04-1-206)

Reappropriation:

State Building Construction Account--State. ....	\$175,000
Prior Biennia (Expenditures). ....	\$2,447,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$2,622,000

**NEW SECTION. Sec. 5179. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College: Renovation - Building 7 (04-1-313)

Reappropriation:  
 State Building Construction Account--State. .... \$2,000,000  
 Prior Biennia (Expenditures) ..... \$2,988,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$4,988,000

**NEW SECTION. Sec. 5180. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Community College: Health Science Facility (04-1-211)

Reappropriation:  
 Community/Technical College Capital Projects Account--State. .... \$500,000  
 Prior Biennia (Expenditures) ..... \$6,762,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$7,262,000

**NEW SECTION. Sec. 5181. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College: Glenn/Anthon Hall - Replacement (04-1-207)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. .... \$8,000,000  
 Prior Biennia (Expenditures) ..... \$20,645,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$28,645,000

**NEW SECTION. Sec. 5182. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Health Sciences Center (05-2-851)

Reappropriation:  
 State Building Construction Account--State. .... \$50,000  
 Prior Biennia (Expenditures) ..... \$7,950,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$8,000,000

**NEW SECTION. Sec. 5183. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Seattle Community College: Training Facility (05-1-854)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. .... \$8,000,000  
 Prior Biennia (Expenditures) ..... \$1,752,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$9,752,000

**NEW SECTION. Sec. 5184. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls: Business and Social Science Building (05-1-853)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. .... \$8,000,000  
 Prior Biennia (Expenditures) ..... \$12,312,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$20,312,000

**NEW SECTION. Sec. 5185. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

Reappropriation:  
 Gardner-Evans Higher Education Construction Account--State. .... \$7,000,000  
 Prior Biennia (Expenditures) ..... \$17,660,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$24,660,000

**NEW SECTION. Sec. 5186. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Big Bend Community College: Performing Arts and Fine Arts (06-1-309)

Reappropriation:	
State Building Construction Account--State. ....	\$3,300,000
Prior Biennia (Expenditures). ....	\$398,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,698,000

**NEW SECTION. Sec. 5187. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: Gaiser Hall Renovation (06-1-302)

Reappropriation:	
State Building Construction Account--State. ....	\$3,000,000
Prior Biennia (Expenditures). ....	\$5,374,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$8,374,000

**NEW SECTION. Sec. 5188. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: O'Connell Sports Center Improvements (06-2-403)

Reappropriation:	
State Building Construction Account--State. ....	\$480,000
Prior Biennia (Expenditures). ....	\$170,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$650,000

**NEW SECTION. Sec. 5189. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clover Park Technical College: Allied Health Care Facility (06-2-699)

Reappropriation:	
State Building Construction Account--State. ....	\$20,000
Appropriation:	
State Building Construction Account--State. ....	\$2,285,000
Prior Biennia (Expenditures). ....	\$115,000
Future Biennia (Projected Costs). ....	\$24,340,000
TOTAL.....	\$26,760,000

**NEW SECTION. Sec. 5190. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clover Park Technical College: Personal Care Services Facility (06-1-310)

Reappropriation:	
State Building Construction Account--State. ....	\$5,900,000
Prior Biennia (Expenditures). ....	\$599,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,499,000

**NEW SECTION. Sec. 5191. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Edmonds Community College: Brier Hall Renovation (06-1-307)

Reappropriation:	
State Building Construction Account--State. ....	\$4,700,000
Prior Biennia (Expenditures). ....	\$433,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,133,000

**NEW SECTION. Sec. 5192. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett Community College: Paine Field Technical Center (06-2-408)

Reappropriation:	
State Building Construction Account--State. ....	\$980,000
Prior Biennia (Expenditures). ....	\$20,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5193. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (06-1-050)

Reappropriation:

Community/Technical College Capital Projects Account--State. . . . .	\$12,400,000
Prior Biennia (Expenditures). . . . .	\$9,927,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$22,327,000

**NEW SECTION. Sec. 5194. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Vocational Education Renovation (06-1-303)

Reappropriation:

State Building Construction Account--State. . . . .	\$4,710,000
Prior Biennia (Expenditures). . . . .	\$661,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,371,000

**NEW SECTION. Sec. 5195. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Humanities and Classroom Building (06-1-205)

Reappropriation:

State Building Construction Account--State. . . . .	\$40,000
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Appropriation:

State Building Construction Account--State. . . . .	\$2,744,000
Prior Biennia (Expenditures). . . . .	\$97,000
Future Biennia (Projected Costs). . . . .	\$25,427,000
TOTAL. . . . .	\$28,308,000

**NEW SECTION. Sec. 5196. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Physical Education Renovation (06-1-313)

Reappropriation:

State Building Construction Account--State. . . . .	\$477,000
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Appropriation:

State Building Construction Account--State. . . . .	\$3,818,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,295,000

**NEW SECTION. Sec. 5197. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Water System Replacement (06-1-501)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$1,951,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,951,000

**NEW SECTION. Sec. 5198. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Skills Support Center Addition (06-2-405)

Reappropriation:

State Building Construction Account--State. . . . .	\$640,000
Prior Biennia (Expenditures). . . . .	\$160,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$800,000

**NEW SECTION. Sec. 5199. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College: Marine Science and Technology (06-2-406)

Reappropriation:

State Building Construction Account--State. . . . .	\$490,000
Prior Biennia (Expenditures). . . . .	\$10,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 5200. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Infrastructure Savings (06-1-751)**

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$2,600,000
Prior Biennia (Expenditures). . . . .	\$116,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,716,000

**NEW SECTION. Sec. 5201. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Lake Washington Technical College: Allied Health Building (06-2-697)**

Appropriation:

State Building Construction Account--State. . . . .	\$1,732,000
Prior Biennia (Expenditures). . . . .	\$197,000
Future Biennia (Projected Costs). . . . .	\$26,085,000
TOTAL. . . . .	\$28,014,000

**NEW SECTION. Sec. 5203. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Lake Washington Technical College: Science Lab Renovation (06-1-308)**

Reappropriation:

State Building Construction Account--State. . . . .	\$290,000
Prior Biennia (Expenditures). . . . .	\$1,469,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,759,000

**NEW SECTION. Sec. 5203. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Minor Works Preservation (RMI) (06-1-001)**

Reappropriation:

Community/Technical College Capital Projects Account--State. . . . .	\$6,300,000
Prior Biennia (Expenditures). . . . .	\$7,700,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$14,000,000

**NEW SECTION. Sec. 5204. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Minor Works: Program (06-2-130)**

Reappropriation:

State Building Construction Account--State. . . . .	\$11,900,000
Prior Biennia (Expenditures). . . . .	\$8,363,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$20,263,000

**NEW SECTION. Sec. 5205. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**North Seattle Community College: Employment Resource Center (06-2-851)**

Reappropriation:

State Building Construction Account--State. . . . .	\$325,000
Prior Biennia (Expenditures). . . . .	\$195,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$520,000

**NEW SECTION. Sec. 5206. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**North Seattle Community College: Wellness Center Repairs (06-1-330)**

Reappropriation:

State Building Construction Account--State. . . . .	\$970,000
Prior Biennia (Expenditures). . . . .	\$2,030,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 5207. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Olympic College: Humanities and Student Services (06-1-204)**

Reappropriation:	
State Building Construction Account--State. ....	\$2,500,000
Appropriation:	
State Building Construction Account--State. ....	\$37,889,000
Prior Biennia (Expenditures). ....	\$999,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$41,388,000

**NEW SECTION. Sec. 5208. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Olympic College: Bremer Student Center (06-2-411)

Reappropriation:	
State Building Construction Account--State. ....	\$30,000
Prior Biennia (Expenditures). ....	\$570,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$600,000

**NEW SECTION. Sec. 5209. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Peninsula College: Library Renovation (06-1-305)

Reappropriation:	
State Building Construction Account--State. ....	\$11,000,000
Prior Biennia (Expenditures). ....	\$3,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$14,000,000

**NEW SECTION. Sec. 5210. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Peninsula College: Phase II Cultural and Arts Center (06-2-412)

Reappropriation:	
State Building Construction Account--State. ....	\$250,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$250,000

**NEW SECTION. Sec. 5211. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce College Fort Steilacoom: Cascade Core Phase I (06-1-326)

Reappropriation:	
State Building Construction Account--State. ....	\$1,000,000
Appropriation:	
State Building Construction Account--State. ....	\$14,602,000
Prior Biennia (Expenditures). ....	\$2,350,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$17,952,000

**NEW SECTION. Sec. 5212. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Roof Repairs (06-1-010)

Reappropriation:	
Community/Technical College Capital Projects Account--State. ....	\$3,900,000
Prior Biennia (Expenditures). ....	\$4,940,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$8,840,000

**NEW SECTION. Sec. 5213. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Reappropriation:	
Gardner-Evans Higher Education Construction Account--State. ....	\$268,000
Appropriation:	
Gardner-Evans Higher Education Construction Account--State. ....	\$1,688,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,956,000

**NEW SECTION. Sec. 5214. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Seattle Central Community College: Greenhouse/Educational Center (06-2-410)

Reappropriation:	
State Building Construction Account--State. . . . .	\$240,000
Prior Biennia (Expenditures). . . . .	\$10,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$250,000

**NEW SECTION. Sec. 5215. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Seattle Central Community College: Information Technology and Visual Communications (06-1-304)

Reappropriation:	
State Building Construction Account--State. . . . .	\$7,400,000
Prior Biennia (Expenditures). . . . .	\$696,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$8,096,000

**NEW SECTION. Sec. 5216. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Shoreline Community College: Annex Renovation (06-1-312)

Reappropriation:	
State Building Construction Account--State. . . . .	\$840,000
Prior Biennia (Expenditures). . . . .	\$1,899,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,739,000

**NEW SECTION. Sec. 5217. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Shoreline Community College: Automotive Building (Phase I) (06-2-951)

Reappropriation:	
State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,000,000

**NEW SECTION. Sec. 5218. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Site Repairs (06-1-090)

Reappropriation:	
Community/Technical College Capital Projects Account--State. . . . .	\$2,300,000
Prior Biennia (Expenditures). . . . .	\$1,537,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,837,000

**NEW SECTION. Sec. 5219. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Reappropriation:	
Gardner-Evans Higher Education Construction Account--State. . . . .	\$230,000
Prior Biennia (Expenditures). . . . .	\$1,404,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,634,000

**NEW SECTION. Sec. 5220. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Puget Sound Community College: Learning Resource Center (06-2-698)

Appropriation:	
State Building Construction Account--State. . . . .	\$3,268,000
Prior Biennia (Expenditures). . . . .	\$197,000
Future Biennia (Projected Costs). . . . .	\$35,382,000
TOTAL. . . . .	\$38,847,000

**NEW SECTION. Sec. 5221. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Seattle Community College: Automotive Collision Technology (06-1-306)

Reappropriation:  
 State Building Construction Account--State. . . . . \$1,700,000  
 Prior Biennia (Expenditures). . . . . \$272,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,972,000

**NEW SECTION. Sec. 5222. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Seattle Community College: Horticulture/SCGS Classrooms (06-2-404)

Reappropriation:  
 State Building Construction Account--State. . . . . \$490,000  
 Prior Biennia (Expenditures). . . . . \$67,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$557,000

**NEW SECTION. Sec. 5223. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College: Campus Classrooms (06-2-696)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,802,000  
 Prior Biennia (Expenditures). . . . . \$82,000  
 Future Biennia (Projected Costs). . . . . \$18,686,000  
 TOTAL. . . . . \$20,570,000

**NEW SECTION. Sec. 5224. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Community College: Center for Water and Environmental Studies (06-2-853)

Reappropriation:  
 State Building Construction Account--State. . . . . \$940,000  
 Prior Biennia (Expenditures). . . . . \$1,060,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$2,000,000

**NEW SECTION. Sec. 5225. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Community College: Clarkston Health Science Facility (06-2-402)

Reappropriation:  
 State Building Construction Account--State. . . . . \$490,000  
 Prior Biennia (Expenditures). . . . . \$510,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,000,000

**NEW SECTION. Sec. 5226. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Wenatchee Valley College: Brown Library Renovation (06-1-311)

Reappropriation:  
 State Building Construction Account--State. . . . . \$760,000  
 Prior Biennia (Expenditures). . . . . \$1,644,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$2,404,000

**NEW SECTION. Sec. 5227. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College: Center for Workforce Education (06-2-407)

Reappropriation:  
 State Building Construction Account--State. . . . . \$690,000  
 Prior Biennia (Expenditures). . . . . \$310,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,000,000

**NEW SECTION. Sec. 5228. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College: Raymond Hall Renovation (06-1-325)

Reappropriation:  
 State Building Construction Account--State. . . . . \$3,800,000

Prior Biennia (Expenditures) . . . . .	\$369,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,169,000

**NEW SECTION. Sec. 5229. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bates Technical College: Mohler Communications Technology Center (08-2-703)

Appropriation:

State Building Construction Account--State. . . . .	\$173,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$22,567,000
TOTAL . . . . .	\$22,740,000

**NEW SECTION. Sec. 5230. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellevue Community College: Health Science Building (08-2-702)

Appropriation:

State Building Construction Account--State. . . . .	\$144,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$38,893,000
TOTAL . . . . .	\$39,037,000

**NEW SECTION. Sec. 5231. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellingham Technical College: Instructional Resource Center (08-1-223)

Appropriation:

State Building Construction Account--State. . . . .	\$1,824,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$28,065,000
TOTAL . . . . .	\$29,889,000

**NEW SECTION. Sec. 5232. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Centralia College: Health and Wellness Education Center (08-2-414)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5233. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clark College: Child and Family Studies Center (08-2-417)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5234. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clark College: Health and Advanced Technologies Building (08-2-705)

Appropriation:

State Building Construction Account--State. . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$32,982,000
TOTAL . . . . .	\$33,232,000

**NEW SECTION. Sec. 5235. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Business Education Building (08-1-315)

Appropriation:

State Building Construction Account--State. . . . .	\$5,020,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,020,000

**NEW SECTION. Sec. 5236. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Social Science Center (08-2-704)

Appropriation:

State Building Construction Account--State. ....	\$111,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$12,299,000
TOTAL.....	\$12,410,000

**NEW SECTION. Sec. 5237. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Vocational Building (08-1-217)

Appropriation:

State Building Construction Account--State. ....	\$1,802,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$20,498,000
TOTAL.....	\$22,300,000

**NEW SECTION. Sec. 5238. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Edmonds Community College: Primary Electrical Replacement (08-1-508)

Appropriation:

State Building Construction Account--State. ....	\$2,466,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,466,000

**NEW SECTION. Sec. 5239. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Edmonds Community College: Meadowdale Hall Renovation (08-1-318)

Appropriation:

State Building Construction Account--State. ....	\$9,256,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$9,256,000

**NEW SECTION. Sec. 5240. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Everett Community College: Index Hall Replacement (08-1-221)

Appropriation:

State Building Construction Account--State. ....	\$2,800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$41,005,000
TOTAL.....	\$43,805,000

**NEW SECTION. Sec. 5241. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Grays Harbor College: Child Care Facility (08-2-416)

Appropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5242. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Grays Harbor College: Science and Math Building (08-1-226)

Appropriation:

State Building Construction Account--State. ....	\$276,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$40,026,000
TOTAL.....	\$40,302,000

**NEW SECTION. Sec. 5243. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College: Primary Electrical Replacement (08-1-506)

Appropriation:

State Building Construction Account--State. ....	\$1,870,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,870,000

**NEW SECTION. Sec. 5244. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College: Trades and Industry Building (08-1-222)

Appropriation:

State Building Construction Account--State. ....	\$138,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$29,833,000
TOTAL.....	\$29,971,000

**NEW SECTION. Sec. 5245. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Lower Columbia College: Health and Science Building (08-1-225)

Appropriation:

State Building Construction Account--State. ....	\$2,500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$39,915,000
TOTAL.....	\$42,415,000

**NEW SECTION. Sec. 5246. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Facility Preservation (08-1-050)

Appropriation:

Community/Technical College Capital Projects Account--State. ....	\$21,243,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$80,000,000
TOTAL.....	\$101,243,000

**NEW SECTION. Sec. 5247. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Facility Preservation - Roof Repairs (08-1-010)

Appropriation:

State Building Construction Account--State. ....	\$6,676,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$24,000,000
TOTAL.....	\$30,676,000

**NEW SECTION. Sec. 5248. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Infrastructure Preservation (08-1-090)

Appropriation:

Community/Technical College Capital Projects Account--State. ....	\$2,082,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$16,000,000
TOTAL.....	\$18,082,000

**NEW SECTION. Sec. 5249. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Preservation - Repairs and Minor Improvements (08-1-001)

Appropriation:

Community/Technical College Capital Projects Account--State. ....	\$16,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$70,000,000
TOTAL.....	\$86,000,000

**NEW SECTION. Sec. 5250. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Program (08-2-130)

Appropriation:

Community/Technical College Capital Projects Account--State. ....	\$20,000,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$80,000,000
TOTAL . . . . .	\$100,000,000

**NEW SECTION. Sec. 5251. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Peninsula College: Business and Humanities Center (08-1-218)

Appropriation:

State Building Construction Account--State. . . . .	\$2,300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$33,938,000
TOTAL . . . . .	\$36,238,000

**NEW SECTION. Sec. 5252. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Fort Steilacoom: Cascade Core Phase II (08-1-321)

Appropriation:

State Building Construction Account--State. . . . .	\$2,242,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$22,353,000
TOTAL . . . . .	\$24,595,000

**NEW SECTION. Sec. 5253. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$1
Gardner-Evans Higher Education Construction Account--State. . . . .	\$1
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2

**NEW SECTION. Sec. 5254. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at the state board's discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State. . . . .	\$22,802,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$22,802,000

**NEW SECTION. Sec. 5255. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College: Edison North Renovation (08-1-314)

Appropriation:

State Building Construction Account--State. . . . .	\$18,284,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$18,284,000

**NEW SECTION. Sec. 5256. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College: Wood Construction Center (08-1-216)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,549,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$23,734,000  
 TOTAL. . . . . \$26,283,000

**NEW SECTION. Sec. 5257. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Shoreline Community College: Automotive Training Center (08-2-413)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,000,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,000,000

**NEW SECTION. Sec. 5258. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Skagit Valley College: Academic and Student Services Building (08-1-224)

Appropriation:  
 State Building Construction Account--State. . . . . \$136,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$26,763,000  
 TOTAL. . . . . \$26,899,000

**NEW SECTION. Sec. 5259. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Puget Sound Community College: Building 22 Renovation (08-1-316)

Appropriation:  
 State Building Construction Account--State. . . . . \$10,359,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$10,001,000  
 TOTAL. . . . . \$20,360,000

**NEW SECTION. Sec. 5260. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College: Building 7 Renovation (08-1-319)

Appropriation:  
 State Building Construction Account--State. . . . . \$1,009,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$9,331,000  
 TOTAL. . . . . \$10,340,000

**NEW SECTION. Sec. 5261. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College: Technical Education Building (08-1-220)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,393,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$30,391,000  
 TOTAL. . . . . \$32,784,000

**NEW SECTION. Sec. 5262. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College: Chemistry and Life Science Building (08-1-219)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,520,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$27,044,000  
 TOTAL. . . . . \$29,564,000

**NEW SECTION. Sec. 5263. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College: Magnuson Building Remodel (08-2-415)

Appropriation:  
 State Building Construction Account--State. . . . . \$941,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$941,000

**NEW SECTION. Sec. 5264. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College: Music Building 15 Renovation (08-1-320)

Appropriation:

State Building Construction Account--State. . . . .	\$1,142,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$13,094,000
TOTAL . . . . .	\$14,236,000

**NEW SECTION. Sec. 5265. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College: Early Childhood Education/Childcare Center (08-2-418)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5266. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Tacoma Community College: Health Careers Center (08-2-701)

Appropriation:

State Building Construction Account--State. . . . .	\$255,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$36,514,000
TOTAL . . . . .	\$36,769,000

**NEW SECTION. Sec. 5267. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Walla Walla Community College: Culinary Arts/Student Development Center (08-2-419)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5268. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College: Brown Dental Hygiene Building (08-1-317)

Appropriation:

State Building Construction Account--State. . . . .	\$5,675,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,675,000

**NEW SECTION. Sec. 5269. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Higher Education Cost Escalation (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to establish a process for allocating funds to projects that have experienced unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts provided for this purpose must be matched equally from nonstate resources. The board shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than was originally specified in the design. The board will report to the office of financial management and the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State. . . . .	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,000,000

**MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS**

**NEW SECTION. Sec. 6001.** (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

**NEW SECTION. Sec. 6002.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 6003.** (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

**NEW SECTION. Sec. 6004.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 6005.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

**NEW SECTION. Sec. 6006.** The legislature finds that the state's public four-year institutions and the higher education coordinating board have made substantial progress in developing a process to create a single prioritized list of capital project requests as required under RCW 28B.76.220. The legislature also recognizes that continuing work by the institutions and the board is needed to refine the methodology for determining the ranking of project requests, and that this work will benefit from additional legislative guidance. Therefore, the higher education coordinating board and the public four-year institutions, in developing and submitting the single prioritized project list of capital project requests under RCW 28B.76.220, shall use the following guidelines:

(1) Representatives of the board shall participate in the process of scoring projects using the criteria in the board's biennial budget guidelines. Representatives of the board shall also review the preliminary project list to verify the scoring and ranking of projects. As required under RCW 28B.76.210, institutions must submit the preliminary project list to the board by August 1st of each even-numbered year to enable this review. Any disagreements over project scorings or rankings shall be resolved as provided under RCW 28B.76.220(4).

(2) The higher education coordinating board's biennial budget guidelines and the prioritization process shall place greater emphasis on:

(a) Early critical review of project proposals at the predesign phase, rather than deferring critical review and prioritization to the design or construction phases of a project; and

(b) The capital budget bow wave for a six-year period, beginning with the 2009-2011 biennium through the 2013-2015 biennium.

(3) When projects are aggregated into single line-item requests, each project must meet the definition of minor works according to section 6003(2)(a) of this act. All major projects must be listed and ranked as individual line-item requests.

(4) The scoring and ranking of projects shall not be based on assigning an equal number of overall points to each public four-year institution, but shall reflect an assignment of points to individual projects based on the priorities and criteria in this section and in the board's biennial budget guidelines.

(5) Projects shall not be ranked on the basis of a project funding source.

(6) In consultation with the appropriate fiscal and policy committees of the legislature, the board shall identify statewide priorities for higher education capital investments and incorporate those priorities into its biennial budget guidelines. The statewide priorities shall address the need for higher education capital projects to:

(a) Implement a specific legislatively authorized program or planning priority;

(b) Reduce the backlog of deferred building or system preservation, renewal, or replacement;

(c) Provide additional capacity or adaptation of space for high demand instructional or research programs;

(d) Provide additional instructional program capacity for under-served geographic regions or populations; and

(e) Reflect institutional planning priorities and areas of emphasis.

(7) The higher education coordinating board's biennial budget guidelines shall include a quantitative method for scoring projects on the identified priorities. The quantitative method shall include use of the facility condition index developed by the joint legislative audit and review committee for assessing building or system condition, and use of the board's space utilization and allocation standards for assessing the need for additional capacity.

(8) The council of presidents, in consultation with the board, shall report by September 1, 2007, to the appropriate legislative fiscal committees on the use of a proportionality factor in the scoring and ranking of projects. The report shall include:

(a) A definition of proportionality as it has been used in the scoring and ranking of projects for funding in the 2007-2009 biennium and may be used for subsequent biennia;

(b) A method for measuring proportionality in a valid and consistent manner; and

(c) An explanation of how proportionality relates to the statewide priorities established in subsection (6) of this section, including an assessment of the extent to which it promotes the achievement of these statewide priorities.

**NEW SECTION. Sec. 6007.** The Washington state auditor shall perform an audit of the Seattle public library and the secretary of state with regard to expenditures related to the facility located at 2021 9th Avenue, Seattle, Washington that houses the Washington talking book and braille library and city of Seattle functions. The audit shall be completed and results available to the legislature by September 1, 2007.

**NEW SECTION. Sec. 6008.** Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management and the appropriate fiscal committees of the legislature upon the sale of the center and with regard to expenditure of the proceeds.

**NEW SECTION. Sec. 6009.** The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

**NEW SECTION. Sec. 6010.** The effective use of state-supported space in higher education is an important factor in assessing both effective management and priorities for capital funding. It is also recognized that the facilities of the state vary significantly among the

community colleges, the comprehensive regional universities, and the research universities. It is further recognized that the existing higher education coordinating board space study does a good job of highlighting the use of a portion of the space for a specific chosen set of uses.

In order for the legislature to have a better awareness of all uses of all state-supported space, the council of presidents shall prepare an assessment of facilities use that covers the full scope of uses for all types of state-funded spaces. This assessment should start with the higher education coordinating board report and build upon this to include additional uses, space types, and methodologies, including methodologies and practices used by other higher education institutions.

To the extent possible, it would be helpful for this assessment to use the same definitions of space types and uses. Based upon the differences in mission and function, the assessment may be divided to look at the comprehensive regional universities along with The Evergreen State College in one group and the research universities as a second group.

The council of presidents shall coordinate this effort with the office of financial management, staff from the appropriate fiscal and higher education committees of the legislature, and the higher education coordinating board. The assessment shall be completed and delivered to the legislature by January 1, 2008.

**NEW SECTION. Sec. 6011.** State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

**NEW SECTION. Sec. 6012.** Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department of general administration shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2007-2009 biennium.

**NEW SECTION. Sec. 6013.** Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

**NEW SECTION. Sec. 6014. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Washington state patrol: Enter into a financing contract for up to \$1,360,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the dormitory facility at the Washington state patrol fire training academy in North Bend, Washington.

(2) Department of general administration: Enter into a financing contract for up to \$685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the preservation of the transportation building.

(3) Department of corrections: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide additional work release beds.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station phase 2.

(b) Enter into a financing contract on behalf of Tacoma Community College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an early childhood education and learning center.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an academic support and achievement center.

(6) Evergreen State College: Enter into a financing contract for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the college activities building renovation.

(7) Washington state convention and trade center: Enter into a financing contract for up to \$58,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate the museum condominium unit located adjacent to the state convention center. The purchase price shall not exceed the appraised fair market value. A purchase agreement shall include the following requirements: (a) Upon completion of the purchase of the property, the buyer shall put \$5,750,000 of the purchase price in an interest-bearing escrow account that shall be released to the seller after the seller has raised sixty-five percent of the funds required to develop a museum within the city of Seattle and has executed a development agreement with the city of Seattle; and (b) in the event that the conditions of (a) of this subsection are not met by June 30, 2013, the entire amount in the escrow account shall be transferred to the state general fund and shall represent a recovery of the state's contribution towards the development of the museum. In the event of such a transfer, the rightful ownership of the property by the Washington state convention and trade center shall not be impaired.

(8) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state general office building and facilities for the department of information services on the state-owned property called "the Wheeler block" in Olympia. The office buildings shall be constructed and financed so that agencies occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department of general administration. In addition to the department of information services, state agency tenants shall include the state patrol and other state agencies specified in LEAP capital document No. 2007-xx. The office of financial management shall

certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (10) have been met. Should the department choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state, and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(9) Office of the secretary of state: Enter into a financing contract for up to \$112,942,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the heritage center. The heritage center is one part of a combined facility of the heritage center and executive office building, authorized in subsection (10) of this section. The authorization for financing under this subsection (9) shall lapse unless chapter ... ([House] [Senate] Bill No. .... (Z-0290/07, providing funding for the heritage building project)), Laws of 2007 is enacted by June 30, 2007.

(10) Department of general administration: Enter into a financing contract for up to \$75,863,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the executive office building. The executive office building is one part of a combined facility of the executive office building and the heritage center authorized in subsection (9) of this section. The authorization for financing under this subsection (10) shall lapse unless chapter ... ([House] [Senate] Bill No. .... (Z-0290/07, providing funding for the heritage building project)), Laws of 2007 is enacted by June 30, 2007.

**NEW SECTION. Sec. 6015.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2007-2009 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

**NEW SECTION. Sec. 6016.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2009-2011 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

**NEW SECTION. Sec. 6017.** (1) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2007, from the 2005-2007 biennial appropriations for each project.

(2) "Reappropriations" from the water quality capital account in this act shall be limited to the unexpended balance remaining as of the end of fiscal year 2007 from the water quality account in the 2005-2007 biennial appropriations for each project in this act.

(3) "Reappropriations" in sections 5001, 5002, 5003, and 5005 of this act shall be reduced in this act to the unexpended balances remaining as of the end of fiscal year 2007 for the 2005-2007 biennial appropriation in sections 602, 604, and 607, chapter 488, Laws of 2005, and section 194, chapter 371, Laws of 2006.

**NEW SECTION. Sec. 6018.** The water quality capital account is created in the state treasury pursuant to chapter . . . ([House][Senate] Bill No. . . . (Z-0356.3/07)), Laws of 2007 (water quality capital account). In this act, appropriations from the water quality capital account are defined as appropriations from that account. If chapter . . . ([House][Senate] Bill No. . . . (Z-0356.3/07)), Laws of 2007 (water quality capital account) is not enacted by June 30, 2007, appropriations in this act either from that account or into that account shall lapse.

**NEW SECTION. Sec. 6019.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 6020.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

**NEW SECTION. Sec. 6021.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 6022.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 6023.** NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account, or any other account receiving bond proceeds, to the state taxable building construction account is necessary.

**NEW SECTION. Sec. 6024.** (1) A study committee on public infrastructure programs and funds is established. The study committee shall consist of eight members, as follows:

- (a) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; and
  - (b) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate.
- (2) The study committee members shall, by an affirmative vote of at least five members, select a chair from among its membership.
- (3) The study committee may consult with individuals from the public and private sectors and other interested parties, as may be appropriate, for technical advice and assistance and may request such individuals to establish advisory committees or work groups that report to the study committee.
- (4) The study committee shall make recommendations regarding a comprehensive funding structure and systematic approach to support the integration, consolidation, and standardization of processes, procedures, and infrastructure programs. In order to make recommendations, the study committee shall:
- (a) Review state public infrastructure programs and funds and the purposes each serve using the November 29, 2006, inventory of state infrastructure programs compiled by the joint legislative audit and review committee;
  - (b) Review program or fund implementation;
  - (c) Consider the types of public infrastructure projects supported by the program or fund; and
  - (d) Identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds.
- (5) The study committee shall use staff from the house of representatives office of program research and senate committee services, in consultation with the department of community, trade, and economic development and the office of financial management.
- (6) The study committee shall report its findings and recommendations to the appropriate committees of the house of representatives and the senate by January 1, 2008.
- (7) The study committee expires January 1, 2008.

**NEW SECTION. Sec. 6025.** The Washington state historical society shall review its competitive process to solicit proposals for heritage capital projects for potential funding in the state capital budget. The Washington state historical society shall submit a report to the office of financial management with recommendations on how to reduce its reappropriations by June 30, 2008.

**NEW SECTION. Sec. 6026.** The interagency committee for outdoor recreation shall review its competitive process to solicit proposals for the wildlife and recreation grant program for potential funding in the state capital budget. The interagency committee for outdoor recreation shall submit a report to the office of financial management with recommendations on how to reduce its reappropriations by June 30, 2008.

**NEW SECTION. Sec. 6027.** The office of financial management may authorize a value engineering study of a project's predesign report prior to beginning the design phase for the project. The allotment of the design phase may be delayed to accommodate the study.

**NEW SECTION. Sec. 6028.** ~~STATE TREASURER~~**TRANSFERS FOR THE STATE TREASURER--TRANSFERS.** The transfer in this section is subject to the following conditions and limitations: The amount transferred shall be added to the irreducible principal of the common school permanent fund. The state investment board shall invest the amount transferred in various types of allowable investments in order to achieve a balance of long-term growth and current income. The treasurer shall calculate the irreducible principal in accordance with the state constitution and state law. The irreducible principal shall not include investment gains on the principal of the amount transferred, and the fund may retain or distribute income and investment earnings attributable to this amount in order to achieve the appropriate balance between growth and income.

Natural Resources Real Property Replacement  
 Account: For transfer to the Common School  
 Permanent Fund. . . . . \$30,000,000

**Sec. 6029.** RCW 79.17.210 and 2003 c 334 s 118 are each amended to read as follows:

- (1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.
- (2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2007-2009 biennium, balances in the account may be transferred to the appropriate permanent funds as directed in the capital budget appropriations act.

**NEW SECTION. Sec. 6030. FOR THE STATE TREASURER--TRANSFERS**  
 Education Construction Account: For transfer to  
 the Common School Construction, an amount  
 not to exceed. . . . . \$124,200,000

Education Savings Account: For transfer to the  
 Common School Construction Account, an  
 amount not to exceed. . . . . \$43,400,000

**Sec. 6031.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

- (1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

- (i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;
- (ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;
- (iii) The hazardous waste cleanup program required under this chapter;
- (iv) State matching funds required under the federal cleanup law;
- (v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;
- (vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;
- (vii) Hazardous materials emergency response training;
- (viii) Water and environmental health protection and monitoring programs;
- (ix) Programs authorized under chapter 70.146 RCW;
- (x) A public participation program, including regional citizen advisory committees;
- (xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and
- (xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

**Sec. 6032.** RCW 43.43.944 and 2005 c 518 s 929 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
- (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
- (c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the legislature may appropriate funds from this account for ~~((school fire prevention activities within the Washington state patrol))~~ additional sanitary wastewater treatment capacity at the state fire service training center.

**Sec. 6033.** RCW 43.135.045 and 2005 c 518 s 931, 2005 c 314 s 401, and 2005 c 72 s 6 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall transfer an amount from the state general fund to the emergency reserve fund. The amount transferred shall equal the amount by which total state revenue for the general fund and related funds exceeds the state expenditure limit, multiplied by the percentage that general fund expenditures are of total

expenditures from the general fund and related funds. Transfers shall be made at the end of each fiscal quarter based on projections of state revenues, expenditures, and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the 2007-2009 fiscal biennium, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

**Sec. 6034.** RCW 43.155.050 and 2005 c 488 s 925 and 2005 c 425 s 4 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the ~~((2005-2007))~~ 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005.

(2) The job development fund is hereby established in the state treasury. Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in RCW 43.160.230, and for the report prepared by the joint legislative audit and review committee pursuant to RCW 44.28.801(2). Moneys in the job development fund may be spent only after appropriation. The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.

**Sec. 6035.** RCW 43.155.050 and 2005 c 488 s 925 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the ~~((2005-2007))~~ 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005 and section 1033 of this act.

**NEW SECTION. Sec. 6036.** For appropriations under this act that contribute to Puget Sound protection and recovery, the department of ecology, the department of fish and wildlife, the department of natural resources, the state conservation commission, the state parks and recreation commission, the department of health, and the interagency committee for outdoor recreation shall sign performance agreements with the Puget Sound partnership as described in chapter . . . , ([House] [Senate] Bill No. . . .) Laws of 2007 (Z-0369 Puget Sound partnership).

**NEW SECTION. Sec. 6037.** Section 6034 of this act expires June 30, 2011.

**Sec. 6038.** 2005 c 488 s 955 (uncodified) is amended to read as follows:

~~((Sections))~~ (1) Section 920 ~~((and 921))~~ of this act expires June 30, 2007.

(2) Section 921 of this act expires June 30, 2009.

**Sec. 6039.** 2006 c 371 s 106 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

<b>Projects</b>	<b>Recommendation</b>
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
Auburn veterans' memorial park improvements	\$50,000
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
Camp prime time repairs--families with terminally ill children	\$100,000
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000
Chambers creek footbridge	\$177,000
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school preconstruction activities	\$1,200,000
Colored women's association meeting house	\$60,000
Columbia breaks fire interpretive center	\$150,000
Community center at Greenbridge	\$400,000
Covington aquatics center phase 1	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
Deming library	\$85,000
Des Moines beach park historic buildings	\$300,000
Discovery park	\$1,000,000
East Whatcom regional resource center	\$1,750,000
Eatonville family park	\$50,000
El Centro de la Raza	\$900,000
Filipino community center	\$200,000
Financial assistance to the town of Hamilton	\$150,000
Food bank refrigeration projects	\$365,000
Foster creek	\$150,000
Fox theater	\$2,398,000
Garfield county agricultural museum	\$150,000
GC health clinic	\$12,000
Grand Army of the Republic cemetery	\$5,000

Granite Falls museum expansion	\$50,000
Greenbridge plaza in White Center	\$200,000
Habitat park south hill	\$400,000
Hanford reach interpretive center <u>preconstruction activities</u>	\$2,000,000
Hidden river environmental education center	\$50,000
ICL education center	\$200,000
Japanese cultural and community center	\$200,000
Joel Pritchard park	\$2,500,000
Joe's creek project	\$856,000
Juanita creek channel and riparian restoration	\$500,000
Juanita highlands	\$275,000
Julia Butler Hansen home restoration	\$10,000
Kettle falls park	\$100,000
Kirkland nonmotorized facilities	\$200,000
LeRoi smelter smokestack monument	\$3,000
Lewis and Clark confluence project	\$2,000,000
McCaw hall	\$2,000,000
Meridian habitat park	\$400,000
Miners' memorial	\$36,500
Miracle league handicapped baseball	\$57,000
MOBIUS/Inland Northwest science and technology center	\$1,500,000
Mt. Baker theater	\$200,000
Mt. Vernon Jasper Gates statue	\$12,000
Multicultural center of Kitsap county	\$250,000
Nathaniel Orr home site museum interpretive center	\$29,000
Neighborhood house rainier vista	\$200,000
New Lakewood clinic	\$350,000
Northeast community center expansion	\$250,000
Northshore performing arts center	\$1,000,000
Northwest communities education center	\$1,000,000
Oak Harbor multi-purpose community and sports facility	\$50,000
Omak grandstand	\$250,000
Orting fire station	\$250,000
Pacific Northwest salmon center	\$1,000,000
Pacific science center	\$900,000
Performing arts center (PACE)	\$500,000
Pike Place Market health center emergency repairs	\$1,000,000
Port of Quincy	\$400,000
Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
Puyallup river walking trail	\$200,000
Rainier historical heating system	\$75,000
Red mountain	\$200,000
Relocation of Sieke Japanese gardens	\$250,000

River walk and Sammamish river restoration	\$200,000
Roslyn city hall	\$150,000
Ruth Dykeman children's center	\$27,000
Sandman historical tug restoration	\$10,000
Seattle Aquarium	\$2,000,000
Seattle community center (1115 E. Pike street)	\$13,000
Seattle mental health emerald house	\$28,000
Seward park environmental and audubon center	\$400,000
Snohomish senior center	\$150,000
Sno-Valley senior activity center kitchen	\$50,000
Sound way property preservation	\$500,000
Spokane river whitewater course	\$400,000
Sumas ballpark	\$250,000
Synthetic sportsfield partnership at Robinswood park	\$400,000
Tall ships moorage	\$300,000
Tukwila kayak and canoe launching facility	\$20,000
Undeveloped woodlands linked to interurban nature trail	\$150,000
Vancouver museum	\$125,000
Vancouver national historical reserve west barracks	\$1,000,000
Veterans memorial museum	\$100,000
Wapato Lake renovations and water quality	\$250,000
West Seattle community resource center	\$500,000
West central community center	\$500,000
West Hylebos wetlands boardwalk	\$100,000
Wilson playfield land acquisition	\$200,000
Wing Luke Asian art museum	\$2,000,000
Youth housing/drop-in center	\$400,000
<b>Total</b>	<b>\$49,949,500</b>

Appropriation:

State Building Construction Account--State. . . . .	\$49,949,500
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
<b>TOTAL</b> .....	<b>\$49,949,500</b>

**Sec. 6040.** 2005 c 488 s 165 (uncodified) is amended to read as follows:

**MILITARY DEPARTMENT FOR THE MILITARY DEPARTMENT**  
Construct Spokane Readiness Center (04-2-003)

Reappropriation:

General Fund--Federal. . . . .	\$7,800,000
State Building Construction Account--State. . . . .	<del>(\$3,300,000)</del>
	<u>\$2,250,000</u>
Subtotal Reappropriation. . . . .	<del>(\$1,100,000)</del>
	<u>\$10,050,000</u>
Prior Biennia (Expenditures). . . . .	\$2,468,000
Future Biennia (Projected Costs). . . . .	\$0
<b>TOTAL</b> .....	<del>(\$13,568,000)</del>
	<u>\$12,518,000</u>

**NEW SECTION. Sec. 6041.** A new section is added to 2006 c 371 (uncodified) to read as follows:  
**FOR THE MILITARY DEPARTMENT**

Modular Building Reutilization (08-2-001)

Appropriation:

State Building Construction Account--State. ....	\$1,850,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,850,000

Sec. 6042. 2005 c 488 s 347 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Camá Beach - New Destinations (06-2-011)

Appropriation:

State Building Construction Account--State. ....	<del>(\$2,820,000)</del>
	<u>\$4,320,000</u>
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,700,000
TOTAL.....	<del>(\$4,520,000)</del>
	<u>\$6,020,000</u>

NEW SECTION. Sec. 6043. A new section is added to 2006 c 371 (uncodified) to read as follows:

**STATE CONSERVATION COMMISSION FOR THE STATE CONSERVATION COMMISSION**

Land Restoration (07-1-001)

Appropriation:

State Building Construction Account--State. ....	\$587,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$587,000

NEW SECTION. Sec. 6044. A new section is added to 2006 c 371 (uncodified) to read as follows:

**DEPARTMENT OF FISH AND WILDLIFE FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Sinlahekin Creek Dams - Floods Damage Repair (2007-1-004)

Appropriation:

State Building Construction Account--State. ....	\$70,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$70,000

NEW SECTION. Sec. 6045. A new section is added to 2006 c 371 (uncodified) to read as follows:

**DEPARTMENT OF FISH AND WILDLIFE FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Region 1 Office - Complete Phase 1 (2007-2-009)

Appropriation:

State Building Construction Account--State. ....	\$588,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$588,000

NEW SECTION. Sec. 6046. A new section is added to 2006 c 371 (uncodified) to read as follows:

**DEPARTMENT OF NATURAL RESOURCES FOR THE DEPARTMENT OF NATURAL RESOURCES**

Loomis Natural Resources Conservation Area Restoration (2007-1-004)

Appropriation:

State Building Construction Account--State. ....	\$271,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$271,000

NEW SECTION. Sec. 6047. A new section is added to 2006 c 371 (uncodified) to read as follows:

**DEPARTMENT OF NATURAL RESOURCES FOR THE DEPARTMENT OF NATURAL RESOURCES**

Storm Damage (07-1-850)

Appropriation:

State Building Construction Account--State. ....	\$282,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$282,000

**NEW SECTION. Sec. 6048.** A new section is added to 2006 c 371 (uncodified) to read as follows:

**COMMUNITY AND TECHNICAL COLLEGE SYSTEM FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Grays Harbor College: Riverview Education Center (07-1-850)

Appropriation:

State Building Construction Account--State. . . . .	\$498,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$498,000

**Sec. 6049.** 2006 c 371 s 192 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Energy Freedom Program (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.

(b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(2) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Recommendation</b>
Spokane Conservation district	( <del>(\$2,000,000)</del> ) \$1,779,000
Port of Warden	\$2,500,000
Odessa public development authority	( <del>(\$2,500,000)</del> ) \$3,500,000
( <del>Port of Columbia county</del> )	<del>(\$2,500,000)</del> \$0
Port of Sunnyside	\$750,000
<u>A public subdivision working with the DeRuyter Farms anaerobic digester project</u>	<u>\$1,973,000</u>
Total	( <del>(\$10,250,000)</del> ) \$10,502,000

(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 6, chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006.

(10) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of agriculture by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

(11) If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Appropriation:

Energy Freedom Account--State. . . . .	(( <del>\$10,250,000</del> ))
	<u>\$10,502,000</u>
 Prior Biennia (Expenditures). . . . .	 \$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	(( <del>\$10,250,000</del> ))
	<u>\$10,502,000</u>

**Sec. 6050.** 2006 c 371 s 191 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$202,000 of the appropriation on administrative costs.

(3) If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Appropriation:

Energy Freedom Account--State. . . . .	(( <del>\$6,750,000</del> ))
	<u>\$3,998,000</u>
 Prior Biennia (Expenditures). . . . .	 \$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	(( <del>\$6,750,000</del> ))
	<u>\$3,998,000</u>

NEW SECTION. **Sec. 6051.** Part headings in this act are not any part of the law.

NEW SECTION. **Sec. 6052.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6053.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 6033 of this act which takes effect July 1, 2007, and section 6035 of this act which takes effect June 30, 2011.

On page 1, line 1 of the title, after "budget," strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 70.105D.070, 43.43.944, 43.155.050, and 79.17.210; amending 2005 c 488 ss 165, 347, and 955 (uncodified); amending 2006 c 371 ss 106, 191, and 192 (uncodified); reenacting and amending RCW 43.135.045 and 43.155.050; adding new sections to 2006 c 371 (uncodified); creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Senator Fraser  
 Senator Regala  
 Senator Brandland

Representative Fromhold  
 Representative Ormsby  
 Representative McDonald

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS  
 RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Fromhold, McDonald, Anderson, Schual-Berke, Newhouse, Curtis, Ormsby, Ahern, Orcutt and Kenney spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1092 as recommended by the conference committee.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1092 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Roach - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092, as recommended by the Conference Committee having received the constitutional majority, was declared passed.

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4666, by Representative Roach

WHEREAS, The National Teachers Hall of Fame was founded in Emporia, Kansas in 1989 to honor elementary and secondary teachers and the teaching profession through a recognition program and museum; and

WHEREAS, The National Teachers Hall of Fame has been endorsed by every major educational organization; and

WHEREAS, Since the inaugural induction ceremonies in 1992, seventy educators from twenty-nine states and the District of Columbia have been inducted; and

WHEREAS, Each year the National Teachers Hall of Fame inducts five outstanding educators from around the nation to recognize their careers and contributions to helping students achieve academic excellence; and

WHEREAS, Geri Rohlff of Auburn Riverside High School has been selected as one of five inductees this year for her long and distinguished career; and

WHEREAS, Geri Rohlff has been a teacher for thirty-one years, the last seventeen of which have been in Auburn; and

WHEREAS, Geri Rohlff is a language arts, study skills, and alternative education teacher at Auburn Riverside High School; and

WHEREAS, She will be inducted into the National Teachers Hall of Fame in Emporia, Kansas in June 2007, and attend other induction ceremonies in Washington, D.C.; and

WHEREAS, The story of her career will be on permanent display at the National Teachers Hall of Fame gallery in Emporia;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate Geri Rohlff for receiving this distinguished honor and thank her for her dedication to children and academic excellence in the Auburn School District; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ms. Rohlff and to the Auburn School District.

HOUSE RESOLUTION NO. 4666 was adopted.

**POINT OF PERSONAL PRIVILEGE**

Representative Fromhold: "Thank you, Mr. Speaker. I would ask the gentle lady from the 25<sup>th</sup> District to join me in asking you to have the Capital Budget committee staff come out. I think she made quite the point that the success with this capital budget while certainly attributable to strong bi-partisan work could not have happened without a highly professional staff. I would like to have the opportunity to welcome them out here and recognize them."

**MESSAGES FROM THE SENATE**

April 22, 2007

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, and passed the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 2007

Mr. Speaker:

The Senate concurred in the House amendments to SENATE BILL NO. 5272, and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5339,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,  
 and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary  
April 22, 2007

Mr. Speaker:

The Senate has adopted the report of Conference Committee on SUBSTITUTE HOUSE BILL NO. 1128, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

**REPORT OF CONFERENCE COMMITTEE**

April 21, 2007

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1128, making operating appropriations for the 2005-07 and 2007-09 fiscal biennia, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-3658.1/07) be adopted:

*Formatting change to accommodate amendment.*

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2007, and ending June 30, 2009, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2008) . . . . .	\$34,522,000
General Fund--State Appropriation (FY 2009). . . . .	\$35,598,000
Pension Funding Stabilization Account Appropriation. . . . .	\$560,000
<b>TOTAL APPROPRIATION.</b> . . . .	<b>\$70,680,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund--State Appropriation (FY 2008). . . . .	\$26,483,000
General Fund--State Appropriation (FY 2009). . . . .	\$29,196,000
Pension Funding Stabilization Account Appropriation. . . . .	\$467,000
<b>TOTAL APPROPRIATION.</b> . . . .	<b>\$56,146,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2008). . . . .	\$3,377,000
General Fund--State Appropriation (FY 2009). . . . .	\$3,155,000
Pension Funding Stabilization Account Appropriation. . . . .	\$36,000
<b>TOTAL APPROPRIATION.</b> . . . .	<b>\$6,568,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs that support both hunting and fishing programs as well as nongame programs, including appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and shall provide the results of its analysis to the legislature by January 2008.

(5) \$164,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families

act as directed by Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children's administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative to the other states. The findings shall be reported to the legislature by December 1, 2007.

(7) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.

(8) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 1488 (oil spill program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) Within the amounts provided in this section, the committee shall review the constitutional, case law, and statutory objectives and obligations of the department of natural resources' management of state-owned aquatic lands. The review will include an assessment of the degree to which the management practices of the department and other agencies are meeting these objectives and complying with legal obligations.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund--State Appropriation (FY 2008)	\$1,843,000
General Fund--State Appropriation (FY 2009)	\$2,068,000
Pension Funding Stabilization Account Appropriation	\$41,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,952,000</b>

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account-- State Appropriation	\$3,517,000
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**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2008)	\$9,023,000
General Fund--State Appropriation (FY 2009)	\$9,198,000
Pension Funding Stabilization Account Appropriation	\$92,000
<b>TOTAL APPROPRIATION</b>	<b>\$18,313,000</b>

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2008)	\$4,810,000
General Fund--State Appropriation (FY 2009)	\$5,301,000
Pension Funding Stabilization Account Appropriation	\$75,000
<b>TOTAL APPROPRIATION</b>	<b>\$10,186,000</b>

**NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.** In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2008)	\$7,255,000
General Fund--State Appropriation (FY 2009)	\$7,510,000
<b>TOTAL APPROPRIATION</b>	<b>\$14,765,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**

General Fund--State Appropriation (FY 2008)	\$2,231,000
General Fund--State Appropriation (FY 2009)	\$2,259,000
<b>TOTAL APPROPRIATION</b>	<b>\$4,490,000</b>

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2008)	\$15,779,000
General Fund--State Appropriation (FY 2009)	\$16,819,000
<b>TOTAL APPROPRIATION</b>	<b>\$32,598,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2008)	\$1,117,000
General Fund--State Appropriation (FY 2009)	\$1,148,000

TOTAL APPROPRIATION..... \$2,265,000

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2008).	\$29,011,000
General Fund--State Appropriation (FY 2009).	\$30,148,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$24,071,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$24,223,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008).	\$3,175,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009).	\$3,175,000
Judicial Information Systems Account--State Appropriation.	\$39,437,000
TOTAL APPROPRIATION.....	\$153,240,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to supplant existing local funding for the court-appointed special advocates program.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, \$340,000 for fiscal year 2008 is provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee; (d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account--state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

(9) Funding within this section is sufficient to cover costs associated with implementation of Substitute House Bill No. 1141 (diversion records).

(10) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2008)	\$18,014,000
General Fund--State Appropriation (FY 2009)	\$18,016,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$7,066,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$7,025,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$2,250,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$2,251,000
<b>TOTAL APPROPRIATION</b>	<b>\$54,622,000</b>

The appropriations in this section are subject to the following conditions and limitations: The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund--State Appropriation (FY 2008)	\$5,923,000
General Fund--State Appropriation (FY 2009)	\$7,009,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$2,326,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$2,378,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$927,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$927,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008)	\$1,494,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2009)	\$1,493,000
<b>TOTAL APPROPRIATION</b>	<b>\$22,477,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2008 and \$120,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue support for the existing agricultural dispute resolution system funded through the office of civil legal aid for disputes between farmers and farm workers. The office of civil legal aid shall report to the appropriate legislative committees on the effectiveness of this program by December 31, 2008.

(2) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2008 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2009 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

**NEW SECTION. Sec. 116. FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2008)	\$6,614,000
General Fund--State Appropriation (FY 2009)	\$6,758,000
General Fund--Federal Appropriation	\$35,000
Economic Development Strategic Reserve Account--State Appropriation	\$4,000,000
Oil Spill Prevention Account--State Appropriation	\$715,000
<b>TOTAL APPROPRIATION</b>	<b>\$18,122,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5224 (salmon office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 117. FOR THE LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2008)	\$798,000
General Fund--State Appropriation (FY 2009)	\$837,000
General Fund--Private/Local Appropriation	\$90,000
TOTAL APPROPRIATION	\$1,725,000

**NEW SECTION. Sec. 118. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2008)	\$2,546,000
General Fund--State Appropriation (FY 2009)	\$2,499,000
TOTAL APPROPRIATION	\$5,045,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 is for a feasibility study to determine the cost of designing, developing, implementing, and maintaining: (a) Software or other applications to accommodate electronic filing by lobbyists reporting under RCW 42.17.150 and 42.17.170, by lobbyist employers reporting under RCW 42.17.180, and by public agencies reporting under RCW 42.17.190; (b) a database and query system that results in data that is readily available to the public for review and analysis and that is compatible with current computer architecture, technology, and operating systems, including but not limited to Windows and Apple operating systems. The commission shall contract for the feasibility study and consult with the department of information services. The study may include other elements, as determined by the commission, that promote public access to information about lobbying activity reportable under chapter 42.17 RCW. The study shall be provided to the legislature by January 2008.

**NEW SECTION. Sec. 119. FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2008)	\$32,941,000
General Fund--State Appropriation (FY 2009)	\$21,774,000
General Fund--Federal Appropriation	\$7,312,000
General Fund--Private/Local Appropriation	\$134,000
Archives and Records Management Account--State Appropriation	\$8,390,000
Department of Personnel Service Account--State Appropriation	\$768,000
Local Government Archives Account--State Appropriation	\$13,791,000
Election Account--Federal Appropriation	\$39,103,000
Charitable Organization Education Account--State Appropriation	\$122,000
TOTAL APPROPRIATION	\$124,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,104,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,421,000 of the general fund--state appropriation for fiscal year 2008 and \$3,893,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) \$122,000 of the charitable organization education account--state appropriation is provided solely for implementation of Substitute House Bill No. 1777 (charitable organizations). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 120. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund--State Appropriation (FY 2008)	\$348,000
General Fund--State Appropriation (FY 2009)	\$317,000
TOTAL APPROPRIATION	\$665,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**NEW SECTION. Sec. 121. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2008).	\$257,000
General Fund--State Appropriation (FY 2009).	\$252,000
TOTAL APPROPRIATION.	\$509,000

**NEW SECTION. Sec. 122. FOR THE STATE TREASURER**

State Treasurer's Service Account--State Appropriation.	\$15,687,000
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The appropriation in this section is subject to the following conditions and limitations: \$183,000 of the state treasurer's service account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 123. FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2008).	\$794,000
General Fund--State Appropriation (FY 2009).	\$829,000
State Auditing Services Revolving Account--State Appropriation.	\$15,188,000
TOTAL APPROPRIATION.	\$16,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and \$762,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$1,000 of the appropriation from the auditing services revolving account--state is provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes Center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes Center effective July 1, 2007.

**NEW SECTION. Sec. 124. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2008).	\$159,000
General Fund--State Appropriation (FY 2009).	\$229,000
TOTAL APPROPRIATION.	\$388,000

**NEW SECTION. Sec. 125. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2008).	\$6,250,000
General Fund--State Appropriation (FY 2009).	\$6,656,000
General Fund--Federal Appropriation.	\$3,951,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$1,143,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$1,199,000
New Motor Vehicle Arbitration Account--State Appropriation.	\$1,323,000
Legal Services Revolving Account--State Appropriation.	\$224,635,000
Tobacco Prevention and Control Account--State Appropriation.	\$270,000
TOTAL APPROPRIATION.	\$245,427,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 126. FOR THE CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2008).	\$756,000
General Fund--State Appropriation (FY 2009).	\$781,000
TOTAL APPROPRIATION.	\$1,537,000

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2008).	\$66,652,000
General Fund--State Appropriation (FY 2009).	\$67,867,000
General Fund--Federal Appropriation.	\$251,537,000
General Fund--Private/Local Appropriation.	\$14,680,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$2,775,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$2,735,000
Public Works Assistance Account--State Appropriation.	\$2,977,000
Tourism Promotion and Development Account--State Appropriation.	\$1,000,000
Drinking Water Assistance Administrative Account-- State Appropriation.	\$415,000
Lead Paint Account--State Appropriation.	\$6,000
Building Code Council Account--State Appropriation.	\$1,180,000
Low-Income Weatherization Assistance Account--State Appropriation.	\$8,385,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008).	\$3,644,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2009).	\$3,660,000
Community and Economic Development Fee Account--State Appropriation.	\$1,840,000
Washington Housing Trust Account--State Appropriation.	\$32,327,000
Homeless Families Service Account--State Appropriation.	\$300,000
Public Facility Construction Loan Revolving Account--State Appropriation.	\$635,000
Affordable Housing Account--State Appropriation.	\$15,200,000
Community Preservation and Development Authority Account--State Appropriation.	\$350,000
Home Security Fund Account--State Appropriation.	\$16,200,000
Independent Youth Housing Account--State Appropriation.	\$1,000,000
<b>TOTAL APPROPRIATION.</b>	<b>\$495,365,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(3) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to fund domestic violence legal advocacy.

(4) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(5) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(6) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(8) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to implement the innovation partnership zone program.

(a) The director shall designate innovation partnership zones on the basis of the following criteria:

(i) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(A) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(B) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(C) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone;

(ii) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(iii) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(iv) The innovation partnership zone shall designate a zone administrator, which must be an economic development council, port, workforce development council, city, or county.

(b) By October 1, 2007, and October 1, 2008, the director shall designate innovation partnership zones on the basis of applications that meet the criteria in this subsection, estimated economic impact of the zone, and evidence of forward planning for the zone.

(c) If the innovation partnership zone meets the other requirements of the fund sources, then the innovation partnership zone is encouraged to use the local infrastructure financing tool program, the sales and use tax for public facilities in rural counties, the job skills program and other state and local resources to promote zone development.

(d) The department shall convene at least one information sharing event for innovation partnership zone administrators and other interested parties.

(e) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(9) \$430,000 of the general fund--state appropriation for fiscal year 2008 and \$1,935,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the economic development commission to work with the higher education coordinating board and research institutions to: (a) Develop a plan for recruitment of ten significant entrepreneurial researchers over the next ten years to lead innovation research teams, which plan shall be implemented by the higher education coordinating board; and (b) develop comprehensive entrepreneurial programs at research institutions to accelerate the commercialization process.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 1422 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for KCCTS public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington; multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided for Substitute House Bill No. 1276 (creating a public/private tourism partnership). Of this amount, \$280,000 is for the department of fish and wildlife's nature tourism infrastructure program; \$450,000 is for marketing the 2010 Olympic games; and \$50,000 is for the Washington state games.

(14) The department shall distribute 125,000 copies per year of the Washington state visitors' guide for the 2007-09 fiscal biennium.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

(16) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department's individual development account program.

(18) \$80,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

(19) \$1,813,000 of the general fund--state appropriation for fiscal year 2008 and \$1,813,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot program to provide transitional housing assistance to offenders who are reentering the community and are in need of housing as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). The department shall operate the program through grants to eligible organizations as described in RCW 43.185.060. A minimum of two programs shall be established in two counties in which community justice centers are located. The pilot programs shall be selected through a request for proposal process in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(a) The pilot program shall:

(i) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(ii) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(iii) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections; and

(iv) Provide housing assistance for a period of up to twelve months for a participating offender.

(b) The department may also use up to twenty percent of the funds in this subsection to support the development of additional supportive housing resources for offenders who are reentering the community.

(c) The department shall collaborate with the department of corrections in the design of the program and development of criteria to determine who will qualify for housing assistance, and shall report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing.

(20) \$288,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for community transition coordination networks and county service inventories as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Funds are provided for: (a) Grants to counties to inventory services and resources available to assist offenders reentering the community; (b) a grant to the Washington institute for public policy to develop criteria for conducting the inventory; and (c) the department of community, trade, and economic development to assist with the inventory and implement a community transition coordination network pilot program.

(21) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

(22) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

(23) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

(24) \$408,000 of the general fund--state appropriation for fiscal year 2008 and \$623,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(26) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state economic development commission as an independent state agency consistent with Second Substitute Senate Bill No. 5995 (economic development commission). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

(28) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to time-of-use pricing, (b) meter savings from direct load control programs, (c) manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

(29) \$12,000 of the general fund--state appropriation for fiscal year 2008 and \$13,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Synergy Group to coordinate the resources of Lake Stevens area nonprofit organizations to prevent redundancy in charitable efforts.

(30)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided for a pilot program to provide assistance for three jurisdictions to enforce financial fraud and identity theft laws. Three pilot enforcement areas shall be established on January 1, 2008, two in the two largest counties by population west of the crest of the Cascade mountains and one in the largest county by population east of the crest of the Cascade mountains. Funding received for the purpose of this subsection through appropriations, gifts, and grants shall be divided equally between the three pilot enforcement areas. This funding is intended to provide for additional deputy prosecutors, law enforcement, clerical staff, and other support for the prosecution of financial fraud and identity theft crimes. The funding shall not be used to supplant existing funding and cannot be used for any purpose other than enforcement of financial fraud and identity theft laws. Appropriated state funds must be used to match gifts and grants of private-sector funds for the purposes of this subsection, and expenditure of appropriated state funds may not exceed expenditure of private funds.

(b) The department shall appoint a task force in each county with a pilot enforcement area. Each task force shall include the following members:

- (i) Two members from financial institutions;
- (ii) One member of the Washington association of county prosecutors;
- (iii) One member of the Washington association of sheriffs and police chiefs;
- (iv) One member of the Washington state association of municipal attorneys; and
- (v) One law enforcement officer.

(c) The task force in each county shall provide advice and expertise in order to facilitate the prosecutor's efforts to prosecute and reduce the incidence of financial fraud and identity theft crimes, including check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments, organized counterfeit check rings, and organized identity theft rings.

(31) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.

(32) \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.

(33) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Benton and Franklin county juvenile and drug courts. The grant is contingent upon the counties providing equivalent matching funds.

(34) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.

(35) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.

(36) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Washington state association of counties for the county training program.

(37) \$495,000 of the general fund--state appropriation for fiscal year 2008 and \$495,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the northwest agriculture business center.

(38) \$200,000 of the general fund appropriation for fiscal year 2008 is provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted through a competitive process to community land trusts with assets under one million dollars, and these funds shall be used for operating costs, technical assistance, and other eligible capacity building expenses to be determined by the department.

(39) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to centro latino to provide adult basic education that includes but is not limited to: English as a second language, Spanish literacy training, work-readiness training, citizenship classes, programs to promote school readiness, community education, and entrepreneurial services.

(40) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that all citizens have access to a low-cost resolution process as an alternative to litigation.

(41) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute House Bill No. 1303 (cleaner energy). The department shall retain \$1,500,000 for expenditures related to the operations of the energy freedom authority, and the support of the vehicle workgroup and the carbon market stakeholder workgroup. The department shall enter into interagency agreements with other agencies to implement the bill in the following amounts: (a) \$1,500,000 shall be provided to the climate impacts group at the University of Washington for climate assessments; (b) \$200,000 shall be provided to the University of Washington college of forest resources for identification of barriers to using the state's forest resources for fuel production; and (c) \$800,000 shall be provided to the Washington State University for analyzing options for market incentives to encourage biofuels production. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(42) \$347,000 of the general fund--state appropriation for fiscal year 2008 and \$348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to Western Washington University to support small business development centers and underserved economic development councils with secondary research services. Of the amounts in this subsection, \$500,000 is intended for research services and shall be divided evenly between 25-50 small business development centers and underserved economic development councils and \$195,000 shall be used to develop infrastructure, training programs, and marketing materials.

(43) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study on improving the effectiveness of the growth management act. Topics may include but are not limited to: How best to meet and finance infrastructure and service needs of growing communities; how to provide incentives to accommodate projected growth and protect resource lands and critical areas; and how local governments are prepared to address land use changes associated with climate change.

(44) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Poulsbo marine science center.

(45) \$1,625,000 of the general fund--state appropriation for fiscal year 2008 and \$1,625,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating and capital equipment and facility grants to the following public television and radio stations: KPBX/KSFC, \$863,525; KPLU, \$733,525; KVTI, \$108,550; KDNA, \$29,205; KSER, \$338,325; KNHC, \$146,620; KSPS, \$568,750; and KBTC, \$461,500.

(46) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safe and drug free schools and communities program.

(47) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$103,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington's college of forest resources center for international trade in forest products.

(48) \$471,000 of the general fund--state appropriation for fiscal year 2008 and \$471,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as pass-through funding to Walla Walla community college for its water and environmental center.

(49) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(50)(a) \$200,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to examine the fiscal health of counties. The study shall address spending and revenues, as well as the demographic, geographic, social, economic, and other factors contributing to or causing financial distress. The study shall also examine the financial efficiencies, cost savings, and improved levels of service that may be gained by authorizing noncharter counties greater flexibility in altering their forms of governance, including consolidating or merging constitutional or statutory functions or structures.

(b) The department of community, trade, and economic development may contract or consult with any agency, organization, or other public or private entity as it deems necessary in order to complete the study required under this section. The study may contain options and actions for consideration by the governor and the legislature, but at minimum shall recommend the changes to constitutional and statutory law necessary to provide counties with the legal authority required to implement the changes in governmental structures and functions needed to promote optimum financial efficiency and improved services. The study shall be transmitted to the appropriate committees of the legislature and the governor by December 1, 2007.

(51) \$2,136,000 of the general fund--state appropriation for fiscal year 2008 and \$2,136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expense of the "closing the achievement gap-flight program" of the Seattle public schools during the 2007-09 biennium. The funds will be used in support of a collaboration model between the Seattle public schools and the community. The primary intent for this program is to close the academic achievement gap for students of color and students in poverty by promoting parent and family involvement and enhancing the social-emotional and the academic support for students. By June 30, 2009, the Seattle public schools will provide and evaluation of the impact of the activities funded on class size, graduation rates, student attendance, student achievement, and closing the achievement gap.

(52) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for crime victim service centers.

(53) \$41,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for House Bill No. 1038 (electric transmission lines). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(54) \$1,000,000 of the independent youth housing account is provided for Second Substitute House Bill No. 1922 (youth housing program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(55) \$227,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute House Bill No. 1636 (development rights). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(56) \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Substitute House Bill No. 1037 (electrical transmission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(57) \$131,000 of the general fund--state appropriation for fiscal year 2008 and \$62,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 1705 (health sciences and services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(58) \$881,000 of the general fund--state appropriation for fiscal year 2008 and \$882,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to: (a) Work with a statewide asset building coalition to design, implement, and fund a public education and outreach campaign; and (b) initiate, expand, and strengthen community-based asset building coalitions by providing them with technical assistance and grants. The department shall conduct an application process and select at least twelve sites by October 31, 2007. Of the amounts provided in this subsection, no more than 10 percent may be used by the department to administer the technical assistance and grant program. The department shall report to the appropriate committees of the legislature on the status of the grant and technical assistance program by December 1, 2008.

(59) \$15,200,000 of the affordable housing account--state appropriation and \$16,200,000 of the home security fund account--state appropriation are provided solely for Engrossed Second Substitute House Bill No. 1359 (affordable housing). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(60) \$350,000 of the community preservation and development account--state appropriation is provided solely for Substitute Senate Bill No. 6156 (development authorities). If this bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2008).	\$608,000
General Fund--State Appropriation (FY 2009).	\$631,000
TOTAL APPROPRIATION.	\$1,239,000

**NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2008).	\$24,175,000
General Fund--State Appropriation (FY 2009).	\$23,323,000
General Fund--Federal Appropriation.	\$23,588,000
General Fund--Private/Local Appropriation.	\$1,270,000
State Auditing Services Revolving Account--State Appropriation.	\$25,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008).	\$123,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2009).	\$123,000
TOTAL APPROPRIATION.	\$72,627,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and \$580,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$320,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$165,000 of the general fund--state appropriation for fiscal year 2008 and \$115,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to develop options for a new K-12 pupil transportation funding formula. The office of financial management shall contract with consultants with expertise in both pupil transportation and K-12 finance formulas. The office of financial management and the contractors shall consult with the legislative fiscal committees and the office of the superintendent of public instruction. The office of financial management shall submit a final report to the governor, the house of representatives appropriations committee, and senate ways and means committee by November 15, 2008.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) \$810,000 of the general fund--state appropriation for fiscal year 2008 and \$495,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy-protected student-level data.

(11) Within amounts appropriated in this section, the office of financial management shall enter into an interagency agreement with the department of social and health services to establish a program of technical assistance to pharmacies providing services under chapter 74.09 RCW that offers information to pharmacies regarding compliance with payment requirements and that offers technical assistance to pharmacies that request such assistance or who, as identified in a prepayment or other preaudit review, would benefit from such assistance. Additionally, the office of financial management shall oversee the technical assistance program and review the department of social and health services' pharmacy audit practices and determine whether it is desirable, in instances when fraud is not suspected, to extend the time from when a pharmacy is notified of an upcoming audit, to when an audit begins. The office of financial management shall report its findings and recommendations to the governor and to the appropriate legislative fiscal and policy committees by December 1, 2007.

**NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation.	\$33,037,000
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**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Account--State Appropriation.....	\$30,106,000
Higher Education Personnel Services Account--State Appropriation.....	\$1,794,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$31,900,000</b>

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account--State Appropriation.....	\$26,382,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

**NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2008).....	\$261,000
General Fund--State Appropriation (FY 2009).....	\$276,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$537,000</b>

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2008).....	\$257,000
General Fund--State Appropriation (FY 2009).....	\$266,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$523,000</b>

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

General Fund--State Appropriation (FY 2008).....	\$200,000
General Fund--State Appropriation (FY 2009).....	\$250,000
Dependent Care Administrative Account--State Appropriation.....	\$448,000
Department of Retirement Systems Expense Account-- State Appropriation.....	\$48,885,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$49,783,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (5) \$315,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. As part of this process, the director shall consult with the department of financial institutions, the state investment board, private sector retirement plan administrators and providers and other relevant sectors of the financial services industry, organizations promoting increased economic opportunities for individuals, employers, workers, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for implementing and operating the program. As part of this process, the director shall evaluate the most efficient methods for providing this service and ways to avoid competition with existing private sector vehicles. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2008).....	\$97,793,000
General Fund--State Appropriation (FY 2009).....	\$101,158,000
Timber Tax Distribution Account--State Appropriation.....	\$5,846,000
Waste Reduction/Recycling/Litter Control--State Appropriation.....	\$130,000
Waste Tire Removal Account--State Appropriation.....	\$2,000

Real Estate Excise Tax Grant Account--State Appropriation.....	\$3,900,000
State Toxics Control Account--State Appropriation.....	\$88,000
Oil Spill Prevention Account--State Appropriation.....	\$16,000
Pension Funding Stabilization Account Appropriation.....	\$2,370,000
TOTAL APPROPRIATION.....	\$211,303,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter ... (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter ... (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

**NEW SECTION. Sec. 137. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account--State Appropriation.....	\$19,266,000
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**NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2008).....	\$1,502,000
General Fund--State Appropriation (FY 2009).....	\$1,380,000
TOTAL APPROPRIATION.....	\$2,882,000

**NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL**

County Research Services Account--State Appropriation.....	\$847,000
City and Town Research Services--State Appropriation.....	\$4,458,000
General Fund--State Appropriation (FY 2008).....	\$200,000
General Fund--State Appropriation (FY 2009).....	\$200,000
TOTAL APPROPRIATION.....	\$5,705,000

**NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account--State Appropriation.....	\$3,650,000
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The appropriations in this section are subject to the following conditions and limitations: \$19,000 of the OMWBE enterprise account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2008).....	\$577,000
General Fund--State Appropriation (FY 2009).....	\$580,000
General Fund--Federal Appropriation.....	\$3,655,000
General Administration Service Account--State Appropriation.....	\$34,951,000
TOTAL APPROPRIATION.....	\$39,763,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding within the amounts provided in this section is sufficient to fully pay for the costs associated with relocating the office of minority and women's business enterprises. This includes the cost of cancelling the office's current lease, securing a new suitable location, and physically moving the office into the new location. The office shall not be charged for any of the costs associated with the relocation.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES**

General Fund--State Appropriation (FY 2008)	\$5,102,000
General Fund--State Appropriation (FY 2009)	\$2,088,000
General Fund--Federal Appropriation	\$700,000
Health Services Account--State Appropriation (FY 2008)	\$1,000,000
Health Services Account--State Appropriation (FY 2009)	\$1,000,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$695,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$705,000
Data Processing Revolving Account--State Appropriation	\$6,400,000
<b>TOTAL APPROPRIATION</b>	<b>\$17,690,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,340,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.

(3) \$1,000,000 of the health services account appropriation for fiscal year 2008 and \$1,000,000 of the health services account appropriation for fiscal year 2009 are provided solely to conduct a pilot project to develop an emergency medical response health management record system. The department shall contract to provide health management record services, such as those developed with patients in Whatcom county, to provide integrated care management that are web-services enabled. The record system developed by the pilot project will begin to provide services to emergency medical personnel within two years in at least King, Snohomish, Thurston, and Whatcom counties. The requirements of the pilot project contract shall require the initial development of specific evaluation criteria and a report on the performance of the system according to those criteria no later than June 30, 2009.

(4) \$1,012,000 of the general fund--state appropriation for fiscal year 2008 and \$338,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of the information technology infrastructure capacity for institutions operated by the department of social and health services, department of veterans affairs, and department of corrections. The evaluation will detail the status of the participating institutions' infrastructure and recommend an improvement strategy that includes the use of electronic medical records. The department shall report back to the appropriate committees of the legislature on its findings by January 1, 2009.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

**NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation	\$1,574,000
Insurance Commissioners Regulatory Account--State Appropriation	\$45,340,000
<b>TOTAL APPROPRIATION</b>	<b>\$46,914,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account--state appropriation is provided solely for the implementation of section 17 (reduce health care administrative costs) in accordance with Senate Bill No. 5930 (blue ribbon commission on health care). If the section is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account--State Appropriation	\$2,596,000
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**NEW SECTION. Sec. 145. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account--State Appropriation	\$276,000
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The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Operating Account--State Appropriation	\$5,499,000
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The appropriation in this section is subject to the following conditions and limitations: During the 2007-2009 fiscal biennium, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

**NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2008)	\$1,910,000
General Fund--State Appropriation (FY 2009)	\$1,953,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$8,517,000
Liquor Revolving Account--State Appropriation	\$195,858,000
<b>TOTAL APPROPRIATION</b>	<b>\$208,238,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

**NEW SECTION. Sec. 148. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation. . . . . \$1,051,000

The appropriation in this section is subject to the following conditions and limitations: \$9,000 of the volunteer firefighters' and reserve officers' administrative account appropriation is provided solely to implement House Bill No. 1475 (additional board members). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund--State Appropriation (FY 2008). . . . . \$160,000  
 Public Service Revolving Account--State Appropriation. . . . . \$31,403,000  
 Pipeline Safety Account--State Appropriation. . . . . \$3,195,000  
 Pipeline Safety Account--Federal Appropriation. . . . . \$1,535,000  
**TOTAL APPROPRIATION. . . . . \$36,293,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.
- (2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.
- (3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband technologies. The survey must collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its finding to the appropriate legislative committees by December 31, 2007.

**NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2008). . . . . \$11,439,000  
 General Fund--State Appropriation (FY 2009). . . . . \$11,812,000  
 General Fund--Federal Appropriation. . . . . \$107,611,000  
 General Fund--Private/Local Appropriation. . . . . \$2,000  
 Enhanced 911 Account--State Appropriation. . . . . \$42,114,000  
 Disaster Response Account--State Appropriation. . . . . \$12,852,000  
 Disaster Response Account--Federal Appropriation. . . . . \$55,553,000  
 Military Department Rent and Lease Account--State Appropriation. . . . . \$374,000  
 Worker and Community Right-to-Know Account--State Appropriation. . . . . \$341,000  
 Nisqually Earthquake Account--State Appropriation. . . . . \$556,000  
 Nisqually Earthquake Account--Federal Appropriation. . . . . \$1,269,000  
**TOTAL APPROPRIATION. . . . . \$243,923,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$12,924,000 of the disaster response account--state appropriation and \$55,769,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.
- (2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.
- (3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

- (a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;
  - (b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;
  - (c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and
  - (d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.
- (4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).
- (5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

**NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2008)	\$3,246,000
General Fund--State Appropriation (FY 2009)	\$3,353,000
Department of Personnel Service Account--State Appropriation	\$3,315,000
<b>TOTAL APPROPRIATION</b>	<b>\$9,914,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$107,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute House Bill No. 2361 (higher education exempt employees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund--State Appropriation (FY 2008)	\$1,087,000
General Fund--State Appropriation (FY 2009)	\$1,033,000
General Fund--Federal Appropriation	\$1,651,000
General Fund--Private/Local Appropriation	\$14,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,785,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2115 (heritage barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 153. FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2008)	\$1,890,000
General Fund--State Appropriation (FY 2009)	\$1,942,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,832,000</b>

**NEW SECTION. Sec. 154. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account--State Appropriation	\$36,910,000
State Convention and Trade Center Operating Account--State Appropriation	\$53,750,000
<b>TOTAL APPROPRIATION</b>	<b>\$90,660,000</b>

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 13,000 persons during the 2007-2009 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the

department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008) . . . . .	\$313,898,000
General Fund--State Appropriation (FY 2009). . . . .	\$327,462,000
General Fund--Federal Appropriation. . . . .	\$468,668,000
General Fund--Private/Local Appropriation. . . . .	\$500,000
Domestic Violence Prevention Account--State Appropriation. . . . .	\$1,000,000
Public Safety and Education Account--State Appropriation (FY 2008). . . . .	\$3,251,000
Public Safety and Education Account--State Appropriation (FY 2009). . . . .	\$3,254,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008). . . . .	\$2,934,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009). . . . .	\$2,934,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$2,298,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,126,199,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and \$3,063,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, \$49,000 of the general fund--state appropriation for fiscal year 2009, and \$41,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, \$98,000 of the general fund--state appropriation for fiscal year 2009, and \$201,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008)	\$87,795,000
General Fund--State Appropriation (FY 2009)	\$91,182,000
General Fund--Federal Appropriation	\$5,799,000
General Fund--Private/Local Appropriation	\$1,098,000
Reinvesting in Youth--State Appropriation	\$1,414,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$171,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$21,458,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$21,568,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$2,510,000
Pension Funding Stabilization Account--State Appropriation	\$2,200,000
<b>TOTAL APPROPRIATION</b>	<b>\$235,195,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and \$3,066,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and \$1,287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions

and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including:  
 (i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and  
 (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2008) . . . . .	\$302,674,000
General Fund--State Appropriation (FY 2009) . . . . .	\$312,997,000
General Fund--Federal Appropriation. . . . .	\$380,003,000
General Fund--Private/Local Appropriation. . . . .	\$11,948,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,007,622,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and \$104,080,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. These funds shall be distributed proportionally to each regional support network's percentage of the total state population.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program and for use of state hospital beds for short-term commitments.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(f) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(g) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not

limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(i) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

(j) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(k) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(l) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(m) \$2,979,000 of the general fund--state appropriation for fiscal year 2008, \$3,249,000 of the general fund--state appropriation for fiscal year 2009, and \$2,040,000 of the general fund--federal appropriation are provided solely to modify the department's proposed new payment rates for medicaid inpatient psychiatric services. Under the department's proposed rate system, effective August 1, 2007, each hospital's inpatient psychiatric payment rate would have been set at a percentage of that hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year. Within the amount provided in this subsection (1)(m), beginning August 1, 2007, each hospital's inpatient psychiatric payment rate shall instead be set at the greater of a percentage of: (i) The hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year; or (ii) the statewide average per diem cost for psychiatric inpatient care during the most recent rebasing year, adjusted for regional wage differences and for differences in medical education costs. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(n) \$6,267,000 of the general fund--state appropriation for fiscal year 2008 and \$6,462,000 of the general fund--federal appropriation for fiscal year 2009 are provided solely to increase nonmedicaid psychiatric inpatient payment rates over fiscal year 2005 levels. It is expected that nonmedicaid rates will be set at approximately 85 percent of each hospital's medicaid psychiatric inpatient rate. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(o) \$7,363,000 of the general fund--state appropriation for fiscal year 2008, \$15,028,000 of the general fund--state appropriation for fiscal year 2009, and \$13,927,000 of the general fund--federal appropriation are provided solely to increase regional support network medicaid capitation rates and nonmedicaid allocations by 3.0 percent effective July 1, 2007, and by an additional 3.0 percent effective July 1, 2008. The federal portion of these rate increases is contingent upon federal approval. (i) The legislature intends and expects that regional support networks and community mental health agencies will use at least 67 percent of the amounts provided in this subsection(1)(o) to increase compensation for direct care personnel above and beyond usual and customary wage increases. To this end, regional support networks shall report to the department by October 15, 2007, on planned uses of the rate increases within their network area. The report shall describe the direct care job classifications to which increases are to be provided; the number of full-time equivalent personnel employed in each classification; the annualized dollar and percentage increases to be provided each classification; the annualized dollar value of the direct care compensation increases provided, in total and as a percentage of the total rate increase; and the number of personnel in each job classification covered by a collective bargaining agreement. The department shall summarize and analyze the regional plans, and report findings, options, and recommendations to the legislature by December 1, 2007. (ii) Regional support networks shall maintain documentation of how the rate increases have been applied. Such documentation shall be subject to audit by the department. (iii) For purposes of this subsection (1)(o), "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance.

(p) \$2,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,683,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$142,545,000
General Fund--State Appropriation (FY 2009)	\$139,286,000
General Fund--Federal Appropriation	\$146,401,000
General Fund--Private/Local Appropriation	\$57,064,000
Pension Funding Stabilization Account--State Appropriation	\$7,058,000
TOTAL APPROPRIATION	\$492,354,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$1,892,000
General Fund--State Appropriation (FY 2009)	\$2,192,000
General Fund--Federal Appropriation	\$3,195,000
<b>TOTAL APPROPRIATION</b>	<b>\$7,279,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$4,966,000
General Fund--State Appropriation (FY 2009)	\$5,060,000
General Fund--Federal Appropriation	\$7,604,000
<b>TOTAL APPROPRIATION</b>	<b>\$17,630,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008)	\$346,600,000
General Fund--State Appropriation (FY 2009)	\$373,776,000
General Fund--Federal Appropriation	\$633,258,000
Health Services Account--State Appropriation (FY 2008)	\$452,000
Health Services Account--State Appropriation (FY 2009)	\$452,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,354,538,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,799,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$9,268,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients

participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,598,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), \$1,096,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) \$1,577,000 of the general fund--state appropriation for fiscal year 2008, \$3,480,000 of the general fund--state appropriation for fiscal year 2009, and \$2,105,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) The department shall collect data from the counties related to employment services. This data shall include, but not necessarily be limited to, information pertaining to: (i) The average length of time clients utilize job coaching services, (ii) the percentage of clients utilizing job coaching services from zero to three months, four to six months, seven to nine months, ten to twelve months, and twelve months or more, (iii) within the monthly grouping, the percentage of clients utilizing job coaching services from zero to five hours per week, five to ten hours per week, ten to twenty hours per week, and twenty or more hours per week. This data shall be provided to the appropriate policy committees of the legislature by December 1, 2007.

(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for boarding homes, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for adult family homes, including those currently receiving exceptional care rates.

**(2) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 2008)	\$78,765,000
General Fund--State Appropriation (FY 2009)	\$80,873,000
General Fund--Federal Appropriation	\$171,836,000
General Fund--Private/Local Appropriation	\$21,613,000
Pension Funding Stabilization Account--State Appropriation	\$5,614,000
<b>TOTAL APPROPRIATION</b>	<b>\$358,701,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

**(3) PROGRAM SUPPORT**

General Fund--State Appropriation (FY 2008)	\$2,273,000
General Fund--State Appropriation (FY 2009)	\$2,377,000
General Fund--Federal Appropriation	\$2,821,000
<b>TOTAL APPROPRIATION</b>	<b>\$7,471,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

**(4) SPECIAL PROJECTS**

General Fund--State Appropriation (FY 2008)	\$17,000
General Fund--State Appropriation (FY 2009)	\$15,000
General Fund--Federal Appropriation	\$16,843,000
<b>TOTAL APPROPRIATION</b>	<b>\$16,875,000</b>

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	\$699,089,000
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General Fund--State Appropriation (FY 2009)	\$741,478,000
General Fund--Federal Appropriation	\$1,539,010,000
General Fund--Private/Local Appropriation	\$19,563,000
Pension Funding Stabilization Account--State Appropriation	\$1,448,000
Health Services Account--State Appropriation (FY 2008)	\$2,444,000
Health Services Account--State Appropriation (FY 2009)	\$2,444,000
Traumatic Brain Injury Account--State Appropriation	\$440,000
TOTAL APPROPRIATION	\$3,005,916,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$158.11 for fiscal year 2008 and shall not exceed \$164.18 for fiscal year 2009. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9)(a) \$8,755,000 of the general fund--state appropriation for fiscal year 2009 and \$9,348,000 of the general fund--federal appropriation are provided solely to increase nursing facility payment rates.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--federal appropriation are provided solely for the department to contract with an outside entity to review the current medicaid payment methodology for nursing facilities and make recommendations for revisions to, restructuring of, or replacement of the existing payment methodology no later than October 1, 2007, to the governor and the appropriate fiscal and policy committees of the legislature.

(c) A joint legislative task force on long-term care residential facility payment systems shall review and develop recommendations related to payment methodologies for the care of medicaid-eligible residents of nursing homes, boarding homes, and adult family homes in Washington state.

(i) Membership of the task force shall consist of eight legislators. The president of the senate shall appoint two members from each of the two largest caucuses of the senate. The speaker of the house of representatives shall appoint two members of each of the two largest caucuses of the house of representatives. Each body shall select representatives from committees with jurisdiction over health and long-term care and fiscal matters.

(ii) The task force shall give strong consideration to the following principles in the course of its deliberations:

(A) A continuum of residential care settings should be available to medicaid-eligible vulnerable adults so as to honor consumer choice;

(B) Payment methodologies for care provided in adult family homes, boarding homes, and nursing homes should be based upon resident acuity, with payment rates that recognize the impact of differing state and federal regulatory requirements upon facility costs, but also address current disparities in payments to facilities serving residents with similar nursing or personal care needs;

(C) Payment methodologies should be designed to support retention of qualified direct care staff through training, wages, and benefits offered to direct care staff, with special consideration given to nursing homes, boarding homes, and adult family homes that care for a disproportionate number of medicaid-eligible residents relative to their peer facilities;

(D) Performance measures related to critical issues such as staff retention and resident outcomes should be developed, with payment linked to facility performance on the measures; and

(E) Payment methodologies should be simplified, with greater predictability and stability in payments.

(iii) The task force shall:

(A) Review and consider the recommendations submitted in accordance with (b) of this subsection;

(B) Consider input from long-term care stakeholders with respect to the principles in (c)(ii) of this subsection;

(C) Review the current payment methodologies for nursing homes, boarding homes, and adult family homes, giving strong consideration to the principles in (c)(ii) of this subsection, and make recommendations for revisions to, restructuring of, or replacement of existing payment

methodologies. The recommendations related to payments made in fiscal year 2009 shall be consistent with the amounts appropriated in this subsection.

(iv) The task force shall complete its review and submit its recommendations to the appropriate policy and fiscal committees of the legislature by December 31, 2007.

(v) Staff support for the task force shall be provided by senate committee services and the house of representatives office of program research.

(vi) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(vii) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committees, or their successor committees.

(viii) The task force expires December 31, 2007.

(10) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100 beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

(11) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$816,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2111 (adult family homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$440,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) Within amounts appropriated in this section and in section 205 of this act, the department of social and health services shall:

(a) Determine how geographic differences in community residential provider payments affect provider and workforce turnover;

(b) Examine alternative community residential provider payment systems that account for differences in direct care labor costs in various areas of the state, including alternative peer groupings in its payment systems that take such factors into account; and

(c) Submit a report of its findings and recommendations to the office of financial management and to the appropriate fiscal committees of the legislature by June 30, 2008.

(14) Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for boarding homes, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for adult family homes, including those currently receiving exceptional care rates.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--federal appropriation are provided solely for the department contract for an evaluation of training requirements for long-term care workers as generally described in Second Substitute House Bill No. 2284 (training of care providers).

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008) . . . . .	\$592,774,000
General Fund--State Appropriation (FY 2009) . . . . .	\$627,148,000
General Fund--Federal Appropriation. . . . .	\$1,053,264,000
General Fund--Private/Local Appropriation. . . . .	\$27,920,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$4,592,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$2,305,698,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$334,377,000 of the general fund--state appropriation for fiscal year 2008, \$347,597,000 of the general fund--state appropriation for fiscal year 2009, and \$827,774,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a post-TANF work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund--federal by activity;

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection (1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2008)	\$69,445,000
General Fund--State Appropriation (FY 2009)	\$69,663,000
General Fund--Federal Appropriation	\$138,942,000
General Fund--Private/Local Appropriation	\$632,000
Criminal Justice Treatment Account--State Appropriation	\$17,752,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$24,538,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$24,538,000
Problem Gambling Account--State Appropriation	\$1,567,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,044,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,043,000
Pension Funding Stabilization Account--State Appropriation	\$146,000
<b>TOTAL APPROPRIATION</b>	<b>\$349,310,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$698,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: (a) A pilot program in Pierce county for family therapeutic court services that include chemical dependency treatment with use of the prometa protocol; and (b) an independent evaluator to evaluate the efficacy of the treatment with the prometa protocol under the pilot program as compared to other drug treatment and to no treatment.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2008)	\$1,589,266,000
General Fund--State Appropriation (FY 2009)	\$1,665,304,000

General Fund--Federal Appropriation. . . . .	\$4,305,197,000
General Fund--Private/Local Appropriation. . . . .	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation. . . . .	\$15,076,000
Health Services Account--State Appropriation (FY 2008). . . . .	\$350,259,000
Health Services Account--State Appropriation (FY 2009). . . . .	\$385,215,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$646,000
TOTAL APPROPRIATION. . . . .	\$8,312,963,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit a report to the governor and legislature by November 1, 2007, that evaluates whether savings continue to exceed costs for this program. If the certified public expenditures program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount that is the total of (a) the total payment for claims for services rendered during the fiscal year calculated according to the methodology employed by the legislature in the omnibus appropriations act for implementation in fiscal year 2008 and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and is subject to an interim cost settlement within eleven months after the end of the fiscal year. A final cost settlement shall be performed within two years after the end of the related fiscal year. To the extent that a final cost settlement determines that a hospital has received funds in excess of what it would have received under the methodology in place in fiscal year 2008 as described in this subsection, the hospital must repay these amounts to the state when requested. \$74,066,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and \$59,776,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) \$7,314,000 of the general fund--state appropriation for fiscal year 2008, \$7,800,000 of the general fund--state appropriation for fiscal year 2009, and \$48,995,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection

(13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$6,529,000 of the general fund--state appropriation for fiscal year 2008 and \$6,651,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$268,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) \$2,450,000 of the general fund--state appropriation for fiscal year 2008 and \$1,950,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children). By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

(a) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;

(b) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;

(c) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;

(d) Outreach contracts with local governmental entities, community based organizations, and tribes;

(e) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;

(f) Results of efforts to maximize federal matching funds, wherever possible; and

(g) Plans for sustaining outreach programs proven to be successful.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental

entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008).	\$12,986,000
General Fund--State Appropriation (FY 2009).	\$14,336,000
General Fund--Federal Appropriation.	\$90,886,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation.	\$1,793,000
Pension Funding Stabilization Account--State Appropriation.	\$116,000
<b>TOTAL APPROPRIATION.</b>	<b>\$120,117,000</b>

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM**

General Fund--State Appropriation (FY 2008).	\$51,103,000
General Fund--State Appropriation (FY 2009).	\$54,219,000
<b>TOTAL APPROPRIATION.</b>	<b>\$105,322,000</b>

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008).	\$35,438,000
General Fund--State Appropriation (FY 2009).	\$36,504,000
General Fund--Federal Appropriation.	\$64,730,000
General Fund--Private/Local Appropriation.	\$810,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$1,226,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$1,226,000
Pension Funding Stabilization Account--State Appropriation.	\$1,408,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008).	\$913,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2009).	\$926,000
<b>TOTAL APPROPRIATION.</b>	<b>\$143,181,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the expansion of the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and additional community networks supporting counties or groups of counties in evaluating programs funded through a block grant by the juvenile rehabilitation administration. Funds not used for grants to community networks supporting counties or groups of counties participating in the decategorization block grants shall lapse.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the continuation of the postpartum depression campaign, including the design and production of brochures in various languages, a radio public service announcement, and other outreach and training efforts.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand and enhance the juvenile detention alternatives initiative. This funding is intended to add three new program sites, support the addition of a data analyst, and to provide resources for the state to participate in annual national conferences.

(7) \$144,000 of the general fund--state appropriation for fiscal year 2008, \$111,000 of the general fund--state appropriation for fiscal year 2009, and \$136,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2008).	\$59,460,000
General Fund--State Appropriation (FY 2009).	\$59,497,000
General Fund--Federal Appropriation.	\$57,255,000
<b>TOTAL APPROPRIATION.</b>	<b>\$176,212,000</b>

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2008).	\$500,000
General Fund--State Appropriation (FY 2009).	\$500,000
General Fund--Federal Appropriation.	\$4,885,000
State Health Care Authority Administrative Account-- State Appropriation.	\$56,074,000
Medical Aid Account--State Appropriation.	\$529,000
Health Services Account--State Appropriation (FY 2008).	\$274,666,000
Health Services Account--State Appropriation (FY 2009).	\$300,580,000
<b>TOTAL APPROPRIATION.</b>	<b>\$637,734,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$1,984,000 of the health services account--state appropriation for fiscal year 2008 and \$6,315,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.

(5) Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(6) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

(7) \$784,000 of the health services account--state appropriation for fiscal year 2008, \$1,676,000 of the health service account--state appropriation for fiscal year 2009, \$540,000 of the general fund-- federal appropriation, and \$22,480,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

(8) \$2,137,000 of the health services account--state appropriation for fiscal year 2008 and \$1,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(9) \$664,000 of the health services account--state appropriation for fiscal year 2008 and \$664,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(10) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(11) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

(12) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

(13) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment of a family practice residency in southeastern Washington. The program will provide residency experience in rural communities and support at least five family practice medicine residents per year.

(14) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

**NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2008).	\$3,444,000
General Fund--State Appropriation (FY 2009).	\$3,350,000
General Fund--Federal Appropriation.	\$1,345,000
TOTAL APPROPRIATION.	\$8,139,000

**NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account--State Appropriation.	\$20,000
Accident Account--State Appropriation.	\$18,123,000
Medical Aid Account--State Appropriation.	\$18,124,000
TOTAL APPROPRIATION.	\$36,267,000

**NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Public Safety and Education Account--State Appropriation (FY 2008).	\$15,537,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$14,340,000
Death Investigations Account--State Appropriation.	\$148,000
Municipal Criminal Justice Assistance Account-- State Appropriation.	\$460,000
Washington Auto Theft Prevention Authority Account-- State Appropriation.	\$12,322,000
TOTAL APPROPRIATION.	\$42,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$956,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and four additional basic law enforcement academies in fiscal year 2009. Continued funding for these additional academies is contingent upon the result of an office of financial management forecast for future student demand for basic law enforcement academies at the criminal justice training centers in Burien and Spokane.

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2008).	\$8,711,000
General Fund--State Appropriation (FY 2009).	\$8,879,000
General Fund--Federal Appropriation.	\$100,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$15,386,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$16,607,000
Public Safety and Education Account--Federal Appropriation.	\$10,000,000
Asbestos Account--State Appropriation.	\$923,000
Electrical License Account--State Appropriation.	\$40,718,000
Farm Labor Revolving Account--Private/Local Appropriation.	\$28,000
Worker and Community Right-to-Know Account--State Appropriation.	\$1,961,000
Public Works Administration Account--State Appropriation.	\$3,996,000
Manufactured Home Installation Training Account-- State Appropriation.	\$192,000
Accident Account--State Appropriation.	\$228,998,000
Accident Account--Federal Appropriation.	\$13,622,000
Medical Aid Account--State Appropriation.	\$239,248,000
Medical Aid Account--Federal Appropriation.	\$3,186,000
Plumbing Certificate Account--State Appropriation.	\$1,653,000
Pressure Systems Safety Account--State Appropriation.	\$3,667,000
<b>TOTAL APPROPRIATION.</b>	<b>\$597,875,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$74,000 of the accident account--state appropriation and \$74,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$605,000 of the accident account--state appropriation for fiscal year 2008 is provided solely for a study of the incidence of permanent total disability pensions in the state's workers' compensation system. To conduct the study, the department shall contract with an independent researcher that has demonstrated expertise in workers' compensation systems. When selecting the independent researcher, the department shall consult the labor and business members of the workers' compensation advisory committee and, if the labor and business members of the workers' compensation advisory committee agree on a particular independent researcher, the department shall select that independent researcher. The study must consider causes of the recent increase in permanent total disability cases, future anticipated permanent total disability trends, a comparison of Washington's permanent total disability claims experience and injured workers with other states and jurisdictions, the impact of the standard for finding workers employable on the incidence of permanent total disability pensions, and the impact of vocational rehabilitation under RCW 51.32.095 on the incidence of permanent total disability pensions. The department shall report to the workers' compensation advisory committee, the house of representatives commerce and labor committee, and the senate labor, commerce, research and development committee on the results of the study on or before July 1, 2008.

(13) \$1,089,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 27, Laws of 2007 (ESHB 2171, crane safety).

(14) \$100,000 of the general fund--federal appropriation and \$192,000 of the manufactured home installation training account--state appropriation are provided solely for Substitute House Bill No. 2118 (mobile/manufactured homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund--State Appropriation (FY 2008)	\$1,876,000
General Fund--State Appropriation (FY 2009)	\$1,907,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,783,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$224,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1220 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund--State Appropriation (FY 2008)	\$2,124,000
General Fund--State Appropriation (FY 2009)	\$2,183,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
Veterans Innovations Program Account Appropriation	\$1,437,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,754,000</b>

**(2) FIELD SERVICES**

General Fund--State Appropriation (FY 2008)	\$5,126,000
General Fund--State Appropriation (FY 2009)	\$5,249,000
General Fund--Federal Appropriation	\$972,000
General Fund--Private/Local Appropriation	\$2,987,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,062,000
<b>TOTAL APPROPRIATION</b>	<b>\$15,396,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**(3) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 2008)	\$8,340,000
General Fund--State Appropriation (FY 2009)	\$8,894,000
General Fund--Federal Appropriation	\$41,333,000
General Fund--Private/Local Appropriation	\$30,197,000
<b>TOTAL APPROPRIATION</b>	<b>\$88,764,000</b>

**NEW SECTION. Sec. 221. FOR THE HOME CARE QUALITY AUTHORITY**

General Fund--State Appropriation (FY 2008)	\$1,721,000
General Fund--State Appropriation (FY 2009)	\$1,740,000
TOTAL APPROPRIATION	\$3,461,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2008)	\$81,288,000
General Fund--State Appropriation (FY 2009)	\$78,032,000
General Fund--Federal Appropriation	\$480,735,000
General Fund--Private/Local Appropriation	\$111,257,000
Hospital Commission Account--State Appropriation	\$1,247,000
Health Professions Account--State Appropriation	\$62,419,000
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$12,610,000
Safe Drinking Water Account--State Appropriation	\$3,064,000
Drinking Water Assistance Account--Federal Appropriation	\$16,991,000
Waterworks Operator Certification--State Appropriation	\$1,518,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$326,000
Water Quality Account--State Appropriation (FY 2008)	\$1,975,000
Water Quality Account--State Appropriation (FY 2009)	\$2,013,000
State Toxics Control Account--State Appropriation	\$3,415,000
Medical Test Site Licensure Account--State Appropriation	\$2,068,000
Youth Tobacco Prevention Account--State Appropriation	\$1,512,000
Public Health Supplemental Account--Private/Local Appropriation	\$2,482,000
Accident Account--State Appropriation	\$294,000
Medical Aid Account--State Appropriation	\$48,000
Health Services Account--State Appropriation (FY 2008)	\$42,122,000
Health Services Account--State Appropriation (FY 2009)	\$46,663,000
Tobacco Prevention and Control Account--State Appropriation	\$52,870,000
Oyster Reserve Land Account--State Appropriation	\$224,000
TOTAL APPROPRIATION	\$1,005,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.

(6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department.

(10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level of funding of twenty-five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008. If Engrossed House Bill No. 1667 (health professions licensing fees) is enacted by June 30, 2007, the amounts provided in this subsection are provided solely for the purposes of that bill.

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund--State Appropriation (FY 2008).	\$57,968,000
General Fund--State Appropriation (FY 2009).	\$52,911,000
Washington Auto Theft Prevention Authority Account-- State Appropriation.	\$169,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	\$13,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	\$13,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$1,467,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$1,504,000
Pension Funding Stabilization Account--State Appropriation.	\$1,280,000
<b>TOTAL APPROPRIATION.</b>	<b>\$115,325,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

**(2) CORRECTIONAL OPERATIONS**

General Fund--State Appropriation (FY 2008).	\$617,042,000
General Fund--State Appropriation (FY 2009).	\$664,710,000
General Fund--Federal Appropriation.	\$3,490,000
Washington Auto Theft Prevention Authority Account-- State Appropriation.	\$1,338,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	\$1,492,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	\$1,492,000
Pension Funding Stabilization Account--State Appropriation.	\$11,800,000
<b>TOTAL APPROPRIATION.</b>	<b>\$1,301,364,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:

(i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;

(ii) A description of the offender's education, certifications, work experience, skills, and training; and

(iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.

(iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

**(3) COMMUNITY SUPERVISION**

General Fund--State Appropriation (FY 2008)	\$129,063,000
General Fund--State Appropriation (FY 2009)	\$140,462,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$9,317,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$9,680,000
Pension Funding Stabilization Account--State Appropriation	\$2,800,000
<b>TOTAL APPROPRIATION</b>	<b>\$291,322,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(c) \$1,167,000 of the general fund--state appropriation for fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:

(i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(ii) An employment opportunity program to assist an offender in finding employment;

(iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and

(iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.

(v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

**(4) CORRECTIONAL INDUSTRIES**

General Fund--State Appropriation (FY 2008)	\$987,000
General Fund--State Appropriation (FY 2009)	\$2,347,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,334,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2008 and \$110,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008).	\$35,026,000
General Fund--State Appropriation (FY 2009).	\$35,175,000
TOTAL APPROPRIATION.	\$70,201,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2008).	\$2,566,000
General Fund--State Appropriation (FY 2009).	\$2,636,000
General Fund--Federal Appropriation.	\$17,702,000
General Fund--Private/Local Appropriation.	\$20,000
TOTAL APPROPRIATION.	\$22,924,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund--State Appropriation (FY 2008).	\$937,000
General Fund--State Appropriation (FY 2009).	\$959,000
TOTAL APPROPRIATION.	\$1,896,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2008).	\$60,000
General Fund--State Appropriation (FY 2009).	\$60,000
General Fund--Federal Appropriation.	\$265,906,000
General Fund--Private/Local Appropriation.	\$33,877,000
Unemployment Compensation Administration Account-- Federal Appropriation.	\$253,644,000
Administrative Contingency Account--State Appropriation.	\$31,273,000
Employment Service Administrative Account--State Appropriation.	\$32,055,000
TOTAL APPROPRIATION.	\$616,875,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.
- (2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).
- (3) \$12,348,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions.
- (4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.
- (6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.
- (7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.
- (8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2008).	\$524,000
General Fund--State Appropriation (FY 2009).	\$548,000
General Fund--Federal Appropriation.	\$9,000

General Fund--Private/Local Appropriation.....	\$1,056,000
TOTAL APPROPRIATION.....	\$2,137,000

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2008).....	\$50,030,000
General Fund--State Appropriation (FY 2009).....	\$49,941,000
General Fund--Federal Appropriation.....	\$83,365,000
General Fund--Private/Local Appropriation.....	\$13,648,000
Special Grass Seed Burning Research Account--State Appropriation.....	\$14,000
Reclamation Account--State Appropriation.....	\$4,073,000
Flood Control Assistance Account--State Appropriation.....	\$3,961,000
State Emergency Water Projects Revolving Account--State Appropriation.....	\$390,000
Waste Reduction/Recycling/Litter Control--State Appropriation.....	\$19,701,000
State Drought Preparedness--State Appropriation.....	\$117,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation.....	\$425,000
Vessel Response Account--State Appropriation.....	\$1,438,000
Freshwater Aquatic Algae Control Account--State Appropriation.....	\$509,000
Site Closure Account--State Appropriation.....	\$702,000
Water Quality Account--State Appropriation (FY 2008).....	\$16,490,000
Water Quality Account--State Appropriation (FY 2009).....	\$15,894,000
Wood Stove Education and Enforcement Account--State Appropriation.....	\$373,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$2,269,000
State Toxics Control Account--State Appropriation.....	\$98,184,000
State Toxics Control Account--Private/Local Appropriation.....	\$381,000
Local Toxics Control Account--State Appropriation.....	\$19,154,000
Water Quality Permit Account--State Appropriation.....	\$38,900,000
Underground Storage Tank Account--State Appropriation.....	\$3,777,000
Environmental Excellence Account--State Appropriation.....	\$504,000
Biosolids Permit Account--State Appropriation.....	\$1,410,000
Hazardous Waste Assistance Account--State Appropriation.....	\$5,902,000
Air Pollution Control Account--State Appropriation.....	\$6,328,000
Oil Spill Prevention Account--State Appropriation.....	\$12,614,000
Air Operating Permit Account--State Appropriation.....	\$3,266,000
Freshwater Aquatic Weeds Account--State Appropriation.....	\$1,697,000
Oil Spill Response Account--State Appropriation.....	\$7,078,000
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State Appropriation.....	\$469,000
Water Pollution Control Revolving Account--Federal Appropriation.....	\$2,297,000
TOTAL APPROPRIATION.....	\$465,315,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.

(3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.

(4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, \$110,000 of the general fund--state appropriation for fiscal year 2008 and \$160,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to study the feasibility of a public utility district pipeline in the Bertrand watershed and \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to study water storage and augmentation in the Bertrand watershed and \$90,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for plan preparation and development in the Fishtrap watershed.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fauntleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) \$405,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2008).	\$48,365,000
General Fund--State Appropriation (FY 2009).	\$50,166,000
General Fund--Federal Appropriation.	\$4,545,000
General Fund--Private/Local Appropriation.	\$73,000
Winter Recreation Program Account--State Appropriation.	\$1,116,000
Off-Road Vehicle Account--State Appropriation.	\$238,000
Snowmobile Account--State Appropriation.	\$4,839,000
Aquatic Lands Enhancement Account--State Appropriation.	\$365,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$23,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$24,000
Parks Renewal and Stewardship Account--State Appropriation.	\$36,606,000
Parks Renewal and Stewardship Account--Private/Local Appropriation.	\$300,000
<b>TOTAL APPROPRIATION.</b>	<b>\$146,660,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

- (3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.
- (4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.
- (5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.
- (6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacing vehicles and equipment.
- (7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.
- (8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.
- (9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.
- (10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (12) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and \$217,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009.
- (14) \$232,000 of the general fund--state appropriation for fiscal year 2008 and \$233,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long-range plan for Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and facilities use plan, and for the department to convene a task force to recommend alternative governance structures for the park.
- (15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund--State Appropriation (FY 2008)	\$1,557,000
General Fund--State Appropriation (FY 2009)	\$1,600,000
General Fund--Federal Appropriation	\$18,409,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$277,000
Water Quality Account--State Appropriation (FY 2008)	\$100,000
Water Quality Account--State Appropriation (FY 2009)	\$100,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation	\$2,819,000
Nonhighway and Off-Road Vehicles Activities Program Account--State Appropriation	\$1,004,000
Boating Activities Account--State Appropriation	\$2,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$28,153,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.
- (2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).
- (3) \$2,000,000 of the boating activities account--state appropriation is provided solely to implement Substitute House Bill No. 1651 (boating activities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund--State Appropriation (FY 2008)	\$1,134,000
General Fund--State Appropriation (FY 2009)	\$1,161,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,295,000</b>

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2008)	\$2,889,000
General Fund--State Appropriation (FY 2009)	\$2,913,000
General Fund--Federal Appropriation	\$1,178,000
Water Quality Account--State Appropriation (FY 2008)	\$7,301,000
Water Quality Account--State Appropriation (FY 2009)	\$7,326,000
<b>TOTAL APPROPRIATION</b>	<b>\$21,607,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the pioneers in conservation program to provide grants through a competitive process to agricultural landowners for projects that benefit fish and wildlife restoration and farm operations. Grants must be matched by an equal amount or more from nonstate sources with priority for projects identified in the Puget Sound Chinook salmon recovery plan and the Puget Sound partnership strategy.

(4) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2008).	\$55,453,000
General Fund--State Appropriation (FY 2009).	\$52,743,000
General Fund--Federal Appropriation.	\$52,666,000
General Fund--Private/Local Appropriation.	\$37,447,000
Off-Road Vehicle Account--State Appropriation.	\$416,000
Aquatic Lands Enhancement Account--State Appropriation.	\$6,070,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$268,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$325,000
Recreational Fisheries Enhancement--State Appropriation.	\$3,628,000
Warm Water Game Fish Account--State Appropriation.	\$3,024,000
Eastern Washington Pheasant Enhancement Account--State Appropriation.	\$754,000
Aquatic Invasive Species Enforcement Account--State Appropriation.	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation.	\$842,000
Wildlife Account--State Appropriation.	\$66,508,000
Wildlife Account--Federal Appropriation.	\$34,552,000
Wildlife Account--Private/Local Appropriation.	\$13,288,000
Game Special Wildlife Account--State Appropriation.	\$1,991,000
Game Special Wildlife Account--Federal Appropriation.	\$8,923,000
Game Special Wildlife Account--Private/Local Appropriation.	\$486,000
Water Quality Account--State Appropriation (FY 2008).	\$160,000
Water Quality Account--State Appropriation (FY 2009).	\$160,000
Environmental Excellence Account--State Appropriation.	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation.	\$2,751,000
Oil Spill Prevention Account--State Appropriation.	\$1,104,000
Oyster Reserve Land Account--State Appropriation.	\$417,000
Wildlife Rehabilitation Account--State Appropriation.	\$352,000
<b>TOTAL APPROPRIATION.</b>	<b>\$344,547,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

(8) Within the amount provided for the agency, the department shall implement a joint management and collaborative enforcement agreement with the confederated tribes of the Colville and the Spokane tribe.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall

report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(21) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(22) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property. Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site.

(23) Within existing funds, the department of fish and wildlife in coordination with department of ecology shall evaluate environmental impacts of proposed sinking vessels in Puget Sound for dive attractions.

(24) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute House Bill No. 1147 (damage to livestock). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(26) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life. The department shall report to the appropriate committees of the legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

(27) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and \$1,190,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.

(28) \$245,000 of the general fund--state appropriation for fiscal year 2008 and \$245,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

(29) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

(30) The department may not expend amounts appropriated in this section to enforce RCW 77.15.194 regarding (a) trapping by mole exterminators; or (b) removal of mountain beaver from forest lands.

(31) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2008).	\$48,497,000
General Fund--State Appropriation (FY 2009).	\$50,818,000
General Fund--Federal Appropriation.	\$25,235,000
General Fund--Private/Local Appropriation.	\$1,413,000

Forest Development Account--State Appropriation.....	\$58,165,000
Off-Road Vehicle Account--State Appropriation.....	\$4,318,000
Surveys and Maps Account--State Appropriation.....	\$2,536,000
Aquatic Lands Enhancement Account--State Appropriation.....	\$7,773,000
Resources Management Cost Account--State Appropriation.....	\$96,177,000
Surface Mining Reclamation Account--State Appropriation.....	\$3,295,000
Disaster Response Account--State Appropriation.....	\$5,000,000
Forest and Fish Support Account--State Appropriation.....	\$4,000,000
Water Quality Account--State Appropriation (FY 2008).....	\$1,348,000
Water Quality Account--State Appropriation (FY 2009).....	\$1,360,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation.....	\$1,337,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation.....	\$34,000
State Toxics Control Account--State Appropriation.....	\$80,000
Air Pollution Control Account--State Appropriation.....	\$570,000
Nonhighway and Off-Road Vehicle Activities Program Account--State Appropriation.....	\$982,000
Derelict Vessel Removal Account--State Appropriation.....	\$3,652,000
Agricultural College Trust Management Account--State Appropriation.....	\$2,064,000
TOTAL APPROPRIATION.....	\$318,654,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund--state appropriation for fiscal year 2008 and \$162,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$11,463,000 of the general fund--state appropriation for fiscal year 2008, \$13,792,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$2,500,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2008).	\$14,071,000
General Fund--State Appropriation (FY 2009).	\$14,152,000
General Fund--Federal Appropriation.	\$11,441,000
General Fund--Private/Local Appropriation.	\$422,000
Aquatic Lands Enhancement Account--State Appropriation.	\$2,062,000
Energy Freedom Account--State Appropriation.	\$500,000
Water Quality Account--State Appropriation (FY 2008).	\$604,000
Water Quality Account--State Appropriation (FY 2009).	\$618,000
State Toxics Control Account--State Appropriation.	\$4,120,000
Water Quality Permit Account--State Appropriation.	\$61,000
<b>TOTAL APPROPRIATION.</b>	<b>\$48,051,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(3) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

(5) \$275,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for direct allocation, without deduction, to the Washington tree fruit research commission, established under chapter 15.26 RCW, for development and implementation of a pest management transition program to reduce the use by the tree fruit industry of certain organophosphate insecticides.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties with weed boards to control invasive weeds. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to control Japanese knotweed in counties with weed boards.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for pass through funding to the nonprofit opportunities industrialization center to provide training to agricultural workers related to farm skills, English as a second language, and other skills.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account--State Appropriation. . . . . \$799,000

**NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP**

General Fund--State Appropriation (FY 2008). . . . . \$500,000  
 General Fund--State Appropriation (FY 2009). . . . . \$500,000  
 General Fund--Federal Appropriation. . . . . \$1,155,000  
 General Fund--Private/Local Appropriation.. . . . \$2,500,000  
 Aquatic Lands Enhancement Account--State Appropriation. . . . . \$500,000  
 Water Quality Account--State Appropriation (FY 2008).. . . . \$3,458,000  
 Water Quality Account--State Appropriation (FY 2009).. . . . \$3,459,000  
**TOTAL APPROPRIATION.. . . . \$12,072,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the water quality account--state appropriation for fiscal year 2008, \$1,000,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in LEAP document PSAT-2007.

**PART IV  
 TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2008). . . . . \$1,727,000  
 General Fund--State Appropriation (FY 2009). . . . . \$2,000,000  
 Architects' License Account--State Appropriation. . . . . \$762,000  
 Cemetery Account--State Appropriation. . . . . \$240,000  
 Professional Engineers' Account--State Appropriation. . . . . \$3,484,000  
 Real Estate Commission Account--State Appropriation. . . . . \$8,883,000  
 Master License Account--State Appropriation. . . . . \$14,072,000  
 Uniform Commercial Code Account--State Appropriation. . . . . \$3,086,000  
 Real Estate Education Account--State Appropriation. . . . . \$276,000  
 Real Estate Appraiser Commission Account--State Appropriation. . . . . \$1,684,000  
 Business Professions Account--State Appropriation. . . . . \$10,190,000  
 Real Estate Research Account--State Appropriation. . . . . \$320,000  
 Funeral Directors And Embalmers Account--State Appropriation.. . . . \$597,000  
 Geologists' Account--State Appropriation. . . . . \$57,000  
 Data Processing Revolving Account--State Appropriation. . . . . \$29,000  
 Derelict Vessel Removal Account--State Appropriation. . . . . \$31,000  
**TOTAL APPROPRIATION.. . . . \$47,438,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$230,000 of the master license account--state appropriation is provided solely for Engrossed Second Substitute House Bill No. 1461 (manufactured/mobile home dispute resolution). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2008). . . . . \$38,903,000  
 General Fund--State Appropriation (FY 2009). . . . . \$37,102,000  
 General Fund--Federal Appropriation. . . . . \$5,629,000  
 General Fund--Private/Local Appropriation.. . . . \$1,223,000  
 Death Investigations Account--State Appropriation.. . . . \$5,510,000

Public Safety and Education Account--State Appropriation (FY 2008).....	\$1,476,000
Public Safety and Education Account--State Appropriation (FY 2009).....	\$1,532,000
Enhanced 911 Account--State Appropriation.....	\$572,000
County Criminal Justice Assistance Account--State Appropriation.....	\$3,155,000
Municipal Criminal Justice Assistance Account--State Appropriation.....	\$1,244,000
Fire Service Trust Account--State Appropriation.....	\$131,000
Disaster Response Account--State Appropriation.....	\$2,000
Fire Service Training Account--State Appropriation.....	\$7,936,000
Aquatic Invasive Species Enforcement Account--State Appropriation.....	\$54,000
State Toxics Control Account--State Appropriation.....	\$502,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).....	\$3,007,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).....	\$4,429,000
Fingerprint Identification Account--State Appropriation.....	\$6,928,000
DNA Data Base Account--State Appropriation.....	\$170,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$119,505,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.
- (2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.
- (3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (4) \$250,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2008).....	\$21,815,000
General Fund--State Appropriation (FY 2009).....	\$22,147,000
General Fund--Federal Appropriation.....	\$21,551,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$65,513,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (a) \$11,920,000 of the general fund--state appropriation for fiscal year 2008 and \$12,362,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.
- (b) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including: (i) Develop a comprehensive set of recommendations for an accountability system; (ii) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and (iii) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.
- (c) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and \$6,033,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:
  - (i) \$930,000 in fiscal year 2008 and \$1,070,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection (1)(d)(i), the professional educator standards board shall: (A) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; (B) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; (C) create a new professional level teacher assessment; (D) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; and (E) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and
  - (ii) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and \$4,289,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection (1)(d)(ii):
    - (A) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education as follows: (I) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified subject areas; and (II) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas;

(C) Remaining amounts in this subsection (1)(d)(ii) shall be used to continue existing alternative routes to certification programs; and

(D) Candidates seeking math and science endorsements under (A) and (B) of this subsection shall receive priority for funding;

(iii) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation).

(iv) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection (1)(d) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

(v) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

(d) \$555,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for increased attorney general fees related to education litigation.

(e) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(g) \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(h) \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(i) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(j) \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(k) \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(l) \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(m) \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(n) \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(o) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.

(p) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a program to recognize the work of outstanding classified staff in school districts throughout the state.

(q) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a full-time director of skills centers within the office of the superintendent of public instruction.

(r) \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$475,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction to contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

(i) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and

(ii) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.

(s) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct to educational research studies. The WSU-SESRC shall:

(i) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: (A) Whether the policies have been developed and implemented in all elementary, middle, and high schools; (B) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; (C) whether there are still issues that need to be addressed in light of the original intent of the legislation; and (D) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.

(ii) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2008).	\$14,783,000
General Fund--State Appropriation (FY 2009).	\$16,459,000
General Fund--Federal Appropriation.	\$55,890,000
TOTAL APPROPRIATION.	\$87,132,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) \$271,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

(viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools (A) conduct at least one lockdown and one shelter in place safety drill each school year, and (B) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.

(b) TECHNOLOGY

\$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$652,000 of the general fund--state appropriation for fiscal year 2008 and \$1,329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015. Of the amounts provided, \$11,000 of the general fund--state appropriation for fiscal year 2008 and \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided for the office of the superintendent of public instruction to conduct a study of the expanded special services pilot.

(ii) \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the Cispus environmental learning center.

(iii) \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support vocational student leadership organizations.

(iv) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington civil liberties education program.

(v) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(vi) \$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(vii) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(viii) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(ix) \$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(x) \$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

(xi) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(xii) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the communities in school program in Pierce county.

(xiii) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of superintendent of public instruction to contract with a company to develop and implement a pilot program for providing indigenous learning curriculum and standards specific online learning programs based on the recommended standards in chapter 205, Laws of 2005 (Washington's tribal history). The specific content areas covered by the pilot program will include social studies and science. The contractor selected will have experience in developing and implementing indigenous learning curricula and if possible will be affiliated with a recognized Washington state tribe. The pilot program will be implemented in a minimum of three school districts in collaboration with Washington tribes and school districts. To the extent possible and appropriate, the pilot program will involve organizations including, the University of Washington's mathematics science and engineering achievement, the digital learning commons, the virtual possibilities network, the museum of arts and culture in Spokane, Eastern Washington University, and Washington State University.

(xiv) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support and expand the mentoring advanced placement program in current operation in southwest Washington.

(xv) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement House Bill No. 1051 (expanding high school completion programs). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(xvi) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection, the office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs. Campana quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high school drop-out rates and college readiness rates, for Latino students.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2008)	\$4,448,333,000
General Fund--State Appropriation (FY 2009)	\$4,474,199,000
Education Legacy Trust Account--State Appropriation	\$9,387,000
Pension Funding Stabilization Account Appropriation	\$341,624,000
<b>TOTAL APPROPRIATION</b>	<b>\$9,273,543,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced

for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade

4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each 2.95 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each fifty-nine average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.13 percent in the 2007-08 school year and 16.69 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.06 percent in the 2007-08 school year and 18.74 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$9,907 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,331 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$18,877 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) The superintendent may distribute a maximum of \$16,622,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$558,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$390,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$9,387,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

(f) \$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 5.1 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.** (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 24, 2007, at 07:29 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 19, 2007, at 06:03 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 14.13 percent for school year 2007-08 and 16.69 percent for school year 2008-09 for certificated staff and for classified staff 17.06 percent for school year 2007-08 and 18.74 percent for the 2008-09 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

## K-12 Salary Allocation Schedule For Certificated Instructional Staff

## 2007-08 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	32,746	33,630	34,547	35,465	38,412	40,310	39,260	42,207	44,107
1	33,187	34,083	35,011	35,970	38,948	40,836	39,696	42,674	44,560
2	33,607	34,512	35,450	36,483	39,452	41,359	40,135	43,104	45,012
3	34,039	34,953	35,901	36,967	39,930	41,884	40,552	43,513	45,468
4	34,464	35,418	36,372	37,474	40,455	42,423	40,988	43,969	45,938
5	34,902	35,861	36,824	37,988	40,958	42,965	41,432	44,403	46,410
6	35,353	36,291	37,287	38,508	41,464	43,482	41,887	44,843	46,860
7	36,145	37,097	38,106	39,394	42,393	44,467	42,739	45,737	47,812
8	37,304	38,308	39,340	40,735	43,775	45,925	44,079	47,120	49,269
9		39,562	40,646	42,091	45,202	47,425	45,434	48,547	50,770
10			41,967	43,516	46,669	48,966	46,861	50,014	52,310
11				44,984	48,204	50,547	48,328	51,550	53,891
12				46,404	49,781	52,194	49,853	53,126	55,540
13					51,397	53,882	51,431	54,741	57,226
14					53,020	55,632	53,056	56,471	58,977
15					54,400	57,080	54,435	57,939	60,511
16 or more					55,487	58,220	55,523	59,097	61,720

## K-12 Salary Allocation Schedule For Certificated Instructional Staff

## 2008-09 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	33,898	34,814	35,762	36,713	39,763	41,728	40,641	43,691	45,658
1	34,354	35,282	36,243	37,236	40,318	42,272	41,093	44,175	46,128
2	34,789	35,726	36,697	37,766	40,840	42,814	41,547	44,621	46,596
3	35,237	36,183	37,164	38,267	41,335	43,357	41,979	45,044	47,067
4	35,676	36,664	37,651	38,793	41,878	43,915	42,430	45,516	47,554
5	36,130	37,123	38,120	39,324	42,399	44,476	42,890	45,965	48,043
6	36,597	37,567	38,598	39,863	42,923	45,011	43,361	46,421	48,508
7	37,416	38,402	39,446	40,780	43,885	46,031	44,243	47,346	49,494
8	38,616	39,655	40,724	42,168	45,315	47,541	45,630	48,778	51,002
9		40,954	42,076	43,572	46,792	49,093	47,032	50,255	52,556
10			43,443	45,047	48,310	50,688	48,509	51,773	54,150
11				46,566	49,900	52,326	50,028	53,363	55,787
12				48,036	51,533	54,030	51,606	54,995	57,493
13					53,205	55,777	53,240	56,667	59,239
14					54,885	57,589	54,922	58,457	61,052

15	56,313	59,088	56,350	59,977	62,639
16 or more	57,439	60,269	57,476	61,176	63,892

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.
- (e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180- day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school- wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2008).	\$161,665,000
General Fund--State Appropriation (FY 2009).	\$348,871,000
General Fund--Federal Appropriation.	\$243,000
<b>TOTAL APPROPRIATION.</b>	<b>\$510,779,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$444,366,000 is provided solely for the following:

(a) A cost of living adjustment of 3.7 percent effective September 1, 2007, and another 2.8 percent effective September 1, 2008, pursuant to Initiative Measure No. 732.

(b) Additional salary increases as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary increases shall be provided to all 262 districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule. These additional salary increases will result in a decrease in the number of grandfathered districts from the current thirty-four to twenty-four in the 2007-08 school year and to thirteen in the 2008-09 school year.

(c) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases shall ensure a minimum salary allocation for certificated administrative staff of \$54,405 in the 2007-08 school year and \$57,097 in the 2008-09 school year.

(d) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases ensure a minimum salary allocation for classified staff of \$30,111 in the 2007-08 school year and \$31,376 in the 2008-09 school year.

(e) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.49 percent for the 2007-08 school year and 16.05 percent for the 2008-09 school year for certificated staff and 13.56 percent for the 2007-08 school year and 15.24 percent for the 2008-09 school year for classified staff.

(f) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(g) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year
	2007-08                      2008-09

Pupil Transportation (per weighted pupil mile)	\$1.08	\$2.04
Highly Capable (per formula student)	\$11.13	\$20.98
Transitional Bilingual Education (per eligible bilingual student)	\$29.81	\$56.19
Learning Assistance (per formula student)	\$7.00	\$13.20

(h) The appropriations in this section include \$925,000 for fiscal year 2008 and \$1,940,000 for fiscal year 2009 for salary increase adjustments for substitute teachers.

(2) \$66,415,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$682.54 per month for the 2007-08 and 2008-09 school years. The appropriations in this section provide for a rate increase to \$707.00 per month for the 2007-08 school year and \$732.00 per month for the 2008-09 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$0.22	\$0.45
Highly Capable (per formula student)	\$1.49	\$3.05
Transitional Bilingual Education (per eligible bilingual student)	\$3.97	\$8.01
Learning Assistance (per formula student)	\$0.86	\$1.75

(3) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2008)	\$262,728,000
General Fund--State Appropriation (FY 2009)	\$264,700,000
Education Legacy Trust Account--State Appropriation	\$25,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$552,428,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$848,000 of this fiscal year 2008 appropriation and a maximum of \$866,000 of the fiscal year 2009 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2008 appropriation and \$5,000 of the fiscal year 2009 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$44.84 per weighted mile in the 2007-08 school year and \$45.48 per weighted mile in the 2008-09 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) \$25,000,000 of the education legacy trust account--state appropriation is provided solely for temporary assistance to school districts for pupil transportation programs. The office of the superintendent of public instruction, in consultation with the joint legislative audit and review committee, will develop a method of allocating these funds to school districts. The allocation method shall be based primarily on the findings and analysis from the joint legislative and audit review committee's K-12 pupil transportation study completed in December 2006.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2008)	\$3,159,000
General Fund--State Appropriation (FY 2009)	\$3,159,000
General Fund--Federal Appropriation	\$280,398,000
<b>TOTAL APPROPRIATION</b>	<b>\$286,716,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the 2009 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$59,000 of the general fund--state appropriation for fiscal year 2008 and \$59,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008) . . . . .	\$532,192,000
General Fund--State Appropriation (FY 2009) . . . . .	\$566,174,000
General Fund--Federal Appropriation. . . . .	\$435,735,000
Education Legacy Trust Account--State Appropriation. . . . .	\$14,561,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$1,548,662,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall adopt the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006, and ensure that all school districts adopt the method beginning in the 2007-08 school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2007-08 and 2008-09 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$30,690,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008, \$50,000 of the general fund--state appropriation for fiscal 2009, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(19) \$262,000 of the general fund--state appropriation for fiscal year 2008 and \$251,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2008)	\$7,520,000
General Fund--State Appropriation (FY 2009)	\$8,527,000
<b>TOTAL APPROPRIATION</b>	<b>\$16,047,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,662,000 of the general fund--state appropriation in fiscal year 2008 and \$3,355,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2008)	\$202,394,000
General Fund--State Appropriation (FY 2009)	\$212,310,000
<b>TOTAL APPROPRIATION</b>	<b>\$414,704,000</b>

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008)	\$18,301,000
General Fund--State Appropriation (FY 2009)	\$18,513,000
<b>TOTAL APPROPRIATION</b>	<b>\$36,814,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2008 and \$196,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2008).	\$8,396,000
General Fund--State Appropriation (FY 2009).	\$8,779,000
<b>TOTAL APPROPRIATION.</b>	<b>\$17,175,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$372.19 per funded student for the 2007-08 school year and \$378.17 per funded student for the 2008-09 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2008 appropriation and \$170,000 of the fiscal year 2009 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2008 appropriation and \$90,000 of the fiscal year 2009 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**

General Fund--Federal Appropriation.	\$43,450,000
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**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2008).	\$66,278,000
General Fund--State Appropriation (FY 2009).	\$73,567,000
Education Legacy Trust Account--State Appropriation.	\$125,325,000
General Fund--Federal Appropriation.	\$152,616,000
<b>TOTAL APPROPRIATION.</b>	<b>\$417,786,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,966,000 of the general fund--state appropriation for fiscal year 2008, \$19,946,000 of the general fund--state appropriation for fiscal year 2009, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and \$10,750,000 of the education legacy trust account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments), including section 2 and section 5 of that act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Additionally, the funding provided in this subsection is subject to the following conditions and limitations:

(a) The funding may be spent on reviewing, developing, and implementing approved alternative assessments authorized in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(b) The funding may also be used for reviewing, developing, and implementing end-of-course examinations pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(c) The funding may be used for increased costs associated with additional full-time equivalent students directly resulting from additional course-taking requirements specified in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(d) \$4,900,000 of the funds provided in this subsection are provided solely for allocations for school districts to purchase diagnostic assessments as specified in Engrossed Substitute Senate Bill No. 6023. By September 1, 2007, the office of the superintendent of public instruction shall: (i) Negotiate an agreement with an assessment vendor or vendors to secure competitive pricing for school districts for high quality diagnostic assessment tools, and (ii) provide quality comparison information to school districts regarding various diagnostic assessment tools available. Of the funding provided, a maximum of \$100,000 may be spent by the office of the superintendent of public instruction for administrative support.

(e) Beginning on September 1, 2007, the office of the superintendent of public instruction shall submit quarterly reports to the office of financial management and the appropriate policy and fiscal committees of the legislature detailing the actions taken pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) and amounts spent of each aspect of the legislation.

(3) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the second grade assessments.

(4) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and \$1,414,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(5) \$2,267,000 of the general fund--state appropriation for fiscal year 2009 and \$2,367,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:

(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in mathematics.

(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.

(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.

(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.

(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members.

(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.

(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

(6) \$8,950,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(7) \$13,058,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(8) \$17,491,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for specialized professional development in math for one math teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

(9) \$5,376,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in

middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(11) \$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(12) \$5,303,000 of the general fund--state appropriation for fiscal year 2008 and \$5,303,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(13) \$675,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support state college readiness assessment fees for eleventh grade students. The office of the superintendent of public instruction shall allocate funds for this purpose to school districts based on the number of eleventh grade students who complete the college readiness exam. School districts shall use these funds to reimburse institutions of higher education for the assessments students take and report to the office of the superintendent of public instruction on the number of assessments provided.

(14) \$51,236,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20 percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(15) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

(16) \$3,047,000 of the education legacy trust account--state appropriation is provided solely for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

(17) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(18) \$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

(19) \$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(20) \$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(21) \$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(22) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(23)(a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(24) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(25) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

(26) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

(27) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(29) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

(b) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(c) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(d) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

(30) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(31) \$1,629,000 of the general fund--state appropriation for fiscal year 2008 and \$1,638,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(32) \$400,000 of the education legacy trust account--state appropriation is provided solely for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

(33) \$5,222,000 of the general fund--state appropriation for fiscal year 2008 and \$5,222,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(34) \$1,056,000 of the general fund--state appropriation for fiscal year 2008 and \$1,056,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

(35) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(36) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(37) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(38) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(39) \$12,400,000 of the education legacy trust account--state appropriation is provided solely for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

(40) \$250,000 of the education legacy trust account--state appropriation is provided solely for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(41)(a) \$9,150,000 of the general fund--state appropriation for fiscal year 2008 and \$12,447,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009;

(ii) For national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. The annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "schools where at least 70 percent of the student headcount enrollment is eligible for the federal free or reduced price lunch program" shall be defined as: (i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program was at least 70 percent; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2008)	\$65,320,000
General Fund--State Appropriation (FY 2009)	\$69,217,000
General Fund--Federal Appropriation	\$45,243,000
<b>TOTAL APPROPRIATION</b>	<b>\$179,780,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$824.24 per eligible bilingual student in the 2007-08 school year and \$840.25 in the 2008-09 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(6) Pursuant to RCW 28A.150.260, during the 2007-09 biennium, the office of the superintendent of public instruction shall not make exit of the transitional bilingual program contingent on passing both the Washington language proficiency test and the Washington assessment of student learning without prior legislative approval.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2008).	\$70,792,000
General Fund--State Appropriation (FY 2009).	\$73,156,000
General Fund--Federal Appropriation.	\$360,660,000
Education Legacy Trust Account--State Appropriation.	45,953,000
<b>TOTAL APPROPRIATION.</b>	<b>\$550,561,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$220.37 per funded student for the 2007-08 school year and \$224.73 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS**

General Fund--State Appropriation (FY 2008).	\$23,820,000
General Fund--State Appropriation (FY 2009).	\$25,177,000
<b>TOTAL APPROPRIATION.</b>	<b>\$48,997,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the Washington assessment of student learning in the spring of their tenth grade year or on a subsequent retake. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) Allocations shall be made to districts only for students actually served in a promoting academic success program.

(b) A portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were more than one standard error of measurement from meeting standard on the WASL in their most recent attempt to pass the WASL.

(c) The other portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were less than one standard error of measurement from meeting standard but did not meet standard on the WASL in their most recent attempt to pass the WASL.

(d) Districts with at least one but less than 20 student units combining the student units generated from (b) and (c) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (e) and (f)(i) of this subsection.

(e) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b)

of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

- (f) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:
  - (i) \$12.80 in school year 2007-08 and \$13.07 in school year 2008-09 for maintenance, operations, and transportation;
  - (ii) \$12.29 in school year 2007-08 and \$12.55 in school year 2008-09 for pre- and post-remediation assessments;
  - (iii) \$17.41 in school year 2007-08 and \$17.77 in school year 2008-09 per reading remediation student unit;
  - (iv) \$8.19 in school year 2007-08 and \$8.36 in school year 2008-09 per mathematics remediation student unit; and
  - (v) \$8.19 in school year 2007-08 and \$8.36 in school year 2008-09 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) By November 15th of each year, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature and to the office of financial management on the use of these funds in the prior school year, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State Appropriation (FY 2008)	\$423,414,000
Student Achievement Account--State Appropriation (FY 2009)	\$446,357,000
<b>TOTAL APPROPRIATION</b>	<b>\$869,771,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007-08 school year and \$459.45 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

**NEW SECTION. Sec. 518. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.** State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection and described in section 603 and part IX of this act shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants,

as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(e) By January 1, 2008, the office of financial management shall work with the institutions of higher education, and with staff from the legislative fiscal committees and the legislative evaluation and accountability program, to identify ways in which the office's "compensation impact model" should be revised or replaced to make the system less costly for institutions to maintain, and more transparent, informative, and useful to the legislature and institutions, while providing information needed to accurately and efficiently negotiate and budget employee compensation changes.

(3) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(4) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2007-08 and 2008-09 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2007-08 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2006-07 academic year.

For the 2008-09 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2007-08 academic year.

In addition to the tuition authorization provided under this subsection, amounts appropriated in this budget provide an amount approximately equal to a one percent tuition increase per academic year for the state board for community and technical colleges.

(5) For the 2007-09 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2007-09 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2007-09 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) From within the appropriations in sections 603 through 609 of this act, institutions of higher education shall increase compensation for nonrepresented employees in accordance with the following:

(a) Across the Board Adjustments.

(i) Appropriations are provided for a 3.2 percent salary increase effective July 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(ii) Appropriations are provided for a 2.0 percent salary increase effective July 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(b) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25 percent below market rates and affected classes.

(c) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW.

(d) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v State*.

(e) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(f) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the

provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6 percent salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(g) The appropriations are also sufficient for the research and the regional higher education institutions to (i) continue the 1.6 percent salary increase that was provided during fiscal year 2007; and (ii) provide average salary increases of 3.2 percent effective July 1, 2007, and of 2.0 percent effective July 1, 2008, for faculty, exempt administrative and professional staff, graduate assistants, and for all other nonclassified employees.

**NEW SECTION. Sec. 602.** (1) The appropriations in sections 603 through 609 of this act provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
University of Washington		
Main campus	33,782	34,197
Bothell campus	1,760	1,980
Tacoma campus	2,109	2,349
Washington State University		
Main campus	19,112	19,272
Tri-Cities campus	800	865
Vancouver campus	1,888	2,113
Central Washington University	8,952	9,322
Eastern Washington University	8,996	9,184
The Evergreen State College	4,165	4,213
Western Washington University	12,022	12,175
State Board for Community and Technical Colleges	136,022	138,977

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needed by the forecast division for tracking and monitoring state-supported college enrollment.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2008)	\$638,521,000
General Fund--State Appropriation (FY 2009)	\$654,446,000
Education Legacy Trust Account--State Appropriation	\$105,432,000
Pension Funding Stabilization Account Appropriation	\$49,800,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,448,199,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 900 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) \$5,720,000 of the education legacy trust account--state appropriation and \$11,440,000 of the general fund--state appropriation for fiscal year 2009 are to expand high-demand enrollments by 650 student FTEs in fiscal year 2008 and by an additional 650 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics and health sciences. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,960,000 of the education legacy trust account--state appropriation is to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(5) \$3,813,000 of the education legacy trust account--state appropriation and \$7,625,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted enrollment levels shall increase by 625 student FTEs each year.

(6) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase relative to full-time faculty salaries after all salary increases are collectively bargained.

(7) \$7,350,000 of the education legacy trust account appropriation is to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.

(8) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the establishment of a single math placement test to be used at colleges and universities statewide.

(9) \$2,835,000 of the education legacy trust account appropriation is to increase enrollment in apprenticeship training programs by 150 student FTEs in each fiscal year.

(10) \$4,000,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65 percent for TRIO students and other low-income and first-generation students served through this appropriation.

(11)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

(i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;

(ii) Increase the percentage and number of students prepared for work to 23,490; and

(iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(12) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$2,502,000 of the general fund--state appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(15) \$2,725,000 of the general fund--state appropriation for fiscal year 2008 and \$2,725,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(16) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.

(17) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$4,000,000 of the general fund--state appropriation for fiscal year 2009, and \$15,000,000 of the education legacy trust account--state appropriation are provided solely for implementation of Second Substitute House Bill No. 1096 (postsecondary opportunities). The state board shall seek additional private sector involvement and support for the opportunity grants program. If the bill is not enacted by June 30, 2007, the education legacy trust account--state appropriation shall lapse. Remaining amounts in this subsection shall be used for an opportunity grant program to provide grants covering community and technical college tuition and fees for up to 45 credits and books or other materials to be awarded to eligible students. Program participants will earn credentials or certificates in industry-defined occupations with a need for skilled employees.

(18) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by an average of 3.7 percent effective July 1, 2007, and by an average of 2.8 percent effective July 1, 2008.

(19) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2 percent effective July 1, 2007, and by an average of 2.0 percent effective July 1, 2008.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2008).	\$373,680,000
General Fund--State Appropriation (FY 2009).	\$390,058,000
General Fund--Private/Local Appropriation.	\$300,000
Education Legacy Trust Account--State Appropriation.	\$43,181,000
Accident Account--State Appropriation.	\$6,621,000
Medical Aid Account--State Appropriation.	\$6,448,000
<b>TOTAL APPROPRIATION.</b>	<b>\$820,288,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007.

(8) \$3,830,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;
- (d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;
- (f) Improve the freshman retention rate to 93.0 percent;
- (g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

- (a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:
  - (i) Variable costs such as fuel, etc;
  - (ii) Quasi-variable costs such as:
    - (A) Tires, brakes, wrappers, and other safety related equipment;
    - (B) Vehicle insurance, taxes, fees, etc;
    - (C) Maintenance costs such as oil, lubrication, and minor repairs; and
    - (D) Depreciation and replacement costs;
  - (b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;
  - (c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;
  - (d) An evaluation of comparable trucking services; and

(e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

(i) A financial summary of the endowment program;

(ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;

(iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and

(iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty-two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2008)	\$231,382,000
General Fund--State Appropriation (FY 2009)	\$240,898,000
Education Legacy Trust Account--State Appropriation	\$33,884,000
Pension Funding Stabilization Account Appropriation	\$2,450,000
<b>TOTAL APPROPRIATION</b>	<b>\$508,614,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,315,000 of the education legacy trust account--state appropriation is to expand general enrollments by 290 student FTEs in fiscal year 2008 and by an additional 300 student FTEs in fiscal year 2009.

(2) \$3,525,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high-demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$2,356,000 of the education legacy trust account appropriation is to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.

(4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining

research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007.

(10) \$6,360,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(12) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;
- (d) Improve the six-year graduation rate for baccalaureate students to 63.2 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4 percent;
- (f) Improve the freshman retention rate to 84.8 percent;
- (g) Improve time to degree for baccalaureate students to 92 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(13) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(14) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the unified agriculture initiative at Washington State University. Funds are provided for competitive agriculture grant funds, of which \$400,000 is provided for biological intensive and organic agriculture grants; for operating and program support for the university's research and extension centers, of which \$735,000 is for maintenance and operations support for the Mount Vernon research facility; and for positions to fill research gaps in the development of value-added agricultural products and economically and environmentally sustainable food production.

(15) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Washington State University to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008).	\$48,907,000
General Fund--State Appropriation (FY 2009).	\$50,736,000
Education Legacy Trust Account--State Appropriation.	\$14,753,000
Pension Funding Stabilization Account Appropriation.	\$4,758,000
<b>TOTAL APPROPRIATION.</b>	<b>\$119,154,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$930,000 of the education legacy trust account--state appropriation is to expand general enrollments by 130 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$1,170,000 of the education legacy trust account--state appropriation is to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2035;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 550;
- (d) Improve the six-year graduation rate for baccalaureate students to 50.0 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0 percent;
- (f) Improve the freshman retention rate to 76.0 percent;
- (g) Improve time to degree for baccalaureate students to 81.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	\$47,326,000
General Fund--State Appropriation (FY 2009)	\$49,539,000
Education Legacy Trust Account--State Appropriation	\$16,219,000
Pension Funding Stabilization Account Appropriation	\$4,330,000
<b>TOTAL APPROPRIATION</b>	<b>\$117,414,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;
- (f) Improve the freshman retention rate to 78.2 percent;
- (g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2008)	\$29,744,000
General Fund--State Appropriation (FY 2009)	\$30,057,000
Education Legacy Trust Account--State Appropriation	\$4,758,000
<b>TOTAL APPROPRIATION</b>	<b>\$64,559,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$562,000 of the education legacy trust account--state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.

(2) \$260,000 of the education legacy trust account--state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 1182;
- (b) Increase the number of advanced degrees conferred per year at all campuses to 92;
- (c) Improve the six-year graduation rate for baccalaureate students to 57.0 percent;
- (d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8 percent;
- (e) Improve the freshman retention rate to 73.9 percent;
- (f) Improve time to degree for baccalaureate students to 97.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy (WSIPP) to assist the joint task force on basic education finance created pursuant to Engrossed Second Substitute Senate Bill No. 5627 (requiring a review and development of basic education funding). The institute shall assist the joint task force in a review of the definition of basic education and the development of options for a new funding structure for K-12 public schools. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(10) \$133,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(11) Notwithstanding other provisions in this section, the Washington state institute for public policy may adjust due dates for projects included on the institute's 2007-09 workplan as necessary to efficiently manage workload.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	\$66,716,000
General Fund--State Appropriation (FY 2009)	\$69,917,000
Education Legacy Trust Account--State Appropriation	\$11,845,000
<b>TOTAL APPROPRIATION</b>	<b>\$148,478,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations,

and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,968;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 375;
- (d) Improve the six-year graduation rate for baccalaureate students to 62.8 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4 percent;
- (f) Improve the freshman retention rate to 85.0 percent;
- (g) Improve time to degree for baccalaureate students to 95.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Western Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

(8) \$444,000 of the general fund--state appropriation for fiscal year 2008 and \$611,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of the biomedical research activities in neuroscience (BRAIN) program. The program shall link biology and chemistry curriculum to prepare students for biomedical research positions in academia and industry.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2008)	\$6,922,000
General Fund--State Appropriation (FY 2009)	\$6,954,000
General Fund--Federal Appropriation	\$4,342,000
<b>TOTAL APPROPRIATION</b>	<b>\$18,218,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of conditional scholarships.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(6) \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The joint legislative audit and review committee shall:

- (a) Develop the study in collaboration with the state board for community and technical colleges, the higher education coordinating board, four-year universities and the Washington independent colleges;
- (b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;
- (c) Estimate operational and capital costs of the additional capacity; and
- (d) Report findings to the legislature on October 1, 2008.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2008)	\$163,286,000
General Fund--State Appropriation (FY 2009)	\$187,252,000
General Fund--Federal Appropriation	\$13,122,000

Education Legacy Trust Account--State Appropriation.....	\$108,188,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$471,848,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$154,837,000 of the general fund--state appropriation for fiscal year 2008, \$177,863,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) \$2,336,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2008).....	\$1,757,000
General Fund--State Appropriation (FY 2009).....	\$1,772,000
General Fund--Federal Appropriation.....	\$54,011,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$57,540,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$340,000 of the general fund--state appropriation for fiscal year 2008 and \$340,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

(a) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and

(b) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

(2) \$53,000 of the general fund--state appropriation for fiscal year 2008 and \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the oversight of private vocational and career schools.

**NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2008).....	\$1,718,000
General Fund--State Appropriation (FY 2009).....	\$1,789,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$3,507,000</b>

**NEW SECTION. Sec. 614. FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2008).....	\$61,780,000
General Fund--State Appropriation (FY 2009).....	\$72,707,000

General Fund--Federal Appropriation. . . . .	\$192,360,000
General Fund--Private/Local Appropriation. . . . .	\$6,000
TOTAL APPROPRIATION. . . . .	\$326,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and \$4,225,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to: (a) Develop a quality rating and improvement system; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2008). . . . .	\$5,958,000
General Fund--State Appropriation (FY 2009). . . . .	\$6,186,000
General Fund--Private/Local Appropriation. . . . .	\$1,600,000
TOTAL APPROPRIATION. . . . .	\$13,744,000

**NEW SECTION. Sec. 616. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2008). . . . .	\$8,731,000
General Fund--State Appropriation (FY 2009). . . . .	\$9,015,000
General Fund--Private/Local Appropriation. . . . .	\$232,000
TOTAL APPROPRIATION. . . . .	\$17,978,000

**NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 2008). . . . .	\$2,548,000
General Fund--State Appropriation (FY 2009). . . . .	\$2,578,000
General Fund--Federal Appropriation. . . . .	\$1,382,000
General Fund--Private/Local Appropriation. . . . .	\$154,000
TOTAL APPROPRIATION. . . . .	\$6,662,000

**NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2008). . . . .	\$3,558,000
General Fund--State Appropriation (FY 2009). . . . .	\$3,609,000
TOTAL APPROPRIATION. . . . .	\$7,167,000

**NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2008). . . . .	\$1,918,000
General Fund--State Appropriation (FY 2009). . . . .	\$2,046,000

TOTAL APPROPRIATION..... \$3,964,000

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2008). . . . . \$724,362,000  
 General Fund--State Appropriation (FY 2009). . . . . \$764,561,000  
 State Building Construction Account--State Appropriation. . . . . \$8,970,000  
 Columbia River Basin Water Supply Development Account--State Appropriation. . . . . \$148,000  
 Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation. . . . . \$23,000  
 State Taxable Building Construction Account--State Appropriation. . . . . \$168,000  
 Gardner-Evans Higher Education Construction Account--State Appropriation. . . . . \$1,790,000  
 Debt-Limit Reimbursable Bond Retire Account--State Appropriation. . . . . \$2,624,000  
 TOTAL APPROPRIATION..... \$1,502,646,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account--State Appropriation. . . . . \$22,553,000  
 Accident Account--State Appropriation. . . . . \$5,204,000  
 Medical Aid Account--State Appropriation. . . . . \$5,204,000  
 TOTAL APPROPRIATION..... \$32,961,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2008). . . . . \$27,068,000  
 General Fund--State Appropriation (FY 2009). . . . . \$27,825,000  
 Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation. . . . . \$136,332,000  
 TOTAL APPROPRIATION..... \$191,225,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2008). . . . . \$1,357,000  
 General Fund--State Appropriation (FY 2009). . . . . \$1,357,000  
 State Building Construction Account--State Appropriation. . . . . \$1,546,000  
 Columbia River Basin Water Supply Development Account--State Appropriation. . . . . \$17,000  
 Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation. . . . . \$3,000  
 State Taxable Building Construction Account--State Appropriation. . . . . \$122,000  
 Gardner-Evans Higher Education Construction Account--State Appropriation. . . . . \$452,000  
 TOTAL APPROPRIATION..... \$4,854,000

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL**

Disaster Response Account--State Appropriation. . . . . \$4,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY**

General Fund--State Appropriation (FY 2008). . . . . \$2,000,000  
 General Fund--State Appropriation (FY 2009). . . . . \$2,000,000  
 TOTAL APPROPRIATION..... \$4,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purposes specified in section 705 of this act.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT**

General Fund--State Appropriation (FY 2008). . . . . \$6,729,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund--State Appropriation (FY 2008). . . . . \$850,000

General Fund--State Appropriation (FY 2009) . . . . .	\$850,000
TOTAL APPROPRIATION . . . . .	\$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT**

General Fund--State Appropriation (FY 2008) . . . . .	\$1,188,000
General Fund--State Appropriation (FY 2009) . . . . .	\$1,509,000
TOTAL APPROPRIATION . . . . .	\$2,697,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

**NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE**

Health Services Account--State Appropriation (FY 2008) . . . . .	\$24,000,000
Health Services Account--State Appropriation (FY 2009) . . . . .	\$24,000,000
TOTAL APPROPRIATION . . . . .	\$48,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

Health District	FY 2008	FY 2009	FY 2007-09 Biennium
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,595	\$237,191
Grays Harbor Health Department	\$183,870	\$183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545

Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
<b>TOTAL APPROPRIATIONS</b>	<b>\$24,000,000</b>	<b>\$24,000,000</b>	<b>\$48,000,000</b>

**NEW SECTION. Sec. 711. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2007, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2008)	\$46,200,000
General Fund--State Appropriation (FY 2009)	\$50,400,000
<b>TOTAL APPROPRIATION</b>	<b>\$96,600,000</b>

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2008)	\$9,600,000
General Fund--State Appropriation (FY 2009)	\$10,200,000
<b>TOTAL APPROPRIATION</b>	<b>\$19,800,000</b>

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2008)	\$405,000
General Fund--State Appropriation (FY 2009)	\$405,000
Health Services Account--State Appropriation (FY 2008)	\$3,000
Health Services Account--State Appropriation (FY 2009)	\$3,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$6,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$6,000
Water Quality Account--State Appropriation (FY 2008)	\$1,000
Water Quality Account--State Appropriation (FY 2009)	\$1,000
General Fund--Federal Appropriation	\$198,000
General Fund--Private/Local Appropriation	\$18,000
Special Account Retirement Contribution Increase Revolving Appropriation	\$484,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,530,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations to reflect increased employer contributions to the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system as a result of modifications to benefit eligibility pursuant to Senate Bill No. 5175 (annual increases in certain retirement allowances).

(2) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with LEAP document S01-2007 dated April 19, 2007.

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund--State Appropriation (FY 2008)	\$10,097,000
General Fund--State Appropriation (FY 2009)	\$10,098,000
<b>TOTAL APPROPRIATION</b>	<b>\$20,195,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT**

General Fund--State Appropriation (FY 2008)	\$525,000
General Fund--State Appropriation (FY 2009)	\$525,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,050,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the reading achievement account.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER QUALITY CAPITAL ACCOUNT**

Water Quality Account--State Appropriation (FY 2008)	\$25,135,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the water quality capital account. If House Bill No. 1137 (water quality capital account) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER POLLUTION CONTROL REVOLVING ACCOUNT**

Water Quality Account--State Appropriation (FY 2008).....	\$7,027,000
Water Quality Account--State Appropriation (FY 2009).....	\$7,027,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$14,054,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the water pollution control revolving account.

**NEW SECTION. Sec. 718. INCENTIVE SAVINGS--FY 2008.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2008, from the total amount of unspent fiscal year 2008 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 719. INCENTIVE SAVINGS--FY 2009.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2009, from the total amount of unspent fiscal year 2009 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS**

General Fund--State Appropriation (FY 2008).....	\$908,000
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The appropriation in this section is subject to the following conditions and limitations: Of the amount in this section the director of financial management shall distribute \$746,000 to Yakima county and \$162,000 to Grant county for extraordinary criminal justice costs.

**NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FERRY COUNTY PUBLIC UTILITY DISTRICT**

General Fund--State Appropriation (FY 2008).....	\$25,000
General Fund--State Appropriation (FY 2009).....	\$25,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$50,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to the Ferry county public utility district to provide a demand-responsive special needs transportation program that is compliant with the federal Americans with disabilities act.

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COUNTY SUBSTANCE ABUSE PROGRAMS**

General Fund--State Appropriation (FY 2008).....	\$600,000
General Fund--State Appropriation (FY 2009).....	\$600,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,200,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to counties that are eligible for funding for chemical dependency or substance abuse treatment programs pursuant to RCW 70.96A.325.

**NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REINVESTING IN YOUTH ACCOUNT**

General Fund--State Appropriation (FY 2008).....	\$707,000
General Fund--State Appropriation (FY 2009).....	\$707,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,414,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the reinvesting in youth account.

**NEW SECTION. Sec. 724. FOR THE LEGISLATIVE GIFT CENTER ACCOUNT**

General Fund--State Appropriation (FY 2008).....	\$150,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the legislative gift center account. If Second Substitute House Bill No. 1896 (legislative gift center) is not enacted by June 30, 2007, the appropriations in this section shall lapse.

**NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REGIONAL FISHERIES ENHANCEMENT GROUP ACCOUNT**

General Fund--State Appropriation (FY 2008). . . . . \$500,000

The appropriation in this section is subject to the following condition and limitation: The appropriations are provided solely for expenditure into the regional fisheries enhancement group account.

**NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT--OUTDOOR EDUCATION AND RECREATION ACCOUNT**

General Fund--State Appropriation (FY 2008). . . . . \$1,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the outdoor education and recreation account. If Second Substitute House Bill No. 1677 (outdoor education and recreation program) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT--INDEPENDENT YOUTH HOUSING ACCOUNT**

General Fund--State Appropriation (FY 2008). . . . . \$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the independent youth housing account. If Second Substitute House Bill No. 1922 (youth housing program) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMMUNITY PRESERVATION ACCOUNT**

General Fund--State Appropriation (FY 2008). . . . . \$350,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the community preservation account. If Substitute Senate Bill No. 6156 (community preservation authorities) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT--GEODUCK AQUACULTURE RESEARCH ACCOUNT**

General Fund--State Appropriation (FY 2008). . . . . \$750,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the geoduck aquaculture research account. If Second Substitute House Bill No. 2220 (shellfish) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 730. FOR THE OFFICE OF FINANCIAL MANAGEMENT--JOINT FIREFIGHTER APPRENTICE PROGRAM**

General Fund--State Appropriation (FY 2008). . . . . \$250,000

The appropriation in this section is subject to the following conditions and limitations. The general fund appropriation is for expenditure into the fire service training account for the purposes of the joint firefighter apprenticeship program.

**NEW SECTION. Sec. 731. FOR THE DEPARTMENT OF NATURAL RESOURCES--DERELICT VESSEL REMOVAL ACCOUNT**

General Fund--State Appropriation (FY 2008). . . . . \$2,000,000

The appropriation provided in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the derelict vessel removal account. If Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 732. FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE AGENCY GREEN ENERGY**

General Fund--State Appropriation (FY 2008). . . . . \$1,000,000

General Fund--State Appropriation (FY 2009). . . . . \$1,000,000

TOTAL APPROPRIATION. . . . . \$2,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the office of financial management to provide grants to state agencies to purchase green power.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions. . . . . \$7,325,000

General Fund Appropriation for public utility district excise tax distributions. . . . . \$49,656,000

General Fund Appropriation for prosecuting attorney distributions. . . . . \$3,999,000

General Fund Appropriation for boating safety and education distributions. . . . . \$4,833,000

General Fund Appropriation for other tax distributions. . . . . \$42,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies. . . . . \$2,192,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution. . . . . \$148,000

Timber Tax Distribution Account Appropriation for distribution to "timber" counties. . . . . \$89,346,000

County Criminal Justice Assistance Appropriation. . . . .	\$58,906,000
Municipal Criminal Justice Assistance Appropriation. . . . .	\$23,359,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution. . . . .	\$45,472,000
Liquor Revolving Account Appropriation for liquor profits distribution. . . . .	\$93,399,000
City-County Assistance Account Appropriation for local government financial assistance distribution. . . . .	\$31,272,000
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes. . . . .	\$31,600,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$441,549,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation. . . . .	\$2,174,000
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation. . . . .	\$1,449,000
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution. . . . .	\$2,950,000
General Fund Appropriation for federal flood control funds distribution. . . . .	\$74,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution. . . . .	\$84,500,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$87,524,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS.**

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2008 and \$10,000,000 for fiscal year 2009. . . . .	\$20,000,000
General Fund: For transfer to the water quality account, \$12,200,000 for fiscal year 2008 and \$12,201,000 for fiscal year 2009. . . . .	\$24,401,000
Education Legacy Trust Account: For transfer to the student achievement account for fiscal year 2009. . . . .	\$90,800,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed. . . . .	\$25,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$3,600,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009. . . . .	\$7,200,000
Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009. . . . .	\$50,000,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account. . . . .	\$165,915,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account. . . . .	\$70,000,000
Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009. . . . .	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009. . . . .	\$6,932,000
Health Services Account: For transfer to the tobacco prevention and control account, \$10,226,552 for fiscal year 2008 and \$10,109,109 for fiscal year 2009. . . . .	\$20,336,000
General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009. . . . .	\$31,600,000

If Substitute Senate Bill No. 5089 (streamlined sales tax) is not enacted by June 30, 2009, this transfer shall lapse.

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2005-07 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 903. INFORMATION TECHNOLOGY ENTERPRISE SERVICES.** Agencies may make use of the department of information services when acquiring information technology services, products, and assets.

"Information technology services" means the acquisition, provisioning, or approval of hardware, software, and purchased or personal services provided by the department of information services.

If an information technology enterprise service is provided by the department, or an agency has a specific requirement to acquire hardware, software, or purchased or personal services directly, the agency shall consult with the department of information services.

**NEW SECTION. Sec. 904. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and

curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 905. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 906. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 907. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 908. VOLUNTARY SEPARATION INCENTIVES.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section. Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by June 30, 2009.

**NEW SECTION. Sec. 909. VOLUNTARY RETIREMENT INCENTIVES.** Agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2009, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2007-09 biennium.

**NEW SECTION. Sec. 910. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS.** Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and \$65.97 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and \$65.97 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 911. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS.** The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and \$65.97 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and \$65.97 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 912. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June 2007 and is covered by a 2007-2009 collective bargaining agreement negotiated pursuant to chapter 41.80 RCW, and the continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

**NEW SECTION. Sec. 913. ACROSS THE BOARD SALARY ADJUSTMENTS.** Appropriations for state agency nonrepresented employee compensation adjustments in this act are sufficient for across the board adjustments.

(1) Appropriations are for a 3.2 percent salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2 percent salary increase effective September 1, 2007, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Appropriations are for a 2.0 percent salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0 percent salary increase effective September 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

**NEW SECTION. Sec. 914. SALARY SURVEY--NONREPRESENTED EMPLOYEES.** For state agency employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this act are sufficient for implementation of the department of personnel's 2006 salary survey, for job classes more than 25 percent below market rates and affected classes.

**NEW SECTION. Sec. 915. AGENCY REQUEST CONSOLIDATION--NONREPRESENTED EMPLOYEES.** For state agency employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this act are provided solely for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v. State*.

**NEW SECTION. Sec. 916. CLASSIFICATION CONSOLIDATION--NONREPRESENTED EMPLOYEES.** For state agency employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this act are sufficient for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW.

**NEW SECTION. Sec. 917. ADDITIONAL PAY STEP--NONREPRESENTED EMPLOYEES.** For state agency employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this act are sufficient for a new pay step L for those who have been in step K for at least one year.

**NEW SECTION. Sec. 918. SHIFT DIFFERENTIAL--NONREPRESENTED EMPLOYEES.** For all classified state agency employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, the appropriations in this act are sufficient for shift differential pay.

**NEW SECTION. Sec. 919. RETAIN FISCAL YEAR 2007 PAY INCREASE--NONREPRESENTED EMPLOYEES.** For all classified state agency employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, the appropriations in this act are sufficient for continuation of the 1.6 percent salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6 percent salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

**NEW SECTION. Sec. 920. COLLECTIVE BARGAINING AGREEMENTS.** (1) Provisions of collective bargaining agreements contained in this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not

contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

(2) Some contracts contain implementation of the department of personnel's phase 4 classification consolidation. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v. State/Shroll v. State*.

**NEW SECTION. Sec. 921. COLLECTIVE BARGAINING AGREEMENT--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007.

**NEW SECTION. Sec. 922. COLLECTIVE BARGAINING AGREEMENT--WPEA.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007.

**NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the brotherhood of teamsters under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 2.9 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates, and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007.

Also effective July 1, 2007, corrections and custody officers 1s, 2s, and 3s in Franklin, Snohomish, and Walla Walla counties will receive 5 percent geographic pay. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

**NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENT--UFCW.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the united food and commercial workers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

**NEW SECTION. Sec. 925. COLLECTIVE BARGAINING AGREEMENT--IFPTE LOCAL 17.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

**NEW SECTION. Sec. 926. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union, local 1199 NW under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates. These increases will be effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H15 - 2007, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 927. COLLECTIVE BARGAINING AGREEMENT--COALITION.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the coalition under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates, and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. These increases will be effective July 1, 2007.

**NEW SECTION. Sec. 928. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington federation of state employees in higher education under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

**NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington public employees association in higher education under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

**NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining units A, B, and E. For employees covered under this agreement, provisions include a 3.2 percent pay increase effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25 percent below market rate; a new 2.5 percent step L on the salary grid; and movement of all classified staff at or below pay range 30 to step G of their range, effective July 1, 2007.

**NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE BARGAINING UNIT PTE.** Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the public school employees bargaining unit PTE. For employees covered under this agreement, the provisions include a 3.2 percent increase effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25 percent below market rate; a new 2.5 percent step L on the salary grid; and implementation of phase four of the department of personnel's class consolidation project.

**NEW SECTION. Sec. 932. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE BARGAINING UNIT D.** Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the public school employees bargaining unit D. For employees covered under this agreement, the provisions include a 3.2 percent increase effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25 percent below market rate; a new 2.5 percent step L on the salary grid; and implementation of phase four of the department of personnel's class consolidation project.

**NEW SECTION. Sec. 933. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the Central Washington University and the Washington federation of state employees. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; phase four of the department of personnel's class consolidation project; implementation of the 2006 department of personnel's salary survey for classes more than 25 percent below market rate; and a new 2.5 percent step L on the salary grid.

**NEW SECTION. Sec. 934. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE BU 1.** Appropriations in this act reflect the collective bargaining agreement reached between the Eastern Washington University and the Washington federation of state employees bargaining unit 1. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; phase four of the department of personnel's class consolidation project; a new 2.5 percent step L on the salary grid; and the potential for two \$200 one-time payments.

**NEW SECTION. Sec. 935. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE BU 2.** Appropriations in this act reflect the collective bargaining agreement reached between the Eastern Washington University and the Washington federation of state employees bargaining unit 2. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; phase four of the department of personnel's class consolidation project; a new 2.5 percent step L on the salary grid; and the potential for two \$200 one-time payments.

**NEW SECTION. Sec. 936. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY --WSU POLICE GUILD.** Appropriations in this act reflect the collective bargaining agreement reached between the Washington State University and the Washington State University police guild. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25 percent below market rate; and a new 2.5 percent step L on the salary grid.

**NEW SECTION. Sec. 937. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the Washington State University and the Washington federation of state employees. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25 percent below market rate; and a new 2.5 percent step L on the salary grid.

**NEW SECTION. Sec. 938. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE CAMPUS--WIDE BARGAINING UNIT.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the Washington federation of state employees campus-wide bargaining unit. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; recruitment and retention adjustments for specific classes; increases for classes more than 80 percent below market according to a survey by the University of Washington; and an additional pay step in fiscal year 2009.

**NEW SECTION. Sec. 939. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE POLICE MANAGEMENT BARGAINING UNIT.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the Washington federation of state employees police management bargaining unit. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; longevity pay for those with service of 5 years (1%), 10 years (2%), 15 years (3%), 20 years (4%), and 25 years (5%); and a new top step effective fiscal year 2009.

**NEW SECTION. Sec. 940. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--UWPOA.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the University of Washington police officers association. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second pay increase of 2.0 percent effective July 1, 2008; an additional top step on the pay grid effective fiscal year 2009; and increases in midcareer pay increments.

**NEW SECTION. Sec. 941. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--SEIU 925.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the service employees' international union 925. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second pay increase of 3.0 percent effective July 1, 2008; and market rate adjustments for specific job classes.

**NEW SECTION. Sec. 942. COLLECTIVE BARGAINING AGREEMENT--YAKIMA VALLEY COMMUNITY COLLEGE--WPEA/UFCW.** Appropriations in this act reflect the collective bargaining agreement reached between the Yakima Valley community college and the Washington public employees' association/united food and commercial workers union local 365. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; an increase of 2.0 percent effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25 percent below market rate; phase four of the department of personnel's class consolidation project; agency requests for reclassification that meet the criteria outlined in RCW 41.06.152; and a new 2.5 percent step L on the salary grid.

**NEW SECTION. Sec. 943. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION.** Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0 percent salary increase effective July 1, 2007, and a 4.0 percent salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

**NEW SECTION. Sec. 944. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION.** Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0 percent salary increase effective July 1, 2007, and a 4.0 percent salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

**NEW SECTION. Sec. 945. COLLECTIVE BARGAINING AGREEMENT--SEIU LOCAL 775 HOMECARE WORKERS.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union local 775 under the provisions of chapter 74.39 RCW. For those covered under this agreement, provisions include a base wage increase of \$.30 per hour effective July 1, 2007, a base wage increase of \$.30 per hour effective July 1, 2008, an additional step to the wage grid for providers with over 14,000 hours, an additional \$1.00 per hour for mentor and trainer pay, implementation of mileage reimbursement by July 1, 2008, and state payment of the provider's share of workers compensation. In addition, the state will increase the contribution to health care by 10 percent on July 1, 2008, to \$550 per month, and implement an agreed upon approach to shared living.

**NEW SECTION. Sec. 946. COLLECTIVE BARGAINING AGREEMENT--SEIU LOCAL 925 CHILDCARE WORKERS.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union local 925 under the provisions of chapter 74.15 RCW. For those covered under this agreement, provisions include a subsidy rate increase of 7 percent for licensed homes and 4 percent for exempt providers effective July 1, 2007, a subsidy rate increase of 3 percent for both licensed and exempt providers on July 1, 2008, elimination of a reduced rate for additional children per family on July 1, 2007, for exempt providers, additional incentive pay for nonstandard hours and infant care, training for providers on licensing requirements, and health care for eligible licensed home providers.

**Sec. 947.** RCW 15.64.050 and 2001 2nd sp.s. c 3 s 2 are each amended to read as follows:

- (1) The small farm direct marketing assistance program is created.
- (2) The director shall employ a small farm direct marketing assistant.
- (3) The small farm direct marketing assistance program shall assist small farms in their direct marketing efforts. In carrying out this duty the program shall:
  - (a) Assist small farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of agricultural products;
  - (b) Assist in developing infrastructure to increase direct marketing opportunities for small farms;
  - (c) Provide information on direct marketing opportunities for small farms;
  - (d) Promote localized food production systems;
  - (e) Increase access to information for farmers wishing to sell farm products directly to consumers;
  - (f) Identify and help reduce market barriers facing small farms in direct marketing;

- (g) Assist in developing and submitting proposals to grant programs to assist small farm direct marketing efforts; and
  - (h) Perform other functions that will assist small farms in directly marketing their products.
- ~~((4) This section expires July 1, 2007.)~~

**Sec. 948.** RCW 28B.15.910 and 2007 c . . . s 1 (ESHB 1497) are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- |                                   |                  |
|-----------------------------------|------------------|
| (a) University of Washington      | 21 percent       |
| (b) Washington State University   | 20 percent       |
| (c) Eastern Washington University | 11 percent       |
| (d) Central Washington University | 10 percent       |
| (e) Western Washington University | 10 percent       |
| (f) The Evergreen State College   | ((6)) 10 percent |
| (g) Community colleges as a whole | 35 percent       |

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621(2);
- (n) RCW 28B.15.730;
- (o) RCW 28B.15.740;
- (p) RCW 28B.15.750;
- (q) RCW 28B.15.756;
- (r) RCW 28B.50.259; and
- (s) RCW 28B.70.050.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- |                                   |           |
|-----------------------------------|-----------|
| (a) Washington State University   | 1 percent |
| (b) Eastern Washington University | 3 percent |
| (c) Central Washington University | 3 percent |

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver.

**Sec. 949.** RCW 41.05.065 and 2006 c 299 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

- (a) Methods of maximizing cost containment while ensuring access to quality health care;
- (b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;
- (c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;
- (d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;
- (e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(h) During the 2007-2009 fiscal biennium, the board may not make changes to the benefit plans offered to enrollees that increase the net actuarial cost of the plans as compared to the same, or most similar plans, offered for calendar year 2007.

(3) The board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) The board shall develop a health savings account option for employees that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section.

**Sec. 950.** RCW 43.08.250 and 2005 c 518 s 926, 2005 c 457 s 8, and 2005 c 282 s 44 are each reenacted and amended to read as follows:

(1) The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons under RCW 2.53.030, winter recreation parking, drug court operations, and state game programs. (~~During~~) Through the fiscal biennium ending June 30, (~~2007~~) 2009, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the administrative office of the courts, security in the common schools,

alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

(2)(a) The equal justice subaccount is created as a subaccount of the public safety and education account. The money received by the state treasurer from the increase in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in the equal justice subaccount and shall be appropriated only for:

- (i) Criminal indigent defense assistance and enhancement at the trial court level, including a criminal indigent defense pilot program;
- (ii) Representation of parents in dependency and termination proceedings;
- (iii) Civil legal representation of indigent persons; and
- (iv) Contribution to district court judges' salaries and to eligible elected municipal court judges' salaries.

(b) For the 2005-07 fiscal biennium, an amount equal to twenty-five percent of revenues to the equal justice subaccount, less one million dollars, shall be appropriated from the equal justice subaccount to the administrator for the courts for purposes of (a)(iv) of this subsection. For the 2007-09 fiscal biennium and subsequent fiscal biennia, an amount equal to fifty percent of revenues to the equal justice subaccount shall be appropriated from the equal justice subaccount to the administrator for the courts for the purposes of (a)(iv) of this subsection.

**Sec. 951.** RCW 43.10.180 and 2005 c 518 s 927 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the ~~((2005-))~~ 2007-2009 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

**Sec. 952.** RCW 43.60A.165 and 2006 c 343 s 4 are each amended to read as follows:

The defenders' fund is created to provide assistance to members of the Washington national guard and reservists who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and who are experiencing financial hardships in employment, education, housing, and health care due to the significant period of time away from home serving our country. The program shall be administered by the department. Eligibility determinations shall be made by the department. Eligible veterans may receive a one-time grant of no more than five hundred dollars, except that for the 2007-2009 biennium, the one-time grant may not exceed one thousand dollars.

**Sec. 953.** RCW 46.09.170 and 2004 c 105 s 6 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the ~~((2003-05))~~ 2007-09 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to ~~((the interagency committee for outdoor recreation,))~~ the department of natural resources ~~(, the department of fish and wildlife, and the state parks and recreation commission))~~ for planning and designing consistent off-road vehicle signage at department-managed recreation sites, and for planning recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

**Sec. 954.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

**Sec. 955.** RCW 70.146.030 and 2005 c 518 s 940 and 2005 c 514 s 1108 are each reenacted and amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.24.026(2)(d), ~~((82.26.025-))~~ and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ~~((2005))~~ 2007, to June 30, ~~((2007))~~ 2009, moneys in the account may be used to process applications received by the department that seek to make changes to or

transfer existing water rights and for other water resources and water quality activities, for water conveyance projects, shoreline technical assistance. Puget Sound education and outreach and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31st of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

**Sec. 956.** RCW 70.146.080 and 2005 c 518 s 941 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

**Sec. 957.** RCW 74.08A.340 and 2006 c 265 s 209 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the departments of early learning and social and health services shall expend funds defined in subsection (1) of this section that constitute the working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

**Sec. 958.** RCW 79.64.040 and 2005 c 518 s 945 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board ~~(- If so increased, the department must provide a report by January 9, 2006, to the appropriate committees of the legislature on the use of the increased amount)~~, provided the total amount deducted does not exceed the total appropriations in the operating and capital budgets for the fiscal period. At the end of the fiscal period, any amounts deducted in excess of the appropriations shall be transferred to the appropriate beneficiary distribution accounts.

**NEW SECTION. Sec. 959.** A new section is added to chapter 28A.630 RCW to read as follows:

(1)(a) Research has shown that early, intensive interventions can significantly improve reading, written language, and mathematics skills for children who are struggling academically. This early research-based assistance has been successful in reducing the number of children who

require specialized programs. Research further suggests that the disabilities of many students with mild and moderate disabilities are correctable through strategic early intervention and the students do not necessitate special education eligibility. However, by being effective in reducing the number of students eligible for these programs, school district funding is reduced.

(b) The purpose of the program in this section is to continue support to the existing pilot districts and to encourage other school districts to participate as pilot districts to improve the implementation of high quality general education research-based core instructional programs to meet the needs of students struggling academically, while reducing the number of students inappropriately referred and placed in special education under the specific learning disability eligibility category because of ineffective instructional practices. This will allow special education programs to concentrate specially designed instruction on students who truly require special education services. The goal of this assistance is to effectively address reading, written language, and mathematics difficulties resulting in a substantially greater proportion of students meeting the progressively increasing performance standards for both the aggregate and disaggregated subgroups under federal law.

(c) The participating pilot districts implementing the special services pilot program have met the goals of the pilot program resulting in (i) a substantial number of underachieving students meeting the progressively increasing reading performance standards and (ii) a reduction in the number of children who require special education.

(2) Seven school districts may participate in the special services pilot program, including two school districts already participating and five additional school districts. The special services pilot program shall begin in the 2007-08 school year and conclude in the 2010-11 school year.

(3) School districts participating in the pilot program shall receive state special education funding in accordance with state special education funding formulas and a separate pilot program appropriation from sources other than special education funds. The separate appropriation shall be: (a) The school district's estimated state special education funding for the current year based on the school district's average percentage of students age three through twenty-one who were eligible for special education services for the school year before participation as a pilot program as reported to the office of the superintendent of public instruction; minus (b) the school district's actual state special education funding based on the district's current percentage of students age three through twenty-one eligible for special education services as reported to the superintendent of public instruction.

The superintendent shall adjust the factors in (a) of this subsection for one or more participating school districts, where legislative changes to the special education funding formula impact the funding mechanism of this program.

(4) Participation in the pilot program shall not increase or decrease a district's ability to access the safety net for high-cost students by virtue of the district's participation in the program. Districts participating in the pilot program shall have access to the special education safety net using a modified application approach for the office of the superintendent of public instruction demonstration of financial need. The superintendent shall create a modified application to include all special education revenues received by the district, all pilot program funding, expenditures for students with individual education programs, and expenditures for students generating pilot program revenue. Districts participating in the pilot program that seek safety net funding shall convincingly demonstrate to the safety net committee that any change in demonstrated need is not attributable to their participation in this pilot program.

(5) School districts participating in the program must agree to:

(a) Implement the program as part of the school district's general education curriculum for all students;

(b) Use a multitiered service delivery system to provide scientific research-based instructional interventions addressing individual student needs in the areas of reading, written language, or mathematics;

(c) Develop and implement an assessment system to conduct universal screening, progress monitoring, targeted assessments, and outcome assessments to identify the reading, written language, or mathematics needs of each student and to monitor student progress;

(d) Incorporate student-specific data obtained through the pilot program when conducting an evaluation to determine if the student has a disability;

(e) Assure that parents are informed of: The amount and nature of student performance data that is collected and the general education services that are provided; the strategies for increasing the student's rate of learning; the parents' right to make a referral for special education evaluation if they suspect the student has a disability; and the parents' right to have input into designed interventions;

(f) Assure that parents are provided assessments of achievement at reasonable intervals addressing student progress during instruction;

(g) Actively engage parents as partners in the learning process;

(h) Comply with state special education requirements; and

(i) Participate and provide staff expertise in the design and implementation of an evaluation of the program as determined by the superintendent of public instruction. Districts shall annually review and report progress, including objective measures or indicators that show the progress towards achieving the purpose and goal of the program, to the office of the superintendent of public instruction.

(6) By December 15, 2010, the superintendent of public instruction shall submit a report to the governor and appropriate committees of the legislature that summarizes the effectiveness of the pilot program in this section. The report shall also include a recommendation as to whether or not the pilot program should be continued, expanded, or otherwise modified.

(7) This section expires June 30, 2011.

**NEW SECTION. Sec. 960.** The governor's committee on disability issues and employment is supported through resources provided by state agencies. Within appropriations contained in this act, the office of financial management shall direct agencies that report directly to the governor to enter into contracts with the governor's committee on disability issues and employment for a total level not to exceed \$377,000 for fiscal year 2008 and \$398,000 for fiscal year 2009.

**NEW SECTION. Sec. 961.** A legislative task force on laws related to community custody and community supervision is created as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism).

(1) The task force shall be composed of fifteen members appointed in the following manner:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(c) The governor shall appoint the chair of the task force and the following members:

(i) A superior court judge;

(ii) A representative of a prosecutor's association;

(iii) A defense attorney or representative of an organization of defense attorneys;

(iv) A representative of local elected officials;

(v) A sheriff or representative of an organization of sheriffs;

(vi) A police chief or representative of an organization of police chiefs;

(vii) A community corrections officer;

- (viii) A crime victim or advocate; and
- (d) The following agencies shall also be represented on the committee:
  - (i) The attorney general, or the attorney general's designee; and
  - (ii) The secretary of the department of corrections, or the secretary's designee.

(2) The task force shall, with input from the public and other interested organizations, review and analyze statutes related to community custody and community supervision of offenders and make specific recommendations, if any, for modifications to those statutes that would reduce ambiguity in the law and enable the department of corrections and its community corrections officers to more easily identify statutory requirements associated with an offender's sentence and an offender's term of community custody or supervision; and more effectively respond to an offender's behavior by imposing appropriate and timely sanctions when necessary. Whenever possible, recommendations in the report shall site to specific evidence-based or promising programs to support the recommendation, or to sources such as the Washington institute for public policy, the national institute for justice, or the bureau of justice assistance.

(3) The task force shall submit its report and recommendations to the governor and the legislature by November 1, 2007.

(4) Staff support shall be provided by the office of financial management, senate committee services, and the house of representatives office of program research. The Washington state institute for public policy, the department of corrections, and the sentencing guidelines commission shall cooperate with the task force and provide information and support reasonably requested by the task force. Nonlegislative members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

**NEW SECTION. Sec. 962.** (1) The legislature intends to improve the administration and coordination of state information technology. The legislature finds that opportunities are being missed to use the expertise in the department of information services and to leverage the purchasing power of the department to drive down the cost of securing information services.

(2) The office of financial management, the department of information services, and the legislature shall form a 2007 interim workgroup on improving state strategies, administration, and coordination of information technology. The workgroup shall consist of:

- (a) The director or designee of the department of information services, and the director or designee of the office of financial management;
- (b) A member of the information services board;
- (c) Two members of the senate, appointed by the president of the senate, one member from each of the two largest caucuses of the senate;
- (d) Two members of the house of representatives, appointed by the speaker of the house, one member from each of the two largest caucuses of the house of representatives;
- (e) The workgroup shall invite representatives of the following to participate:
  - (i) One large state agency;
  - (ii) One small agency;
  - (iii) The state board for community and technical colleges;
  - (iv) The state library;
  - (v) A research university;
  - (vi) A regional university; and
  - (vii) Two members of the public.

(f) The workgroup shall choose its cochairs from among its legislative membership.

(3) The workgroup shall review the following issues:

- (a) A statewide information services strategy;
- (b) The approval and oversight process of information technology projects;
- (c) Leveraging the expertise and purchasing power of the department of information services;
- (d) Strengthening the role of the information services board in enhancing the utilization of services offered by the department of information services; and

(e) Opportunities to provide cost efficient and equitable access to digital resources, including online databases, for faculty and students at public institutions of higher education, state employees, and the public.

(4) As part of its review, the workgroup shall consider approaches used in other states to achieve its goals.

(5) Staff support for the workgroup shall be provided by the senate committee services, the house of representatives office of program research, the office of financial management, and the department of information services.

(6) Legislative members of the workgroup shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(7) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2007.

(8) This section expires December 31, 2007.

**PART X  
GENERAL GOVERNMENT**

**Sec. 1001.** 2006 c 372 s 108 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2006)	\$6,095,000
General Fund--State Appropriation (FY 2007)	(( <del>\$6,397,000</del> ))
	<u>\$6,401,000</u>
Pension Funding Stabilization Account Appropriation	\$37,000
TOTAL APPROPRIATION	(( <del>\$12,529,000</del> ))
	<u>\$12,533,000</u>

**Sec. 1002.** 2006 c 372 s 111 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2006)	\$13,916,000
General Fund--State Appropriation (FY 2007)	(( <del>\$14,393,000</del> ))
	<u>\$14,447,000</u>
Pension Funding Stabilization Account Appropriation	\$80,000
TOTAL APPROPRIATION	(( <del>\$28,389,000</del> ))
	<u>\$28,443,000</u>

**Sec. 1003.** 2006 c 372 s 112 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2006)	\$19,834,000
General Fund--State Appropriation (FY 2007)	<del>(\$21,298,000)</del>
	<u>\$21,340,000</u>
Public Safety and Education Account--State Appropriation	<del>(\$50,277,000)</del>
	<u>\$50,300,000</u>
Judicial Information Systems Account--State Appropriation	\$26,051,000
Pension Funding Stabilization Account Appropriation	\$96,000
<b>TOTAL APPROPRIATION</b>	<del>(\$117,556,000)</del>
	<u>\$117,621,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

(8) \$569,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the juror pay pilot and research project.

(9) Any contract committing judicial information systems account moneys in the 2007-2009 biennium for replacement of the core case management system shall be agreed to only to meet the conditions specified in section 113 of this act. If the conditions have been met, additional contracts may be signed.

**Sec. 1004.** 2006 c 372 s 114 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund--State Appropriation (FY 2006)	\$3,083,000
General Fund--State Appropriation (FY 2007)	\$3,232,000
Public Safety and Education Account--State Appropriation	\$4,705,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$2,987,000
<b>TOTAL APPROPRIATION</b>	<u>\$14,007,000</u>

The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2007 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

**Sec. 1005.** 2006 c 372 s 118 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2006)	\$21,593,000
General Fund--State Appropriation (FY 2007)	<del>(\$18,473,000)</del>
	<u>\$19,028,000</u>
General Fund--Federal Appropriation	\$7,099,000
General Fund--Private/Local Appropriation	\$207,000
Archives and Records Management Account--State Appropriation	\$8,210,000
Department of Personnel Services Account--State Appropriation	\$721,000
Local Government Archives Account--State Appropriation	\$12,398,000
Election Account--Federal Appropriation	\$53,010,000
Pension Funding Stabilization Account Appropriation	\$66,000

TOTAL APPROPRIATION.....	(( <del>\$121,777,000</del> ))
	<u>\$122,332,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,472,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.
- (2) \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.
- (3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.
- (4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and \$2,382,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.
- (b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.
- (c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.
- (d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:
  - (i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;
  - (ii) Making contributions reportable under chapter 42.17 RCW; or
  - (iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.
- (5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *Washington State Democratic Party, et al. v. Sam S. Reed, et al.*, United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB and related appeal. The expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total settlement costs shall not exceed the appropriation in this subsection.
- (7) \$131,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

**Sec. 1006.** 2006 c 372 s 122 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2006).....	\$1,258,000
General Fund--State Appropriation (FY 2007).....	(( <del>\$351,000</del> ))
	\$748,000
State Auditing Services Revolving Account--State Appropriation.....	\$14,011,000
Pension Funding Stabilization Account Appropriation.....	\$4,000
TOTAL APPROPRIATION.....	(( <del>\$15,624,000</del> ))
	<u>\$16,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.
- (2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.
- (3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.
- (4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance).
- (5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

**Sec. 1007.** 2006 c 372 s 124 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2006) . . . . .	\$5,724,000
General Fund--State Appropriation (FY 2007). . . . .	\$5,844,000
General Fund--Federal Appropriation. . . . .	\$3,428,000
Public Safety and Education Account--State Appropriation. . . . .	\$2,307,000
New Motor Vehicle Arbitration Account--State Appropriation. . . . .	\$1,315,000
Legal Services Revolving Account--State Appropriation. . . . .	<del>(\$191,627,000)</del>
	<u>\$195,307,000</u>
Tobacco Prevention and Control Account--State Appropriation. . . . .	\$270,000
Pension Funding Stabilization Account Appropriation. . . . .	\$21,000
TOTAL APPROPRIATION. . . . .	<del>(\$210,536,000)</del>
	<u>\$214,216,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.
- (2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

**Sec. 1008.** 2006 c 372 s 126 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2006). . . . .	\$67,758,000
General Fund--State Appropriation (FY 2007). . . . .	<del>(\$60,229,000)</del>
	<u>\$60,992,000</u>
General Fund--Federal Appropriation. . . . .	<del>(\$258,085,000)</del>
	<u>\$257,888,000</u>
General Fund--Private/Local Appropriation. . . . .	\$12,422,000
Public Safety and Education Account--State Appropriation. . . . .	\$5,443,000
Public Works Assistance Account--State Appropriation. . . . .	\$3,430,000
Tourism Development and Promotion Account Appropriation. . . . .	\$300,000
Drinking Water Assistance Administrative Account-- State Appropriation. . . . .	\$345,000
Lead Paint Account--State Appropriation. . . . .	\$6,000
Building Code Council Account--State Appropriation. . . . .	\$1,133,000
Administrative Contingency Account--State Appropriation. . . . .	\$1,809,000
Low-Income Weatherization Assistance Account--State Appropriation. . . . .	\$8,362,000
Violence Reduction and Drug Enforcement Account--State Appropriation. . . . .	\$7,234,000
Manufactured Home Installation Training Account--State Appropriation. . . . .	\$240,000
Community and Economic Development Fee Account--State Appropriation. . . . .	\$1,570,000
Washington Housing Trust Account--State Appropriation. . . . .	\$33,536,000
Homeless Families Services Account--State Appropriation. . . . .	\$300,000
Public Facility Construction Loan Revolving Account--State Appropriation. . . . .	\$616,000
Pension Funding Stabilization Account Appropriation. . . . .	\$87,000
TOTAL APPROPRIATION. . . . .	<del>(\$462,905,000)</del>
	<u>\$463,471,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.
- (2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:
  - (a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;
  - (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
  - (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
  - (d) \$20,000 to the department for tribal law enforcement;
  - (e) \$345,000 to the department to continue domestic violence legal advocacy;
  - (f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
  - (g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;
  - (h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;
  - (i) \$97,000 to the department to continue evaluation of this grant program;
  - (j) \$290,000 to the office of financial management for criminal history records improvement;
  - (k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and
  - (l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them

without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

- (a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;
- (d) \$110,000 to the department to support the governor's council on substance abuse;
- (e) \$97,000 to the department to continue evaluation of the justice assistance grant program;
- (f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and
- (g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

(4) \$1,658,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for multijurisdictional drug task forces. The funding for this amount, and the amounts provided in subsection (3)(a) and (b) of this section, will be distributed in a manner so that all drug task forces funded in fiscal year 2004 will receive funding in fiscal year 2007 at amounts similar to the amounts received in fiscal year 2004.

(5) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

(6) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education, and \$1,052,000 is provided solely for a targeted vendor rate increase.

(7) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(8) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(9) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

(11) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

(12) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

(13) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

(15) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

(16) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

(17) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

(19) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

(20) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(21) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

(22) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

(23) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

(24) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

(26) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing statewide sexual assault services.

(27) \$96,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Olympic loop of the great Washington state birding trail.

(28) \$529,000 of the general fund--federal appropriation is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

(29) \$150,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to assist the suburban cities association, King county, and the cities of Seattle and Bellevue to comply with the most acute buildable lands needs countywide. Of this amount, \$50,000 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(30) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(31) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(32) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement two demonstration pilot projects related to transfer of development rights in cooperation with Snohomish and Pierce county legislative authorities. Projects may receive no more than \$100,000.

(34) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(35) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(36) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(37) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(38) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((43))~~ (42) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

~~((44))~~ (43) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the developmental disabilities council to contract for legal services for individuals with developmental disabilities who are served or are entering the community protection program in the department of social and health services division of developmental disabilities. Funding shall be prioritized for those individuals who do not have paid legal guardians, but is available to all community protection clients, subject to available funds.

~~((45))~~ (44) \$100,000 of the fiscal year 2006 general fund--state appropriation is provided solely for tourism branding and marketing associated with the January 2007 United States figure skating championships in Spokane. It is the intent of the legislature to provide an additional \$500,000 during the 2007-09 fiscal biennium for the payment of one-half of the hosting fee if Spokane is designated as the host city of the 2009 world figure skating championships. The funds provided under this section are contingent on an equal amount of matching funds from nonstate sources.

~~((46))~~ (45) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Pacific northwest economic region as matching funds for use in the development and operation of a regional tourism initiative in coordination with the department and consistent with the governor's initiatives on marketing, tourism, and trade. The department and the Pacific northwest economic region will jointly establish appropriate deliverables. The first \$25,000 of this amount will be released when the Pacific northwest economic region has secured at least \$75,000 in funding from other public and private sources. The final \$25,000 of this amount will be released when the Pacific northwest economic region has secured an additional \$75,000 in funding from other public and private sources. A minimum of 25 percent of the matching funds raised by the Pacific northwest economic region for the initiative shall be from private sources.

~~((47))~~ (46) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the international trade alliance of Spokane to partnership with other regional governments to strengthen and diversify the regional economy.

~~((48))~~ (47) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to contract for a study that will provide recommendations on a small harbor dredging cooperative among the port districts of Pacific County and Wahkiakum County. The recommendations shall include options for an organizational framework, as well as the long-term financing of the cooperative.

~~((49))~~ (48) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific-Algonia senior center, a nonprofit food program serving low-income seniors.

~~((50))~~ (49) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the northwest Korean sports and cultural festival.

~~((51))~~ (50) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to allow Washington state tribes to continue participation in the *Forest and Fish Report* currently out for public comment as a habitat conservation plan under the endangered species act. In the event federal funding is reinstated, the amount provided in this subsection shall lapse.

~~((52))~~ (51) \$5,000 of the general fund--state appropriation for fiscal year 2006 is provided for Tacoma's international music festival.

~~((53))~~ (52) \$200,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$113,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Mimms Academy in Tacoma to facilitate a pilot project concerning expelled and suspended students.

~~((54))~~ (53) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the King county sexual assault resource center to provide for a Spanish-speaking therapist position, parent/child victim education, and prevention education.

~~((55))~~ (54) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a study of methamphetamine action teams and drug task forces as provided by Engrossed Substitute Senate Bill No. 6239, sections 110 and 204 (controlled substances). The department shall report findings and recommendations to the legislature by November 1, 2006. If the bill is not enacted by June 30, 2006, the amount provided in this section shall lapse.

~~((56))~~ (55) \$84,000 of the general fund--state appropriation for fiscal year 2006 and \$84,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for distribution to Benton and Franklin counties to continue the Benton-Franklin juvenile drug court program. The counties shall provide an equivalent amount of matching funds.

~~((57))~~ (56) \$7,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the owners of the following minor league baseball facilities for major and minor restoration and repair of facilities projects: Tacoma Rainiers (\$2,500,000); Spokane Indians (\$2,000,000); Tri-Cities Dust Devils (\$1,000,000); Yakima Bears (\$750,000); and Everett AquaSox (\$750,000). The department shall not retain any portion for administrative purposes.

~~((58))~~ (57) \$40,000 of the fiscal year 2006 general fund--state appropriation and \$1,510,000 of the fiscal year 2007 general fund--state appropriation are provided solely for the department to enter into funding agreements with the mountains to sound greenway trust to accomplish the following projects: Squak mountain trail upgrades; Tiger mountain trailhead and trails upgrades; Rattlesnake mountain trail and trailhead construction; greenway legacy planning; Snoqualmie point view park construction; and state route 18/interstate 90 interchange protection.

~~((59))~~ (58) \$149,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to implement a human trafficking task force as described in section 1 of Substitute Senate Bill No. 6652 (human trafficking), authorizing a task force through June 30, 2011, to provide guidance in responding to the crime of human trafficking, and in providing services to human trafficking victims.

~~((60))~~ (59) \$140,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5330 (economic development grants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((61))~~ (60) \$200,000 of the general fund--state appropriation for fiscal year 2007 ~~((and \$197,000 of the general fund--federal appropriation for fiscal year 2007 are))~~ is provided solely for the long-term care ombudsman program within the department of community, trade, and economic development to recruit and train volunteers to serve in the adult family home setting.

~~((62))~~ (61) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Enumclaw loggers monument.

(62) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to Grays Harbor county to conclude activities related to the investigation and demonstration of projects related to coastal erosion.

(63) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to Peninsula community health services to satisfy the debt associated with improvements at the Bremerton clinic.

**Sec. 1009.** 2006 c 372 s 127 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2006)	\$579,000
General Fund--State Appropriation (FY 2007)	<del>((523,000))</del>
	<u>\$546,000</u>
Pension Funding Stabilization Account Appropriation	\$3,000
TOTAL APPROPRIATION	<del>((1,105,000))</del>
	<u>\$1,128,000</u>

**Sec. 1010.** 2006 c 372 s 128 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2006)	\$17,775,000
General Fund--State Appropriation (FY 2007)	<del>((20,080,000))</del>
	<u>\$20,140,000</u>
General Fund--Federal Appropriation	\$23,555,000
General Fund--Private/Local Appropriation	\$1,216,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$246,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
Pension Funding Stabilization Account Appropriation	\$100,000
TOTAL APPROPRIATION	<del>((63,197,000))</del>
	<u>\$63,257,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The

advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

~~((+H))~~ (10) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

~~((+Z))~~ (11) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

~~((+3))~~ (12) \$66,000 of the general fund--state appropriation for fiscal year 2006 and \$134,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish and provide staff support and technical assistance to the blue ribbon commission on health care costs and access. The commission shall consist of the governor or a designee, who shall serve as chair; two members from each of the four caucuses of the legislature; the insurance commissioner or a designee; the secretary of health; the administrator of the health care authority; the assistant secretary for health and recovery services in the department of social and health services; and the assistant director for insurance services in the department of labor and industries. By December 1, 2006, the commission shall recommend to the governor and legislature a sustainable five-year plan for substantially improving access to affordable health care for all Washington residents.

**Sec. 1011.** 2006 c 372 s 129 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation.....	(( <del>\$29,595,000</del> ))
	<u>\$29,702,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

**Sec. 1012.** 2006 c 372 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State Appropriation.....	\$413,000
Department of Retirement Systems Expense Account-- State Appropriation.....	(( <del>\$46,176,000</del> ))
	<u>\$46,384,000</u>
TOTAL APPROPRIATION.....	(( <del>\$46,589,000</del> ))

\$46,797,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).
- (2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).
- (3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).
- (5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).
- (6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).
- (7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6453 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (12) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (13) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (14) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (15) \$93,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 2391 (gain sharing revisions).

**Sec. 1013.** 2006 c 372 s 137 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2006) .....	\$90,302,000
General Fund--State Appropriation (FY 2007) .....	<del>(\$92,647,000)</del>
	\$92,471,000
Timber Tax Distribution Account--State Appropriation .....	<del>(\$5,627,000)</del>
	\$5,377,000
Real Estate Excise Tax Grant Account--State Appropriation .....	\$3,900,000
Waste Reduction/Recycling/Litter Control--State Appropriation .....	\$108,000
State Toxics Control Account--State Appropriation .....	\$73,000
Oil Spill Prevention Account--State Appropriation .....	\$14,000
Pension Funding Stabilization Account Appropriation .....	\$447,000
TOTAL APPROPRIATION .....	<del>(\$193,118,000)</del>
	\$192,692,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties).
- (4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are for the department to employ strategies to enhance current revenue enforcement activities.
- (5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.
- (6) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$89,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.
- (7) \$147,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (8) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace) or for Second Substitute Senate Bill No. 6604 (tax relief for aerospace). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$193,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief) or Substitute Senate Bill No. 6385 (excise tax relief). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640 (biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(11) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 1014.** 2006 c 372 s 138 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2006)	\$1,362,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,213,000)</del>
	<u>\$1,218,000</u>
Pension Funding Stabilization Account Appropriation	\$6,000
TOTAL APPROPRIATION	<del>(\$2,581,000)</del>
	<u>\$2,586,000</u>

**Sec. 1015.** 2006 c 372 s 147 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2006)	\$1,739,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,720,000)</del>
	<u>\$1,723,000</u>
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$12,832,000
Liquor Revolving Account--State Appropriation	<del>(\$159,863,000)</del>
	<u>\$160,072,000</u>
Pension Funding Stabilization Account Appropriation	\$7,000
TOTAL APPROPRIATION	<del>(\$176,161,000)</del>
	<u>\$176,373,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$1,864,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6823 (distribution of beer and wine). If Second Substitute Senate Bill No. 6823 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$575,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6537 (direct wine sales). If Engrossed Senate Bill No. 6537 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 1016.** 2006 c 372 s 150 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2006)	\$10,137,000
General Fund--State Appropriation (FY 2007)	<del>(\$15,037,000)</del>
	<u>\$16,249,000</u>

General Fund--Federal Appropriation. . . . .	(\$214,322,000)
	\$193,846,000
General Fund--Private/Local Appropriation. . . . .	\$2,000
Enhanced 911 Account--State Appropriation. . . . .	\$34,812,000
Disaster Response Account--State Appropriation. . . . .	(\$1,664,000)
	\$4,611,000
Disaster Response Account--Federal Appropriation. . . . .	(\$6,297,000)
	\$17,239,000
Worker and Community Right-to-Know Account--State Appropriation. . . . .	\$315,000
Nisqually Earthquake Account--State Appropriation. . . . .	(\$6,531,000)
	\$5,350,000
Nisqually Earthquake Account--Federal Appropriation. . . . .	(\$27,075,000)
	\$23,066,000
Military Department Rental and Lease Account--State Appropriation. . . . .	(\$378,000)
	\$593,000
Pension Funding Stabilization Account Appropriation. . . . .	\$44,000
TOTAL APPROPRIATION. . . . .	(\$316,614,000)
	\$306,264,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,664,000)~~ \$4,611,000 of the disaster response account--state appropriation and ~~(\$6,297,000)~~ \$17,239,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. Expenditures from the disaster response account--federal appropriation in this section may be made only for items FEMA has approved as eligible to receive federal funding. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) ~~(\$6,531,000)~~ \$5,350,000 of the Nisqually earthquake account--state appropriation and ~~(\$27,075,000)~~ \$23,066,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) ~~(\$173,613,000)~~ \$152,033,573 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7)(a) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department for administration of competitive grants detailed in (b) of this subsection and for implementation of one or more of the following activities regarding emergency management: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; and administrating periodic joint emergency management training exercises involving the military department and other state agencies. In addition, the military department will study the feasibility of having regional disaster medical assistance teams and urban search and rescue teams available within the state to be deployed by the governor. The military department will report the findings and recommendations to the legislature by December 1, 2006.

(b) \$1,600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to allocate grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations. The grants shall be for one or more of the following purposes and distributed on a competitive basis: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administration of periodic joint emergency management training exercises; and implementation of projects that will strengthen emergency response, mitigation, preparation, and coordination.

(8)(a) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to: (i) Initiate a health registry for veterans and military personnel returning from Afghanistan, Iraq, or other countries in which depleted uranium or other

hazardous materials may be found; (ii) develop a plan for outreach to and follow-up of military personnel; (iii) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; (iv) submit a report by October 1, 2006, to the joint veterans and military affairs committee on the scope and adequacy of training received by members of the Washington national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium, including an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances; and (v) study the health effects of hazardous materials exposure including, but not limited to, depleted uranium, as they relate to military service and submit a report and recommendations to the joint veterans and military affairs committee.

(b) By January 31, 2007, the joint veterans and military affairs committee shall submit its recommendations, if any, to the appropriate committees of the legislature.

**Sec. 1017.** 2006 c 372 s 152 (uncodified) is amended to read as follows:

**FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2006).	\$1,571,000
General Fund--State Appropriation (FY 2007).	(( <del>\$1,590,000</del> ))
	<u>\$1,605,000</u>
Pension Funding Stabilization Account Appropriation.	\$8,000
<b>TOTAL APPROPRIATION.</b>	<b>((<del>\$3,169,000</del>))</b>
	<u><b>\$3,184,000</b></u>

((The appropriations in this section are subject to the following conditions and limitations:))

**Sec. 1018.** 2006 c 372 s 154 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund--State Appropriation (FY 2006).	\$745,000
General Fund--State Appropriation (FY 2007).	(( <del>\$728,000</del> ))
	<u>\$845,000</u>
General Fund--Federal Appropriation.	\$1,037,000
General Fund--Private/Local Appropriation.	\$14,000
Pension Funding Stabilization Account Appropriation.	\$3,000
<b>TOTAL APPROPRIATION.</b>	<b>((<del>\$2,527,000</del>))</b>
	<u><b>\$2,644,000</b></u>

The appropriations in this section are subject to the following conditions and limitations: \$117,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to contract with the department of information services for information technology operation and maintenance costs.

**PART XI  
HUMAN SERVICES**

**Sec. 1101.** 2006 c 372 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((2006)) 2007, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2006)) 2007 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((2006)) 2007 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(e) of this act and family reconciliation services appropriations for the children and family services program in section 202(20) of this act, after approval by the director of financial management.

(c) The department shall not transfer funds, ((and the director of financial management shall not approve the transfer,)) unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds ((and not federal funds)). The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(4) The department is authorized to expend up to \$4,700,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington Medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the Medicaid and Medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

**Sec. 1102.** 2006 c 372 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$257,266,000
General Fund--State Appropriation (FY 2007)	<del>(\$287,602,000)</del>
	<u>\$284,560,000</u>
General Fund--Federal Appropriation	<del>(\$433,829,000)</del>
	<u>\$434,495,000</u>
General Fund--Private/Local Appropriation	\$400,000
Domestic Violence Prevention Account--State Appropriation	<del>(\$1,345,000)</del>
	<u>\$1,000,000</u>
Public Safety and Education Account--State Appropriation	\$6,405,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$5,860,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$699,000)</del>
	<u>\$711,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$993,406,000)</del>
	<u>\$990,697,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) \$4,661,000 of the general fund--state appropriation for fiscal year 2006, \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including improvement in achieving face-to-face contact for children every 30 days, improved timeliness of child protective services investigations, and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers

that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006 and \$1,144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) ~~(\$3,500,000)~~ \$3,386,000 of the general fund--state appropriation for fiscal year 2007 and ~~(\$1,500,000)~~ \$1,449,000 of the general fund--federal appropriation are provided solely for ~~(Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse)~~ chapter 512, Laws of 2005.

(14) ~~(\$1,345,000)~~ \$1,000,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely for a statewide foster parent recruitment and retention program pursuant to Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$3,700,000 of the general fund--state appropriation for fiscal year 2006, \$3,700,000 of the general fund--state appropriation for fiscal year 2007, and \$6,200,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(20) \$540,000 of the general fund--state appropriation for fiscal year 2006, \$540,000 of the general fund--state appropriation for fiscal year 2007, and \$2,476,000 of the general fund--federal appropriation are provided solely for the category of services titled "family reconciliation services."

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for continuum of care in Region 1.

**Sec. 1103.** 2006 c 372 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2006)	\$79,031,000
General Fund--State Appropriation (FY 2007)	<del>(\$80,615,000)</del>
	<u>\$82,301,000</u>
General Fund--Federal Appropriation	<del>(\$5,668,000)</del>
	<u>\$6,459,000</u>
General Fund--Private/Local Appropriation	<del>(\$1,098,000)</del>
	<u>\$2,068,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation	\$38,385,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$5,516,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$449,000)</del>
	<u>\$451,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$210,762,000)</del>
	<u>\$214,211,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the

special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

- (a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;
- (b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;
- (c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;
- (d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and
- (e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

(7) \$602,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purposes of settling all claims in *Brown, et. al v. State of Washington*, Pierce County Superior Court Cause No. 04-2-11093-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the amount provided in this subsection. If settlement is not executed by June 30, 2007, the amount provided in this subsection shall lapse.

**Sec. 1104.** 2006 c 372 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2006) . . . . .	\$260,292,000
General Fund--State Appropriation (FY 2007) . . . . .	( <del>(\$283,039,000)</del> )
	\$278,724,000
General Fund--Federal Appropriation . . . . .	( <del>(\$344,331,000)</del> )
	\$338,013,000
General Fund--Private/Local Appropriation . . . . .	( <del>(\$1,970,000)</del> )
	\$6,100,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>(<del>(\$889,632,000)</del>)</b>
	<b>\$883,129,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for persons and services not covered by the medicaid program. The department shall distribute this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population.

(b) \$100,959,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.

(c) (~~(\$10,882,000)~~) \$10,512,000 of the general fund--state appropriation for fiscal year 2007 and (~~(\$10,922,000)~~) \$10,550,000 of the general fund--federal appropriation are provided solely to increase medicaid capitation rates (i) by three and one-half percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level. Regional support networks may elect to receive all or a portion of the general fund--state share of the funding for which they qualify under this subsection (1)(c) as an increase in nonmedicaid rather than medicaid funding. Regional support networks choosing to obtain funding in this way must notify the department of their decision no later than June 1, 2006.

(d) (~~(\$359,000)~~) \$2,175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to hospitals that are unable to receive disproportionate share hospital funding due to the federal funding restrictions on "institutions for mental disease." These funds shall be allocated among eligible hospitals proportional to the amount the hospital would have received from the disproportionate share hospital grants funded under section 209 of this 2006 act if the federal funding restriction were not in effect.

(f) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a contract with the national alliance for the mentally ill of greater Seattle to assist people who are recovering from a major mental illness to participate in development of a group residence for women.

(g) \$2,825,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to refund to regional support networks fifty percent of the "liquidated damages" amount that was withheld from payments to the regional support network during fiscal years 2002 through 2005 because the regional support network used more than its allocated number of state hospital days of care. The payments directed in this subsection (1)(g) are contingent upon agreement by the regional support network that the funds shall be used only for mental health services. The payments directed in this subsection do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this 2006 act.

(h) The department shall refund to the regional support networks 100 percent of the "liquidated damages" that have been withheld from payments to the regional support network during fiscal year 2006 for periods prior to the effective date of this act. The payments directed in this subsection (1)(h) do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this act.

(i) \$3,238,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(j) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall average 222 per day throughout fiscal year 2007. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall average 727 during the first quarter of fiscal year 2007, 757 during the second quarter of fiscal year 2007, and 777 during the third and fourth quarters of fiscal year 2007. During fiscal year 2007, the department shall not separately charge regional support networks for use of state hospital beds for short-term commitments, or for persons served in the program for adaptive living skills (PALS), but the days of care provided for such commitments and in the PALS program shall count against the regional support network's state hospital allocation. The legislature intends to authorize separate charges for the PALS program beginning in January 2008.

(k) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(l) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(m) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

(n) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(o) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

(p) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(q) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

(r) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(s) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(t) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(u) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

(v) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

(w) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) The program site shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the pilot program, including initiating, implementing, training providers, providing quality assurance, and monitoring implementation and outcomes.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$115,706,000
General Fund--State Appropriation (FY 2007)	<del>(\$137,445,000)</del>
	<u>\$130,211,000</u>
General Fund--Federal Appropriation	<del>(\$143,693,000)</del>
	<u>\$144,509,000</u>
General Fund--Private/Local Appropriation	<del>(\$30,994,000)</del>
	<u>\$37,514,000</u>
Pension Funding Stabilization Account--State Appropriation	\$965,000
TOTAL APPROPRIATION	<del>(\$428,803,000)</del>
	<u>\$428,905,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(d) \$6,770,000 of the general fund--state appropriation for fiscal year 2006 and \$19,850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to open on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals. To the extent that the department and regional support networks are able to develop and implement cost-effective approaches during fiscal year 2007 that would avert the need to open one or more of the additional wards, the department is authorized to use funds appropriated in this subsection for implementation of those approaches. The department shall seek review and comment from the legislative fiscal committees at least thirty days prior to proceeding with implementation of any such alternative approach.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	\$40,499,000
General Fund--State Appropriation (FY 2007)	<del>(\$45,276,000)</del>
	<u>\$42,481,000</u>
Pension Funding Stabilization Account--State Appropriation	\$129,000
TOTAL APPROPRIATION	<del>(\$85,904,000)</del>
	<u>\$83,109,000</u>

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$643,000
General Fund--State Appropriation (FY 2007)	\$1,726,000
General Fund--Federal Appropriation	\$3,395,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	\$5,765,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$6,577,000
General Fund--State Appropriation (FY 2007)	<del>(\$4,183,000)</del>
	<u>\$4,473,000</u>
General Fund--Federal Appropriation	<del>(\$5,881,000)</del>
	<u>\$6,179,000</u>
Pension Funding Stabilization Account--State Appropriation	<del>(\$19,000)</del>
	<u>\$21,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$16,660,000)</del>
	<u>\$17,250,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al v. State of Washington and State of Washington Department of Social and Health Services, et al*, Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braddock, the Secretary of the Department of Social and Health Services, in his official capacity*, Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

(d) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

**Sec. 1105.** 2006 c 372 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006)	\$296,430,000
General Fund--State Appropriation (FY 2007)	<del>(\$312,856,000)</del>
	<u>\$318,403,000</u>
General Fund--Federal Appropriation	<del>(\$503,419,000)</del>
	<u>\$513,612,000</u>
Health Services Account--State Appropriation	\$904,000
Pension Funding Stabilization Account--State Appropriation	\$138,000
<b>TOTAL APPROPRIATION</b>	<del>(\$1,113,747,000)</del>
	<u>\$1,129,487,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$151,000 of the general fund--state appropriation for fiscal year 2006, \$427,000 of the general fund--state appropriation for fiscal year 2007, and \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$449.00 in fiscal year 2006 and \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$1,917,000)~~ \$3,432,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$2,433,000)~~ \$3,954,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$1,735,000)~~ \$2,015,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$2,315,000)~~ \$2,597,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed ~~(\$300)~~ \$340. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$13,802,000)~~ \$12,502,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

~~((f))~~ The amounts provided in this subsection ((e), \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal year 2007 are provided solely) are sufficient for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided ~~(solely)~~ for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006 and \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(l) \$955,000 of the general fund--state appropriation for fiscal year 2007 and \$958,000 of the general fund--federal appropriation are provided solely for a rate increase for supported living providers of 15 cents per hour for King county, and 12 cents per hour for all other counties.

(m) \$778,000 of the general fund--state appropriation for fiscal year 2007 and \$580,000 of the general fund--federal appropriation are provided solely for additional case managers and support staff. The department shall dedicate half of the amount provided in this subsection to accelerate the implementation of the mini-assessment tool on clients not currently receiving paid services.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$76,623,000
General Fund--State Appropriation (FY 2007)	<del>(\$78,826,000)</del>
	\$78,142,000
General Fund--Federal Appropriation	<del>(\$153,807,000)</del>
	\$158,868,000
General Fund--Private/Local Appropriation	<del>(\$11,237,000)</del>
	\$13,674,000
Pension Funding Stabilization Account--State Appropriation	\$457,000
<b>TOTAL APPROPRIATION</b>	<del>(\$320,950,000)</del>
	<u>\$327,764,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$2,312,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,924,000)</del>
	\$1,915,000
General Fund--Federal Appropriation	<del>(\$3,014,000)</del>
	\$3,490,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$17,000)</del>
	\$19,000
<b>TOTAL APPROPRIATION</b>	<del>(\$7,267,000)</del>
	<u>\$7,736,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$11,000
<del>General Fund--State Appropriation (FY 2007)</del>	<del>(\$17,000)</del>
General Fund--Federal Appropriation	<del>(\$17,238,000)</del>
	\$17,227,000
Pension Funding Stabilization Account--State Appropriation	\$2,000
<b>TOTAL APPROPRIATION</b>	<del>(\$17,268,000)</del>
	<u>\$17,240,000</u>

**Sec. 1106.** 2006 c 372 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$610,082,000
General Fund--State Appropriation (FY 2007)	<del>(\$663,865,000)</del>
	\$661,277,000
General Fund--Federal Appropriation	<del>(\$1,312,062,000)</del>
	\$1,310,983,000
General Fund--Private/Local Appropriation	\$18,949,000
Health Services Account--State Appropriation	\$4,888,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$317,000)</del>
	\$319,000
<b>TOTAL APPROPRIATION</b>	<del>(\$2,610,163,000)</del>
	<u>\$2,606,498,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$6,911,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$11,571,000)~~ \$9,581,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$23,251,000)~~ \$20,410,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$449.00 in fiscal year 2006 and \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$147.57 for fiscal year 2006 and shall not exceed ~~(\$156.41)~~ \$155.99 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,604,000 of the general fund--state appropriation for fiscal year 2006, \$3,450,000 of the general fund--state appropriation for fiscal year 2007, and \$5,064,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

(11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

(13) \$435,000 of the general fund--state appropriation for fiscal year 2006 and \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal appropriation are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social and Health Services*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2475 (individual providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$57,000 of the general fund--state appropriation for fiscal year 2007 and \$57,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 6630 (threatening individuals). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$4,493,000 of the general fund--state appropriation for fiscal year 2007 and \$4,478,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to a boarding home licensed under chapter 18.20 RCW on January 25, 2002, which contracts with the department to provide assisted living services and which serves 20 or more clients participating in the program for all-inclusive care.

(19) \$10,090,000 of the general fund--state appropriation for fiscal year 2007 and \$10,090,000 of the general fund--federal appropriation are provided solely for the implementation of House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(20) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(21) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(22) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(23) \$125,000 of the general fund--state appropriation for fiscal year 2007 and \$125,000 of the general fund--federal appropriation are provided solely for the department to contract with an outside entity to review the current payment methodology for nursing facilities in preparation for the joint legislative task force on long-term care residential payment systems authorized by the 2007-09 biennial appropriations act. The department shall contract for the study as soon as practicable and report on the results of the study by October 1, 2007.

**Sec. 1107.** 2006 c 372 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	.....	(\$514,027,000)
		\$513,976,000
General Fund--State Appropriation (FY 2007)	.....	(\$531,957,000)
		\$537,966,000
General Fund--Federal Appropriation	.....	(\$1,245,673,000)
		\$1,225,905,000
General Fund--Private/Local Appropriation	.....	\$27,535,000
Pension Funding Stabilization Account--State Appropriation	.....	(\$1,138,000)
		\$1,169,000
<b>TOTAL APPROPRIATION</b>	.....	<b>(\$2,320,330,000)</b>
		\$2,306,551,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$303,247,000 of the general fund--state appropriation for fiscal year 2006, \$307,273,000 of the general fund--state appropriation for fiscal year 2007, and \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$77,880,000)~~ \$82,259,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance(~~=unemployable~~) program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month beginning in fiscal year 2006, and by an additional \$2.06 per month beginning in fiscal year 2007, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$32,000 of the general fund--state appropriation for fiscal year 2007 and \$61,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**Sec. 1108.** 2006 c 372 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2006)	.....	\$55,136,000
General Fund--State Appropriation (FY 2007)	.....	(\$67,345,000)
		\$58,973,000
General Fund--Federal Appropriation	.....	(\$136,750,000)
		\$156,481,000
General Fund--Private/Local Appropriation	.....	\$634,000
Criminal Justice Treatment Account--State Appropriation	.....	(\$16,500,000)
		\$16,745,000
Violence Reduction and Drug Enforcement Account--State Appropriation	.....	\$48,842,000
Problem Gambling Account--State Appropriation	.....	\$1,350,000
Public Safety and Education Account--State Appropriation	.....	\$2,081,000
Pension Funding Stabilization Account--State Appropriation	.....	\$39,000
<b>TOTAL APPROPRIATION</b>	.....	<b>(\$328,677,000)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2006, \$50,000 of the general fund--state appropriation for fiscal year 2007, and \$1,350,000 of the problem gambling account appropriation are provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and \$1,713,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington and Skagit county. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, Skagit county, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$13,124,000)~~) \$6,727,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$10,669,000)~~) \$6,997,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) \$1,967,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$2,523,000)~~) \$469,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$1,496,000)~~) \$655,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

**Sec. 1109.** 2006 c 372 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2006) . . . . .	\$1,462,447,000
General Fund--State Appropriation (FY 2007) . . . . .	( <del>(\$1,550,541,000)</del> )
	\$1,535,463,000
General Fund--Federal Appropriation . . . . .	( <del>(\$4,001,987,000)</del> )
	\$3,902,112,000
General Fund--Private/Local Appropriation . . . . .	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation . . . . .	\$15,000,000
Health Services Account--State Appropriation . . . . .	( <del>(\$677,288,000)</del> )
	\$663,077,000
Pension Funding Stabilization Account--State Appropriation . . . . .	( <del>(\$123,000)</del> )
	\$124,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>(<del>(\$7,709,386,000)</del>)</b>
	<b><u>\$7,580,223,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) \$2,221,000 of the health services account appropriation, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and \$1,591,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) \$21,092,000 of the health services account appropriation and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts specified in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. Payments under these new state grant and upper payment limit programs shall not exceed \$54,054,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; (~~(\$47,474,000)~~) \$64,417,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and (~~(\$11,328,000)~~) \$7,386,000 from the general fund--federal appropriations in this section.

(10) \$4,077,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$4,847,000)~~) \$3,294,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$70,100,000)~~) \$57,565,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) \$188,000 of the general fund--state appropriation for fiscal year 2006, \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

(21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative

mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$66,000 of the general fund--state appropriation for fiscal year 2007 and \$66,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$17,000 of the general fund--state appropriation for fiscal year 2006, \$53,000 of the general fund--state appropriation for fiscal year 2007, and \$70,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

**Sec. 1110.** 2006 c 372 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2006)	\$10,694,000
General Fund--State Appropriation (FY 2007)	<del>(\$11,014,000)</del>
	<u>\$10,946,000</u>
General Fund--Federal Appropriation	<del>(\$89,472,000)</del>
	<u>\$89,471,000</u>
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,792,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$31,000)</del>
	<u>\$33,000</u>
TOTAL APPROPRIATION	<del>(\$113,003,000)</del>
	<u>\$112,936,000</u>

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

**Sec. 1111.** 2006 c 372 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$34,675,000
General Fund--State Appropriation (FY 2007)	<del>(\$36,860,000)</del>
	<u>\$41,279,000</u>
General Fund--Federal Appropriation	<del>(\$62,376,000)</del>
	<u>\$61,788,000</u>
General Fund--Private/Local Appropriation	<del>(\$810,000)</del>
	<u>\$836,000</u>
Public Safety and Education Account--State Appropriation	\$2,452,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$1,793,000
Pension Funding Stabilization Account--State Appropriation	<del>(\$300,000)</del>
	<u>\$246,000</u>
TOTAL APPROPRIATION	<del>(\$139,266,000)</del>
	<u>\$143,069,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account--state appropriation, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$1,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.

(3) \$2,245,000 of the general fund--state appropriation for fiscal year 2006, \$1,589,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

**Sec. 1112.** 2006 c 372 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$48,755,000
General Fund--State Appropriation (FY 2007)	<del>(\$49,277,000)</del>
	<u>\$50,970,000</u>
General Fund--Federal Appropriation	<del>(\$47,248,000)</del>
	<u>\$49,938,000</u>
TOTAL APPROPRIATION	<del>(\$145,280,000)</del>
	<u>\$149,663,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$114,000 of the general fund--state appropriation for fiscal year 2007 and \$51,000 of the general fund--federal appropriation are provided solely for chapter 512, Laws of 2005.

**Sec. 1113.** 2006 c 372 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--Federal Appropriation. . . . .	\$3,710,000
State Health Care Authority Administrative Account-- State Appropriation. . . . .	(( <del>\$33,279,000</del> ))
	<u>\$34,034,000</u>
Medical Aid Account--State Appropriation. . . . .	\$345,000
Health Services Account--State Appropriation. . . . .	(( <del>\$468,286,000</del> ))
	<u>\$464,247,000</u>
<b>TOTAL APPROPRIATION.</b> . . . .	<b>((<del>\$505,620,000</del>))</b>
	<u><b>\$502,336,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$21,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are provided solely for establishment of a centralized evidence-based health technology assessment system as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) As provided in Engrossed Second Substitute Senate Bill No. 6459 (community-based health care solutions), the authority shall make grants of up to \$250,000 from the community health collaborative account to assist community-based organizations increase access to appropriate, affordable health care for Washington residents, particularly low-income working individuals and their families. State grant funds may be used to collect federal matching funds available through medicaid or through the state children's health insurance (SCHIP) program, to the extent allowed by federal rules, and to the extent funds are available in the state's SCHIP allotment in excess of those required for services funded in section 209 of this 2006 act.

(13) \$625,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$499,000 of the health services account appropriation and \$65,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079. If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

**Sec. 1114.** 2006 c 372 s 214 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2006)	\$2,779,000
General Fund--State Appropriation (FY 2007)	<del>(\$3,032,000)</del>
	<u>\$3,067,000</u>
General Fund--Federal Appropriation	\$1,321,000
Pension Funding Stabilization Account--State Appropriation	\$13,000
<b>TOTAL APPROPRIATION</b>	<del>(\$7,145,000)</del> <u>\$7,180,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

**Sec. 1115.** 2006 c 372 s 216 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Public Safety and Education Account--State Appropriation	<del>(\$22,231,000)</del> <u>\$22,246,000</u>
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account-- State Appropriation	\$460,000
<b>TOTAL APPROPRIATION</b>	<del>(\$22,839,000)</del> <u>\$22,854,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The commission shall conduct a survey of local law enforcement and state agencies to collect data projecting future cadet enrollments for the 2007-2009 biennium. The commission shall report the findings to the legislature by October 1, 2006.

(6)(a) \$411,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6502 (victim information system). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely for a contract with the Washington association of sheriffs and police chiefs to implement a statewide automated victim information and notification system. This system shall be added to the city and county jail booking and reporting system. The statewide automated victim information and notification system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility: (A) Is transferred or assigned to another facility; (B) is transferred to the custody of another agency outside the state; (C) is given a different security classification; (D) is released on temporary leave or otherwise; (E) is discharged; (F) has escaped; or (G) has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has: (A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs; (B) an upcoming parole, pardon, or community supervision hearing; or (C) a change in the offender's parole, probation, or community supervision status including a change in the offender's supervision status or a change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has: (A) Updated his or her profile information with the state sex offender registry; or (B) become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped.

(b) The purpose of the victim information and notification system is to protect the public health, safety, and welfare generally. Creation and implementation of the victim information and notification system does not create a private right of action.

(c) The Washington association of sheriffs and police chiefs will not require automated victim information and notification systems in existence and operational as of the effective date of this act to participate in the statewide system.

(d) Any vendor that the association contracts with to provide the statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology.

(e) The Washington association of sheriffs and police chiefs shall report to the appropriate fiscal and policy committees of the legislature by December 1, 2006, on the availability of federal grant funds to operate the victim information system.

(7) \$132,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6320 (sex offender information). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$1,575,000 of the public safety and education account--state appropriation is provided solely for the implementation of sections 103, 104, and 105 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 1116.** 2006 c 372 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2006)	\$7,561,000
General Fund--State Appropriation (FY 2007)	(( <del>\$7,681,000</del> ))
	<u>\$7,671,000</u>
Public Safety and Education Account--State Appropriation	\$29,519,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$810,000
Electrical License Account--State Appropriation	(( <del>\$35,995,000</del> ))
	<u>\$36,303,000</u>
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$1,827,000
Public Works Administration Account--State Appropriation	\$2,673,000
Accident Account--State Appropriation	(( <del>\$211,084,000</del> ))
	<u>\$210,804,000</u>
Accident Account--Federal Appropriation	\$13,621,000
Medical Aid Account--State Appropriation	(( <del>\$208,033,000</del> ))
	<u>\$208,036,000</u>
Medical Aid Account--Federal Appropriation	\$3,185,000
Plumbing Certificate Account--State Appropriation	\$1,730,000
Pressure Systems Safety Account--State Appropriation	\$3,357,000
Pension Funding Stabilization Account--State Appropriation	\$31,000
<b>TOTAL APPROPRIATION</b>	<u><del>(\$537,135,000)</del></u> <u>\$537,156,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$29,283,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates;

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No. 2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

~~((+4))~~ (13) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

~~((+5))~~ (14) \$61,000 of the electrical license account--state appropriation and \$55,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6225 (domestic water pumping systems). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((+6))~~ (15) \$26,000 of the accident account--state appropriation and \$5,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 6185 (family and medical leave act). If the bill not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**Sec. 1117.** 2006 c 372 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006)	\$1,917,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,982,000)</del>
	<u>\$2,058,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
Pension Funding Stabilization Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	<del>(\$3,919,000)</del>
	<u>\$3,995,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,811,000
General Fund--State Appropriation (FY 2007)	<del>(\$3,317,000)</del>
	<u>\$3,359,000</u>
General Fund--Federal Appropriation	<del>(\$343,000)</del>
	<u>\$350,000</u>
General Fund--Private/Local Appropriation	<del>(\$1,367,000)</del>
	<u>\$1,893,000</u>
Veterans Estate Management Account--Local Appropriation	\$651,000
Veterans' Innovations Program Account--State Appropriation	\$2,000,000
Pension Funding Stabilization Account--State Appropriation	\$11,000
TOTAL APPROPRIATION	<del>(\$10,500,000)</del>
	<u>\$11,075,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$2,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(d) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to facilitate an immediate program of outreach to Washington soldiers and their families, recognizing a need to support severely wounded and ill soldiers returning from duty in Iraq and Afghanistan. It is expected that the veterans' innovations program will also administer funds and in-kind services contributed by Washington citizens, businesses, and community organizations.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$5,283,000
General Fund--State Appropriation (FY 2007)	<del>(\$5,946,000)</del>
	<u>\$6,490,000</u>
General Fund--Federal Appropriation	<del>(\$36,114,000)</del>
	<u>\$36,507,000</u>
General Fund--Private/Local Appropriation	\$28,830,000

Pension Funding Stabilization Account--State Appropriation.....	\$187,000
TOTAL APPROPRIATION.....	<u>(\$76,360,000)</u>
	\$77,297,000

**Sec. 1118.** 2006 c 372 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2006).....	\$62,835,000
General Fund--State Appropriation (FY 2007).....	<u>(\$70,954,000)</u>
	\$71,290,000
General Fund--Federal Appropriation.....	<u>(\$477,467,000)</u>
	\$466,007,000
General Fund--Private/Local Appropriation.....	<u>(\$104,867,000)</u>
	\$106,083,000
Hospital Commission Account--State Appropriation.....	<u>(\$1,521,000)</u>
	\$1,522,000
Health Professions Account--State Appropriation.....	<u>(\$53,975,000)</u>
	\$54,695,000
Aquatic Lands Enhancement Account--State Appropriation.....	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....	\$12,579,000
Safe Drinking Water Account--State Appropriation.....	<u>(\$2,917,000)</u>
	\$2,918,000
Drinking Water Assistance Account--Federal Appropriation.....	<u>(\$16,179,000)</u>
	\$16,182,000
Waterworks Operator Certification--State Appropriation.....	\$1,099,000
Drinking Water Assistance Administrative Account-- State Appropriation.....	\$326,000
Water Quality Account--State Appropriation.....	<u>(\$3,693,000)</u>
	\$3,694,000
State Toxics Control Account--State Appropriation.....	\$2,852,000
Medical Test Site Licensure Account--State Appropriation.....	<u>(\$1,798,000)</u>
	\$1,951,000
Youth Tobacco Prevention Account--State Appropriation.....	<u>(\$1,806,000)</u>
	\$1,606,000
Public Health Supplemental Account--Private/Local Appropriation.....	\$3,306,000
Accident Account--State Appropriation.....	\$277,000
Medical Aid Account--State Appropriation.....	\$46,000
Health Services Account--State Appropriation.....	<u>(\$41,942,000)</u>
	\$43,344,000
Tobacco Prevention and Control Account--State Appropriation.....	<u>(\$52,684,000)</u>
	\$52,685,000
Pension Funding Stabilization Account--State Appropriation.....	\$144,000
TOTAL APPROPRIATION.....	<u>(\$913,867,000)</u>
	\$906,041,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$620,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve over 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(9) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

(12) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

(14) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(15) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(16) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(17) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(18) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(22) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(23) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations program. The vaccine or vaccines to be added shall be selected by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the extent to which the vaccine is mercury-free. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(24) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

~~((26))~~ (25) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2342 (health care declarations). If Second Substitute House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((27))~~ (26) \$432,000 of the general fund--state appropriation for fiscal year 2007 and \$21,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform) including sections 105 through 112 of the bill. If Second Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((28))~~ (27) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((29))~~ (28) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

~~((30))~~ (29) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2985 (foster care health unit). If Substitute House Bill No. 2985 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((31))~~ (30) \$54,000 of the general fund--state appropriation for fiscal year 2007 and \$183,000 of the health professions account appropriation are provided solely for implementation of Engrossed Senate Bill No. 6194 (multicultural education/health). If Engrossed Senate Bill No. 6194 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((32))~~ (31) \$118,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1850. If Engrossed Substitute House Bill No. 1850 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((33))~~ (32) \$173,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to provide staff support to the governor's interagency committee on health disparities, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((34))~~ (33) \$119,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to conduct health impact assessments, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((35))~~ (34) \$327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to conduct a survey of health professional demographics and practice patterns, as provided in Senate Bill No. 6193. If Senate Bill No. 6193 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((36))~~ (35) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and maintain a database showing the statewide incidence and provenance of hepatitis C infections, and to conduct a public information campaign on transmission, prevention, detection, and treatment of the disease.

~~((37))~~ (36) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement a prostate cancer public awareness and education campaign. The campaign shall place special emphasis on early education for men over forty, African- American men, and men who are at high risk for prostate cancer according to the guidelines of the American cancer society.

~~((38))~~ (37) \$130,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances) including sections 201 through 203 of the bill. If Engrossed Second Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provide in this subsection shall lapse.

~~((39))~~ (38) Appropriations in this section assume savings attributable to House Bill No. 2632 (HIV insurance coverage program).

~~((40))~~ (39) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, these funds shall be used solely for the department to coordinate with the department of ecology or development and adoption of rules relating to reclaimed water.

**Sec. 1119.** 2006 c 372 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS.** The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ~~((2006))~~ 2007, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2006))~~ 2007 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006)	\$46,867,000
General Fund--State Appropriation (FY 2007)	<del>((59,681,000))</del>
	<u>\$50,815,000</u>
General Fund--Federal Appropriation	\$1,022,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$26,000
Public Safety and Education Account--State Appropriation	\$2,774,000
Pension Funding Stabilization Account--State Appropriation	\$245,000
TOTAL APPROPRIATION	<del>((110,615,000))</del>
	<u>\$101,749,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$5,250,000 of the general fund--state appropriation for fiscal year 2006 and ~~((17,250,000))~~ \$7,861,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$35,000 of the general fund--state appropriation for the fiscal year 2007 is provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006)	\$524,561,000
General Fund--State Appropriation (FY 2007)	<del>((555,895,000))</del>
	<u>\$559,488,000</u>

General Fund--Federal Appropriation. . . . .	\$3,447,000
Violence Reduction and Drug Enforcement Account-- State Appropriation. . . . .	\$2,984,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$2,269,000
TOTAL APPROPRIATION. . . . .	(( <del>\$1,089,156,000</del> ))
	<u>\$1,092,749,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.
- (b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.
- (c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.
- (d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.
- (e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.
- (f) The department shall (~~participation~~) participate in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.
- (g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.
- (h) \$1,060,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 3 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (i) \$384,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute Senate Bill No. 6460 (crimes with sexual motivation). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (j) \$91,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 2 of Second Substitute Senate Bill No. 6172 (possession of child pornography). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (k) \$763,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of sections 102, 301, and 302 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006). . . . .	\$89,217,000
General Fund--State Appropriation (FY 2007). . . . .	(( <del>\$92,477,000</del> ))
	<u>\$99,901,000</u>
Public Safety and Education Account--State Appropriation. . . . .	(( <del>\$16,796,000</del> ))
	<u>\$16,833,000</u>
Pension Funding Stabilization Account--State Appropriation. . . . .	\$449,000
TOTAL APPROPRIATION. . . . .	(( <del>\$198,939,000</del> ))
	<u>\$206,400,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.
- (b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (d) \$59,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (e) \$666,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 303 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006). . . . .	\$838,000
General Fund--State Appropriation (FY 2007). . . . .	(( <del>\$882,000</del> ))
	<u>\$887,000</u>
Pension Funding Stabilization Account--State Appropriation. . . . .	\$3,000

TOTAL APPROPRIATION..... ((~~\$1,723,000~~))  
\$1,728,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006). . . . . \$37,289,000  
 General Fund--State Appropriation (FY 2007). . . . . ((~~\$38,662,000~~))  
\$39,095,000  
 TOTAL APPROPRIATION..... ((~~\$75,951,000~~))  
\$76,384,000

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 1120. 2006 c 372 s 225 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2006). . . . . \$60,000  
 General Fund--State Appropriation (FY 2007). . . . . \$60,000  
 General Fund--Federal Appropriation. . . . . ((~~\$260,228,000~~))  
\$260,256,000  
 General Fund--Private/Local Appropriation..... ((~~\$31,966,000~~))  
\$31,974,000  
 Unemployment Compensation Administration Account-- Federal Appropriation..... ((~~\$200,541,000~~))  
\$200,625,000  
 Administrative Contingency Account--State Appropriation. . . . . ((~~\$16,866,000~~))  
\$16,869,000  
 Employment Service Administrative Account--State Appropriation. . . . . ((~~\$24,491,000~~))  
\$24,497,000  
 TOTAL APPROPRIATION..... ((~~\$534,212,000~~))  
\$534,341,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

**PART XII  
 NATURAL RESOURCES**

Sec. 1201. 2006 c 372 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2006). . . . . \$40,744,000  
 General Fund--State Appropriation (FY 2007). . . . . ((~~\$44,131,000~~))  
\$45,836,000  
 General Fund--Federal Appropriation. . . . . \$74,678,000  
 General Fund--Private/Local Appropriation..... \$13,290,000  
 Special Grass Seed Burning Research Account--State Appropriation. . . . . \$14,000  
 Reclamation Account--State Appropriation. . . . . \$2,778,000  
 Flood Control Assistance Account--State Appropriation..... \$3,422,000  
 State Emergency Water Projects Revolving Account--State Appropriation..... \$1,312,000  
 Waste Reduction/Recycling/Litter Control--State Appropriation. . . . . \$15,081,000  
 State Drought Preparedness Account--State Appropriation. . . . . \$225,000  
 State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation..... \$386,000  
 Vessel Response Account--State Appropriation. . . . . \$2,876,000  
 Site Closure Account--State Appropriation. . . . . \$656,000

Water Quality Account--State Appropriation.....	\$28,085,000
Wood Stove Education and Enforcement Account--State Appropriation.....	\$357,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$2,153,000
State Toxics Control Account--State Appropriation.....	<del>(\$84,319,000)</del>
	<u>\$84,426,000</u>
State Toxics Control Account--Private/Local Appropriation.....	\$380,000
Local Toxics Control Account--State Appropriation.....	\$5,424,000
Water Quality Permit Account--State Appropriation.....	\$32,468,000
Underground Storage Tank Account--State Appropriation.....	\$2,889,000
Environmental Excellence Account--State Appropriation.....	\$504,000
Biosolids Permit Account--State Appropriation.....	\$853,000
Hazardous Waste Assistance Account--State Appropriation.....	\$5,171,000
Air Pollution Control Account--State Appropriation.....	\$11,206,000
Oil Spill Prevention Account--State Appropriation.....	\$11,078,000
Air Operating Permit Account--State Appropriation.....	\$2,922,000
Freshwater Aquatic Weeds Account--State Appropriation.....	\$2,144,000
Oil Spill Response Account--State Appropriation.....	\$7,079,000
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State Appropriation.....	\$485,000
Water Pollution Control Revolving Account--Federal Appropriation.....	\$2,357,000
Freshwater Aquatic Algae Control Account--State Appropriation.....	\$509,000
Pension Funding Stabilization Account--State Appropriation.....	\$186,000
TOTAL APPROPRIATION.....	<del>(\$400,176,000)</del>
	<u>\$401,988,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) ~~(\$2,500,000)~~ \$1,567,552 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,000,000)~~ \$2,932,448 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

(11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely to adopt rules in coordination with the department of health for all aspects of reclaimed water including: Industrial and commercial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, stream flow augmentation, and graywater use. The department must adopt the rules in a phased approach: The first phase shall be proposed for adoption by June 1, 2007, and shall include the uses of constructed treatment wetlands; and the second phase shall be adopted by December 31, 2010.

(14) \$820,000 of the oil spill prevention account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6244 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((+7))~~ (16) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support development of a wetland mitigation program in Clark county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region.

~~((18))~~ (17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

~~((19))~~ (18) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

~~((20))~~ (19) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

~~((21))~~ (20) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

~~((22))~~ (21) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the department to collaborate with the Wenatchee watershed planning unit and Chelan county for development of a regulatory strategy, as required by the federal clean water act, to control total maximum daily loads of phosphorous to the Wenatchee river. A technically sound plan for managing phosphorous and restoring water quality in the Wenatchee river shall be provided to the appropriate committees of the legislature by July 1, 2008.

~~((23))~~ (22) \$55,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to address air quality issues for the Columbia river gorge in cooperation with the state of Oregon.

~~((24))~~ (23) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Senate Bill No. 6861 (domestic water users). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((25))~~ (24) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the restoration of Long lake located in Kitsap county in accordance with the plan approved by the Kitsap county weed control board, the county commissioners, the citizens for improving Long lake, and the department of ecology.

~~((26))~~ (25) \$150,000 of the local toxics control account--state appropriation is provided solely for the contracting and production of the second phase report for establishing sustainable statewide regional CBRNE/Hazmat response capability. The report will, at a minimum include, a cost-benefit analysis, analysis of sustainable funding options, regional alignment and mutual aid agreements, and administration requirements.

~~((27))~~ (26) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot project that demonstrates the value of long-term management plans for small forest landowners.

(27) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a loan to the Washington materials management and financing authority for necessary start-up costs pursuant to RCW 70.95N.310. The department shall execute an agreement with the authority for repayment of the loan.

Sec. 1202. 2006 c 372 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2006)	\$35,687,000
General Fund--State Appropriation (FY 2007)	<del>(\$38,334,000)</del>
	\$38,986,000
General Fund--Federal Appropriation	<del>(\$2,738,000)</del>
	\$2,918,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State Appropriation	\$1,109,000
Off-Road Vehicle Account--State Appropriation	\$220,000
Snowmobile Account--State Appropriation	\$4,805,000
Aquatic Lands Enhancement Account--State Appropriation	\$345,000
Parks Renewal and Stewardship Account--State Appropriation	<del>(\$38,702,000)</del>
	\$35,425,000
Public Safety and Education Account--State Appropriation	\$47,000
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
Pension Funding Stabilization Account--State Appropriation	\$191,000
TOTAL APPROPRIATION	<del>(\$122,549,000)</del>
	\$120,104,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,636,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the state parks and recreation commission for lost revenue from general park access or parking fees.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for repair and maintenance costs at state parks.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for employee retirement buyout costs.

(8) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for computer network hardware and software, and for backup drives and tapes.

Sec. 1203. 2006 c 372 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2006)	\$2,235,000
General Fund--State Appropriation (FY 2007)	<del>(\$2,256,000)</del>
	\$2,745,000
General Fund--Federal Appropriation	\$250,000
Water Quality Account--State Appropriation	\$4,178,000

Pension Funding Stabilization Account--State Appropriation.....	\$3,000
TOTAL APPROPRIATION.....	<u>(\$8,922,000)</u>
	<u>\$9,411,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

**Sec. 1204.** 2006 c 372 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2006).....	\$46,692,000
General Fund--State Appropriation (FY 2007).....	<u>(\$46,856,000)</u>
	\$48,282,000
General Fund--Federal Appropriation.....	<u>(\$49,100,000)</u>
	\$50,400,000
General Fund--Private/Local Appropriation.....	\$36,089,000
Off-Road Vehicle Account--State Appropriation.....	\$392,000
Aquatic Lands Enhancement Account--State Appropriation.....	\$5,820,000
Recreational Fisheries Enhancement--State Appropriation.....	\$3,753,000
Warm Water Game Fish Account--State Appropriation.....	\$2,904,000
Eastern Washington Pheasant Enhancement Account--State Appropriation.....	\$750,000
Wildlife Account--State Appropriation.....	<u>(\$61,946,000)</u>
	\$62,406,000
Wildlife Account--Federal Appropriation.....	\$33,029,000
Wildlife Account--Private/Local Appropriation.....	<u>(\$10,386,000)</u>
	\$11,586,000
Game Special Wildlife Account--State Appropriation.....	\$2,883,000
Game Special Wildlife Account--Federal Appropriation.....	\$8,863,000
Game Special Wildlife Account--Private/Local Appropriation.....	\$469,000
Public Safety and Education Account--State Appropriation.....	\$588,000
Environmental Excellence Account--State Appropriation.....	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation.....	\$2,755,000
Oil Spill Prevention Account--State Appropriation.....	\$1,043,000
Oyster Reserve Land Account--State Appropriation.....	\$411,000
Aquatic Invasive Species Prevention Account--State Appropriation.....	\$528,000
Pension Funding Stabilization Account--State Appropriation.....	\$248,000
TOTAL APPROPRIATION.....	<u>(\$315,520,000)</u>
	<u>\$319,906,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$700,000 of the general fund--federal appropriation is provided solely for environmental data quality and access projects in support of state salmon recovery efforts. The department shall coordinate planning and implementation of all activities with the department of information services and the governor's salmon recovery office. The department shall make certain that any activity using these funds is consistent with recommendations to be submitted (per section 405, chapter 488, Laws of 2005) in the joint report to the legislature and office of financial management on December 1, 2006.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. Army Corps of Engineers.

(11) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(12) \$528,000 of the aquatic invasive species prevention account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

(14) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

(15) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

(16) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

(17) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

(18) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for federal match funding for the control of predators that damage livestock, crops, and property.

(20) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to produce educational materials discouraging activities that harm or disturb the spawning beds of salmon and steelhead. Discouraged activities include, but are not limited to, wading on spawning beds, driving motor vehicles on spawning beds, use of high-powered jet or propeller-driven boats across spawning beds, dragging anchors through spawning beds, digging or removing gravel from spawning beds, or any other physical disturbance capable of disturbing spawning fish or damaging or destroying nests of incubating eggs.

(a) The educational materials produced by the department in accordance with this subsection must include, at a minimum, brochures that are to be disseminated to persons applying for fishing and boating licenses statewide. The department must also distribute the brochures widely to retail outlets that cater to outdoor recreation.

(b) The department shall work cooperatively with the tribal fishery comanagers in the development of the educational materials under this section.

(c) The department shall report to the legislature concerning the effectiveness of this subsection after at least two spawning cycles of salmon and steelhead have occurred.

(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund; and

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature (~~(-and)~~).

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 (~~(+)~~) and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 and 2006 fire season. Funding shall be used for fire suppression, winter feeding, seeding, planting vegetation, fertilizing, weed control, and the establishment of water bars and other erosion control measures.

(24) \$266,000 of the general fund--state appropriation for fiscal year 2006 and \$214,000 of the state wildlife account--state appropriation are provided solely for the continued operation of the Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

(25) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$76,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for the added level of fishery sampling and monitoring in the upper Columbia river area as required under the endangered species act and federal court orders.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an interagency working group scoping of a study of the sinking of ships as dive attractions. The department of fish and wildlife shall, as approved by the office of financial management, enter into an interagency agreement with the department of natural resources, the state parks and recreation commission, the department of ecology, and the department of community, trade, and economic development to delineate elements of this study. The department of fish and wildlife shall report to the office of financial management and the appropriate committees of the legislature no later than November 15, 2006.

(28) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase fish production levels on a statewide basis at state-operated fish hatcheries. By July 31, 2006, the department shall submit to the appropriate policy and fiscal committees of the legislature an implementation plan that outlines in specific detail how the amount provided in this subsection will be spent in order to increase fish production. The plan will include production implementation timelines, increased production goals, by species, at identified hatcheries that will receive financial assistance, and the amount to be retained by the department for administration and overhead costs, including the purchase of any new equipment. By July 31, 2007, the department shall submit to the appropriate policy and fiscal committees of the legislature a report documenting the increased production levels, using fiscal year 2006 as the base year for comparison purposes. If the department is unable to produce the implementation plan by July 31, 2006, the amount provided in this subsection shall lapse.

(29) \$75,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for the department to prevent impacts to native species by controlling the nonnative nutria population in Skagit county.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the northwest straits commission to remove lost and abandoned fishing nets and crab and shrimp pots that may be dangerous to humans and that unintentionally trap and kill endangered salmon and other aquatic species.

(31) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(32) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

(33) \$660,000 of the general fund--federal appropriation is provided solely to initiate a review of the hydraulic project approval permit rules and to undergo a public process for adoption of new or revised rules that may be needed. Upon completion, the department shall complete a habitat conservation plan for the hydraulic project approval program, and shall seek legislative review prior to adoption of new or revised rules.

(34) \$125,000 of the state wildlife account--state appropriation is provided to implement Engrossed Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$634,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

**Sec. 1205.** 2006 c 372 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2006) . . . . .	\$40,473,000
General Fund--State Appropriation (FY 2007) . . . . .	<del>(\$53,999,000)</del>
	<u>\$89,221,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$15,215,000)</del>
	<u>\$25,525,000</u>
General Fund--Private/Local Appropriation . . . . .	\$1,276,000
Forest Development Account--State Appropriation . . . . .	<del>(\$54,697,000)</del>
	<u>\$54,842,000</u>
Off-Road Vehicle Account--State Appropriation . . . . .	<del>(\$4,001,000)</del>
	<u>\$4,026,000</u>
Surveys and Maps Account--State Appropriation . . . . .	<del>(\$2,447,000)</del>
	<u>\$2,450,000</u>
Aquatic Lands Enhancement Account--State Appropriation . . . . .	<del>(\$8,451,000)</del>
	<u>\$8,966,000</u>
Resources Management Cost Account--State Appropriation . . . . .	<del>(\$86,332,000)</del>
	<u>\$86,537,000</u>
Surface Mining Reclamation Account--State Appropriation . . . . .	<del>(\$2,828,000)</del>
	<u>\$2,830,000</u>
Disaster Response Account--State Appropriation . . . . .	\$5,000,000
Water Quality Account--State Appropriation . . . . .	<del>(\$2,636,000)</del>
	<u>\$2,645,000</u>
Aquatic Land Dredged Material Disposal Site Account--State Appropriation . . . . .	\$1,321,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation . . . . .	\$34,000
State Toxics Control Account--State Appropriation . . . . .	\$2,155,000
Air Pollution Control Account--State Appropriation . . . . .	\$556,000
Derelict Vessel Removal Account--State Appropriation . . . . .	\$1,138,000
Agricultural College Trust Management Account--State Appropriation . . . . .	<del>(\$1,966,000)</del>
	<u>\$1,972,000</u>
Pension Funding Stabilization Account--State Appropriation . . . . .	\$136,000
<b>TOTAL APPROPRIATION . . . . .</b>	<del><b>(\$284,661,000)</b></del>
	<b><u>\$331,103,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) \$972,000 of the general fund--state appropriation for fiscal year 2006 and \$994,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) \$10,689,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$13,635,000)~~ \$48,571,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year 2007 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would collocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year 2006 and \$4,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

(15) \$397,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forest, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

~~((+7))~~ (16) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a work group to study existing legislation affecting the oil and natural gas industry, and to make recommendations to that legal framework to improve the regulatory, technical, environmental, and financial framework of the oil and gas industry. The department shall report its recommendations to the legislature by December 30, 2006.

~~((+8))~~ (17) \$35,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5179 (forest health). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((+9))~~ (18) \$719,000 of the surface mining reclamation account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6175 (surface mining). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(19) \$504,000 of the aquatic lands enhancement account--state appropriation is provided solely for expenses related to removing the hull of the S.S. Catala, shipwrecked on state-owned aquatic lands at Damon Point State Park.

**Sec. 1206.** 2006 c 372 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2006)	\$10,979,000
General Fund--State Appropriation (FY 2007)	<del>(\$12,271,000)</del>

	\$12,771,000
General Fund--Federal Appropriation. . . . .	\$10,634,000
General Fund--Private/Local Appropriation. . . . .	\$413,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$1,990,000
Water Quality Account--State Appropriation. . . . .	\$972,000
State Toxics Control Account--State Appropriation. . . . .	\$3,555,000
Water Quality Permit Account--State Appropriation. . . . .	\$238,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$39,000
TOTAL APPROPRIATION. . . . .	( <del>(\$41,091,000)</del> )
	<u>\$41,591,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.
- (2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.
- (3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.
- (4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.
- (5) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.
- (6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.
- (7) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.
- (8) \$306,000 of the general fund--state appropriation for fiscal year 2006 and \$160,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.
- (9) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.
- (10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.
- (11) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 3033 (animal identification). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (12) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute Senate Bill No. 6508 (renewable fuel). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support noxious weed boards.
- (14) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purchase of agricultural products equipment. The department shall negotiate an appropriate agreement with the agriculture industry for the use of the equipment.
- (15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for spartina eradication efforts.
- (16) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (17) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute Senate Bill No. 6377 (milk and milk products). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (18) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the wine commission marketing campaign.

**PART XIII  
TRANSPORTATION**

**Sec. 1301.** 2006 c 372 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2006). . . . .	\$37,601,000
General Fund--State Appropriation (FY 2007). . . . .	( <del>(\$32,753,000)</del> )
	<u>\$36,220,000</u>
General Fund--Federal Appropriation. . . . .	( <del>(\$4,364,000)</del> )
	<u>\$4,872,000</u>
General Fund--Private/Local Appropriation. . . . .	\$596,000
Death Investigations Account--State Appropriation. . . . .	( <del>(\$4,628,000)</del> )
	<u>\$4,591,000</u>
Public Safety and Education Account--State Appropriation. . . . .	( <del>(\$3,388,000)</del> )
	<u>\$3,438,000</u>
Enhanced 911 Account--State Appropriation. . . . .	\$573,000
County Criminal Justice Assistance Account--State Appropriation. . . . .	( <del>(\$2,895,000)</del> )
	<u>\$2,923,000</u>
Municipal Criminal Justice Assistance Account--State Appropriation. . . . .	( <del>(\$1,157,000)</del> )
	<u>\$1,171,000</u>
Fire Service Trust Account--State Appropriation. . . . .	\$131,000
Fire Service Training Account--State Appropriation. . . . .	\$7,560,000
State Toxics Control Account--State Appropriation. . . . .	\$469,000

Violence Reduction and Drug Enforcement Account--State Appropriation. . . . .	\$313,000
Fingerprint Identification Account--State Appropriation. . . . .	<del>(\$6,270,000)</del>
	\$6,271,000
Disaster Response Account--State Appropriation. . . . .	\$2,000
Aquatic Invasive Species Enforcement Account--State Appropriation. . . . .	\$145,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$102,000
TOTAL APPROPRIATION. . . . .	<del>(\$102,947,000)</del>
	\$106,978,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$145,000 of the aquatic invasive species enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) If funding is provided through a federal grant or through a memorandum of understanding with a local government, the Washington state patrol's automatic fingerprint identification system shall be capable of instantly accepting electronic latent search records from any Washington state local law enforcement agency, to be implemented on a timeline agreed to by the patrol and the agency granting the fund source. The Washington state patrol shall notify the appropriate fiscal and policy committees of the legislature in writing upon the receipt of such federal moneys or upon the effective date of a memorandum of understanding with a local government.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6519 (sex offender registration). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of the criminal history and background check activities. Pursuant to RCW 43.135.055, during the 2005-2007 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of criminal history and background check activities.

**PART XIV  
EDUCATION**

**Sec. 1401.** 2006 c 372 s 501 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2006). . . . .	\$13,452,000
General Fund--State Appropriation (FY 2007). . . . .	<del>(\$17,151,000)</del>
	\$17,376,000
General Fund--Federal Appropriation. . . . .	<del>(\$23,090,000)</del>
	\$23,090,000
<u>Pension Funding Stabilization Account Appropriation.</u> . . . . .	\$165,000
TOTAL APPROPRIATION. . . . .	<del>(\$53,693,000)</del>
	\$54,083,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$10,980,000)~~ \$10,990,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$547,000)~~ \$597,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$504,000)~~ \$554,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) \$607,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$592,000)~~ \$992,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7 and other education funding lawsuits.

(e) (~~(\$1,900,000)~~) \$1,615,000 of the general fund--state appropriation is for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided for deposit in the Washington natural science, wildlife, and environmental education partnership account for grants pursuant to RCW 28A.300.440. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Senate Bill No. 6219 (financial literacy). If the bill is not enacted by June 30, 2006, the amount in this section is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$64,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to conduct further evaluation of issues raised in the recently completed joint legislative audit and review committee report on the accounting of special education excess costs. Within the amounts provided in this subsection, the office of the superintendent of public instruction will convene a work group to evaluate modifying or replacing the current 1077 methodology. This work group will deliver a report to the appropriate committees of the legislature, including the joint legislative audit and review committee, and the office of financial management, by January 1, 2007. The work group will take into consideration recommendations of the Washington learns steering committee.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006) . . . . .	\$12,341,000
General Fund--State Appropriation (FY 2007) . . . . .	\$18,884,000
General Fund--Federal Appropriation . . . . .	<del>(\$58,112,000)</del>
	<u>\$67,358,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$89,337,000)</del>
	<u>\$98,583,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies at preventing youth suicide.

(viii) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6580 (school notification about sex and kidnapping offenders), including section 2 of that act.

(ix) \$45,000 of the general fund state--state appropriation for fiscal year 2007 is provided solely for the development of safe school plan standards. By December 1, 2006, the Washington state school safety center advisory committee, in consultation with the superintendent of public instruction shall prepare a report with: (1) The recommended standards; (2) a potential implementation plan for those standards statewide; and (3) detailed information on the costs and other impacts on school districts from implementing the standards. The development of standards shall address requirements for school mapping and shall include a review of current research regarding safe school planning.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,059,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages. Of this amount, \$511,000 of the general fund--state appropriation for fiscal year 2007 is provided for additional conditional scholarships to candidates seeking an endorsement in special education, math, science, and bilingual education.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of ~~(\$1,224,000)~~ \$2,448,000 of the general fund--state appropriation ~~(for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of ~~(\$1,079,000)~~ \$2,158,000 of the general fund--state appropriation ~~(for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) ~~(\$1,911,000)~~ \$2,119,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) ~~(\$24,490,000)~~ \$33,526,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$2,148,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas and heating oil.

(xvii) \$22,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(xviii) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot grant program related to serving students in staffed residential homes and other students as specified below. The pilot grant program will be established in at least five school districts. The districts eligible for the pilot grant program shall be limited to school districts with a concentration of students residing in staffed residential homes greater than or equal to 1.3 full time equivalent students per 1,000 K-12 public students, including students who resided in staffed residential homes during the 2005-2006 school year, and transferred to another residential facility in that district as a result of a closure of one or more staffed residential homes in that district in the current or preceding school year. The amount of funding for each pilot grant district shall be in proportion to the degree of concentration of staffed residential home students residing and served in each respective district or serving high school district, and other criteria as determined by the office of the superintendent of public instruction. Funding in the pilot grant program shall not be considered part of the basic education program.

(A) The pilot grant program is intended to: (I) Identify the fiscal and educational challenges posed to districts that serve staffed residential homes students; (II) provide resources to assist school districts in developing best practices for addressing these challenges; (III) address costs resulting from high concentrations of staffed residential home students in some school districts; (IV) develop models of collaboration between school districts and staffed residential homes; and (V) gain additional information on the variety of circumstances and needs present in the staffed residential home population, including both special education and nonspecial education eligible students.

(B) As a condition of the pilot grant program, the selected school districts must meet the following criteria: (I) Jointly develop, with staffed residential homes in their community, a model policy and plan for collaboration and information sharing, which includes an agreed upon routine of regular communication regarding each child's progress, including for special education students the development and regular updating of individualized education programs; (II) provide an annual progress report regarding the implementation of the model policy and plan and measured progress toward meeting the educational needs of students in staffed residential homes; and (III) provide information and data to the office of the superintendent of public instruction as required for the study detailed in (D) of this subsection (c)(xviii).

(C) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction, with the assistance of the department of social and health services, to prepare a report to the appropriate policy and fiscal committees of the legislature and the office of financial management on: (I) The number of students residing at each staffed residential home by school district; (II) the specific types of needs of students residing at each staffed residential home; and (III) an overview of the differences in the programs being offered at staffed residential homes and the ranges of costs associated with these programs; and (IV) a summary of the current types of collaboration between school districts and staffed residential homes. This report shall be submitted by November 30, 2006.

(D) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to report to the appropriate policy and fiscal committees of the legislature and the office of financial management on the results of the pilot grant program established in this subsection (c)(xviii), including a description of the impact on the educational services delivered to the students residing at each staffed residential home. Based on the results of the pilot grant program, the office of the superintendent of public instruction may make recommendations regarding best practices for meeting the needs of students residing in staffed residential homes, and fostering collaboration with staffed residential homes. This report shall be submitted by June 30, 2007.

(E) For those students (~~residing in staffed residential homes~~) for whom a school district receives a pilot grant application and who are special education eligible, school districts are eligible to pursue safety net funding beyond the pilot grant program amounts so that the combined basic education allocation, special education excess cost allocation, pilot grant amount, and safety net grants recognize the costs associated with serving staffed residential home students potentially concentrated in a few school districts.

(F) For purposes of this subsection (c)(xviii), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

**Sec. 1402.** 2006 c 372 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2006) . . . . .	\$4,193,442,000
General Fund--State Appropriation (FY 2007). . . . .	(( <del>\$4,281,807,000</del> ))
	<u>\$4,252,844,000</u>
Pension Funding Stabilization Account Appropriation. . . . .	\$28,548,000
TOTAL APPROPRIATION. . . . .	(( <del>\$8,503,797,000</del> ))
	<u>\$8,474,834,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;
- (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade

4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional

assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 11.21 percent in the 2005-06 school year and 13.02 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 14.07 percent in the 2005-06 school year and 15.99 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~(\$12,992,000)~~ \$12,769,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,385,000 for the 2007 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$369,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to \$1,244,000 for the 2005-07 biennium. Funds provided in this subsection shall first be expended to provide incentive grants to school districts increasing skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) Increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; (ii) increasing enrollment and capacity of summer vocational programs at the skills centers.

(f) ~~(\$4,943,000)~~ \$4,719,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time allocations for equipment replacement in vocational programs and skills centers. The funding shall be allocated based on \$75 per full time equivalent vocational student and \$125 per full time equivalent skills center student.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and 5.2 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 1403.** 2006 c 372 s 504 (uncodified) is amended to read as follows:

<b>FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS</b>	
General Fund--State Appropriation (FY 2006) . . . . .	\$74,336,000
General Fund--State Appropriation (FY 2007) . . . . .	<del>(\$241,576,000)</del>
	<u>\$239,233,000</u>
Education Legacy Trust Account--State Appropriation . . . . .	\$470,000
Pension Funding Stabilization Account Appropriation . . . . .	\$1,543,000
General Fund--Federal Appropriation . . . . .	<del>(\$1,043,000)</del>
	<u>\$1,034,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$318,968,000)</del>
	<u>\$316,616,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$190,375,000)~~ \$187,442,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another 3.3 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 10.57 percent for the 2005-06 school year and 12.38 percent for the 2006-07 school year for certificated staff and 10.57 percent for the 2005-06 school year and 12.49 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.27	\$1.06
Highly Capable (per formula student)	\$2.96	\$11.40
Transitional Bilingual Education (per eligible bilingual student)	\$7.94	\$30.52
Learning Assistance (per formula student)	\$1.69	\$6.50

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and (~~(\$1,022,000)~~) \$1,015,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) (~~(\$129,905,000)~~) \$129,173,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	\$0.91
Highly Capable (per formula student)	\$2.88	\$6.16
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	\$16.20
Learning Assistance (per formula student)	\$1.49	\$3.21

(3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 1404.** 2006 c 372 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2006)	\$247,541,000
General Fund--State Appropriation (FY 2007)	<del>(\$252,607,000)</del>
	<u>\$251,831,000</u>
Pension Funding Stabilization Account Appropriation	\$755,000
<b>TOTAL APPROPRIATION</b>	<del>(\$500,903,000)</del>
	<u>\$500,127,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$42.52 per weighted mile in the 2005-06 school year and (~~(\$42.30)~~) \$43.57 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Included in the 2005-06 school year rate is (~~a one-time~~) an increase of \$1.12 and included in the 2006-07 school year rate is an increase of \$1.27 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

**Sec. 1405.** 2006 c 372 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$3,147,000
General Fund--State Appropriation (FY 2007)	\$3,159,000
General Fund--Federal Appropriation	( <del>(\$270,423,000)</del> )
	<u>\$313,038,000</u>
TOTAL APPROPRIATION	( <del>(\$276,729,000)</del> )
	<u>\$319,344,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.
- (2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.
- (3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

**Sec. 1406.** 2006 c 372 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$464,812,000
General Fund--State Appropriation (FY 2007)	( <del>(\$478,191,000)</del> )
	<u>\$470,395,000</u>
General Fund--Federal Appropriation	( <del>(\$435,664,000)</del> )
	<u>\$436,409,000</u>
Pension Funding Stabilization Account Appropriation	\$3,234,000
TOTAL APPROPRIATION	( <del>(\$1,381,901,000)</del> )
	<u>\$1,374,850,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.
- (2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:
  - (i) Special education students are basic education students first;
  - (ii) As a class, special education students are entitled to the full basic education allocation; and
  - (iii) Special education students are basic education students for the entire school day.
- (b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.
- (3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.
- (5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:
  - (i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and
  - (ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.
- (b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.
- (6) The definitions in this subsection apply throughout this section.
  - (a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).
  - (b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.
- Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.
- (7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.
- (8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall

expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

**Sec. 1407.** 2006 c 372 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2006)	\$173,153,000
General Fund--State Appropriation (FY 2007)	(( <del>\$190,957,000</del> ))
	<u>\$188,092,000</u>
TOTAL APPROPRIATION	(( <del>\$364,110,000</del> ))
	<u>\$361,245,000</u>

**Sec. 1408.** 2006 c 372 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$18,078,000
General Fund--State Appropriation (FY 2007)	(( <del>\$18,237,000</del> ))
	<u>\$17,551,000</u>
Pension Funding Stabilization Account Appropriation	\$117,000
TOTAL APPROPRIATION	(( <del>\$36,432,000</del> ))
	<u>\$35,746,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$236,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$236,000)~~) \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**Sec. 1409.** 2006 c 372 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2006)	\$6,900,000
General Fund--State Appropriation (FY 2007)	<del>(\$6,974,000)</del>
	<u>\$6,918,000</u>
Pension Funding Stabilization Account Appropriation	\$44,000
<b>TOTAL APPROPRIATION</b>	<del>(\$13,918,000)</del>
	<u>\$13,862,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$347.93 per funded student for the 2005-06 school year and \$351.98 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**Sec. 1410.** 2006 c 372 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$45,382,000
General Fund--State Appropriation (FY 2007)	<del>(\$51,297,000)</del>
	<u>\$51,536,000</u>
General Fund--Federal Appropriation	\$147,799,000
<b>TOTAL APPROPRIATION</b>	<del>(\$244,478,000)</del>
	<u>\$244,717,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

(a) \$21,946,000 of the general fund--state appropriation for fiscal year 2006, \$21,491,000 of the general fund--state appropriation for fiscal year 2007, and \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to: (i) Investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (ii) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (iii) develop recommendations for (i) and (ii) of this subsection (a). Funds provided in this section are sufficient to implement section 5 of Engrossed Substitute Senate Bill No. 6475 (alternative assessment options).

(b) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education), including section 2 of that act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(c) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) regarding reimbursement of diagnostic assessments.

(2) MATH REMEDIATION

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level 1 in mathematics.

(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics knowledge and skill modules and materials previously developed by the office of the superintendent of public instruction. The products are to be designed as on-line courses for students needing Level 1 instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can

be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

(3) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$3,180,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$4,358,000)~~) \$4,597,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses, and mandatory fringe benefits, for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and \$488,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment

system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates. The office of the superintendent of public instruction shall develop and publish the criteria for awarding grants by July 2006.

(i) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(ii) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(iii) The office of the superintendent of public instruction shall issue a report to the legislature in the 2007 session on the progress of each of the pilot programs.

(5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for: (i) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (ii) to eliminate the co-pay for students eligible for reduced price lunch eating breakfast; and (iii) for additional assistance for school districts initiating a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

**Sec. 1411.** 2006 c 372 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2006) . . . . .	\$58,205,000
General Fund--State Appropriation (FY 2007). . . . .	(( <del>\$61,608,000</del> ))
	<u>\$58,181,000</u>
General Fund--Federal Appropriation. . . . .	\$51,741,000
Pension Funding Stabilization Account Appropriation. . . . .	\$504,000
TOTAL APPROPRIATION. . . . .	(( <del>\$172,058,000</del> ))
	<u>\$168,631,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$759.58 per eligible bilingual student in the 2005-06 school year and \$770.40 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

**Sec. 1412.** 2006 c 372 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2006)	\$65,018,000
General Fund--State Appropriation (FY 2007)	<del>(\$64,626,000)</del>
	<u>\$64,353,000</u>
Education Legacy Trust Account--State Appropriation	\$24,605,000
Pension Funding Stabilization Account Appropriation	\$553,000
General Fund--Federal Appropriation	\$348,351,000
TOTAL APPROPRIATION	<del>(\$503,153,000)</del>
	<u>\$502,880,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$184.69 per funded student for the 2005-06 school year and \$187.97 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ten for the 2006-07 school year.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

**Sec. 1413.** 2006 c 372 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS**

General Fund--State Appropriation (FY 2006)	\$3,842,000
General Fund--State Appropriation (FY 2007)	<del>(\$23,879,000)</del>
	<u>\$19,067,000</u>
Pension Funding Stabilization Account Appropriation	\$189,000
TOTAL APPROPRIATION	<del>(\$27,910,000)</del>
	<u>\$23,098,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units

combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (d) and (e)(i) of this subsection.

(c) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time funding amount equal to 12 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to ensure that extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(d) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(e) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.50 for maintenance, operations, and transportation;
- (ii) \$12.00 for pre- and post-remediation assessments;
- (iii) \$17.00 per reading remediation student unit;
- (iv) \$8.00 per mathematics remediation student unit; and
- (v) \$8.00 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$708,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$3,408,000)~~) \$1,300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional one-time allocations to offer remedial programs for students in the class of 2007 or other students who have not achieved success on the tenth grade WASL. The formula for distributing the allocations to school districts shall include amounts for students in the class of 2007 who register to retake the WASL and want remedial assistance, and other factors as determined by the office of the superintendent of public instruction. Before making the allocations from the funding provided in this subsection, the office of the superintendent of public instruction shall consult with the office of financial management to ensure that the proposed allocations will achieve efficient and effective program delivery and that they are one-time in nature.

(5) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

(6) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

**Sec. 1414.** 2006 c 372 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State Appropriation. . . . .	( <del>\$630,537,000</del> )
	<u>\$630,313,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

**Sec. 1415.** 2006 c 372 s 518 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2006). . . . .	\$100,000
General Fund--State Appropriation (FY 2007). . . . .	( <del>(\$32,504,000)</del> )
	<u>\$32,799,000</u>
General Fund--Federal Appropriation. . . . .	\$180,000
TOTAL APPROPRIATION. . . . .	( <del>(\$32,784,000)</del> )
	<u>\$33,079,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.
- (2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:
  - (a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;
  - (b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;
  - (c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;
  - (d) Measurable goals and evaluation methodology to determine impact;
  - (e) Integration of reading strategies from the Washington state early learning and development benchmarks;
  - (f) A plan for marketing and public relations;
  - (g) Strategies for sustaining the program when grant funding is no longer available; and
  - (h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.
- (3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

**NEW SECTION. Sec. 1416.** A new section is added to 2006 c 372 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** (1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2007, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2007 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

**PART XV  
HIGHER EDUCATION**

**Sec. 1501.** 2006 c 372 s 603 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2006) . . . . .	\$337,629,000
General Fund--State Appropriation (FY 2007) . . . . .	( <del>(\$352,714,000)</del> )
	<u>\$352,614,000</u>
General Fund--Private/Local Appropriation . . . . .	\$300,000
Accident Account--State Appropriation . . . . .	\$6,209,000
Medical Aid Account--State Appropriation . . . . .	\$6,143,000
Education Legacy Trust--State Appropriation . . . . .	\$10,748,000
Pension Funding Stabilization Account--State Appropriation . . . . .	\$604,000
TOTAL APPROPRIATION . . . . .	( <del>(\$714,347,000)</del> )
	<u>\$714,247,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.
- (2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).
- (3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.
- (b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.
- (4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:
  - (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
  - (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and \$296,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and \$450,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase the university's capacity to conduct research in the life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

~~((19))~~ (18) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for math engineering science achievement (MESA) Washington to establish centers throughout the state.

(19) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict.

**Sec. 1502.** 2006 c 372 s 604 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2006).	\$206,511,000
General Fund--State Appropriation (FY 2007).	<del>(\$213,500,000)</del>
	\$213,520,000
Education Legacy Trust--State Appropriation.	\$11,162,000
Pension Funding Stabilization Account--State Appropriation.	\$293,000
<b>TOTAL APPROPRIATION.</b>	<del>(\$431,466,000)</del>
	<u>\$431,486,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of

financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(12) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

~~((+5))~~ (14) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by the nonprofit institute by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

~~((+6))~~ (15) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a biofuels consumer education and outreach program at the Washington State University extension energy program.

(16) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict.

**Sec. 1503.** 2006 c 372 s 606 (uncodified) is amended to read as follows:

<b>FOR CENTRAL WASHINGTON UNIVERSITY</b>	
General Fund--State Appropriation (FY 2006) . . . . .	(( <del>\$45,671,000</del> ))
	\$45,586,000
General Fund--State Appropriation (FY 2007) . . . . .	(( <del>\$47,006,000</del> ))
	\$46,980,000
Education Legacy Trust--State Appropriation . . . . .	\$6,461,000
Pension Funding Stabilization Account--State Appropriation . . . . .	\$103,000
TOTAL APPROPRIATION . . . . .	(( <del>\$99,241,000</del> ))
	<u>\$99,130,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium,

the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;

and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

**Sec. 1504.** 2006 c 372 s 616 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2006)	\$5,149,000
General Fund--State Appropriation (FY 2007)	<del>(\$5,285,000)</del>
	<u>\$5,354,000</u>
General Fund--Private/Local Appropriation	\$1,335,000
Pension Funding Stabilization Account--State Appropriation	\$38,000
<b>TOTAL APPROPRIATION</b>	<del>(\$11,807,000)</del> <u>\$11,876,000</u>

**PART XVI  
SPECIAL APPROPRIATIONS**

**Sec. 1601.** 2006 c 372 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2006)	\$640,544,000
General Fund--State Appropriation (FY 2007)	<del>(\$683,019,000)</del>
	<u>\$679,329,000</u>
State Building Construction Account--State Appropriation	<del>(\$5,924,000)</del> <u>\$6,500,000</u>
State Taxable Building Construction Account--State Appropriation	\$539,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$1,395,000
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation	\$2,583,000
Columbia River Basin Water Supply Development Account--State Appropriation	\$24,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	\$21,000
<b>TOTAL APPROPRIATION</b>	<del>(\$1,334,004,000)</del> <u>\$1,330,935,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

**Sec. 1602.** 2006 c 372 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2006)	\$24,588,000
General Fund--State Appropriation (FY 2007)	\$26,743,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation	<del>(\$130,909,000)</del> <u>\$131,001,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$182,240,000)</del> <u>\$182,332,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**Sec. 1603.** 2006 c 372 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2006)	\$1,357,000
General Fund--State Appropriation (FY 2007)	<del>(\$1,357,000)</del>
	\$957,000
State Building Construction Account--State Appropriation	\$1,080,000
State Taxable Building Construction Account--State Appropriation	<del>(\$78,000)</del>
	\$86,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$452,000
Columbia River Basin Water Supply Development Account--State Appropriation	\$2,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	\$2,000
<b>TOTAL APPROPRIATION</b>	<del>(\$4,324,000)</del>
	\$3,936,000

**Sec. 1604.** 2006 c 372 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL**

Disaster Response Account--State Appropriation	<del>(\$8,000,000)</del>
	\$9,000,000

The sum of ~~(\$8,000,000)~~ \$9,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**Sec. 1605.** 2006 c 372 s 706 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY**

General Fund--State Appropriation (FY 2006)	\$1,600,000
General Fund--State Appropriation (FY 2007)	\$1,000,000
<b>TOTAL APPROPRIATION</b>	\$2,600,000

The appropriations in this section ~~(is)~~ are subject to the following conditions and limitations: The appropriations ~~(is)~~ are provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

**Sec. 1606.** 2006 c 372 s 707 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:	
(a) Kirk F. Schultz, claim number SCJ 2006-01	\$12,312
(b) Scott A. King, claim number SCJ 2006-02	\$9,922
(c) Mark D. Huckaba, claim number SCJ 2006-03	\$10,000
(d) James D. Brittain, claim number SCJ 2006-02	\$20,000
(e) Jain E. Johnson, claim number SCJ 2007-01	\$7,250
(f) Sandra J. Ciske, claim number SCJ 2007-02	\$10,168
(g) Matthew R. Young, claim number SCJ 2007-03	\$40,185
(h) Kevin J. Flockhart, claim number SCJ 2007-04	\$38,209
(i) James J. O'Hagan, claim number SCJ 2007-05	\$25,207
(j) Claude G. Lindsey, Jr., claim number SCJ 2007-07	\$10,701
(k) Cary Youngstrom, claim number SCJ 2007-08	\$5,089
(2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:	
(a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05	\$21,926
(b) <del>(Venture Farms, claim number SCG 2005-03)</del>	<del>\$57,448</del>
<del>(c))</del> Patrick O'Hagen, claim number SCG 2006-02	\$1,673
<del>((c))</del> (c) Patrick O'Hagen, claim number SCG 2006-03	\$2,389
<del>((c))</del> (d) Swampapple Enterprises, Inc., claim number SCG 2006-04	\$3,574
<del>((f))</del> (e) Wilbur H. Mundy, claim number SCG 2006-05	\$10,307
<del>((g))</del> (f) Sam Kayser, claim number SCG 2006-08	\$1,108
<del>((h))</del> (g) Richard Cordell, claim number SCG 2006-09	\$4,076
(h) Ralland L. Wallace, claim number SCG 2006-06	\$23,393
(i) Sulfur Creek Ranches, claim number SCG 2007-01	\$4,602
(j) Venture Farms, claim number SCG 2007-04	\$5,254
(3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050:	
Darrin Erdahl, claim number SCO 2006-01	\$3,000

**Sec. 1607.** 2005 c 518 s 707 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT**

General Fund--State Appropriation (FY 2006)	\$45,000
General Fund--State Appropriation (FY 2007)	<del>(\$792,000)</del>
	\$604,000
<b>TOTAL APPROPRIATION</b>	<del>(\$837,000)</del>
	\$649,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

**Sec. 1608.** 2006 c 372 s 708 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2006)	\$32,450,000
General Fund--State Appropriation (FY 2007)	<del>(\$38,750,000)</del>
	<u>\$38,650,000</u>

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2006)	\$6,601,000
General Fund--State Appropriation (FY 2007)	\$9,539,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006)	\$300,000
General Fund--State Appropriation (FY 2007)	\$300,000

(4) There is appropriated for the state contributions required under Senate Bill No. 6453 (minimum monthly retirement):

General Fund--State Appropriation (FY 2007)	\$500,000
Special Account Retirement Contribution Increase Revolving Account Appropriation	<u>\$200,000</u>

(5) There is appropriated for the state contributions required under Substitute House Bill No. 2684 (plan 3 five-year vesting):

General Fund--State Appropriation (FY 2007)	\$600,000
TOTAL APPROPRIATION	<del>(\$87,940,000)</del>
	<u>\$89,140,000</u>

**Sec. 1609.** 2006 c 372 s 712 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--ENERGY FREEDOM ACCOUNT**

General Fund--State Appropriation (FY 2007)	<del>(\$23,000,000)</del>
	<u>\$20,500,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for ~~the~~ deposit ~~expenditure~~ into the energy freedom account. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

**Sec. 1610.** 2006 c 372 s 715 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT--RETROSPECTIVE PAYMENTS**

General Fund--State Appropriation (FY 2007)	<del>(\$11,813,000)</del>
	\$11,039,976
Special Personnel Litigation Revolving Account Appropriation	<del>(\$10,689,000)</del>
	\$9,954,024
TOTAL APPROPRIATION	<del>(\$22,502,000)</del>
	<u>\$20,994,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of funding the retrospective payments for the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the ~~state treasurer~~ office of financial management shall transfer or direct the transfer of sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with ~~the~~ OFM document number ~~(2006-S11)~~ 2007-S01 dated ~~(March 3)~~ December 19, 2006. Agencies and institutions of higher education with local funds will deposit sufficient money to the special personnel litigation revolving account from their local funds as directed by the office of financial management. The office of financial management will direct the transfer of funds in the amount of the settlement to the administrator of the settlement on the date required by the court order.

**NEW SECTION. Sec. 1611.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT--PROSPECTIVE PAYMENTS**

General Fund--State Appropriation (FY 2007)	\$793,000
Special Personnel Litigation Revolving Account Appropriation	\$666,000
TOTAL APPROPRIATION	<u>\$1,459,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of funding the prospective provisions in the settlement agreement, settling all claims in the litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) Appropriations or spending authority is provided to agencies in accordance with OFM document number 2007-S02 dated December 19, 2006. This funding is to be used in each agency's payroll process to pay the increased salaries for specified job classes as required in the settlement agreement.

**NEW SECTION. Sec. 1612.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EQUAL JUSTICE SUBACCOUNT**  
 General Fund--State Appropriation (FY 2007). . . . . \$4,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the equal justice subaccount.

**NEW SECTION. Sec. 1613.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT**  
 General Fund--State Appropriation (FY 2007). . . . . \$9,700,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

**NEW SECTION. Sec. 1614.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--TOBACCO PREVENTION AND CONTROL ACCOUNT**  
 General Fund--State Appropriation (FY 2007). . . . . \$50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the tobacco prevention and control account.

**NEW SECTION. Sec. 1615.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION FUNDING STABILIZATION ACCOUNT**  
 General Fund--State Appropriation (FY 2007). . . . . \$115,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the pension funding stabilization account.

**NEW SECTION. Sec. 1616.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION LEGACY TRUST ACCOUNT**  
 General Fund--State Appropriation (FY 2007). . . . . \$215,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the education legacy trust account.

**NEW SECTION. Sec. 1617.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--MOBILE HOME PARK RELOCATION ACCOUNT**  
 General Fund--State Appropriation (FY 2007). . . . . \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the mobile home park relocation account.

**NEW SECTION. Sec. 1618.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--HEALTH SERVICES ACCOUNT**  
 General Fund--State Appropriation (FY 2007). . . . . \$50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the health services account.

**NEW SECTION. Sec. 1619.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--VIOLENCE REDUCTION AND DRUG ENFORCEMENT ACCOUNT**  
 General Fund--State Appropriation (FY 2007). . . . . \$5,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the violence reduction and drug enforcement account.

**Sec. 1620.** 2005 c 518 s 729 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION CONTRIBUTION ADJUSTMENTS FOR THE PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM**  
 ((General Fund--State Appropriation (FY 2007)). . . . . \$4,400,000))  
 Special Account Retirement Contribution Increase Revolving Account Appropriation. . . . . (((\$3,900,000))  
 -\$73,000  
 ((TOTAL APPROPRIATION-- . . . . . -\$500,000))

The appropriation((s)) in this section ((are)) is subject to the following conditions and limitations:

(1) The appropriation((s)) in this section ((are)) is provided solely to make adjustments to agency appropriations to reflect the costs associated with the entry of employees into the public safety employees' retirement system as created by chapter 242, Laws of 2004.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 1621.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--TECHNOLOGY FUNDING**

General Fund--State Appropriation (FY 2007). . . . .	\$26,277,000
Special Technology Funding Revolving Account Appropriation (FY 2008). . . . .	\$37,964,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$64,241,000</b>

The appropriations in this section are provided solely for deposit to and expenditure from the data processing revolving account and are subject to the following conditions and limitations:

(1) The appropriations in this section, for expenditure to the data processing revolving account, are to be known as the "information technology funding pool" and are under the joint control of the department of information services and the office of financial management. The department of information services shall review information technology proposals and work jointly with the office of financial management to determine the projects to be funded and the amounts and timing of release of funds. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special technology funding revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management pursuant to LEAP Document ITA-2007 as developed by the legislative evaluation and program committee on April 20, 2007, at 13:01 hours.

(2) In exercising this authority, the department of information services and the office of financial management shall:

(a) Seek opportunities to reduce costs and achieve economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies that include standard software, hardware, and other information technology systems infrastructure, and common data definitions and data stores that promote the sharing of information across agencies whenever possible;

(b) Ensure agencies incorporate project management best practices and consider lessons learned from other information technology projects; and

(c) Develop criteria for the evaluation of information technology project funding proposals to include the determination of where common or coordinated technology or data solutions may be established, and identification of projects that cross fiscal biennia or are dependent on other prior, current, or future related investments.

(3) In allocating funds for the routine replacement of software and hardware, the information services board and office of financial management shall presume that agencies should have sufficient funding in their base allocation to pay for such replacement and that any allocations out of these funds are for extraordinary maintenance costs.

(4) Funds appropriated in this section shall not be released for information technology projects with a risk-severity assessment level two or greater under the policies of the information services board until a feasibility study has been completed and approved by the information services board. If the feasibility study indicates a need for funding exceeding that allocated for the current biennium, justification of increased project costs shall be incorporated in an annual report from the department of information services to the information services board, the office of financial management, and the legislative evaluation and accountability program committee. Implementation funds shall not be released until the project is approved by the legislature.

(5) Funds in the 2007-09 biennium may only be expended on the projects listed on LEAP Document IT-2007, as generated by the legislative evaluation and accountability program committee on April 20, 2007, at 13:01 hours. Future biennia allocations from the information technology funding pool shall be determined jointly by the department of information services and the office of financial management.

(6) Beginning December 1, 2008, and every biennium thereafter, the department of information services shall submit a statewide information technology plan to the office of financial management and the legislative evaluation and accountability program committee that supports a consolidated funding request. In alternate years, a plan addendum shall be submitted that reflects any modified funding pool request requiring action in the ensuing supplemental budget session.

(7) The department of information services shall report to the office of financial management and the legislative evaluation and accountability program committee by October 1, 2007, and annually thereafter, the status of planned allocations from funds appropriated in this section.

(8) State agencies shall report project performance in consistent and comparable terms using common methodologies to calculate project performance by measuring work accomplished (scope and schedule) against work planned and project cost against planned budget. The department of information services shall provide implementation guidelines and oversight of project performance reporting.

(9) The information services board shall require all agencies receiving funds appropriated in this section to account for project expenses included in an information technology portfolio report submitted annually to the department of information services, the office of financial management, and the legislative evaluation and accountability program committee by October 1st of each year. The department of information services, with the advice and approval of the office of financial management, shall establish criteria for complete and consistent reporting of expenditures from these funds and project staffing levels.

(10) In consultation with the legislative evaluation and accountability program committee, the department of information services shall develop criteria for evaluating requests for these funds and shall report annually to the office of financial management and the legislative evaluation and accountability program committee by November 1st the status of distributions and expenditures from this pool.

**NEW SECTION. Sec. 1622.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION CONSTRUCTION ACCOUNT**

General Fund--State Appropriation (FY 2007). . . . .	\$20,000,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the education construction account.

**NEW SECTION. Sec. 1623.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT**

General Fund--State Appropriation (FY 2007). . . . .	\$2,000,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the reading achievement account. The amounts provided shall be used: (1) To implement an early reading grant program for evidence-

based or promising community-based initiatives that develop early literacy skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts; and (2) to provide statewide support to community-based reading initiatives.

**NEW SECTION. Sec. 1624.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--BOATING ACTIVITIES ACCOUNT**

General Fund--State Appropriation (FY 2007). . . . . \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the boating activities account under Substitute House Bill No. 1651 (boating activities). If the bill is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**PART XVII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 1701.** 2006 c 372 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions. . . . .	<del>(\$6,561,000)</del>
	\$6,644,000
General Fund Appropriation for public utility district excise tax distributions. . . . .	<del>(\$44,292,000)</del>
	\$44,282,000
General Fund Appropriation for prosecuting attorney distributions.. . . .	<del>(\$3,568,000)</del>
	\$3,757,000
General Fund Appropriation for boating safety and education distributions. . . . .	<del>(\$4,252,000)</del>
	\$3,979,000
General Fund Appropriation for other tax distributions. . . . .	<del>(\$38,000)</del>
	\$41,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies. . . . .	<del>(\$1,969,000)</del>
	\$2,044,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution. . . . .	<del>(\$147,000)</del>
	\$133,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties. . . . .	<del>(\$83,325,000)</del>
	\$77,023,000
County Criminal Justice Assistance Appropriation. . . . .	<del>(\$53,650,000)</del>
	\$53,953,000
Municipal Criminal Justice Assistance Appropriation. . . . .	<del>(\$21,315,000)</del>
	\$21,381,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution. . . . .	<del>(\$40,512,000)</del>
	\$41,525,000
Liquor Revolving Account Appropriation for liquor profits distribution. . . . .	<del>(\$88,818,000)</del>
	\$68,911,000
City-County Assistance Account Appropriation for local government financial assistance distribution. . . . .	<del>(\$20,100,000)</del>
	\$26,020,000
TOTAL APPROPRIATION. . . . .	<del>(\$368,547,000)</del>
	\$349,693,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 1702.** 2006 c 372 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation. . . . . ~~(\$2,050,000)~~  
\$2,173,601

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1703.** 2006 c 372 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation. . . . . ~~(\$1,367,000)~~  
\$1,499,068

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution);

chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1704.** 2006 c 372 s 804 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution. . . . .	(( <del>\$1,644,000</del> ))
	<u>\$2,292,000</u>
General Fund Appropriation for federal flood control funds distribution. . . . .	(( <del>\$68,000</del> ))
	<u>\$67,000</u>
Forest Reserve Fund Appropriation for federal forest reserve fund distribution. . . . .	(( <del>\$84,500,000</del> ))
	<u>\$84,071,000</u>
TOTAL APPROPRIATION. . . . .	(( <del>\$86,212,000</del> ))
	<u>\$86,430,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 1705.** 2006 c 372 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS.** For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:	
For transfer to the state general fund, \$5,150,000 for fiscal year 2006 and \$5,150,000 for fiscal year 2007. . . . .	\$10,300,000
General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007. . . . .	\$300,000
Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007. . . . .	\$1,557,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006. . . . .	\$8,400,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account. . . . .	(( <del>\$185,823,000</del> ))
	<u>\$166,070,000</u>
Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006. . . . .	\$45,000,000
Health Services Account: For transfer to the tobacco prevention and control account. . . . .	(( <del>\$25,086,000</del> ))
	<u>\$21,257,000</u>
Health Services Account: For transfer to the water quality account. . . . .	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account. . . . .	\$6,932,000
Public Employees' and Retirees' Insurance Account:	
For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007. . . . .	\$85,000,000
Department of Retirement Systems Expense Account:	
For transfer to the state general fund, \$2,000,000 for fiscal year 2006. . . . .	\$2,000,000
Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007. . . . .	\$500,000
State Treasurer's Service Account: For transfer to the state general fund, \$9,500,000 for fiscal year 2006 and \$7,000,000 for fiscal year 2007. . . . .	\$16,500,000
General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007. . . . .	\$637,000
State Toxics Control Account: For transfer to the water quality account. . . . .	\$12,500,000
Water Quality Account: For transfer to the water pollution control revolving account. . . . .	(( <del>\$16,534,000</del> ))
	<u>\$11,034,000</u>
Pollution Liability Insurance Trust Account: For transfer to the state general fund. . . . .	\$3,750,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed. . . . .	\$21,800,000
Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007. . . . .	\$2,000,000
Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006. . . . .	\$4,500,000
Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006. . . . .	\$3,000,000
Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006. . . . .	\$1,000,000
General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007. . . . .	\$3,000,000
Education Legacy Trust Account: For transfer to the student achievement account, \$35,555,000 for fiscal year 2006 and \$103,046,000 for fiscal year 2007. . . . .	\$138,601,000

**MISCELLANEOUS**

**NEW SECTION. Sec. 1801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 15.64.050, 28B.15.910, 41.05.065, 43.10.180, 43.60A.165, 46.09.170, 70.105D.070, 70.146.080, 74.08A.340, and 79.64.040; reenacting and amending RCW 43.08.250 and 70.146.030; amending 2006 c 372 ss 108, 111, 112, 114, 118, 122, 124, 126, 127, 128, 129, 135, 137, 138, 147, 150, 152, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 219, 221, 222, 225, 302, 303, 306, 307, 308, 309, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 603, 604, 606, 616, 701, 703, 704, 705, 706, 707, 708, 712, 715, 801, 802, 803, 804, and 805 (uncodified); amending 2005 c 518 ss 707 and 729 (uncodified); adding a new section to chapter 28A.630 RCW; adding a new section to 2006 c 372 (uncodified); adding new sections to 2005 c 518 (uncodified); creating new sections; making appropriations; providing expiration dates; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Senator Prentice  
Senator Pridemore

Representative Sommers  
Representative Dunshee

There being no objection, the House adopted the conference committee report on SUBSTITUTE HOUSE BILL NO. 1128 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS  
RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Sommers, Dunshee, Haigh, Linville, Eickmeyer and Kessler spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Alexander, Anderson, Priest, Rodne, Hinkle, Jarrett, Schindler, Ahern, Dunn, Chandler, Erickson, Armstrong, Orcutt, Newhouse, Ross and DeBolt spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1128 as recommended by the conference committee.

**MOTION**

On motion of Representative Santos, Representative Flannigan was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1128, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 60, Nays - 36, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Erickson, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Simpson, Skinner, Strow, Sump, Walsh, Warnick and Williams - 36.

Excused: Representatives Flannigan and Roach - 2.

SUBSTITUTE HOUSE BILL NO. 1128, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Sommers: "Thank you, Mr. Speaker. May we invite the staff of the Appropriations Committee onto the floor of the House so that we may recognize them? There are lots of them. We need lots of them. I want to say a few words about the staff and I ask you to of course recognize these wonderful people but I also know that the good gentleman from the 20<sup>th</sup> District would like to make a few comments. I would ask you to respect his opportunity to do so.

These are great people. It is fairly frequent that someone says 'you have smart staff'. And I say 'I know'. And then someone will say 'they really know the issues and the budget and the details' and I say 'I know - they're really good'. And then someone will say 'and they can express it. They can explain it clearly.' And I say 'I know'. We pick great people. We are so proud of you. You do a wonderful job and you are so patient and considerate of the many different questions. One of the things I want to mention that I do not think is as well known are the number of hours that these individuals put in for us. When we are in the budget throes so to speak, it is not uncommon to have an evening or evenings when they never go home. They are there until the next morning. As a matter of fact, just two days ago I spoke to the leader of the group and I asked what time he got home last night. 'Oh, 4:30'. And that wasn't 4:30 p.m., that was 4:30 a.m. the next morning. That is the kind of work, dedication, commitment and expertise and wonderful background that they give to us. I am so pleased and proud to know these individuals - they are wonderful people. And they are critically important to what we do. They are the budget makers here."

**POINT OF PERSONAL PRIVILEGE**

Representative Alexander: "Thank you, Mr. Speaker. I would like to join the good lady from 36<sup>th</sup> District in recognizing these people. The good lady and I have dual benefit and opportunity to work together. Not only do we serve together as the Chair and Ranking Member on the Appropriations Committee with this illustrious staff, we are also on the Employment Committee. We have a chance to see the credentials of the people that are making up this staff and our OPR staff. Believe me, we have some of the top talent anywhere in the country represented on all our committees but especially on Appropriations Committee. I may be partial but I recognize that most major issues at some point or another come to the Appropriations Committee. These people have to be familiar with all those issues. We have a great policy staff here but this committee deals with a whole slue of different areas of responsibilities and they do that with integrity and with trust to both sides of the aisle. And always with responsiveness. So let me add my voice to the good lady from the 36<sup>th</sup> and say thank you very much for your contribution to us. We appreciate everything you do and please go home and get a good night's sleep."

**SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE BILL NO. 1051,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092,  
SUBSTITUTE HOUSE BILL NO. 1128,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2284,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5339,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,

**RESOLUTION**

HOUSE RESOLUTION NO. 2007-4667, by Representatives Kessler and Ericksen

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader, respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim legislative studies, institutional strategic planning activities, matters brought forth under the terms of House rules and policies and use of facilities, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2007 Regular Session of the Sixtieth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of

Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives and the Chief Clerk of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee and may authorize the expenditure of registration or other fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixtieth Legislature, as well as any committee assembly.

HOUSE RESOLUTION NO. 4667 was adopted.

#### MESSAGES FROM THE SENATE

April 22, 2007

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 8408,  
SENATE CONCURRENT RESOLUTION NO. 8409,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2284,  
ENGROSSED HOUSE BILL NO. 2391,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The President has signed SENATE BILL NO. 5272, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 5174, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fourth order of business.

### INTRODUCTION & FIRST READING

SCR 8408 by Senators Eide and Schoesler

Returning bills to their house of origin.

SCR 8409 by Senators Brown and Hewitt

Adjourning SINE DIE.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8408 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8409 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8408,  
by Senators Eide and Schoesler**

**Returning bills to their house of origin.**

The concurrent resolution was read the second time and advanced to third reading.

SENATE CONCURRENT RESOLUTION NO. 8408 was adopted.

**SENATE CONCURRENT RESOLUTION NO. 8409,  
by Senators Brown and Hewitt**

**Adjourning SINE DIE.**

The concurrent resolution was read the second time and advanced to third reading.

SENATE CONCURRENT RESOLUTION NO. 8409 was adopted.

### MESSAGES FROM THE SENATE

April 22, 2007

Mr. Speaker:

The President has signed SUBSTITUTE HOUSE BILL NO. 1128, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The President has signed:  
HOUSE BILL NO. 1051,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

The President has signed:  
SENATE CONCURRENT RESOLUTION NO. 8408,  
SENATE CONCURRENT RESOLUTION NO. 8409,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8408, the following House Bills are returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030,  
SUBSTITUTE HOUSE BILL NO. 1032,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1035,  
SUBSTITUTE HOUSE BILL NO. 1045,  
HOUSE BILL NO. 1049,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055,  
HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1067,  
HOUSE BILL NO. 1068,  
SECOND SUBSTITUTE HOUSE BILL NO. 1076,  
HOUSE BILL NO. 1085,  
HOUSE BILL NO. 1086,  
SUBSTITUTE HOUSE BILL NO. 1102,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1103,  
HOUSE BILL NO. 1116,  
SUBSTITUTE HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1122,  
HOUSE BILL NO. 1123,  
HOUSE BILL NO. 1126,  
HOUSE BILL NO. 1127,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1139,  
SUBSTITUTE HOUSE BILL NO. 1141,  
HOUSE BILL NO. 1142,  
HOUSE BILL NO. 1143,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147,  
SUBSTITUTE HOUSE BILL NO. 1148,  
HOUSE BILL NO. 1149,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,  
SECOND SUBSTITUTE HOUSE BILL NO. 1178,  
SUBSTITUTE HOUSE BILL NO. 1182,  
HOUSE BILL NO. 1187,  
ENGROSSED HOUSE BILL NO. 1189,  
SUBSTITUTE HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1196,  
SUBSTITUTE HOUSE BILL NO. 1200,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,  
SUBSTITUTE HOUSE BILL NO. 1215,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1226,  
HOUSE BILL NO. 1229,  
HOUSE BILL NO. 1230,  
SUBSTITUTE HOUSE BILL NO. 1237,  
SUBSTITUTE HOUSE BILL NO. 1238,  
SECOND SUBSTITUTE HOUSE BILL NO. 1242,  
SUBSTITUTE HOUSE BILL NO. 1246,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251,  
SUBSTITUTE HOUSE BILL NO. 1268,  
HOUSE BILL NO. 1269,  
ENGROSSED HOUSE BILL NO. 1283,  
HOUSE BILL NO. 1285,

SUBSTITUTE HOUSE BILL NO. 1295,  
 HOUSE BILL NO. 1296,  
 SUBSTITUTE HOUSE BILL NO. 1300,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,  
 HOUSE BILL NO. 1313,  
 SUBSTITUTE HOUSE BILL NO. 1314,  
 SUBSTITUTE HOUSE BILL NO. 1322,  
 SUBSTITUTE HOUSE BILL NO. 1323,  
 HOUSE BILL NO. 1326,  
 HOUSE BILL NO. 1327,  
 HOUSE BILL NO. 1345,  
 ENGROSSED HOUSE BILL NO. 1347,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1374,  
 HOUSE BILL NO. 1376,  
 HOUSE BILL NO. 1378,  
 HOUSE BILL NO. 1383,  
 HOUSE BILL NO. 1391,  
 SUBSTITUTE HOUSE BILL NO. 1392,  
 SUBSTITUTE HOUSE BILL NO. 1394,  
 HOUSE BILL NO. 1403,  
 HOUSE BILL NO. 1404,  
 HOUSE BILL NO. 1420,  
 HOUSE BILL NO. 1421,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,  
 ENGROSSED HOUSE BILL NO. 1436,  
 HOUSE BILL NO. 1446,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464,  
 ENGROSSED HOUSE BILL NO. 1471,  
 HOUSE BILL NO. 1480,  
 SUBSTITUTE HOUSE BILL NO. 1482,  
 SUBSTITUTE HOUSE BILL NO. 1492,  
 SUBSTITUTE HOUSE BILL NO. 1498,  
 HOUSE BILL NO. 1517,  
 HOUSE BILL NO. 1537,  
 SUBSTITUTE HOUSE BILL NO. 1538,  
 SUBSTITUTE HOUSE BILL NO. 1561,  
 SUBSTITUTE HOUSE BILL NO. 1580,  
 SUBSTITUTE HOUSE BILL NO. 1588,  
 SUBSTITUTE HOUSE BILL NO. 1590,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1595,  
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2007

Mr. Speaker:

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8408, the following House Bills are returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1605,  
 SUBSTITUTE HOUSE BILL NO. 1607,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637,  
 ENGROSSED HOUSE BILL NO. 1667,  
 HOUSE BILL NO. 1672,  
 SUBSTITUTE HOUSE BILL NO. 1675,  
 SUBSTITUTE HOUSE BILL NO. 1682,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1716,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,  
 SUBSTITUTE HOUSE BILL NO. 1734,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,  
 HOUSE BILL NO. 1746,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1755,  
 HOUSE BILL NO. 1759,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765,  
 HOUSE BILL NO. 1775,  
 HOUSE BILL NO. 1791,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809,  
 HOUSE BILL NO. 1824,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1825,  
 HOUSE BILL NO. 1836,  
 HOUSE BILL NO. 1852,  
 SUBSTITUTE HOUSE BILL NO. 1865,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1871,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1873,  
 SUBSTITUTE HOUSE BILL NO. 1876,  
 SUBSTITUTE HOUSE BILL NO. 1879,  
 SUBSTITUTE HOUSE BILL NO. 1880,  
 HOUSE BILL NO. 1887,  
 HOUSE BILL NO. 1923,  
 SUBSTITUTE HOUSE BILL NO. 1955,

ENGROSSED HOUSE BILL NO. 1956,  
 ENGROSSED HOUSE BILL NO. 1967,  
 SUBSTITUTE HOUSE BILL NO. 1975,  
 SUBSTITUTE HOUSE BILL NO. 1977,  
 SUBSTITUTE HOUSE BILL NO. 1987,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1993,  
 SUBSTITUTE HOUSE BILL NO. 2003,  
 HOUSE BILL NO. 2009,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,  
 HOUSE BILL NO. 2017,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,  
 HOUSE BILL NO. 2026,  
 SUBSTITUTE HOUSE BILL NO. 2031,  
 HOUSE BILL NO. 2033,  
 HOUSE BILL NO. 2048,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2053,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2073,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2082,  
 HOUSE BILL NO. 2090,  
 HOUSE BILL NO. 2104,  
 SUBSTITUTE HOUSE BILL NO. 2107,  
 HOUSE BILL NO. 2119,  
 HOUSE BILL NO. 2134,  
 HOUSE BILL NO. 2136,  
 HOUSE BILL NO. 2137,  
 HOUSE BILL NO. 2146,  
 HOUSE BILL NO. 2170,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,  
 HOUSE BILL NO. 2204,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2212,  
 SUBSTITUTE HOUSE BILL NO. 2219,  
 SUBSTITUTE HOUSE BILL NO. 2225,  
 SUBSTITUTE HOUSE BILL NO. 2230,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2256,  
 HOUSE BILL NO. 2263,  
 HOUSE BILL NO. 2283,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2292,  
 SUBSTITUTE HOUSE BILL NO. 2312,  
 SUBSTITUTE HOUSE BILL NO. 2317,  
 SUBSTITUTE HOUSE BILL NO. 2325,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2327,  
 SUBSTITUTE HOUSE BILL NO. 2338,  
 HOUSE BILL NO. 2353,  
 ENGROSSED HOUSE BILL NO. 2373,  
 SUBSTITUTE HOUSE BILL NO. 2380,  
 HOUSE JOINT MEMORIAL NO. 4001,  
 HOUSE JOINT MEMORIAL NO. 4020,  
 HOUSE CONCURRENT RESOLUTION NO. 4404,  
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 5174,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,  
 SENATE BILL NO. 5272,  
 SUBSTITUTE SENATE BILL NO. 6156,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6158,  
 SENATE CONCURRENT RESOLUTION NO. 8408,  
 SENATE CONCURRENT RESOLUTION NO. 8409,

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8408, the following bills were returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5010  
 SUBSTITUTE SENATE BILL NO. 5027  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5040  
 SENATE BILL NO. 5058  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5100  
 SUBSTITUTE SENATE BILL NO. 5104  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5115  
 SUBSTITUTE SENATE BILL NO. 5116  
 SUBSTITUTE SENATE BILL NO. 5145  
 SUBSTITUTE SENATE BILL NO. 5153  
 SUBSTITUTE SENATE BILL NO. 5171

SUBSTITUTE SENATE BILL NO. 5183  
 SUBSTITUTE SENATE BILL NO. 5184  
     SENATE BILL NO. 5208  
 SUBSTITUTE SENATE BILL NO. 5221  
     SENATE BILL NO. 5260  
     SENATE BILL NO. 5304  
 SUBSTITUTE SENATE BILL NO. 5305  
 SUBSTITUTE SENATE BILL NO. 5318  
 SUBSTITUTE SENATE BILL NO. 5366  
     SENATE BILL NO. 5383  
 SUBSTITUTE SENATE BILL NO. 5387  
     SENATE BILL NO. 5399  
     SENATE BILL NO. 5407  
     SENATE BILL NO. 5444  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5450  
     SENATE BILL NO. 5451  
     SENATE BILL NO. 5454  
     SECOND SUBSTITUTE SENATE BILL NO. 5455  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5456  
     SENATE BILL NO. 5469  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5497  
     SECOND SUBSTITUTE SENATE BILL NO. 5509  
     SUBSTITUTE SENATE BILL NO. 5517  
     SUBSTITUTE SENATE BILL NO. 5542  
     SUBSTITUTE SENATE BILL NO. 5585  
     SUBSTITUTE SENATE BILL NO. 5619  
     SUBSTITUTE SENATE BILL NO. 5691  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5712  
     ENGROSSED SUBSTITUTE SENATE BILL NO. 5717  
         ENGROSSED SENATE BILL NO. 5723  
         SUBSTITUTE SENATE BILL NO. 5733  
     SECOND SUBSTITUTE SENATE BILL NO. 5743  
     SUBSTITUTE SENATE BILL NO. 5745  
     SUBSTITUTE SENATE BILL NO. 5754  
     ENGROSSED SUBSTITUTE SENATE BILL NO. 5797  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5799  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5805  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5813  
     SUBSTITUTE SENATE BILL NO. 5844  
     SUBSTITUTE SENATE BILL NO. 5855  
     SUBSTITUTE SENATE BILL NO. 5869  
     SENATE BILL NO. 5902  
     ENGROSSED SUBSTITUTE SENATE BILL NO. 5905  
     ENGROSSED SUBSTITUTE SENATE BILL NO. 5909  
     SUBSTITUTE SENATE BILL NO. 5964  
     SENATE BILL NO. 5969  
     ENGROSSED SENATE BILL NO. 5983  
     SUBSTITUTE SENATE BILL NO. 6081  
     SENATE BILL NO. 6107  
     ENGROSSED SUBSTITUTE SENATE BILL NO. 6127  
     SUBSTITUTE SENATE BILL NO. 6168  
 ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8407

On motion of Representative Kessler, the reading of the Journal of the 105th Day of the 2007 Regular Session of the 60th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Kessler, the 2007 Regular Session of the 60th Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

**HOUSE LEGISLATIVE LEADERS**

Sixtieth Legislature  
2007 Regular Session

**DEMOCRAT LEADERSHIP**

Frank Chopp.....	Speaker
John Lovick.....	Speaker Pro Tempore
Lynn Kessler.....	Majority Leader
Bill Grant.....	Majority Caucus Chair
Sharon Tomiko Santos.....	Majority Whip
Zack Hudgins.....	Majority Floor Leader
Larry Springer.....	Majority Floor Leader
Joe McDermott.....	Majority Caucus Education Policy Leader
Brendan Williams.....	Majority External Relations Leader
Jeannie Darneille.....	Majority Caucus Vice Chair
Dawn Morrell.....	Deputy Majority Whip
Dean Takko.....	Assistant Majority Whip
Jamie Pedersen.....	Assistant Majority Whip
Christine Rolfes.....	Assistant Majority Whip
Kevin Van De Wege.....	Assistant Majority Whip

**REPUBLICAN LEADERSHIP**

Richard Debolt.....	Minority Leader
Doug Ericksen.....	Deputy Minority Leader
Dan Kristiansen.....	Minority Caucus Chair
Lynn Schindler.....	Minority Whip
David Buri.....	Minority Floor Leader
Mary Skinner.....	Minority Caucus Vice Chair
Daniel Newhouse.....	Assistant Minority Floor Leader
Chris Strow.....	Assistant Minority Floor Leader
Steve Hailey.....	Assistant Minority Whip
Charles Ross.....	Assistant Minority Whip
Judy Warnick.....	Assistant Minority Whip

## 2007 HOUSE MEMBERSHIP ROSTER

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
 <b>Ahern, John</b> District 6 (R) Spokane (P)	2001-2006	3615 S Lincoln Dr Spokane WA 99203	1934 - MT	Janco Products
 <b>Alexander, Gary</b> District 20 (R) Lewis, Thurston (P)	1996-2006	7915 Lorna Dr SE Olympia WA 98503	1944 - WA	Deputy Auditor, Finance
 <b>Anderson, Glenn</b> District 5 (R) King (P)	2001-2006	PO Box 1682 Issaquah WA 98027	1958 - AL	Business Consultant
 <b>Appleton, Sherry</b> District 23 (D) Kitsap (P)	2005-2006	PO Box 2112 Poulsbo WA 98370	1942 - RI	Legislator
 <b>Armstrong, Mike</b> District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2001-2006	PO Box 40600 Olympia WA 98504	1957 - WA	Chelan Public Utilities Dist
 <b>Bailey, Barbara</b> District 10 (R) Island, Skagit (P), Snohomish (P)	2003-2006	PO Box 40600 Olympia WA 98504	1944 - MI	Mgmt / Training Consultant
 <b>Barlow, Don</b> District 6 (D) Spokane (P)		PO Box 40600 Olympia WA 98504	1938 - AR	Retired
 <b>Blake, Brian</b> District 19 (D) Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	Appt. 12/17/2002, 2003-2006	PO Box 40600 Olympia WA 98504	1960 - WA	Env. Specialist, Logger
 <b>Buri, David</b> District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	2005-2006	PO Box 40600 Olympia WA 98504	1962 - WA	Legislator
 <b>Campbell, Tom</b> District 2 (R) Pierce (P), Thurston (P)	1993-1996, 1999-2006	PO Box 40600 Olympia WA 98504	1954 - NY	Chiropractic Physician
 <b>Chandler, Bruce</b> District 15 (R) Clark (P), Klickitat, Skamania, Yakima (P)	1999-2006	PO Box 40600 Olympia WA 98504	1952 - WA	Orchardist
 <b>Chase, Maralyn</b> District 32 (D) King (P), Snohomish (P)	Appt. 1/7/2002, 2003-2006	18560 1st Ave NE Ste E-750 Shoreline WA 98155	1942 - WA	Legislator
 <b>Chopp, Frank</b> District 43 (D) King (P)	1995-2006	PO Box 40600 Olympia WA 98504	1953 - WA	Community Service
 <b>Clibborn, Judy</b> District 41 (D) King (P)	2003-2006	PO Box 40600 Olympia WA 98504	1943 - OK	Chamber of Commerce Ex Dir (Retired)
 <b>Cody, Eileen</b> District 34 (D) King (P)	Appt. 6/2/1994, 1995-2006	5209 36th Ave SW Seattle WA 98126	1954 - IA	Registered Nurse

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	
	<b>Condotta, Cary</b> District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2003-2006	PO Box 40600 Olympia WA 98504	1957 - WA	Self-Empl. Motor Sports Dealer
	<b>Conway, Steve</b> District 29 (D) Pierce (P)	Appt. 1/26/1993, 1994-2006	PO Box 40600 Olympia WA 98504	1944 - OR	Labor Relations Specialist
	<b>Crouse, Larry</b> District 4 (R) Spokane (P)	1995-2006	PO Box 40600 Olympia WA 98504	1944 - WA	Legislator
	<b>Curtis, Richard</b> District 18 (R) Clark (P), Cowlitz (P)	2005-2006	PO Box 1805 La Center WA 98629	1959 - NM	Fire Captain/Paramedic
	<b>Darneille, Jeannie</b> District 27 (D) Pierce (P)	2001-2006	PO Box 7753 Tacoma WA 98417	1949 - AK	Executive Director
	<b>DeBolt, Richard</b> District 20 (R) Lewis, Thurston (P)	1997-2006	PO Box 40600 Olympia WA 98504	1965 - WA	Public Relations
	<b>Dickerson, Mary Lou</b> District 36 (D) King (P)	Appt. 11/28/1994, 1995-2006	2208 NW Market St Ste 310 Seattle WA 98107	1946 - OR	Legislator
	<b>Dunn, Jim</b> District 17 (R) Clark (P)	1997-2002, 2005-2006	1311 SE Grace Ave Suite 206 Battle Ground WA 98604	1942 - AK	Retired
	<b>Dunshee, Hans</b> District 44 (D) Snohomish (P)	1993-1994; 1997-2006	506 10th St Snohomish WA 98290	1953 - CA	Former Septic Designer
	<b>Eddy, Deborah</b> District 48 (D) King (P)		PO Box 40600 Olympia WA 98504	1950 - WV	Law Professor/Legal Consultant
	<b>Eickmeyer, William "Ike"</b> District 35 (D) Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	Appt. 12/23/1997, 1998, 1999-2006	E 183 Coulter Creek Rd. S Belfair WA 98528	1939 - WA	Exec. Director
	<b>Ericks, Mark</b> District 1 (D) King (P), Snohomish (P)	2005-2006	8818 192nd St SE Snohomish WA 98296	1951 - WA	Chief of Police (Ret.)
	<b>Ericksen, Doug</b> District 42 (R) Whatcom (P)	1999-2006	PO Box 40600 Olympia WA 98504	1969 - WA	Legislator
	<b>Flannigan, Dennis</b> District 27 (D) Pierce (P)	2003-2006	1521 N 5th St Tacoma WA 98403	1939 - WA	Observer

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
 <b>Fromhold, Bill</b> District 49 (D) Clark (P)	2001-2006	PO Box 40600 Olympia WA 98504	1942 - WA	Retired
 <b>Goodman, Roger</b> District 45 (D) King (P)		PO Box 40600 Olympia WA 98504	1961 - RI	Attorney
 <b>Grant, Bill</b> District 16 (D) Benton (P), Columbia, Franklin (P), Walla Walla	1987-2006	527 Boyer Avenue Walla Walla WA 99362	1937 - WA	Farmer
 <b>Green, Tami</b> District 28 (D) Pierce (P)	2005-2006	PO Box 40600 Olympia WA 98504	1959 - NE	RN/Healthcare Organizer
 <b>Haigh, Kathy</b> District 35 (D) Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	1999-2006	81 SE Walker Park Rd Shelton WA 98584	1950 - OH	Veterinarian
 <b>Hailey, Steve</b> District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman		691 Hailey Rd Mesa WA 99343	1945 - WA	Farmer/Rancher
 <b>Haler, Larry</b> District 8 (R) Benton (P)	2005-2006	719 Jadwin Ste 6 Richland WA 99352	1951 - IO	Program Manager
 <b>Hankins, Shirley</b> District 8 (R) Benton (P)	1981-9/19/1990, 1995-2006	1637 Mowry Sq Richland WA 99354	KS	Retired (Hanford Employee)
 <b>Hasegawa, Bob</b> District 11 (D) King (P)	2005-2006	PO Box 84331 Seattle WA 98124	1952 - WA	Teamster Leader (Ret.)
 <b>Hinkle, Bill</b> District 13 (R) Grant (P), Kittitas, Yakima (P)	2003-2006	311 Anderson Ln Cle Elum WA 98922	1956 - WA	Proj Dev & Mrkting Consultant
 <b>Hudgins, Zack</b> District 11 (D) King (P)	Appt. 12/09/2002, 2003-2006	PO Box 40600 Olympia WA 98504	1968 - TX	High Technology Manager
 <b>Hunt, Sam</b> District 22 (D) Thurston (P)	2001-2006	4030 San Mar Dr NE Olympia WA 98506	1942 - MT	Retired
 <b>Hunter, Ross</b> District 48 (D) King (P)	2003-2006	PO Box 40600 Olympia WA 98504	1961 - PA	Retired Software Executive
 <b>Hurst, Christopher</b> District 31 (D) King (P), Pierce (P)	1999-2000	PO Box 40600 Olympia WA 98504	1954 - WA	Retired Police Detective

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
	<b>Jarrett, Fred</b> District 41 (R) King (P)	2001-2006 2949-1 81st P1 SE Mercer Island WA 98040	1949 - MT	Project Mgr Boeing
	<b>Kagi, Ruth</b> District 32 (D) King (P), Snohomish (P)	1999-2006 19553 35th Ave NE Lk Forest Park WA 98155	1945 - WA	Legislator
	<b>Kelley, Troy</b> District 28 (D) Pierce (P)	PO Box 40600 Olympia WA 98504	1964 - CA	Small Business Owner
	<b>Kenney, Phyllis</b> District 46 (D) King (P)	Appt. 1/13/1997, 1998-2006 12345 30th Ave NE Ste E Seattle WA 98125	MT	Consultant, Community Relation
	<b>Kessler, Lynn</b> District 24 (D) Clallam, Grays Harbor (P), Jefferson	1993-2006 PO Box 40600 Olympia WA 98504	1941 - WA	Legislator
	<b>Kirby, Steve</b> District 29 (D) Pierce (P)	2001-2006 9415 Tacoma Ave S Tacoma WA 98444	1951 - WA	Legislator
	<b>Kretz, Joel</b> District 7 (R) Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	2005-2006 1014 Toroda Creek Rd Wayconda WA 98859	1957 - WA	Rancher
	<b>Kristiansen, Dan</b> District 39 (R) King (P), Skagit (P), Snohomish (P), Whatcom (P)	2003-2006 PO Box 2007 Snohomish WA 98291	1962 - WA	Legislator
	<b>Lantz, Patricia</b> District 26 (D) Kitsap (P), Pierce (P)	1997-2006 PO Box 40600 Olympia WA 98504	1938 - WA	Attorney
	<b>Linville, Kelli</b> District 42 (D) Whatcom (P)	1993-1994, 1997-2006 3123 Eldridge Ave Bellingham WA 98225	1948 - WA	Representative/Small Business
	<b>Lovick, John</b> District 44 (D) Snohomish (P)	1999-2006 PO Box 40600 Olympia WA 98504	1951 - LA	Legislator
	<b>McCoy, John</b> District 38 (D) Snohomish (P)	2003-2006 PO Box 40600 Olympia WA 98504	1943 - WA	General Manager
	<b>McCune, Jim</b> District 2 (R) Pierce (P), Thurston (P)	elected 11/19/1997, 1998, 2005-2006 PO Box 40600 Olympia WA 98504	1950 - WA	Copper River Salmon Prod Prvdr
	<b>McDermott, Joe</b> District 34 (D) King (P)	2001-2006 PO Box 16254 Seattle WA 98116	1967 - WA	Legislator

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
 <b>McDonald, Joyce</b> District 25 (R) Pierce (P)	1997-1998; 2003-2006	PO Box 1225 Puyallup WA 98371	1952 - Scotland	Legislator
 <b>McIntire, Jim</b> District 46 (D) King (P)	sworn in 11/24/1998-2006	PO Box 40600 Olympia WA 98504	1953 - OH	Sr. Lecturer, Univ. of WA
 <b>Miloscia, Mark</b> District 30 (D) King (P)	1999-2006	30720 19th Ave S Federal Way WA 98003	1958 - MS	Legislator
 <b>Moeller, Jim</b> District 49 (D) Clark (P)	2003-2006	PO Box 40600 Olympia WA 98504	1955 - WA	Substance Abuse Counselor
 <b>Morrell, Dawn</b> District 25 (D) Pierce (P)	2003-2006	2106 Manorwood Dr SE Puyallup WA 98374	1949 - ID	Registered Nurse
 <b>Morris, Jeff</b> District 40 (D) San Juan, Skagit (P), Whatcom (P)	1997-2006	1004 Commercial Ave #303 Anacortes WA 98221	1964 - WA	Director of NWETC
 <b>Newhouse, Daniel</b> District 15 (R) Clark (P), Klickitat, Skamania, Yakima (P)	2003-2006	2521 S Emerald Rd Sunnyside WA 98944	1955 - WA	Self-Employed Farmer
 <b>O'Brien, Al</b> District 1 (D) King (P), Snohomish (P)	1997-2006	PO Box 40600 Olympia WA 98504	1943 - WA	Retired Seattle Police Dept.
 <b>Orcutt, Ed</b> District 18 (R) Clark (P), Cowlitz (P)	Appt. 1/4/2002, 2003-2006	PO Box 1280 Kalama WA 98625	1963 - ME	Consulting Forester
 <b>Ormsby, Timm</b> District 3 (D) Spokane (P)	Appt. 9/30/2003, 2004-2006	PO Box 40600 Olympia WA 98504	1959 - WA	Cement Mason
 <b>Pearson, Kirk</b> District 39 (R) King (P), Skagit (P), Snohomish (P), Whatcom (P)	2001-2006	105 Pearson Ln Monroe WA 98272	1958 - WA	Former Congressional Aide
 <b>Pedersen, Jamie</b> District 43 (D) King (P)		PO Box 40600 Olympia WA 98504	1968 - WA	Lawyer
 <b>Pettigrew, Eric</b> District 37 (D) King (P)	2003-2006	PO Box 28660 Seattle WA 98118	1960 - CA	Director of Urban Development
 <b>Priest, Skip</b> District 30 (R) King (P)	2003-2006	PO Box 40600 Olympia WA 98504	1950 - NY	Land Mgmt. & Bus. Consultant

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
	<b>Quall, Dave</b> District 40 (D) San Juan, Skagit (P), Whatcom (P)	1993-2006 P O Box 1142 Mount Vernon WA 98273	1936 - WA	Counselor
	<b>Roach, Dan</b> District 31 (R) King (P), Pierce (P)	2001-2006 5914 Graham Ave E Sumner WA 98390	1972 - CA	Owner, Roach Gymnastics, Inc.
	<b>Roberts, Mary Helen</b> District 21 (D) Snohomish (P)	2005-2006 3924 149th Pl SW Lynnwood WA 98087	1947 - Oregon	Legislator
	<b>Rodne, Jay</b> District 5 (R) King (P)	Appt. 1/20/2004, 2005-2006 PO Box 40600 Olympia WA 98504	1966 - MN	Attorney
	<b>Rolfes, Christine</b> District 23 (D) Kitsap (P)	PO Box 40600 Olympia WA 98504	1967 - NY	Legislator
	<b>Ross, Charles</b> District 14 (R) Yakima (P)	PO Box 845 Naches WA 98937	1971 - VA	Funeral Director
	<b>Santos, Sharon Tomiko</b> District 37 (D) King (P)	PO Box 40600 Olympia WA 98504	1961 - CA	Legislator
	<b>Schindler, Lynn</b> District 4 (R) Spokane (P)	Appt: 6/1/1998, 1999-2006 19918 E Crestwood Lane Otis Orchards WA 99027	1944 - WI	Property Mgr./Investments
	<b>Schual-Berke, Shay</b> District 33 (D) King (P)	1999-2006 PO Box 40600 Olympia WA 98504	1952 - NY	Cardiologist (Retired)
	<b>Seaquist, Larry</b> District 26 (D) Kitsap (P), Pierce (P)	PO Box 40600 Olympia WA 98504	1938 - ID	Writer
	<b>Sells, Mike</b> District 38 (D) Snohomish (P)	2005-2006 2812 Lombard Ave. Rm 210 Everett WA 98201	1945 - WA	Labor Official
	<b>Simpson, Geoff</b> District 47 (D) King (P)	2001-2006 16624 SE 254th Pl Covington WA 98042	1962 - WA	Fire Fighter
	<b>Skinner, Mary</b> District 14 (R) Yakima (P)	420 Aero View Yakima WA 98908	1945 - CA	Teacher/Community Volunteer
	<b>Sommers, Helen</b> District 36 (D) King (P)	1973-2006 PO Box 40600 Olympia WA 98504	1932 - New Jersey	Legislator

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
	2005-2006	700 20th Ave West Kirkland WA 98033	1947 - WA	Retail Store Owner
	2005-2006	PO Box 40600 Olympia WA 98504	1969 - United Kingdom	Former Congressional Aide
	elected 11/21/2001-2006	PO Box 40600 Olympia WA 98504	1958 - MT	GMA Coordinator
	2005-2006	26513 168th Pl SE Covington WA 98042	1962 - MT	Legislator
	1997-2006	PO Box 40600 Olympia WA 98504	1941 - TX	Mining Industry
	appt. 12/21/2004-2005, 2006	PO Box 40600 Olympia WA 98504	1950 - WA	Retired
	Appt. 1/7/2002, 2003-2006	21925 7th Ave S Apt 119 Des Moines WA 98198	1971 - WA	Legislator
		PO Box 40600 Olympia WA 98504	1974 - WA	Firefighter/Paramedic
	2003-2006	822 NE 130th Ct Vancouver WA 98684	1957 - WA	Economic Development Director
	2005-2006	1227 Murphy Lane SE College Place WA 99324	1960 - OH	Small Business Owner
		PO Box 40600 Olympia WA 98504	1950 - WA	Small Business Owner
	2005-2006	PO Box 40600 Olympia WA 98504	1968 - OR	Attorney
	1997-2006	935 W Glass Ave Apt 103 Spokane WA 99205	1946 - Canada	Legislator

**BILLS, MEMORIALS AND RESOLUTIONS PASSED**

\* indicates multiple effective dates

Sixtieth Legislature  
2007 Regular Session

CHAPTER	DESCRIPTION	BILL	EFFECTIVE DATE	VETO
1	Energy Independence Act	INIT 937	12/07/2006	
2	Disorderly conduct	HB 1168	2/2/2007	
3	Part D drug copayment prog	2SHB 1095	7/22/2007	
4	Public works board projects	HB 1025	3/12/2007	
5	Health services for children	2SSB 5093	7/22/2007	
6	Streamlined sales & use tax	SSB 5089	7/1/2008***	
7	Canadian border	ESHB 1289	3/23/2007	
8	Mental health parity	EHB 1460	1/1/2008	
9	Beer/wine distribution bill	SB 5011	7/22/2007	
10	Missing persons	SSB 5191	7/22/2007	
11	Veteran-owned businesses	SB 5253	7/22/2007	
12	Civil service commission	SB 5620	7/22/2007	
13	Jail services	SSB 5625	7/22/2007	
14	Polygraph tests	SB 5635	7/22/2007	
15	Executive state officers	SB 5759	7/22/2007	
16	Shipment of wine	SSB 5898	7/22/2007	
17	Department of early learning	SSB 5952	7/22/2007	
18	Legislature	SB 5957	7/1/2007	
19	Korean-American day	ESB 5166	7/22/2007	
20	Vulnerable adults	SHB 1097	4/10/2007	
21	Amateur radio repeaters	SHB 2335	7/22/2007	
22	Sales & use tax on vessels	SHB 1002	7/1/2007	
23	Colorectal cancer	SHB 1337	7/22/2007	
24	U of W and WSU	SHB 1398	7/22/2007*	
25	Shared leave	SHB 1507	10/1/2007	
26	Telecommunications	SHB 2103	7/22/2007	
27	Crane safety	ESHB 2171	1/1/2010	
28	Intermediate driver's lic	SB 5036	7/22/2007	
29	Marriages	SB 5079	7/22/2007	
30	Barley straw	SB 5113	7/22/2007	
31	Water-sewer districts	SSB 5231	7/22/2007	
32	Medical malpractice	SSB 5263	7/22/2007	
33	State trans facilities	SB 5264	7/22/2007	
34	Court of appeals	SB 5351	7/22/2007	
35	Indian affairs-funded school	SB 5382	7/22/2007	
36	Student loan revenue bonds	ESB 5385	7/22/2007	
37	Judicial orders	SSB 5405	7/22/2007	
38	Primary election ballots	SB 5408	7/22/2007	
39	Conservation measures	SSB 5481	7/22/2007	
40	Adult family home committee	SB 5490	7/22/2007	
41	State gov efficiency hotline	ESB 5513	7/22/2007	
42	City officials	SB 5525	7/22/2007	
43	Veterans' cemetery	HB 1292	7/22/2007	
44	Special parking privileges	HB 1000	7/22/2007	PV
45	Share aquisition time period	HB 1042	7/22/2007	
46	Jurisdiction over judgments	SHB 1144	7/22/2007	
47	Timber purchases	HB 1185	7/1/2007	
48	Forest products businesses	SHB 1513	7/1/2007	
49	Service credit/disability	SHB 1261	7/22/2007	
50	Public employment/retirees	SHB 1262	7/22/2007	
51	Unemployment	SHB 1278	7/22/2007	
52	Food lockers	HB 1305	7/22/2007	
53	Sale of alcoholic beverages	HB 1349	7/22/2007	
54	Laws relating to taxes	SHB 1381	7/22/2007***	
55	Sexual assault protection	HB 1437	7/22/2007	
56	Volunteer firefighters	HB 1475	7/22/2007	

CHAPTER	DESCRIPTION	BILL	EFFECTIVE DATE	VETO
57	Volunteer firefighters	SHB 2147	4/17/2007	
58	Resale of natural gas	SHB 1508	7/22/2007	
59	Indigent defense grants	HB 1793	7/22/2007	
60	ID for health services	SHB 1848	7/22/2007	
61	Juneteenth	HB 1870	7/22/2007	
62	Proposed land dispositions	HB 1940	7/22/2007	
63	Irrigation dist foreclosure	HB 1972	7/22/2007	
64	Code cities & noncode cities	HB 2161	7/22/2007	
65	Polybrominated diphenyl	ESHB 1024	7/22/2007	
66	Consumer protection act	SSB 5228	4/17/2007	
67	Estate distribution document	ESHB 1114	7/22/2007	
68	Eminent domain	SHB 1458	7/22/2007	
69	Quinault Indian Reservation	SHB 2008	7/22/2007	
70	Animal massage practitioner	ESSB 5403	7/22/2007	
71	Animal health laws	ESB 5204	7/22/2007	
72	Vocational rehabilitation	ESSB 5920	1/1/2008	
73	Scholarship endowment funds	SSB 5039	7/22/2007	
74	Insurance claims	SSB 5052	7/22/2007	
75	Collective bargaining	ESB 5251	7/22/2007	
76	Sexual harassment policies	SSB 5118	7/22/2007	
77	Workers' comp claims	SSB 5443	7/22/2007	
78	Workers' comp claimants	SSB 5688	7/22/2007	
79	Violence by strangulation	SB 5953	7/22/2007	
80	Insurance	SB 5042	7/22/2007	
81	Check cashers & sellers	SB 5199	7/22/2007	
82	Market conduct oversight	ESSB 5717	7/22/2007	
83	Approaching emrg vehicles	SSB 5078	7/22/2007	
84	State highway maintenance	SB 5086	7/22/2007	
85	Federal REAL ID Act	SSB 5087	7/22/2007	
86	Vehicle impound	SB 5134	7/22/2007	
87	State patrol retirement sys	SB 5313	7/22/2007	PV
88	Competitive bid limits	SB 6075	7/22/2007	
89	Retirement annual increases	SB 5175	7/1/2007	
90	Historical property	SB 5607	7/22/2007	
91	Legal financial obligations	SSB 5190	7/22/2007	
92	Wounded combat veterans	SSB 5242	7/22/2007	
93	Consumer privacy	ESSB 5827	7/22/2007	
94	Regulatory assistance	2SSB 5122	7/22/2007*	
95	Superior court judges	SB 5247	7/22/2007	
96	Motor vehicle ownership	SSB 5250	7/22/2007	
97	Motorcycle driver's license	SB 5273	7/22/2007	
98	Physical therapist assistant	ESSB 5292	7/1/2008*	
99	Payroll deductions	SB 5879	7/22/2007	
100	Horse races	SB 5389	4/18/2007	
101	Traffic infractions	SSB 5391	7/22/2007	
102	Specialty hospitals	SB 5398	7/22/2007	
103	Broadcast of legal notices	SSB 5720	7/22/2007	
104	Environmental covenants	SB 5421	7/22/2007	
105	County treasurer	SB 5732	7/22/2007	
106	Forest land	2SSB 5883	7/22/2007	
107	Seller disclosure	SSB 5895	7/22/2007	
108	Retirement for judges	SB 5918	7/22/2007	
109	Forest health	SSB 5461	7/22/2007	
110	Forest fire protection	SSB 5463	7/22/2007	
111	Tax programs	SB 5468	7/22/2007	
112	Volunteer firefighters	SSB 5511	7/22/2007	
113	Self-service storage	SSB 5554	7/22/2007	
114	Tribal governments	SB 5640	1/1/2009	
115	Special education	SB 5775	7/22/2007*	
116	Offender score	SB 5711	7/1/2007	
117	Selling insurance	SSB 5715	7/1/2009	
118	Reports of child abuse	SSB 5839	7/22/2007	
119	Medical malpractice action	SSB 5910	7/22/2007	

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120	Detention of persons	ESB 6018	4/18/2007	
121	Attorneys/service of process	SB 6059	7/22/2007	
122	Small farm assistance prog	HB 1311	7/22/2007	
123	Judges in PERS & TRS	ESHB 1649	7/22/2007	
124	Account receivable	HB 1145	7/22/2007	
125	Pawnbrokers	HB 1231	7/22/2007	
126	Insurance commissioner exams	HB 1235	7/22/2007	
127	Transact insurance	HB 1236	7/22/2007	
128	Poet laureate program	SHB 1279	7/22/2007	
129	School distr capital funds	2SHB 1280	7/22/2007	
130	CWU fee waiver	ESHB 1497	7/22/2007	
131	Unprocessed milk	HB 1549	7/22/2007	
132	Public utility districts	HB 1676	7/22/2007	
133	Bidder responsibility	SHB 2010	7/22/2007	
134	Workers' comp/prescriptions	EHB 2105	1/1/2008	
135	Vehicle sale to nonresident	SHB 2158	7/22/2007	
136	Collective bargaining	SHB 2361	7/22/2007	
137	Walla Walla sweet onion	HB 1556	7/22/2007	
138	Vancouver historic reserve	SSB 5032	7/22/2007	
139	Student transportation	2SSB 5114	7/22/2007*	
140	Tires with retractable studs	SB 5206	7/22/2007	
141	Weather & avalanche center	SSB 5219	7/22/2007	
142	Gas & liquid pipelines	SSB 5225	7/22/2007	
143	Deficit reduction act	SSB 5244	7/22/2007	
144	Prevention of child abuse	SB 5258	7/22/2007	
145	Unneeded park land	SB 5259	7/22/2007	
146	Unemployment insurance prog	ESSB 5373	7/22/2007*	
147	Underground storage tanks	SSB 5475	7/22/2007	
148	City hardship assistance	SSB 5483	7/22/2007	
149	Entrepreneurial training	SB 5613	7/22/2007	
150	Shellfish protection	SB 5778	7/22/2007	
151	Higher education costs	2SSB 5806	7/22/2007	
152	Design-build construction	SB 5798	7/22/2007	
153	Insurance premium taxes	SSB 5919	7/22/2007	
154	Crowd management	SB 6090	7/22/2007	
155	State patrol highway account	SB 6129	8/1/2007	
156	Domestic partnerships	SSB 5336	7/22/2007	
157	Voter registration	HB 1528	1/1/2008	
158	Information services board	HB 1054	7/22/2007	
159	Aquifer conservation zones	SHB 1135	7/22/2007	
160	State ferry employees	SHB 1693	7/22/2007	
161	Long-term care services	HB 1247	7/22/2007	
162	Boarding homes	HB 1447	7/22/2007	
163	Hunter education	ESHB 1249	7/22/2007	
164	Air pollution control agcy	SHB 1258	7/22/2007	
165	Regulation of massage	HB 1341	7/22/2007	
166	Regional transit authorities	HB 1747	7/22/2007	
167	Interstate branching	SHB 2286	7/22/2007	
168	Window tint exemption	HB 1344	7/22/2007	
169	Prevailing wages	HB 1370	7/22/2007	
170	Shoreline master program	HB 1412	7/22/2007	
171	Certificates of discharge	HB 1431	7/22/2007	
172	Workers' comp disability	SHB 1500	7/22/2007	
173	No-contact orders	SHB 1642	7/22/2007	
174	District & municipal court	SHB 1669	7/22/2007	
175	School counselors	HB 1670	7/22/2007	
176	Outdoor education/recreation	2SHB 1677	7/22/2007	
177	Fruits and vegetables	EHB 1688	7/22/2007	
178	Hound hunting cougar	ESHB 1756	7/22/2007	
179	Medical benefits	SHB 1826	7/1/2007	
180	Election cycle	HB 1831	7/22/2007	
181	Brassica seed production	HB 1888	4/21/2007	
182	Financial information	ESHB 1981	8/1/2007	

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183	Overpayments/courts	HB 1994	7/22/2007	
184	Adult family home providers	ESHB 2111	7/22/2007	
185	Multiple-unit housing	ESHB 2164	7/1/2007	
186	College textbooks	SHB 2300	7/22/2007	
187	Veterans/discrimination	SB 5123	7/22/2007	
188	Cost-reimbursement agreement	SSB 5445	7/22/2007	
189	City lodging taxes	SSB 5568	7/22/2007	
190	Temporary total disability	SSB 5676	7/22/2007	
191	Treatment records	SB 5773	7/22/2007	
192	Surface mining reclamation	SSB 5972	7/22/2007	
193	Engineering services	SSB 5984	7/1/2008	
194	Reclaimed surface coal mine	SB 6014	7/22/2007	
195	Rental of county equipment	HB 1005	7/22/2007	
196	News media	HB 1366	7/22/2007	
197	Public records act	SHB 1445	7/22/2007*	
198	Public records exemptions	SSB 5435	7/22/2007	
199	Auto theft	E3SHB 1001	7/22/2007	
200	Forensic investigations	HB 1181	7/22/2007	
201	Correctional agency employee	SHB 1319	7/22/2007	
202	Polygraph/sex assault victim	HB 1520	7/22/2007	
203	Juvenile sex offenders	SSB 5243	10/1/2007	
204	Victim information	SB 5332	7/22/2007	
205	Exceptional sentences	EHB 2070	4/27/2007	
206	Gambling commission	HB 1218	7/22/2007	
207	Portability of retirement	SHB 1264	7/22/2007	
208	Consumer loan act	HB 1270	7/22/2007	
209	Advance deposit wagering	HB 1291	7/22/2007	
210	Small works roster	SHB 1328	7/22/2007	
211	Beer commission	SHB 1338	7/22/2007	
212	Sexual assault protection	SHB 1555	7/22/2007	
213	Child in need of services	SHB 1565	7/22/2007	
214	GET ready for math & science	E2SHB 1779	7/22/2007	
215	Investment of funds	SHB 1784	12/6/2007**	
216	Shellfish	2SHB 2220	7/22/2007	
217	Beer and wine	HB 2240	7/22/2007	
218	Gender references	ESB 5063	7/22/2007	
219	Unclaimed personal property	SSB 5193	7/22/2007	
220	Child welfare	SSB 5321	7/22/2007*	
221	Liquor & tobacco laws	SB 5551	7/22/2007	
222	Microbreweries	SSB 5639	7/22/2007*	
223	Passenger-only ferry service	E2SSB 5862	4/27/2007	
224	State amphibian	HB 1069	7/22/2007	
225	Ecology department opinions	SHB 1039	7/22/2007	
226	Alcohol in food and candy	ESHB 1047	7/22/2007	
227	Innovation partnership zones	SHB 1091	7/22/2007	
228	Tourism partnership	SHB 1276	7/22/2007	
229	Local infrastructure finance	2SHB 1277	7/22/2007	
230	Community & economic dev	HB 1430	7/22/2007	
231	Economic development project	ESB 5508	7/22/2007	
232	Economic development comm	2SSB 5995	7/22/2007	
233	Water quality capital acct	HB 1137	7/1/2007	
234	Transportation providers	SHB 1312	7/22/2007	
235	Veterinary technicians	HB 1331	7/22/2007	
236	Forest practices	SHB 1409	7/22/2007	
237	Asparagus	HB 1416	7/22/2007	
238	Dangerous wild animals	HB 1418	7/22/2007	
239	Regulatory fairness	EHB 1525	7/22/2007	
240	Home heating oil tanks	HB 1789	7/22/2007	
241	Committee for outdoor rec	HB 1813	7/1/2007	
242	Impoundment of vehicles	SHB 1892	7/22/2007	
243	Fruit & vegetable processing	HB 2032	4/30/2007	
244	Recycling	SHB 2056	7/22/2007	
245	WRIA 29	SSB 5074	7/22/2007	

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246	Wildlife rehabilitation	2SSB 5188	7/22/2007	
247	Public lands management	SSB 5236	7/22/2007	
248	Self-employment assistance	SSB 5653	1/1/2008	
249	Associate development org	2SSB 5092	7/22/2007	
250	Economic development officer	HB 1543	7/22/2007	
251	Health sciences and services	E2SHB 1705	7/22/2007*	
252	Forest fires/property access	SSB 5315	7/22/2007	
253	Athletic trainers	SSB 5503	7/1/2008	
254	Hunting/fishing lic fees	SHB 1079	7/22/2007	
255	Workers' comp total disable	HB 1501	7/22/2007	
256	Business and professions	SHB 1574	7/22/2007	
257	Salmon recovery	HB 1598	7/22/2007	
258	Insurance premium reductions	SHB 1953	7/22/2007	
259	Blue ribbon comm/health care	E2SSB 5930	7/22/2007*	PV
260	Reforming health care system	E2SHB 1569	7/22/2007	PV
261	Hospital acquired infections	2SHB 1106	7/22/2007	
262	Special parking privileges	HB 1505	7/22/2007	
263	Physician assistants	HB 1722	7/1/2007	
264	Physician assistants	HB 1966	7/22/2007	
265	Sexual health education	ESSB 5297	7/22/2007	
266	Hospital benefit zones	SB 5512	7/1/2007	
267	Primary health care delivery	E2SSB 5958	7/22/2007	
268	Vaccines	SHB 1098	7/22/2007	
269	Dental professions	SHB 1099	7/22/2007*	
270	Dental hygienist	SHB 1298	7/22/2007	
271	Hearing instrument fitter	EHB 1379	7/22/2007	
272	Massage therapy definition	SHB 1397	7/22/2007	
273	Ambulatory surgical fclt	ESHB 1414	7/1/2009*	
274	Health care authority	HB 1645	7/22/2007	
275	Nurse practitioners	HB 1666	5/2/2007	
276	Human papillomavirus	SHB 1802	7/22/2007	
277	Postsecondary opportunities	2SHB 1096	7/22/2007	
278	Care providers	ESHB 1916	7/22/2007	
279	Health care facilities	SHB 2087	7/22/2007	
280	Contribution rates	SB 5014	7/22/2007	
281	Industrial insurance	SSB 5053	7/22/2007	
282	Workers' comp advisory comm	ESSB 5290	7/22/2007	
283	Developmental disabilities	2SSB 5467	7/22/2007	
284	Workers' comp benefits	ESB 5675	7/1/2008	
285	Accrual of property tax	ESSB 5836	7/22/2007	
286	Water power license fees	SSB 5881	7/22/2007	
287	Unemployment/workers' comp	ESSB 5915	7/22/2007	
288	Construction industry	SB 5926	5/2/2007	
289	WorkFirst program	2SSB 6016	7/22/2007	
290	Fire service training acct	SB 6119	7/22/2007	
291	Legislative youth advisory	ESHB 1052	5/2/2007	
292	Emergency workers	HB 1073	7/22/2007	
293	Fish & wildlife data	HB 1077	7/22/2007	
294	Natural resources' officers	SHB 1124	7/22/2007	
295	County treasurers	HB 1166	7/22/2007	
296	Fixed payment insurance	SHB 1233	7/22/2007	
297	Wages for industrial ins	SHB 1244	7/22/2007	
298	Municipal officers	SHB 1255	7/22/2007	
299	Window blind cords	SHB 1256	7/22/2007	
300	State patrol retirement	ESHB 1260	7/1/2007	
301	Low-income households	HB 1450	7/22/2007	
302	Part-time academic employees	HB 1644	7/22/2007	
303	LEOFFRS plan 2 board	SHB 1679	7/22/2007	
304	LEOFFRS service credit	HB 1680	7/22/2007	
305	Nonambulatory persons	SHB 1837	7/22/2007	
306	Security guards	SHB 1988	7/22/2007	
307	Climate change	ESSB 6001	7/22/2007	PV
308	Renewable fuel standards	ESB 5669	7/22/2007	

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309	Alternative motor fuels	SHB 1029	7/22/2007	
310	Allowable fuel blends	SHB 2007	7/22/2007	
311	Boating activities	SHB 1651	7/22/2007	
312	Vulnerable adults	ESHB 1008	7/22/2007	
313	Child support schedule	2SHB 1009	7/22/2007	
314	Passport to college program	ESHB 1131	7/22/2007	
315	Foster care youth medical	2SHB 1201	7/22/2007	
316	Youth housing program	2SHB 1922	7/22/2007	
317	Definition of disability	SSB 5340	7/22/2007	
318	Students with disabilities	ESHB 1050	5/4/2007	
319	First peoples' teacher cert	ESSB 5269	7/22/2007	
320	Cigarette tax contracts	HB 1674	7/1/2007	
321	Indian gaming reg act	HB 1706	7/22/2007	
322	Microenterprise development	2SSB 5652	7/22/2007	
323	Net meter aggregation	SHB 1140	7/22/2007	
324	Harvesting geoduck clams	HB 1949	7/22/2007	
325	Electrical transmission	SHB 1037	7/22/2007	
326	Electric transmission lines	HB 1038	7/22/2007	
327	Unemployment administration	SHB 1407	7/1/2007	
328	Definition of floodway	EHB 1413	7/22/2007	
329	Transportation benefit dist	ESHB 1858	7/22/2007	
330	Agricultural commodities	HB 1443	7/22/2007	
331	Agriculture	EHB 1648	7/22/2007	
332	Repairs to farm machinery	EHB 1902	7/22/2007	
333	Heritage barn preservation	SHB 2115	7/22/2007	
334	Farming & farming services	ESHB 2352	8/1/2007	
335	Christmas tree growers	ESB 5401	7/22/2007	
336	Shellfish/seaweed license	SHB 1082	7/22/2007	
337	Sampling of fish	SHB 1646	7/22/2007	
338	Geothermal resources	SHB 2129	7/22/2007	PV
339	Wood smoke reduction	SHB 2261	7/22/2007	
340	Funds for state parks	SHB 2275	7/22/2007	PV
341	Puget Sound partnership	ESSB 5372	7/1/2007	
342	Derelict vessels	E2SSB 6044	7/22/2007*	
343	Large on-site sewage systems	ESSB 5894	7/22/2007	
344	Marine resource committees	SHB 2049	7/22/2007	
345	Puget Sound research acct	2SHB 1656	7/22/2007	PV
346	Oil spill program	2SHB 1488	7/22/2007	
347	Discharges of oil	SB 5552	7/22/2007	
348	Cleaner energy	E2SHB 1303	7/22/2007*	PV
349	Environmental mitigation	SHB 1929	7/22/2007	
350	Aquatic invasive species	E2SSB 5923	7/22/2007	PV
351	Lady Washington	HB 1084	7/22/2007	
352	Farmland preservation office	SSB 5108	7/22/2007	PV
353	Agricultural lands	SSB 5248	5/8/2007	
354	Alternative assessments	ESSB 6023	7/22/2007	PV
355	High school completion prog	HB 1051	7/22/2007	PV
356	Traumatic brain injury	2SHB 2055	7/22/2007	
357	Family & medical leave ins	E2SSB 5659	7/22/2007*	
358	Candidate or committee	ESB 6128	1/1/2008	
359	Children's mental health	2SHB 1088	7/22/2007	
360	Mental health professionals	SHB 1456	7/22/2007	
361	Training of care providers	E2SHB 2284	7/22/2007*	
362	Sentence review board	HB 1220	7/22/2007	
363	Sentence review board	HB 1592	7/22/2007	
364	Public guardianship office	SSB 5320	7/22/2007	PV
365	Moneys received by an inmate	SB 5429	7/22/2007	
366	Unemployment comp exemption	SSB 5534	7/22/2007	
367	Charitable donations	SSB 6100	7/22/2007	
368	Sexual abuse of minors	SSB 5718	7/22/2007	PV
369	Sports/entertainment	SSB 5721	7/22/2007	
370	Retail liquor license	E2SSB 5859	7/22/2007*	
371	Medical use of marijuana	ESSB 6032	7/22/2007	

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372	Rental vehicles	HB 1371	7/22/2007	
373	Canvassing of ballots	SHB 1654	7/22/2007*	
374	Election certification	HB 2152	7/22/2007	
375	Mental illness	SSB 5533	7/22/2007	
376	Animal abandonment	SSB 5227	7/22/2007	
377	Stolen metal property	ESSB 5312	7/22/2007	
378	Auctioning vessels	ESSB 5112	7/22/2007	
379	Law enforcement officers	SSB 5202	7/22/2007	
380	Local taxing districts	ESB 5498	7/22/2007	
381	Excise tax relief	SB 5572	7/22/2007	
382	Corrections personnel	SSB 5634	7/22/2007	
383	Water district commissioner	SSB 5674	7/22/2007	
384	Incarcerated parents	E2SHB 1422	7/22/2007	
385	Presidential primary ballot	HB 1526	7/22/2007	
386	Unemployment insurance	SSB 5702	7/22/2007	
387	Background checks	ESSB 5774	7/22/2007	PV
388	Home inspectors	ESSB 5788	7/22/2007	
389	Gang-related offenses	SSB 5987	7/22/2007	
390	Automatic service charges	SHB 1583	7/22/2007	
391	Attorney invoices	SHB 1897	7/22/2007	
392	Specialized forest products	SHB 1909	7/22/2007	
393	Victims of vehicle theft	HB 2034	7/22/2007	
394	Early child development	E2SSB 5828	7/22/2007	
395	Early learning	HB 2319	7/22/2007	
396	Math and science education	2SHB 1906	7/22/2007*	
397	Student in high demand field	SSB 5731	7/22/2007	
398	Prof teaching standards	2SHB 2262	7/22/2007	
399	Basic education funding	E2SSB 5627	5/9/2007	
400	Student learning	E2SSB 5841	7/22/2007	PV
401	Educational data	E2SSB 5843	7/22/2007	
402	Educator preparation	2SSB 5955	7/22/2007	PV
403	Educational staff associates	E2SHB 1432	7/22/2007	
404	State need grant	ESHB 1179	7/22/2007	
405	College bound scholarship	E2SSB 5098	7/22/2007	
406	Safe school plans	SSB 5097	7/22/2007	
407	Cyberbullying	SSB 5288	7/22/2007	
408	Dropout prevention	2SHB 1573	7/22/2007	PV
409	Foster children	SHB 1287	7/1/2007	PV
410	Child welfare	SHB 1333	7/22/2007	
411	Child welfare proceedings	2SHB 1334	7/22/2007	
412	Placement of children	HB 1377	7/22/2007	
413	Child welfare	ESHB 1624	7/22/2007	
414	Clubhouse rehabilitation	EHB 1217	7/22/2007	
415	Child care safety	ESSB 5317	7/22/2007	
416	Text messaging while driving	EHB 1214	1/1/2008	
417	Cell phone use while driving	ESSB 5037	7/1/2008	
418	Commercial driver's license	SHB 1267	1/15/2008	
419	Comm motor vehicle carriers	SHB 1304	7/22/2007*	
420	Certificate of ownership	HB 1343	7/22/2007	
421	Coordinated transportation	SHB 1694	7/22/2007	
422	Rail transit safety plans	SB 5084	7/22/2007	
423	Vehicles boarding ferries	SB 5088	7/22/2007	
424	High-accident corridors	SSB 5937	8/1/2007	
425	Lemon law coverage	HB 2135	7/22/2007	
426	Motor vehicle lemon law	SSB 5050	7/22/2007	
427	Affordable housing	E2SHB 1359	7/22/2007	
428	Land for affordable housing	2SHB 1401	7/22/2007	
429	Homestead exemption	SHB 1805	7/22/2007	
430	Multi-dwelling units	E2SHB 1910	7/22/2007	PV
431	Manufactured/mobile home	E2SHB 1461	7/22/2007	PV
432	Mobile/manufactured homes	SHB 2118	7/22/2007	PV
433	Major industrial development	SHB 1965	7/22/2007	
434	Automatic sprinkler systems	2SHB 1811	7/22/2007	PV

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435	Sprinkler fitters	ESHB 1968	1/1/2009	
436	Construction contractors	SHB 1843	7/22/2007	
437	Apprenticeship utilization	EHB 1898	7/22/2007	
438	Agency shop fees	HB 2079	5/11/2007	
439	Autopsy reports & records	SHB 2209	7/22/2007	
440	Cardiac care services	SHB 2304	7/22/2007	
441	Park passes	SHB 1259	7/22/2007	
442	Charter licenses	HB 1476	5/11/2007	
443	Biodiesel fuel for farm use	SSB 5009	5/11/2007	
444	Salmon recovery office	SSB 5224	7/22/2007*	
445	Reclaimed water	E2SSB 6117	7/22/2007	PV
446	Hazardous waste	SHB 1761	7/22/2007	
447	Sale of prescription drugs	SHB 1891	10/1/2007	
448	Veterans' benefits	HB 1064	7/22/2007	
449	Veterans' scoring criteria	HB 1065	7/22/2007	
450	Tuition waivers	SSB 5002	7/22/2007	
451	Veterans conservation corps	2SSB 5164	7/22/2007	
452	Raffles by state employees	HB 1599	7/22/2007	
453	Legislative gift center	2SHB 1896	7/22/2007	
454	Shared leave	HB 2281	7/22/2007	
455	Limitation on actions	SHB 1832	7/22/2007	
456	Statute law committee	HB 1859	7/22/2007	
457	Student course materials	HB 1224	7/22/2007	
458	Higher edu coordinating brd	ESHB 1883	7/22/2007	PV
459	Financial literacy	2SHB 1980	5/14/2007	
460	Educational service district	HB 2154	7/22/2007	
461	Higher edu tuition waivers	SSB 5101	7/22/2007	
462	Private vocational schools	SB 5402	7/22/2007	
463	Skill centers	2SSB 5790	7/22/2007	PV
464	Youth soccer referees	HB 1457	7/22/2007	
465	Child welfare	SHB 1472	7/22/2007	
466	Home visitation	SSB 5830	7/22/2007	
467	Plurality voting/directors	SHB 1041	7/22/2007	
468	Regulatory assessment fees	HB 1293	7/22/2007	
469	Special purpose districts	ESHB 1368	7/22/2007	
470	Gambling licensee info	HB 1449	7/22/2007*	
471	Charitable organizations	SHB 1777	7/22/2007	
472	Privileged communications	HB 1939	7/22/2007	
473	Issuance of liquor licenses	EHB 2113	7/22/2007	
474	DUI prior offenses	SHB 2130	7/1/2007	
475	Disposition of assets	HB 2236	7/22/2007	
476	Port districts	ESSB 5339	7/22/2007	
477	Tangible personal property	SB 5434	7/22/2007	
478	Economic dev facilities	E2SSB 5557	8/1/2007	
479	Coastal Dungeness crab	SSB 5447	7/22/2007	
480	Forest health	SSB 6141	7/22/2007	
481	State ferries	SHB 2378	5/14/2007	
482	Development rights	2SHB 1636	7/22/2007	
483	Offender recidivism	ESSB 6157	7/22/2007	
484	Budget stabilization account	ESSB 5311	7/1/2008**	
485	Rural county tax credit	SHB 1566	1/1/2008	
486	Financing regional centers	EHB 2388	7/22/2007	
487	Death benefits	SHB 1266	7/22/2007	
488	State patrol benefits	SHB 1417	7/22/2007	PV
489	Salary adjustments	HB 1671	7/22/2007	
490	Firefighters	ESHB 1833	7/22/2007	PV
491	Retirement system/pension	EHB 2391	7/22/2007*	
492	Public retirement system	SSB 5174	7/22/2007	
493	Dept of retirement systems	SB 6167	7/22/2007	
494	Alternative public works	2SHB 1506	7/1/2007*	
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ESSB 5297	265	Sexual health education	7/22/2007	
ESSB 5311	484	Budget stabilization account	7/1/2008**	
ESSB 5312	377	Stolen metal property	7/22/2007	
SB 5313	87	State patrol retirement sys	7/22/2007	PV
SSB 5315	252	Forest fires/property access	7/22/2007	
ESSB 5317	415	Child care safety	7/22/2007	

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	VETO
SSB 5320	364	Public guardianship office	7/22/2007	PV
SSB 5321	220	Child welfare	7/22/2007*	
SB 5332	204	Victim information	7/22/2007	
SSB 5336	156	Domestic partnerships	7/22/2007	
ESSB 5339	476	Port districts	7/22/2007	
SSB 5340	317	Definition of disability	7/22/2007	
SB 5351	34	Court of appeals	7/22/2007	
ESSB 5372	341	Puget Sound partnership	7/1/2007	
ESSB 5373	146	Unemployment insurance prog	7/22/2007*	
SB 5382	35	Indian affairs-funded school	7/22/2007	
ESB 5385	36	Student loan revenue bonds	7/22/2007	
SB 5389	100	Horse races	4/18/2007	
SSB 5391	101	Traffic infractions	7/22/2007	
SB 5398	102	Specialty hospitals	7/22/2007	
ESB 5401	335	Christmas tree growers	7/22/2007	
SB 5402	462	Private vocational schools	7/22/2007	
ESSB 5403	70	Animal massage practitioner	7/22/2007	
SSB 5405	37	Judicial orders	7/22/2007	
SB 5408	38	Primary election ballots	7/22/2007	
SSB 5412	516	Transportation agencies	7/22/2007	
SB 5421	104	Environmental covenants	7/22/2007	
SB 5429	365	Moneys received by an inmate	7/22/2007	
SB 5434	477	Tangible personal property	7/22/2007	
SSB 5435	198	Public records exemptions	7/22/2007	
SSB 5443	77	Workers' comp claims	7/22/2007	
SSB 5445	188	Cost-reimbursement agreement	7/22/2007	
SSB 5447	479	Coastal Dungeness crab	7/22/2007	
SSB 5461	109	Forest health	7/22/2007	
SSB 5463	110	Forest fire protection	7/22/2007	
2SSB 5467	283	Developmental disabilities	7/22/2007	
SB 5468	111	Tax programs	7/22/2007	
2SSB 5470	496	Dissolution proceedings	7/22/2007*	
SSB 5475	147	Underground storage tanks	7/22/2007	
SSB 5481	39	Conservation measures	7/22/2007	
SSB 5483	148	City hardship assistance	7/22/2007	
SB 5490	40	Adult family home committee	7/22/2007	
ESB 5498	380	Local taxing districts	7/22/2007	
SSB 5503	253	Athletic trainers	7/1/2008	
ESB 5508	231	Economic development project	7/22/2007	
SSB 5511	112	Volunteer firefighters	7/22/2007	
SB 5512	266	Hospital benefit zones	7/1/2007	
ESB 5513	41	State gov efficiency hotline	7/22/2007	
SB 5525	42	City officials	7/22/2007	
SSB 5533	375	Mental illness	7/22/2007	
SSB 5534	366	Unemployment comp exemption	7/22/2007	
SB 5551	221	Liquor & tobacco laws	7/22/2007	
SB 5552	347	Discharges of oil	7/22/2007	
SSB 5554	113	Self-service storage	7/22/2007	
E2SSB 5557	478	Economic dev facilities	8/1/2007	
SSB 5568	189	City lodging taxes	7/22/2007	
SB 5572	381	Excise tax relief	7/22/2007	
2SSB 5597	502	Contracts with chiropractors	1/1/2008	
SB 5607	90	Historical property	7/22/2007	
SB 5613	149	Entrepreneurial training	7/22/2007	
SB 5620	12	Civil service commission	7/22/2007	
SSB 5625	13	Jail services	7/22/2007	
E2SSB 5627	399	Basic education funding	5/9/2007	
SSB 5634	382	Corrections personnel	7/22/2007	
SB 5635	14	Polygraph tests	7/22/2007	
SSB 5639	222	Microbreweries	7/22/2007*	
SB 5640	114	Tribal governments	1/1/2009	
SSB 5647	497	Tourism promotion	7/22/2007	
2SSB 5652	322	Microenterprise development	7/22/2007	
SSB 5653	248	Self-employment assistance	1/1/2008	

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	VETO
E2SSB 5659	357	Family & medical leave ins	7/22/2007*	
ESB 5669	308	Renewable fuel standards	7/22/2007	
SSB 5674	383	Water district commissioner	7/22/2007	
ESB 5675	284	Workers' comp benefits	7/1/2008	
SSB 5676	190	Temporary total disability	7/22/2007	
SSB 5688	78	Workers' comp claimants	7/22/2007	
SSB 5702	386	Unemployment insurance	7/22/2007	
SB 5711	116	Offender score	7/1/2007	
SSB 5715	117	Selling insurance	7/1/2009	
ESSB 5717	82	Market conduct oversight	7/22/2007	
SSB 5718	368	Sexual abuse of minors	7/22/2007	PV
SSB 5720	103	Broadcast of legal notices	7/22/2007	
SSB 5721	369	Sports/entertainment	7/22/2007	
ESSB 5726	498	Insurance fair conduct act	7/22/2007	
SSB 5731	397	Student in high demand field	7/22/2007	
SB 5732	105	County treasurer	7/22/2007	
SB 5759	15	Executive state officers	7/22/2007	
ESSB 5770	495	Higher edu public works	7/22/2007	
SB 5773	191	Treatment records	7/22/2007	
ESSB 5774	387	Background checks	7/22/2007	PV
SB 5775	115	Special education	7/22/2007*	
SB 5778	150	Shellfish protection	7/22/2007	
ESSB 5788	388	Home inspectors	7/22/2007	
2SSB 5790	463	Skill centers	7/22/2007	PV
SB 5798	152	Design-build construction	7/22/2007	
2SSB 5806	151	Higher education costs	7/22/2007	
SSB 5826	499	Credit reports	9/1/2008	
ESSB 5827	93	Consumer privacy	7/22/2007	
E2SSB 5828	394	Early child development	7/22/2007	
SSB 5830	466	Home visitation	7/22/2007	
ESSB 5836	285	Accrual of property tax	7/22/2007	
SSB 5839	118	Reports of child abuse	7/22/2007	
E2SSB 5841	400	Student learning	7/22/2007	PV
E2SSB 5843	401	Educational data	7/22/2007	
E2SSB 5859	370	Retail liquor license	7/22/2007*	
E2SSB 5862	223	Passenger-only ferry service	4/27/2007	
SB 5879	99	Payroll deductions	7/22/2007	
SSB 5881	286	Water power license fees	7/22/2007	
SSB 5882	523	State heritage center	7/22/2007*	
2SSB 5883	106	Forest land	7/22/2007	
ESSB 5894	343	Large on-site sewage systems	7/22/2007	
SSB 5895	107	Seller disclosure	7/22/2007	
SSB 5898	16	Shipment of wine	7/22/2007	
SSB 5910	119	Medical malpractice action	7/22/2007	
ESSB 5915	287	Unemployment/workers' comp	7/22/2007	
SB 5918	108	Retirement for judges	7/22/2007	
SSB 5919	153	Insurance premium taxes	7/22/2007	
ESSB 5920	72	Vocational rehabilitation	1/1/2008	
E2SSB 5923	350	Aquatic invasive species	7/22/2007	PV
SB 5926	288	Construction industry	5/2/2007	
E2SSB 5930	259	Blue ribbon comm/health care	7/22/2007*	PV
SSB 5937	424	High-accident corridors	8/1/2007	
SSB 5952	17	Department of early learning	7/22/2007	
SB 5953	79	Violence by strangulation	7/22/2007	
2SSB 5955	402	Educator preparation	7/22/2007	PV
SB 5957	18	Legislature	7/1/2007	
E2SSB 5958	267	Primary health care delivery	7/22/2007	
SSB 5972	192	Surface mining reclamation	7/22/2007	
SSB 5984	193	Engineering services	7/1/2008	
SSB 5987	389	Gang-related offenses	7/22/2007	
2SSB 5995	232	Economic development comm	7/22/2007	
ESSB 6001	307	Climate change	7/22/2007	PV
SB 6014	194	Reclaimed surface coal mine	7/22/2007	
2SSB 6016	289	WorkFirst program	7/22/2007	

<b>BILL</b>	<b>CHAPTER</b>	<b>DESCRIPTION</b>	<b>EFFECTIVE DATE</b>	<b>VETO</b>
ESB 6018	120	Detention of persons	4/18/2007	
ESSB 6023	354	Alternative assessments	7/22/2007	PV
ESSB 6032	371	Medical use of marijauna	7/22/2007	
E2SSB 6044	342	Derelict vessels	7/22/2007*	
SB 6059	121	Attorneys/service of process	7/22/2007	
SB 6075	88	Competitive bid limits	7/22/2007	
SB 6090	154	Crowd management	7/22/2007	
ESSB 6099	517	State route number 520	5/15/2007	PV
SSB 6100	367	Charitable donations	7/22/2007	
E2SSB 6117	445	Reclaimed water	7/22/2007	PV
SB 6119	290	Fire service training acct	7/22/2007	
ESB 6128	358	Candidate or committee	1/1/2008	
SB 6129	155	State patrol highway account	8/1/2007	
SSB 6141	480	Forest health	7/22/2007	
SSB 6156	501	State government	7/22/2007	PV
ESSB 6157	483	Offender recidivism	7/22/2007	
ESSB 6158	508	Nursing facility medicaid	7/1/2007	
SB 6167	493	Dept of retirement systems	7/22/2007	

**MEMORIALS & RESOLUTIONS**

BILL	TITLE	DATE	STATUS
ESHJM 4011	Saddle stock animals	4/13/2007	H Filed Sec/St
HJM 4016	Children's health insurance	4/16/2007	H Filed Sec/St
HJM 4017	Highways 112 and 113	4/20/2007	H Filed Sec/St
EHJR 4204	School levies	4/18/2007	H Filed Sec/St
SHJR 4215	Prohibitions on investment	4/18/2007	H Filed Sec/St
HCR 4400	Legislature organized	1/10/2007	H Filed Sec/St
HCR 4401	Cutoff dates 2007	1/10/2007	H Filed Sec/St
HCR 4402	Joint sessions	1/10/2007	H Filed Sec/St
HCR 4403	Deceased former members	1/10/2007	H Filed Sec/St
SJM 8008	Filipino veterans	4/3/2007	S Filed Sec/St
SSJM 8011	No child left behind act	4/20/2007	S Filed Sec/St
SSJM 8012	National guard	4/14/2007	S Filed Sec/St
ESSJR 8206	Budget stabilization account	4/22/2007	S Filed Sec/St
SJR 8212	Inmate labor	4/16/2007	S Filed Sec/St
SCR 8400	Joint rules	1/10/2007	S Filed Sec/St
SCR 8404	Workforce training	4/18/2007	S Filed Sec/St
SCR 8408	Bills to house of origin	4/22/2007	S Filed Sec/St
SCR 8409	Adjourning SINE DIE	4/22/2007	S Filed Sec/St

**GOVERNOR'S VETO MESSAGES**

April 17, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 2, House Bill No. 1000 entitled:

"AN ACT Relating to adding porphyria to the list of disabilities for special parking privileges."  
Section 2, the emergency clause, was retained from a previous version of the bill. The bill sponsor, stakeholders and the Department of Licensing do not feel it is a necessary component of the bill. An emergency clause is used when immediate enactment of a bill is necessary to preserve the public peace, health, or safety or when it is necessary for the support of state government. It should be used sparingly because its application has the effect of limiting citizens' right to referendum. If retained, the emergency clause would move forward implementation of House Bill No. 1000 by approximately 15 days. Delaying the bill's implementation by 15 days does not rise to the level of public health risk necessitating an emergency clause.

For these reasons, I have vetoed Section 2 of House Bill No. 1000.

With the exception of Section 2, House Bill No. 1000 is approved.

Respectfully submitted,  
Christine Gregoire

May 8, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 9, House Bill No. 1051 entitled:

"AN ACT Relating to high school completion programs."  
Sections 1 through 8 of this bill provide for the development of two pilot programs at community or technical colleges. The programs are intended to support certain students as they work to meet the State's academic standards in reading, writing, mathematics or science. For these students, demonstrating proficiency in one or more of these subjects is the final step in meeting their high school graduation requirements and obtaining a high school diploma. The legislation outlines the student eligibility and program criteria, authorizes the financial support, waives student tuition and fees, and provides for a study of the program's results in two years' time.

Section 9 of the bill creates and recognizes a new state certificate for high school students who do not meet the requirements for a high school diploma, the Certificate of Academic Completion (Certificate). The Certificate may be conferred by school districts to students who meet all state and local requirements for graduation with the exception of passage of one or more of the high school assessments in reading, writing and mathematics. Our students are working very hard to achieve the skills necessary for success in their endeavors beyond high school. By creating the Certificate of Academic Completion we will be sending a message to these students that they do not need the basic skills required for the high school diploma. This is wrong.

For these reasons, I am vetoing Section 9 of House Bill 1051.

With the exception of Section 9, House Bill 1051 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 1032(2); 1068, page 42, lines 8 through 12; 3181, page 143, lines 22 through 33 and page 144, lines 1 through 22; and (1), (2), and (3); 3204(2); 6023; 6024; 6030; and 6031 of Engrossed Substitute House Bill No. 1092 entitled:

"AN ACT Relating to the capital budget."

Section 1032(2), page 19, Department of Community, Trade and Economic Development, Job Development Fund Grants  
This proviso prohibits the Department of Community, Trade and Economic Development from proceeding with a competitive process for the 2009-2011 Biennium. I believe a competitive grant selection process is appropriate for these projects. Therefore, I am vetoing Section 1032(2).

Because I am concerned that the current process does not put enough emphasis on the creation of family wage jobs, I am directing my staff to work with the Department and the Community Economic Revitalization Board to establish weighted criteria for the next group of projects and to develop legislation to make creation of jobs the top priority for the grant selection process.

Section 1068, page 42, lines 8 through 12, Department of General Administration, Signage Near Capitol Lake  
This proviso directs the Department of General Administration to post signs on 5th Avenue at Capitol Lake dam in the City of Olympia concerning bicycle lanes. I am vetoing this proviso because it directs a state agency to install traffic control signs on a city street, even though the city's existing signage already complies with standards in the Manual on Uniform Traffic Control Devices. I am directing the Department of General Administration to work with the City of Olympia to look at how to provide additional appropriate warnings that would enhance the safety of bicyclists crossing Capitol Lake dam.

Section 3181, page 143, lines 22 through 33 and page 144, lines 1 through 22, Department of Fish and Wildlife, Wiley Slough Restoration

This proviso prohibits the Department of Fish and Wildlife from spending funds until July 1, 2008, so that a report can be developed regarding the loss of recreation opportunities in upland habitat areas. The Wiley Slough Restoration project already has broad support from many in the community and should move ahead so that critical juvenile Chinook salmon habitat in the Skagit River basin can be restored. Rather than delay the project further, I expect the Department of Fish and Wildlife to work in good faith with legislators, waterfowl hunters and other community members to develop off-site hunting and recreation opportunities. For this reason, I have vetoed the specific restrictions in Section 3181, page 143, lines 22 through 33 and page 144, lines 1 through 22.

Section 3204 (2), page 151, Department of Natural Resources, Trust Land Transfer

This section requires that the funds from transferred properties be used exclusively for the acquisition of forest lands. Existing statute for the Natural Resource Real Property Replacement Account allows purchases of commercial property, agriculture property and forest lands. I am vetoing Section 3204(2), because placing limits on the type of land that can be purchased should be more fully considered as a policy issue with separate legislation.

Section 6023, page 264, Department of General Administration, Consolidation Review

This section restates the Department of General Administration's statutory authority to review any capital improvement or capital project for possible consolidation, co-location, and compliance with state standards before allotment of funds. In addition, the passage of SHB 2366 creates new, broad authority for the Office of Financial Management to oversee facility issues of this type. Because existing statutes for General Administration and the new authority for the Office of Financial Management already require these actions, I am vetoing Section 6023.

Section 6024, page 264, Department of General Administration, Tacoma Rhodes

This section prevents the Department of General Administration from selling the Tacoma Rhodes building until after June 30, 2009, except to another state agency, state institution, or political subdivision of the state. I am vetoing this proviso because decisions regarding Tacoma Rhodes are within the authority and responsibilities of the Department of General Administration as an executive agency responsible for housing state government, and acquiring and disposing of property. This existing authority includes managing and making appropriate decisions on the future of facilities, based on sound business principles. Current law allows public agencies and local governments the first right of refusal on purchasing surplus property such as the Tacoma Rhodes building. I expect General Administration to follow this process.

Section 6030, page 267, For the State Treasurer--Transfers

This section requires a transfer of \$20 million from the Natural Resources Real Property Replacement Account to the Common School Permanent Fund. The amount transferred is to be added to the irreducible principal of the common school permanent fund and invested by the State Investment Board rather than to purchase replacement timber land. I believe this is a policy issue that is better addressed in substantive legislation. Therefore, I am vetoing Section 6030.

Section 6031, page 267, Natural Resources Real Property Replacement Account

This section amends RCW 79.17.210 so that during the 2007-2009 Biennium balances in the Natural Resources Real Property Replacement Account may be transferred to the appropriate permanent funds as directed in the capital budget appropriations act. I believe this is a policy issue that is better addressed in substantive legislation. Therefore, I am vetoing Section 6031.

For these reasons, I have vetoed Sections 1032(2); 1068, page 42, lines 8 through 12; 3181, page 143, lines 22 through 33 and page 144, lines 1 through 22; 3204(2); 6023; 6024; 6030; and 6031 of Engrossed Substitute House Bill 1092.

With the exception of Sections 1032(2); 1068, page 42, lines 8 through 12; 3181, page 143, lines 22 through 33 and page 144, lines 1 through 22; 3204(2); 6023; 6024; 6030; and 6031, Engrossed Substitute House Bill 1092 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 305(7); 305(10); 308(3); 407(9) and 407(b); 504; 709; 710; 712; 905, page 104, lines 11 through 30, and 905(1); 906, page 109, lines 24 through 37 and page 110, lines 1 through 2 and 906(1); 907; and 909, page 116, lines 8 through 28 of Engrossed Substitute House Bill No. 1094 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 305(7), page 37, Use of Mitigation Funding

This proviso prevents funds provided for mitigation from being used to pay for environmental assessments. The amount of funding for mitigation was not identified in the project list making it unclear how the Department of Transportation would implement this proviso or show compliance. Therefore, I am vetoing Section 305(7).

Section 305(10), page 37, Limit Use of Agricultural Land

Many agricultural lands consist of historically drained wetlands that often provide the best, and at times only, opportunity to successfully restore wetlands. Mitigation banks that conform to state statutes and to rules the Department of Ecology is now finalizing will help protect productive agricultural lands. This language could restrict the land considered for mitigation banks and could prohibit the Department from incorporating real estate acquired from a willing seller. Of the Department's three existing wetland mitigation bank sites, one was established on this type of land and was acquired from a willing seller.

Although I am vetoing this section, I am directing the Department of Transportation to not use eminent domain on its own to acquire agriculture land, and to submit any proposal to acquire agricultural property for review by my office before the land is acquired.

Section 308(3), page 43, Replacing Dolphins at Orcas and Vashon Islands

Section 308(3) identifies funding from the Puget Sound Ferries Operating Account - State appropriation; however no funding is appropriated from this account. Although I am vetoing this section, I have asked the Department of Transportation to complete a predesign study before designing and constructing dolphins at the Orcas and Vashon Island Ferry Terminals.

Sections 407(9) and 407(b), page 54, Reducing Business and Occupation Tax Rates

Sections 407(9) and 407(b) make funding contingent on Engrossed Substitute Senate Bill 5799, which did not pass during the 2007 Legislative Session. Therefore, I am vetoing these two sections.

Section 504, page 57, Compensation -- Pension Contributions

This section asserts that appropriations are provided to fund employer contributions to state pension funds at rates adopted by the pension funding council. Because employer contribution rates are not set in this manner, this section is vetoed to avoid any confusion regarding the contribution rates for public pension funds. Therefore, I am vetoing section 504.

Section 709, page 74, Government Accounting Standards Board Asset Valuation

The Department of Transportation is meeting the requirements of the Governmental Accounting Standards Board's (GASB), Statement #34 to reflect additions and improvements that increase capacity or efficiency of the system. The requirement to establish the asset replacement value exceeds the reporting requirements of GASB, Statement #34. Establishing the asset replacement value is very complex and fluctuates with the economy and inflation, and is difficult to accomplish. Therefore, I am vetoing section 709.

Section 710, pages 74-75, Freight Mobility Strategic Investment Board

Under RCW 47.06A.030 (2), the Freight Mobility Strategic Investment Board has twelve members that represent a variety of stakeholders. Each member is appointed by the Governor for a four-year term. Section 710 adds a new member to the board for the 2007-09 Biennium. I support the addition but making a change in the size and composition of the board is a policy decision best done in substantive legislation. Therefore, I am vetoing section 710.

Section 712, pages 76-77, Transportation Goals and Policies

This section establishes policy goals for the state's transportation system. The language is identical to Section 3(a) of Substitute Senate Bill 5412, which was enacted by the Legislature. Therefore, I have vetoed section 712 to eliminate the duplicate language.

Section 905, lines 11 through 30, page 104, and Section 905(1), 2007 Supplemental Adjustments in the Improvement Program  
The 2005-07 appropriations were reduced to reflect planned spending levels for the remainder of the biennium. The revised estimates were developed in January and February. Since then, four projects have progressed more quickly than was previously expected including the I-5/SR 16 Tacoma HOV Design that requires \$600,000 more in 2005-07, SR 11/Chuckanut Park and Ride that needs another \$5 million for right-of-way acquisition, the SR 3/SR 303 Interchange that is under construction and needs another .9 million, and SR 240/I-182 to the Richland Y which is also under construction and requires an additional million.

Vetoing Section 905(1) restores current law procedures for moving funds among projects when the Legislature is not in session and ensures continuity with similar procedures included in the 2007-09 budget.

For these reasons, I have vetoed all appropriations (lines 11 through 30, page 104) and Section 905(1) to restore funding to prior levels and to simplify the allotment process. The Office of Financial Management will direct the Department of Transportation to place into reserve status any excess appropriation authority not required for the remainder of the 2005-07 Biennium.

Section 906, page 109, lines 24 through 37, and page 110, lines 1 through 2 and Section 906(1), 2007 Supplemental Adjustments in the Preservation Program

The 2005-07 appropriations were reduced to reflect planned spending levels for the remainder of the biennium. The revised estimates were developed in January and February. Since then, cost estimates changed, and better than expected weather has allowed a number of projects to move more quickly than previously expected.

Vetoing Section 906(1) restores current law procedures for moving funds among projects when the legislature is not in session and ensures continuity with similar procedures included in the 2007-09 budget.

For these reasons, I have vetoed all appropriations (lines 24 through 37, page 109, and lines 1 through 2, page 110) and Section 906(1) to restore funding to prior levels and simplify the allotment process. The Office of Financial Management will direct the Department of Transportation to place into reserve status any excess appropriation authority not required for the remainder of the 2005-07 Biennium.

Section 907, pages 111-113, 2007 Supplemental Adjustments in the Ferry Construction Program

The 2005-07 appropriations were reduced to reflect planned spending levels for the remainder of the biennium. The revised estimates were developed in January and February. Since then, cost estimates have changed and the underlying provisos will place unintended restrictions upon available resources for the remainder of the biennium.

For these reasons, I have vetoed the entire section to restore funding to prior levels and simplify the allotment process. The Office of Financial Management will direct the Department of Transportation to place into reserve status any excess appropriation authority that is not required for the remainder of the 2005-07 Biennium.

Section 909, lines 8 through 28, page 116, 2007 Supplemental Adjustments in Highways and Local Programs

The 2005-07 appropriations were reduced to reflect planned spending levels for the remainder of the biennium. The revised estimates were developed in January and February. Since then, two projects have progressed more quickly than was previously expected: the LeMay Museum and the Issaquah Traffic Signal project.

I have vetoed the appropriations on lines 8 through 28, page 116, to restore funding to prior levels and simplify the allotment process. The Office of Financial Management will direct the Department of Transportation to place into reserve status any excess appropriation authority that is not required for the remainder of the 2005-07 Biennium.

For these reasons, I have vetoed Sections 305(7); 305(10); 308(3); 407(9) and 407(b); 504; 709; 710; 712; 905, page 104, lines 11 through 30, and 905(1); 906, page 109, lines 24 through 37 and page 110, lines 1 through 2 and 906(1); 907; and 909, page 116, lines 8 through 28 of Engrossed Substitute House Bill 1094.

With the exception of Sections 305(7); 305(10); 308(3); 407(9) and 407(b); 504; 709; 710; 712; 905, page 104, lines 11 through 30, and 905(1); 906, page 109, lines 24 through 37 and page 110, lines 1 through 2 and 906(1); 907; and 909, page 116, lines 8 through 28, Engrossed Substitute House Bill 1094 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 113(9); 127(14); 127(29); 129(11); 141(1); 214(13); 222, page 105, line 12; 307(23); 307(24); 307(30); 402, page 147, line 33; 949; 1608(4) and (5); and 1621(4) of Substitute House Bill No. 1128 entitled:

"AN ACT Relating to fiscal matters."

Section 127(14), page 25, Department of Community, Trade and Economic Development, Distribution of Visitor Guides  
Visitor guides are an important tool for promoting tourism to Washington State. The Department of Community, Trade and Economic Development currently has a formal agreement with the tourism industry to store and mail visitor guides as requested by the industry. The Department, in close partnership with the new tourism committee created by Substitute House Bill 1276, should have discretion on how many guides should be distributed. Therefore, I have vetoed Section 127(14).

Section 127(29), page 28, Department of Community, Trade and Economic Development, Grant to the Synergy Group  
This nonprofit organization has the potential to ensure that the delivery of social services in the Lake Stevens area is accomplished more efficiently, and I encourage this type of coordination. However, this effort is more appropriately a local function, not the state's. Furthermore, the Synergy Group has not yet been legally established and does not yet have a clearly defined mission and purpose. For this reason, I have vetoed Section 127(29).

Section 129(11), pages 37-38, Office of Financial Management, Technical Assistance to Pharmacies  
This proviso requires that the Office of Financial Management enter into an interagency agreement with the Department of Social and Health Services to establish a technical audit assistance program for pharmacies that provide Medicaid services, to oversee the technical assistance program, and to review and update pharmacy audit practices. No new funds were provided to accomplish these activities. In addition, the delegation of this authority to the Office of Financial Management over audit practices appears to violate the federal Medicaid Single State Agency requirement that the Department of Social and Health Services handle matters of this sort. For these reasons, I have vetoed Section 129(11).

Section 141(1), page 44, Department of General Administration, Moving Costs for Office of Minority and Women-Owned Businesses  
This proviso prevents the Department of General Administration from charging the Office of Minority and Women's Business Enterprise for the cost of moving to a new office. Since the Department of General Administration is supported by rates and fees, any service that is not charged to the agency receiving the services could result in higher rates for other state agencies. Therefore, I have vetoed Section 141(1).

Section 214(13), page 97, Health Care Authority, Family Practice Residency in Southeastern Washington  
This proviso establishes a family practice residency program in southwest Washington. On-going programs of this nature are best established with substantive legislation, not as a proviso in the appropriations bill. For this reason, I have vetoed Section 214(13).

Section 222, page 105, line 12, Department of Health, Oyster Reserve Land Account Appropriation  
This is a technical veto to correct an over-appropriation in this account. While the Department of Health will no longer have a direct appropriation, the Department of Fish and Wildlife will enter into an agreement with the Department of Health to distribute pass-through funding to local health jurisdictions for grants to individuals to improve on-site sewage systems, as required by Substitute Senate Bill 5372, the Puget Sound Partnership. For this reason, I have vetoed Section 222, line 12.

Section 307(23), page 135, Department of Fish and Wildlife, Sinking Vessels in Puget Sound for Dive Attractions  
This proviso requires that, within existing funds, the Department of Fish and Wildlife in coordination with the Department of Ecology shall evaluate the environmental impacts of sinking vessels in Puget Sound for dive attractions. A needs assessment and scoping study (including environmental impacts) for sinking ships as diving sites in Puget Sound has already been completed, and was submitted to the Office of Financial Management and the Legislature in November of 2006. No additional funding was provided for this new evaluation. For these reasons, I have vetoed Section 307(23).

Section 307(30), page 136, Department of Fish and Wildlife, Use of Appropriated Funds for Mole Trapping, Mountain Beaver Removal Enforcement  
This proviso prohibits the Department of Fish and Wildlife from using appropriated funds to enforce RCW 77.15.194, providing penalties for the use of leg-hold traps for trapping by mole exterminators or for the removal of mountain beaver from forest lands. The budget bill is not the appropriate vehicle for making substantive policy changes in the way the state implements Initiative 713. No bill passed the Legislature this session modifying RCW 77.15.194. Therefore, I have vetoed section 307(30).

Section 402, line 33, page 147, Washington State Patrol, DNA Data Base Account Appropriation  
A drafting error resulted in an inadvertent appropriation from the DNA Data Base Account, which is a nonappropriated fund. Funds from the nonappropriated source are still available to the State Patrol for forensic laboratory improvements. Therefore, I have vetoed the appropriation from this account.

Section 949, page 283-287, Health Care Authority, Amending the Public Employee Benefits Board Statute  
In this act, the Legislature defines the maximum contribution rates to be paid by state agencies on behalf of employees for health benefits. The Public Employee Benefits Board (PEBB) uses this funding level to secure a competitive benefit package for PEBB participants. Section 949 amends existing statute to prevent the Board from revising health plan offerings if that change would increase the actuarial value of the plans for the 2007-09 Biennium. This restriction is contrary to the PEBB's responsibility to successfully manage a competitive employee benefit package within the fiscal parameters established by the Legislature. It also

limits the involvement of key stakeholders (including labor, retirees, and benefit experts) in important benefit decisions. For these reasons, I have vetoed Section 949 in its entirety.

Section 1608(4) and (5), page 501, Department of Retirement Systems, Funding for 2006 Legislation  
These subsections add funding for legislation that was passed in 2006, and is already in the budget. Therefore, I have vetoed Section 1608(4) and (5).

Section 1621(4), page 506, for the Office of Financial Management, Technology Funding  
This proviso would prohibit the release of funds to pay for at least 35 projects with a risk-severity assessment of level 2 or greater until a feasibility study is completed and the project is approved by the Information Services Board. While I agree that these projects need careful review and scrutiny before they proceed, I am vetoing Section 1621(4) because of the added workload and complexity introduced by these requirements. However, I direct the Department of Information Services and the Information Services Board to use their existing authority to provide the review and analysis desired in this proviso so that future costs and risks are better understood before the projects are allowed to move forward.

In addition, I share the intention expressed by the Legislature in Section 903 of this bill to better manage technology investments to achieve more common and coordinated technology and data solutions. Therefore, I also direct the Department of Information Services and Information Services Board to use their existing authority to review and strengthen investment planning for information technology projects to include, at a minimum, a review of the ability of projects to better use common services and solutions. Doing so can help reduce costs and risks for individual projects and can help the state realize greater economies of scale across multiple projects.

The following sections are vetoed because the bills referenced did not pass:

Section 113(9), page 12, Office of Administrator for the Courts, SHB 1141, Diversion Records

Section 307(24), page 135, Department of Fish and Wildlife, ESHB 1147, Damage to Livestock

For these reasons, I have vetoed Sections 113(9); 127(14); 127(29); 129(11); 141(1); 214(13); 222, page 105, line 12; 307(23); 307(24); 307(30); 402, page 147, line 33; 949; 1608(4) and (5); and 1621(4) of Substitute House Bill 1128.

I am signing Section 307(8) which directs the Department of Fish and Wildlife to implement a joint management and collaborative enforcement agreement with the Confederated Tribes of the Colville and the Spokane Tribe without providing additional appropriations for the agreement. While I would have preferred that the Legislature provide new funding for this important endeavor, I am committed to the agreement and will work with the agency, the tribes and the Legislature to ensure its success.

With the exception of Sections 113(9); 127(14); 127(29); 129(11); 141(1); 214(13); 222, page 105, line 12; 307(23); 307(24); 307(30); 402, page 147, line 33; 949; 1608(4) and (5); and 1621(4), Substitute House Bill 1128 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 11, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 3 and 4, Substitute House Bill No. 1287 entitled:

"AN ACT Relating to compliance with the federal safe and timely interstate placement of foster children."  
Section 3 of this bill amends RCW 13.34.138, which pertains to judicial review of hearings for children in dependant care. Likewise, Section 4 of this bill amends RCW 13.34.145, which pertains to court permanency plan hearings for children in dependant care. The amendments outlined in Section 3 and 4 of this bill are unnecessary as they are incorporated into the amendments of Engrossed Substitute House Bill 1624.

Section 8 of Engrossed Substitute House Bill 1624, which passed this Legislative session, also amends and substantially reorganizes RCW 13.34.138. Section 9 of Engrossed Substitute House Bill 1624 also amends and substantially reorganizes RCW 13.34.145. The reorganization of RCW 13.34.138 and RCW 13.34.145 in Engrossed Substitute House Bill 1624 would likely make it difficult to incorporate the changes outlined in Sections 3 and 4 of this bill.

For these reasons, I have vetoed Sections 3 and 4 of Substitute House Bill 1287.

With the exception of Sections 3 and 4, Substitute House Bill 1287 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 7, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 306, Engrossed Second Substitute House Bill No. 1303 entitled:

"AN ACT Relating to providing for the means to encourage the use of cleaner energy thereby providing for healthier communities by reducing emissions."

Section 306 of this bill adds to the existing reporting requirements of the energy Freedom Program. Given the expanded scope of that program, and the existence of the same reporting requirements for Washington State University (WSU) in Section 402 of the bill, I am vetoing Section 306. I am confident WSU will work closely with Department of Community Trade and Economic Development (CTED) to report the information the Legislature is seeking about biofuels within our state.

For these reasons, I have vetoed Section 306 of Engrossed Second Substitute House Bill 1303.

With the exception of Section 306, Engrossed Second Substitute House Bill 1303 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 3, Substitute House Bill No. 1417 entitled:

"AN ACT Relating to Washington state patrol survivor benefits."

This bill reimburses the cost of health insurance premiums for survivors of members of the Washington State Patrol Retirement System who are killed in the line of duty. Section 3 amends an uncodified emergency clause from legislation passed in 2001, and could lead to confusion about the effective date of the bill. This section is not needed to provide the insurance benefits that the bill is designed to offer.

For these reasons, I have vetoed Section 3 of Substitute House Bill No. 1417.

With the exception of Section 3, Substitute House Bill No. 1417 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 11, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 10, Engrossed Second Substitute House Bill No. 1461 entitled:

"AN ACT Relating to manufactured/mobile home community registrations and dispute resolution."

Both Section 10 of this bill and Section 9 of Substitute House Bill 2118 amend RCW 59.22.250, concerning the Office of Mobile Home Affairs, located within the Department of Community Trade & Economic Development. The amendments in separate bills may lead to confusion with legislative intent.

For this reason, I have vetoed Section 10 of Engrossed Second Substitute House Bill 1461.

With the exception of Section 10, Engrossed Second Substitute House Bill 1461 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 2, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 3 and 17, Engrossed Second Substitute House Bill No. 1569 entitled:

"AN ACT Relating to improving health insurance coverage by establishing a health insurance partnership for the purchase of small employer health insurance coverage, evaluating the inclusion of additional health insurance markets in the health insurance partnership, and studying the impact of health insurance mandates."

This bill creates the Washington Health Insurance Partnership (WHP), an innovative approach to providing affordable health care in this state. By combining public and private resources, and creating a mechanism to organize and improve access to the insurance market, WHP will offer choice and assistance to small business employees seeking coverage for themselves and their families, and I welcome it.

Section 3 of the bill, which sets forth many of the operational details of the WHP program, is virtually identical to Section 58 of Engrossed Second Substitute Senate Bill 5930. However, it adds the requirement that eligible employees who transition from employer-sponsored insurance to the WHP program wait six months before receiving a subsidy. This requirement could unintentionally delay assistance to someone at the very point they most need it -- when they have lost their job and are attempting to retain health benefits provided through the WHP.

Section 17 of the bill is an emergency clause, and would allow certain sections of the bill to become effective on July 1. The emergency clause is not essential to the proper and timely implementation of the bill.

For these reasons, I have vetoed Sections 3 and 17 of Engrossed Second Substitute House Bill 1569.

With the exception of Sections 3 and 17, Engrossed Second Substitute House Bill 1569 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 9, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 8, Second Substitute House Bill No. 1573 entitled:

"AN ACT Relating to dropout prevention, intervention, and retrieval."

Sections 1 through 7 of this bill provide for the development and implementation of a grant program that, through collaborative school district, family and community partnerships and services, support vulnerable students who are at risk of dropping out of middle or high school. The grant program will be called the Building Bridges Program.

Section 8 deals with existing dropout prevention and high school completion programs run by community based organizations and community and technical colleges through contracts with school districts. Section 8 sets the criteria for determining state funding for students enrolled in these programs, and was intended to address concerns raised by community based organizations. I am vetoing Section 8 because it would have the unintended consequence of decreasing enrollment in existing high school completion programs available through community and technical colleges. The Superintendent of Public Instruction has indicated that the concerns of the community based organizations can be addressed through the rule making process for the new dropout prevention program.

For these reasons, I have vetoed Section 8 of Second Substitute House Bill 1573.

With the exception of Section 8, Second Substitute House Bill 1573 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 7, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 2, Second Substitute House Bill No. 1656 entitled:

"AN ACT Relating to establishing a Puget Sound scientific research account."  
This legislation creates a new Puget Sound research account, and assigns tasks to the Puget Sound Leadership Council created in Engrossed Second Substitute Senate Bill 5372 (Puget Sound Partnership bill).

Section 2 of Second Substitute House Bill No. 1656 would assign to the Puget Sound Leadership Council the responsibility for identifying research gaps, and for competitive selection, prioritization, peer review, and funding for science projects. However, several of these responsibilities are assigned to the Puget Sound science panel created in the Puget Sound Partnership bill.

The Puget Sound Partnership will be a new agency with many challenging tasks and issues related to Puget Sound restoration. Good science is fundamental to the Partnership's success. Inconsistent responsibility assignments for scientific research would complicate the agency's ability to establish and carry out a sound, efficient science program.

I can see the value to the Puget Sound restoration effort of having a separate account for expenditures related to scientific research. As a result, I direct the Puget Sound Partnership to work with the Legislature to develop a legislative proposal for consideration during the 2008 session that harmonizes the remaining provisions of Second Substitute House Bill 1656 with those contained in Engrossed Substitute Senate Bill 5372.

For these reasons, I am vetoing Section 2 of Second Substitute House Bill 1656.

With the exception of Section 2, Second Substitute House Bill 1656 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 11, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 4, Second Substitute House Bill No. 1811 entitled:

"AN ACT Relating to the installation of automatic sprinkler systems in nightclubs."  
This bill helps to promote fire safety at nightclubs, while giving nightclub owners the necessary time to install automatic fire sprinkler systems. The bill contains an unnecessary emergency clause. With the emergency clause, the bill would go into effect on July 1, without it, early August. Regardless of the effective date of the bill, my signing it into law tells nightclub owners that the two year implementation delay will be in effect. Emergency clauses should be used sparingly and only when necessary.

For these reasons, I have vetoed Section 4 of Second Substitute House Bill 1811.

With the exception of Section 4, Second Substitute House Bill 1811 is approved.

Respectfully submitted,  
Christine O. Gregoire

April 30, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 74, House Bill No. 1813 entitled:

"AN ACT Relating to changing the name of the interagency committee for outdoor recreation."

This bill changes the name of the Interagency Committee for Outdoor Recreation to the Recreation and Conservation Funding Board. It also changes the name of the Office of the Interagency Committee to the Recreation and Conservation Office. Section 74 makes this second name change in RCW 90.71.020, the statute that created the Puget Sound Action Team. Since RCW 90.71.020 is being repealed in Engrossed Substitute Senate Bill 5372, I am vetoing Section 74 in order to avoid any confusion.

For these reasons, I have vetoed Section 74 of House Bill No. 1813.

With the exception of Section 74, House Bill No. 1813 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 1, Engrossed Substitute House Bill No. 1833 entitled:

"AN ACT Relating to occupational diseases affecting firefighters."

Engrossed Substitute House Bill 1833 creates a rebuttable presumption that certain heart problems, cancer and infectious diseases are occupational diseases for firefighters that are covered by industrial insurance. I strongly support this law. The legislature's statement of intent in Section 1, however, makes broad generalizations about the incidence of cardiovascular disease. In an effort to avoid the unintended interpretations of broad generalizations, Section 2 of the bill has been carefully crafted to define specific "firefighting activities" that are related to occupational diseases.

For these reasons, I have vetoed Section 1 Engrossed Substitute House Bill 1833.

With the exception of Section 1, Engrossed Substitute House Bill 1833 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 14, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 302, Engrossed Substitute House Bill No. 1883 entitled:

"AN ACT Relating to modifications of the higher education coordinating board."

This bill focuses on minor changes to the responsibilities of the Higher Education Coordinating Board. The emergency clause in Section 302 of this bill is unnecessary. Emergency clauses should be restricted to bills that address public emergencies.

For this reason, I have vetoed Section 302 of Engrossed Substitute House Bill 1883.

With the exception of Section 302, Engrossed Substitute House Bill 1883 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 11, 2007

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 12, Engrossed Second Substitute House Bill No. 1910 entitled:

"AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers that provide affordable housing."

This bill lowers the population requirement for a city to be eligible to offer property tax exemptions for certain multi-unit housing projects and requires cities that issue property tax exemptions for multi-unit housing projects to report data annually to the Department of Community, Trade and Economic Development.

I have concerns about this bill. It expands the multi-unit housing project property tax exemption to as many as forty-three additional cities with no evidence of the effectiveness of the exemption in increasing affordable housing. It also allows cities to grant a property tax exemption that affects counties without consultation. I request that the cities include the counties in this important decision making. Section 10 requires cities using the exemption program to report information on exemptions granted to the Department of Community, Trade, and Economic Development annually starting December 31, 2007. I am asking the Department of Community, Trade, and Economic Development to analyze the reports on the use of the property tax exemption and evaluate its use and effects as well as assess the need for legislation to alter the exemption program. Section 12 is an emergency clause which would allow the bill to become effective immediately. This is not essential to the bill's proper and timely implementation.

For these reasons, I have vetoed Section 12 of Engrossed Second Substitute House Bill 1910.

With the exception of Section 12, Engrossed Second Substitute House Bill 1910 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 11, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 14, Substitute House Bill No. 2118 entitled:

"AN ACT Relating to transferring responsibilities related to mobile and manufactured home installation from the department of community, trade and economic development to the department of labor and industries."

This bill, which requires the transfer of certain responsibilities related to manufactured housing, does not need an emergency clause. Removing the emergency clause moves back the transfer date of the affected programs from July 1 to July 22. While this may create some inconvenience for the agencies in not aligning the program with the biennial budget, it does not result in an interruption of the services being provided since the Department of Community Trade and Economic Development will continue to administer the program until the transfer is complete. We believe that the desire to avoid potential inconvenience should not be treated as a public emergency warranting an emergency clause.

For these reasons, I have vetoed Section 14 of Substitute House Bill 2118.

With the exception of Section 14, Substitute House Bill 2118 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 4, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 7, Substitute House Bill No. 2129 entitled:

"AN ACT Relating to geothermal resources."

Section 7 of this bill extends the Department of Natural Resources' authority to recover costs for activities related to permits and leases. This authority has already been extended by other legislation previously enacted during the 2007 legislative session. Accordingly, section 7 of the bill is not needed. In addition, the subject of this section is beyond the scope of the bill title.

For these reasons, I have vetoed Section 7 of Substitute House Bill 2129.

With the exception of Section 7, Substitute House Bill 2129 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 4, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 3, Substitute House Bill No. 2275 entitled:

"AN ACT Relating to raising funds for state parks."

This bill provides an opportunity for motor vehicle owners to make a voluntary donation of \$5 to fund state parks at the time of initial or renewal registration. Section 3 of this bill does not appear to be related to the underlying bill, as it establishes a capitol campus tourism advisory task force. I am concerned with the creation of a task force as it may duplicate the work already being done by the Department of General Administration and the State Parks Commission. In addition, the title of the bill does not appear connected to the formation of a task force.

On February 2, 2007, I wrote the directors of General Administration and the State Parks Commission and requested that they work quickly to develop a plan to better market Heritage Park as a tourist attraction. This plan, as it is developing, has a final goal of making the whole of the Capitol Campus more tourist-friendly. Director Bremer and Director Derr will gather vital stakeholder input in the development of this plan. I am looking forward to their recommendations.

For these reasons, I have vetoed Sections 3 of Substitute House Bill 2275.

With the exception of Section 3, Substitute House Bill 2275 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 6, House Bill No. 2395 entitled:

"AN ACT Relating to leasing state lands and development rights on state lands to public agencies."

Section 6 of this bill is an emergency clause. The Department of Natural Resources does not expect any lease transactions to occur under the new lease provisions of this bill until later in the biennium, which makes the emergency clause unnecessary.

For this reason, I have vetoed Section 6 of House Bill 2395.

With the exception of Section 6, House Bill 2395 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 8, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Substitute Senate Bill No. 5108 entitled:

"AN ACT Relating to farmland preservation."

This bill creates the Office of Farmland Preservation. Sections 6 and 7 are overly broad and do not appear to be related to the underlying bill, as it prohibits the use of eminent domain by governmental entities for wetland mitigation purposes on agricultural land. Furthermore, if enacted, Sections 6 and 7 create unintended and undesirable consequences to numerous transportation and development projects across the state, including the ability to meet state and federal permit requirements to continue dredging of the lower Columbia River.

I understand that the Army Corp of Engineers, state agencies, Port officials, local legislators and Southwest Washington families are meeting to explore alternatives to condemnation for mitigation related to the Columbia Deepening Project. This is a much more productive avenue than the provisions Sections 6 and 7 provide.

For these reasons, I have vetoed Sections 6 and 7 of Substitute Senate Bill 5108.

With the exception of Sections 6 and 7, Substitute Senate Bill No. 5108 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 7, Senate Bill No. 5272 entitled:

"AN ACT Relating to the administration of fuel taxes."

This bill eliminates current statutory language from state motor vehicle and special fuel tax statutes declaring that motor vehicle and special fuel taxes are imposed on the end user. It also authorizes the Governor, or the gubernatorial designee, to enter into fuel tax compact agreements with federally recognized tribes operating or licensing retail stations on reservations or trust lands.

Section 7 of the bill limits the handling loss for fuel to licensed suppliers and licensed importers. Without Section 7, fuel distributors retain the handling loss that had been available to them prior to the passage of this legislation. The handling loss allowance is provided as an offset for evaporation and shrinkage that occurs in the transfer of fuel from the terminal racks to fuel tank trucks.

For these reasons, I have vetoed Section 7 of Senate Bill 5272.

With the exception of Section 7, Senate Bill 5272 is approved.

Respectfully submitted,  
Christine O. Gregoire

April 18, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 2, Senate Bill No. 5313 entitled:

"AN ACT Relating to establishing the retirement age for members of the Washington state patrol retirement system."

This bill will help the Washington State Patrol retain its experienced troopers. When the bill was moving through the legislature, they were concerned that a trooper may turn 60 years old between July 1, 2007 the first day this bill could be effective, and the standard effective date, which is 90 days after a bill is signed into law. The Washington State Patrol has since determined that no troopers will turn 60 years old during this period of time, and that no trooper will face the mandatory retirement age prior to the effective date of this bill. The emergency clause is therefore unnecessary.

For these reasons, I have vetoed Section 2 of Senate Bill No. 5313.

With the exception of Sections 2, Senate Bill No. 5313 is approved.

Respectfully submitted,

Christine O. Gregoire

May 8, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 5, Substitute Senate Bill No. 5320 entitled:

"AN ACT Relating to creating an office of public guardianship as an independent agency of the judiciary."

I am a strong proponent of government management accountability and performance. To this extent, I believe we must be judicious in the creation of new boards and commissions. This bill calls for the creation of a 17 member advisory committee to the new Office of Public Guardianship.

The creation of the Office of Public Guardianship does not necessitate creating a 17 member Advisory Committee. The Office is created within the Administrative Offices of the Courts and the director is selected by, and serves at the pleasure of, the Supreme Court. These entities are capable of providing adequate oversight of the Office and performing the duties outlined in the bill for the advisory committee.

For these reasons, I have vetoed Section 5 of Substitute Senate Bill 5320.

With the exception of Section 5, Substitute Senate Bill 5320 is approved.

Respectfully submitted,

Christine O. Gregoire

May 8, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 15 and 16, Substitute Senate Bill No. 5718 entitled:

"AN ACT Relating to penalties for engaging in the commercial sexual abuse of minors."

The language establishing funding priorities for the Prostitution Prevention and Intervention Account (Account) in sections 15 and 16 could present technical challenges if funding is ever appropriated for the specific purposes. The Account was created in 1995 and has had very little historical activity. Funding is not provided in either this legislation or in the legislative budget. The Legislature could provide specific direction when or if specific funding is ever provided.

For these reasons, I have vetoed sections Sections 15 and 16 of Substitute Senate Bill 5718.

With the exception of Sections 15 and 16, Substitute Senate Bill 5718 is approved.

Respectfully submitted,

Christine O. Gregoire

May 8, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Engrossed Substitute Senate Bill No. 5774 entitled:

"AN ACT Relating to revising background check processes."

Sections 6 and 7 of this bill establishes a work group, to be convened by the Department of Social and Health Services. The work group's responsibilities include reviewing current laws, rules and practices with respect to sharing confidential information, analyzing how state agencies use background check information to make employment decisions, and examining the need for and feasibility of verifying citizenship or immigration status of persons for whom background checks are required. The work group is to complete an interim report by December 1, 2007, and provide a final report to the Legislature and the Governor by July 1, 2008. The duties of this work group would be redundant with the work completed by the Joint Task Force on Criminal Background Check Processes, which ended two and a half years of work last December. Furthermore, the 2007-2009 operating budget as passed by the Legislature does not contain funding to support the operations of the contemplated work group.

For these reasons, I have vetoed Sections 6 and 7 of Engrossed Substitute Senate Bill 5774.

With the exception of Sections 6 and 7, Engrossed Substitute Senate Bill 5774 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 14, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 8, Second Substitute Senate Bill No. 5790 entitled:

"AN ACT Relating to skill centers."

Sections 1 through 7 of this bill provide for further development of skill center programs, program access for additional students, state level coordination of the skill center program, and a funding formula for the programs.

Section 8 of this bill amends RCW 84.52.068, which specifies the amount of property tax revenues deposited into the Student Achievement Account. The Superintendent of Public Instruction is directed to ensure that skill centers receive moneys generated by skill center students.

The Student Achievement Fund was created by Initiative 728 in 2000. School districts receive allocations from this fund based on the number of students enrolled in the district. The amount to be allocated per student is specified in RCW 28A.505.220. One source of funding for this allocation is a deposit of state property tax revenues. RCW 84.52.068 specifies the amount of property tax revenues per student to deposit into the Student Achievement Fund. Because the property tax deposit is less than the total per student allocation from the Student Achievement Fund, other sources of revenue are also used to ensure full funding for the allocations.

Although the intent of Section 8 is to ensure that skill centers receive their share of the total Student Achievement Fund allocation, the provision relates to the property tax deposit only. The language of the section therefore fails to accomplish its intended goal.

For this reason, I have vetoed Section 8 of Second Substitute Senate Bill 5790.

With the exception of Section 8, Second Substitute Senate Bill 5790 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 9, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Engrossed Second Substitute Senate Bill No. 5841 entitled:

"AN ACT Relating to enhancing student learning opportunities and student achievement."

Sections 1 through 5 of this bill addresses changes to the basic education act goals and authorizes new programs to further student learning opportunities. Specifically, all day kindergarten, primary grade foundational programs, English language learners, and community learning opportunities are addressed. Each of the new programs are provided with implementing resources in the biennial operating budget.

Sections 6 and 7 of the bill, however, cannot be implemented. Those sections create a new career pathways program and a world languages supervisor within the Office of the Superintendent of Public Instruction (OSPI). Neither the program nor the OSPI supervisor were provided with financial support in the biennial operating budget. Additionally, a proposed duty supervisor to implement memoranda of understanding with ministries of education in other countries and conduct other related activities raises concerns about proper international relations protocol.

For these reasons, I have vetoed Sections 6 and 7 of Engrossed Second Substitute Senate Bill 5841.

With the exception of Sections 6 and 7, Engrossed Second Substitute Senate Bill 5841 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 7, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 11, Engrossed Second Substitute Senate Bill No. 5923 entitled:

"AN ACT Relating to aquatic invasive species enforcement and control."

Aquatic invasive species pose significant risks to the marine and freshwaters of the state. It is imperative that we continue to prevent their introduction, as they are extremely difficult and costly to eradicate once established. This bill provides the clear policy, the compliance programs and the necessary funding to ensure our success in this effort.

However, I am vetoing Section 11 of Engrossed Second Substitute Senate Bill 5923 which would permanently establish the Ballast Water Work Group and significantly expand its duties. The Work Group has been an excellent source of expertise and advice but it is not currently in the position to take on all of the responsibilities outlined in the bill. In addition, we have in place the Washington Invasive Species Council to provide policy direction, planning and coordination for addressing invasive species in the state.

I appreciate the need for cooperation and support from many stakeholders and agencies in order to succeed with this program. I understand that Director Koenings will establish advisory and technical groups, as needed, to implement this bill and will work closely with the Invasive Species Council to coordinate our state response to the threat of invasive species.

For these reasons, I have vetoed Section 11 of Engrossed Second Substitute Senate Bill 5923.

With the exception of Section 11, Engrossed Second Substitute Senate Bill 5923 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 2, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 59 and 74, Engrossed Second Substitute Senate Bill No. 5930 entitled:

"AN ACT Relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access."

I am pleased to support Engrossed Second Substitute Senate Bill 5930, an act relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the Blue Ribbon Commission on Health Care Costs and Access.

Section 59 of this bill establishes a nine-member board charged with designing and managing the Washington Health Insurance Partnership (WHP). This section duplicates a comparable board established under Engrossed Second Substitute House Bill 1569, which passed during the 2007 legislative session. Section 74 of this bill of is an emergency clause, and would allow certain sections of the bill to become effective on July 1. Section 74 is not essential to the proper and timely implementation of the bill.

For these reasons, I have vetoed Sections 59 and 74 of Engrossed Second Substitute Senate Bill 5930.

With the exception of Sections 59 and 74, Engrossed Second Substitute Senate Bill 5930 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 9, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 3 through 6, Second Substitute Senate Bill No. 5955 entitled:

"AN ACT Relating to educator preparation, professional development, and compensation."  
Sections 3 through 6 of this bill provide for the creation of a math, science and targeted secondary reading initiative. Section 3 describes the initiative's tiered support system that provides resources and intervention to schools and districts on a grant basis depending on levels of need. Section 4 outlines specific activities. Section 5 addresses distribution of targeted assistance funds. And, Section 6 identifies certain duties of participating Education School Districts. While provisions for the initiative are well-meaning, no funding was provided for their implementation.

For these reasons, I have vetoed Sections 3 through 6 of Second Substitute Senate Bill 5955.

With the exception of Sections 3 through 6, Second Substitute Senate Bill 5955 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 3, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 6, Engrossed Substitute Senate Bill No. 6001 entitled:

"AN ACT Relating to mitigating the impacts of climate change."  
Section 6 of this bill is unnecessary. It was inserted when the bill contemplated minor adjustments to the Energy Facility Site Evaluation Council's permit process. But those adjustments were ultimately removed from the bill. The Governor currently has ample existing authority without Section 6.

For these reasons, I have vetoed Section 6 of Engrossed Substitute Senate Bill 6001.

With the exception of Section 6, Engrossed Substitute Senate Bill 6001 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 8, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 9, 10, 11 and 13, Engrossed Substitute Senate Bill No. 6023 entitled:

"AN ACT Relating to the Washington assessment of student learning."

Sections 1 through 7 of this bill provide for the adjustment of high school assessment provisions related to state high school graduation requirements. These include specific changes related to mathematics and science, as well as the addition of several alternative assessments and modification of two other alternative assessments. Section 8 expands the provision of diagnostic assessments to assist students in developing the skills required to be demonstrated on state assessments. Section 12 creates an advisory committee to identify curricula that will assist in preparing students for the state assessment system.

Section 9 of this bill directs the State Board of Education, in consultation with the Superintendent of Public Instruction, to study, examine and recommend changes to the high school assessments in mathematics and science, focusing on replacement of the current assessments with specifically identified end-of-course assessments. The study's recommendation topics and timelines are structured to point to implementing end-of-course assessments as the predetermined outcome. For this reason, I am vetoing Section 9.

However, I am well aware of the strong legislative interest in this subject, specifically related to mathematics and science assessments. I have asked the State Board of Education to conduct a broad, objective study of end-of-course assessments. In the course of this study they will examine the various end-of-course assessment systems used by other states; their purposes; the subjects assessed and how they align with state standards, curriculum, and instruction; whether the exams are used singly or in combination with other assessments for graduation decision purposes; how the exams integrate with an entire assessment system (all grades and subjects); implementation issues; costs and lessons learned. Additionally, OSPI will ask potential test vendors to provide information regarding cost and technical aspects of implementing end-of-course assessments and that information will be shared with the State Board. The State Board of Education will provide recommendations based upon their study and present the study information and recommendations by January 15, 2008.

Section 10 of this bill provides for the implementation of appeals panels in each education service district for students who have not been successful in meeting state standards through the high school assessment system. The appeals criteria specified in the legislation does not relate to the student's knowledge and skill of the state standards. Therefore, I do not support this activity. Additionally, I am concerned that such a system will not yield consistent results from appeals board to appeals board.

Section 11 of this bill sets forth the threshold for student English skills required for participation in the state assessment system, with the exception that meeting standards through the state assessment system remains a requirement for high school graduation. However, in practice, the provision of excusing students from the assessments has no effect since the federal statute sets requirements for student participation for federal accountability purposes. When the federal statutes are changed, state participation requirements will be adjusted. While this provision is well-meaning, having it in statute will be confusing to students and parents.

Section 13 of this bill is an emergency clause. I am vetoing Section 13, as the issues in this legislation do not rise to the level of an emergency that requires the immediate revision of state laws.

For these reasons, I have vetoed Sections 9, 10, 11 and 13 of Engrossed Substitute Senate Bill 6023.

With the exception of Sections 9, 10, 11 and 13, Engrossed Substitute Senate Bill 6023 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 4 and 5, Engrossed Substitute Senate Bill No. 6099 entitled:

"AN ACT Relating to the state route number 520 bridge replacement and HOV project."

This bill is an important step in making progress on the replacement of the State Route 520 bridge. The bill declares that the bridge should be replaced with four general purpose lanes and two high occupancy vehicle lanes. It also creates a mediation process for resolving concerns regarding community impacts caused by the bridge replacement.

Section 4 of this bill permits the project's mediator to ask an engineering firm to conduct an independent review of tubes and tunnels under Lake Washington, a partial tunnel from Interstate 5 to the west end of the SR 520 bridge, and a proposal to move SR 520 from its current alignment through the Arboretum. The bill requires that the mediator submit a report to the Joint Transportation Committee and the Governor regarding the results of the independent review by September 1, 2007.

I have decided to veto Section 4 due to the permissive nature of the bill language and the insufficient amount of time available to conduct the independent design review. Instead, the contract for the mediator will require the mediator to ask an engineering firm to conduct an independent review of the three alternative designs for the project, rather than simply permitting the mediator to conduct the review. Additionally, the contract will require completion of the independent review by December 1, 2007. Mandating the review while providing additional time for the work will provide sufficient time for an engineering firm to perform a thorough review of the proposed alternative designs.

Section 5 of the legislation prohibits any on-site construction of the SR520 project. This section has good intentions, but could inadvertently prevent the Department of Transportation (Department) from moving forward on projects outside of the actual bridge replacement. While I have vetoed Section 5, I am directing the Department not to commence any bridge construction until the mitigation and finance plans are submitted to the Governor and Legislature by 2008.

For these reasons, I have vetoed Sections 4 and 5 of Engrossed Substitute Senate Bill 6099.

With the exception of Sections 4 and 5, Engrossed Substitute Senate Bill 6099 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 11, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 4, Engrossed Second Substitute Senate Bill No. 6117 entitled:

"AN ACT Relating to reclaimed water."

Section 4 of this bill would establish procedures for determining when a water reuse project would impair existing water rights, and would change the standard for mitigating any such impairment. Based on legal advice, I believe this section could have unintended consequences to existing water rights. The remainder of Section 4 of the bill would also create a new task force to address the state's water reuse program, including water right impairment issues.

I have vetoed Section 4 of Engrossed Second Substitute Senate Bill 6117 because of that portion of it that changes the standard for mitigating impairment of existing water rights.

Section 3 of the bill establishes new requirements for considering reclaimed water during watershed planning and land use decisions, which will eventually need to be harmonized with other statutes in order to ensure effective implementation. I believe this work is still needed and important to accomplish. Accordingly, I am directing the Department of Ecology to work with legislative leadership to address water right impairment from water reuse projects, reclaimed water planning and other issues raised in Sections 3 and 4 of the bill and to provide a report and recommendations to the Governor and appropriate standing committees of the legislature by December 31, 2007.

With the exception of Section 4, Engrossed Second Substitute Senate Bill 6117 is approved.

Respectfully submitted,  
Christine O. Gregoire

May 15, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 1 and 2, Substitute Senate Bill No. 6156 entitled:

"AN ACT relating to State Government."

This bill allows for the creation of Community Preservation and Development Authorities, specifically creates a Pioneer Square-International District Community Preservation and Development Authority within the city of Seattle, and establishes a method for creating additional such authorities. I strongly support the efforts of local communities to influence development of their own areas and believe this is one good way to accomplish that.

Sections 1 and 2 provide the legislative intent and findings in addition to the definitions for this act. I am concerned that these sections of the bill are overly broad and may lead to unintended consequences regarding public projects across our state. I do not believe that vetoing these sections will in any way hinder the creation of the Pioneer Square-International District Community Preservation and Development Authority provided for in Section 8. If the Legislature chooses to revisit this legislation with an eye toward expanding it beyond the Pioneer Square-International District Community Preservation and Development Authority, then I will work with interested members of the Legislature to improve this act.

For these reasons, I have vetoed Sections 1 and 2 of Substitute Senate Bill 6156.

With the exception of Sections 1 and 2, Substitute Senate Bill 6156 is approved.

Respectfully submitted,  
Christine O. Gregoire

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ranked choice voting: HB 2202 Emergency responses to property, notification to owner: HB 2365 Federal new

markets tax credit program: **\*HB 1430, CH 230 (2007)**

First-time buyer housing affordability index, impact fee elimination: HB 1861 Forest land,

conversion of land to nonforestry uses: HB 1408, **\*2SSB 5883, CH 106 (2007)** Growth

management, annexation of areas within urban growth boundary: HB 2006 Growth management,

comprehensive plans for sufficient land and density availability: HB 1727

Growth management, cooperation regarding designation and modification of urban growth areas: HB 2045

Growth management, environmental policy act exemptions within urban growth areas: HB 2285 Growth

management, hearings boards membership and powers: HB 2077 Growth management, infrastructure account:

HB 1361 Growth management, marine transportation of sand and gravel: HB 2349, HB 2364 Growth

management, population accommodation requirements: HB 1726 Health sciences and services program: HB

1705 Homelessness, programs for ending: HB 1115 House-banked card games, relocation zoning ordinances:

HB 1477, ESSB 5558 Housing developments, resident notification: HB 1628 Indigent defense grants, number of

cities eligible: **\*HB 1793, CH 59 (2007)**

Jails, contracts for services with counties and cities in adjacent states: **\*SSB 5625, CH 13 (2007)**

Libraries, annexation of rural county library district: HB 1702 Liquor licenses, issuance objections:

**\*EHB 2113, CH 473 (2007)**

Local infrastructure financing tools projects: HB 1277, E2SSB 5115

Local sales and use, credited against state tax and used to offset services to annexed areas: HB 1139 Local taxes,

state administration and collection of business and occupation and public utility taxes: HB 2260 Manufactured and

mobile homes, location restriction ordinances prohibited: HB 1148 Manufactured and mobile homes, regulations

for manufactured home parks or housing communities: HB 1150 Medical coverage for elected officials: HB 1392,

**\*SB 5525, CH 42 (2007)**

Mobile home parks, private garbage collection in certain annexed parks: HB 1697 Mobile home parks, storm

or surface water sewer system service rate restriction: HB 1228 Municipal business and occupation tax, model

gross receipts: HB 2368 Municipal officers, beneficial interest in contracts: HB 1255 On-site septic systems,

inspection of system not located in marine recovery area: HB 1650 Optional municipal code, dividing cities

into wards: HB 2151 Property taxes, accrual of revenues: HB 2031 Property taxes, boundaries for taxing

districts: **\*ESSB 5836, CH 285 (2007)** Public hospital districts, alternative method for withdrawal: HB 2035  
 Rail transit safety plans, updates to comply with federal regulations: HB 1643, **\*SB 5084, CH 422 (2007)**  
 Real estate excise tax, proceeds used for equipment and software: HB 1232 Second class, councilmember eligible to fill mayor vacancy: HB 1391 Shoreline master program, one year extension: **\*HB 1412, CH 170 (2007)**  
 Streets as part of state highways, population threshold for state highway maintenance responsibility: **\*SB 5086, CH 84 (2007)**  
 Streets, city hardship assistance program funds for maintenance: HB 1482, **\*SSB 5483, CH 148 (2007)**  
 Tax relief for certain limited purpose public corporations, commissions, and authorities: HB 1323, **\*SB 5572, CH 381 (2007)**  
 Utilities, electronic payment: HB 1034 Utilities, environmental mitigation: HB 1929  
 Water supply comprehensive plans, water-sewer districts: HB 1239 Water-sewer district, assumption of district by city: HB 1864 Water-sewer districts, annexation of city territory: HB 1238, **\*SSB 5231, CH 31 (2007)**

#### **CIVIL PROCEDURE**

Account receivable definition modified for purposes of commencing an action: **\*HB 1145, CH 124 (2007)** Auto theft, civil cause of action: **\*HB 2034, CH 393 (2007)**  
 Construction contracts, clause which waives claim rights of contractor based on failure to submit claim: HB 1765  
 Land use decisions, awards of fees and costs: HB 1798 Parentage, preempting common law causes of action: HB 2347 Service of process, attorneys allowed to recover actual costs: HB 2269, **\*SB 6059, CH 121 (2007)** Settlement agreements, effect: HB 2287 Statutory costs, provisions: HB 1142 Wrongful conviction and imprisonment, payment of claims: HB 2122 Wrongful injury or death, requirements and recoveries: HB 1873

#### **CIVIL SERVICE**

Employee assistance program, confidentiality: HB 1673  
 Reclassifications, class studies, and salary adjustment provisions: **\*HB 1671, CH 489 (2007)**  
 Sheriffs' offices, authority of civil service commissions: **\*SB 5620, CH 12 (2007)**

#### **CLALLAM COUNTY**

Higher education needs, assessment: HB 2295

#### **CLIMATE**

Northwest weather and avalanche center: **\*SSB 5219, CH 141 (2007)**  
 State forests, response preparation for consequences of climate change: HB 1995

#### **COASTAL AREAS**

Small scale mineral prospecting on coastal areas, pilot program to examine: HB 1083

#### **CODE REVISER**

Family court, reviser to prepare bill for 2008 session regarding reorganization and references: HB 1780  
 Gender references in RCW: **\*ESB 5063, CH 218 (2007)** Register, electronic filing: **\*HB 1859, CH 456 (2007)**

#### **COLLECTION AGENCIES**

Definition of collection agency does not include person assisting judgment holders: HB 2114

#### **COLLECTIVE BARGAINING**

Adult family home caregivers, provisions: HB 2354  
 Adult family home providers, governor as public employer: HB 2111 Disaster, agreements and rules suspended to provide emergency services: HB 1839 Family child care providers, interest arbitration: HB 1916 Higher education institutions and related boards, certain employees: HB 1399, HB 2361 Long-term care providers, training requirements: HB 2284 Nuclear plants, employees working under a site certificate: HB 2203 Public employee organizations, certification: HB 1913 Public employee organizations, records exempt from disclosure: HB 2326 Public employee organizations, sessions shall be open public meetings: HB 2042 Public employment labor relations material, records exempt from disclosure: HB 2348 State ferry employees, time periods: HB 1693 State patrol, negotiations for wages and wage-related matters: HB 1736 Term of existence: **\*ESB 5251, CH 75 (2007)**

#### **COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES)**

Access to higher education, complementary and coordinated policies around tuition, financial aid, and student transition: HB 2072  
 Child care program for students with children, grant provisions: HB 1856

Collective bargaining, certain employees of higher education institutions and related boards: HB 1399, HB 2361 Commute trip reduction program, students: HB 2011 Construction projects, threshold for public works bid requirements: HB 1914, HB 2232, **\*ESSB 5770, CH 495 (2007)** Consumer report card, data for consumers to assess educational quality: HB 2051 Course materials, sales and use tax exemption: HB 1531 Early learning and child care grant program: HB 1905 Educational loans and student loan revenue bonds, higher education facilities authority: EHB 1436, **\*ESB 5385, CH 36 (2007)**

Faculty, plan to achieve certain amount of full-time equivalent positions: HB 1875 Field of dreams program, college tuition GET units for students working in agricultural jobs: HB 2082 Financial aid, complementary and coordinated policies around tuition, financial aid, and student transition: HB 2072 Financial aid, low-interest student loan program: HB 1354 Financial aid, part-time students allowed state need grants: HB 1179 Financial aid, passport to college promise pilot program for foster care youth: HB 1131, HB 2072 Financial aid, state need grant calculation: HB 1222 Financial aid, state need grant residency restrictions: HB 2157 Foster care youth, passport to college promise pilot program: HB 1131, HB 2072 Freedom of press and speech for high school and college students: HB 1307 Higher education data center: HB 2051 Mapping institutions of higher education: HB 2409 Math and science technology student employees, tax credits for employers: HB 1969 Mathematics, college placement exam: HB 1559 Multiple-unit housing, campus facilities master plans: HB 2164 Performance agreements: HB 2375 Readiness for college-level course work: HB 2109 Scholarships, Washington college bound scholarship program: **\*E2SSB 5098, CH 405 (2007)** Science, graduate fellowship trust fund program for the sciences: HB 1033 Strategic direction for higher education: HB 1385 Textbooks, publishers' requirements: HB 2300 Tuition waivers, veterans and national guard: HB 1454, HB 2065, **\*SSB 5002, CH 450 (2007)** Tuition, limits on increases: **\*2SSB 5806, CH 151 (2007)**

Washington learns, implementation: HB 1641, HB 1882, **\*2SSB 5806, CH 151**

#### **(2007) COLUMBIA RIVER**

Water rights, changes in point of diversion regarding the Columbia and Snake rivers: HB 1453

#### **COMMERCIAL VESSELS AND SHIPPING (See also BOATS)**

Aquatic invasive species control and enforcement: **\*E2SSB 5923, CH 350 (2007) PV** Ballast water, discharge requirements: HB 1299 Ballast water, program to address nonballast water ship vectors as a source of nonindigenous species: HB 1738 Ballast water, standards and exemptions for discharge: **\*E2SSB 5923, CH 350 (2007) PV** Derelict vessels, provisions: **\*E2SSB 6044, CH 342 (2007)**

Freight congestion relief account, study to evaluate fees on processing shipping containers: **\*SSB 5207, CH 514 (2007)** Inspections and sampling of fish and wildlife, authority of fish and wildlife employees: HB 1075, HB 1646 Nonindigenous species, data collection and program: HB 1738 Registration, surcharge to fund the removal of derelict vessels: **\*E2SSB 6044, CH 342 (2007)**

#### **COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES)**

Access to higher education, complementary and coordinated policies around tuition, financial aid, and student transition: HB 2072

Applied baccalaureate degree pilot projects for degrees in applied science and technology: HB 1885, SSB 5104 Child care program for students with children, grant provisions: HB 1856 Collective bargaining, certain employees of higher education institutions and related boards: HB 1399, HB 2361 College and career readiness centers, completion of high school diploma: HB 2162 Commute trip reduction program, students: HB 2011 Construction projects, threshold for public works bid requirements: HB 1914, HB 2232 Course materials, cost savings: **\*HB 1224, CH 457 (2007)**, SSB 5183 Course materials, sales and use tax exemption: HB 1531 Early learning and child care grant program: HB 1905 Educational loans and student loan revenue bonds, higher education facilities authority: EHB 1436, **\*ESB 5385, CH 36 (2007)**

Executive state officers, boards of trustees of technical colleges: **\*SB 5759, CH 15 (2007)** Faculty, plan to achieve certain amount of full-time equivalent positions: HB 1875 Faculty, salary increments: HB 1384 Field of dreams program, college tuition GET units for students working in agricultural jobs: HB 2082 Financial aid, complementary and coordinated policies around tuition, financial aid, and student transition: HB 2072 Financial aid, low-interest student loan program: HB 1354 Financial aid, part-time students allowed state need grants: HB 1179 Financial aid, passport to college promise pilot program for foster care youth: HB 1131, HB 2072 Financial aid, state need grant calculation: HB 1222 Financial aid, state need grant residency restrictions: HB 2157

Foster care youth, passport to college promise pilot program: HB 1131, HB 2072 Freedom of press and speech for high school and college students: HB 1307 Grants, opportunity program: HB 1096 High school completion programs: **\*HB 1051, CH 355 (2007) PV** Mapping institutions of higher education: HB 2409 Multiple-unit housing, campus facilities master plans: HB 2164 Opportunity grant program: HB 2072 Part-time faculty, associate faculty positions: HB 1452 Part-time faculty, health care eligibility: **\*HB 1644, CH 302 (2007)** Part-time faculty, salary increment awards: HB 1647 Part-time faculty, salary schedule: HB 1660 Performance agreements: HB 2375 Readiness for college-level course work: HB 2109 Scholarships, Washington college bound scholarship program: **\*E2SSB 5098, CH 405 (2007)** Strategic direction for higher education: HB 1385

Textbooks, publishers' requirements: HB 2300 Tuition waivers, veterans and national guard: HB 1454, HB 2065, \*SSB 5002, CH 450 (2007) Tuition, limits on increases: \*SSB 5806, CH 151 (2007) Washington learns, implementation: HB 1641, HB 1882

#### COMMUNITY AND TECHNICAL COLLEGES, BOARD

Applied baccalaureate degree pilot projects for degrees in applied science and technology: HB 1885, SSB 5104  
Early learning programs and services, inventory and survey: \*HB 2319, CH 395 (2007) Grants, opportunity program: HB 1096 High demand fields, committee on the education of students in: \*SSB 5731, CH 397 (2007) High demand, definition: HB 2317 Job skills program, economic clusters and quality management practices: 2SSB 5743  
Mathematics, college placement exam: HB 1559 Opportunity grant program: HB 2072 Performance agreements: HB 2375 Standards for high school graduation, college readiness, and college admission: HB 1618 Strategic direction for higher education: HB 1385

#### COMMUNITY ECONOMIC REVITALIZATION BOARD

Local infrastructure financing tools projects: HB 1277, E2SSB 5115

#### COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT

Affordable housing for all: HB 1359

Affordable housing, surplus publicly owned land and buildings suitable for development: HB 1332 Associate development organizations, contracts for services: HB 1178, \*2SSB 5092, CH 249 (2007) Certified capital companies: HB 1721  
Community development fund, grants for local economic development and services: HB 2325 Community development fund, joint legislative committee: HB 1441 Community revitalization partnership program: HB 1080, 2SSB 5455 Criminal offenders, community transition and reentry programs: HB 1874, E2SSB 5070, \*ESSB 6157, CH 483 (2007) Dependent children, independent youth housing program: HB 1922 Early learning and child care grant program: HB 1905 Family prosperity act, Washington asset building coalition: HB 2256 Growth management, buildable lands requirements: HB 2092  
Homeless housing and assistance, recodifying statutes relating to: HB 1117 Homelessness, programs for ending: HB 1115  
Incarcerated parents, programs and policies for children and families: HB 1422 Industry clusters, work group to support: SB 5399 Innovation partnership zones to promote research based firms and industries: HB 1091, 2SSB 5090 Job development fund program, termination: HB 2338 Manufactured/mobile home communities, tax credits for preservation of affordable housing: HB 2096 Manufactured/mobile home dispute resolution, registration of communities: HB 1461  
Manufactured/mobile home installation, powers and duties transferred to department of labor and industries: HB 2118  
Microenterprise development program: \*2SSB 5652, CH 322 (2007)  
Microenterprise development program, low-income entrepreneurs: HB 1074 Natural gas and electric utilities, systems benefit charge and sustainable energy trust: HB 1032 Regional transfer of development rights program: HB 1636 Small business incubator program definitions: HB 1576 Technical assistance, pilot project for statewide procurement program in Snohomish county: HB 2211 Tourism, public-private partnerships and tourism commission: HB 1276, SSB 5116

#### COMMUTING

Commute trip reduction program, higher education students: HB 2011

#### COMPUTERS (See also INTERNET)

Cable and video services, state-issued authorization for competitive providers: HB 1983  
Call centers, business and occupation tax credit: HB 2155 Fire safety standards for electronic equipment: HB 1724 Identity crimes, portable electronic data storage device: HB 1763 Privacy protections regarding electronic communication devices: HB 1031

#### CONCURRENT RESOLUTIONS

Bills, returned to house of origin: \*SCR 8408 (2007)  
Columbia river crossing project, study: SSCR 8405 Cutoff dates, 2007 regular session: \*HCR 4401 (2007)  
Deceased former members, joint session to honor: \*HCR 4403 (2007)  
Equal pay for equal work: HJR 4210 House of representatives, four-year terms: HJR 4203 Joint rules: \*SCR 8400 (2007)  
Joint sessions: \*HCR 4402 (2007)  
Legislature organized, governor notified: \*HCR 4400 (2007)  
Liquor laws: ESSCR 8407 Sine Die, regular session: \*SCR 8409 (2007)

Workforce training, 2006 update to state comprehensive plan: HCR 4404, \*SCR 8404 (2007)

#### CONDOMINIUMS

Conversion condominiums, regulations: HB

#### 2014 CONSERVATION

Public works performance-based contracting conservation of water, wastewater, or solid waste: \*SSB 5481, CH 39

**(2007)**

Veterans conservation corps program: HB 1767, \***SSB 5164, CH 451 (2007)**  
 Water conservation development strategies, rural areas: HB 1635 Yukon to  
 Yellowstone conservation initiative: SSB 5318

**CONSERVATION COMMISSION**

Farmland preservation, office of: HB 1627, \***SSB 5108, CH 352 (2007) PV**

**CONSUMER PROTECTION**

Actions, procedures: HB 1937

Antitrust laws, protection of indirect purchasers for injuries arising from violations of: HB 1177, \***SSB 5228, CH 66 (2007)**

Paper billing fees: HB

**1713 CONTRACTORS**

Advertising, registration number omitted from print news media: HB 1389 Construction  
 contractors advisory board created, licensing requirements established: HB 1936 Construction  
 contractors, licenses and certificates to be in possession while working: HB 1597 Construction  
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Construction contracts, clause which waives claim rights of contractor based on failure to submit claim: HB 1765

Disadvantaged contractors, assistance program: HB 2221 Display of licenses and certificates: HB 1013 Home  
 inspectors, study: \***ESSB 5788, CH 388 (2007)**

HVAC/R and gas piping, mechanic certification: HB 1876

HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: HB 1917 New home  
 construction or sale, warranty requirements: HB 1935, ESSB 5550 Residential construction, committee to study  
 construction defects : ESSB 5550 Underground economy in construction industry, joint legislative task force : HB  
 2086, \***SB 5926, CH 288 (2007)** Use of another contractor's registration number, penalties: HB 1388

**CORPORATIONS (See also NONPROFIT CORPORATIONS)**

Asbestos-related liabilities: HB 1302

Duties of corporate directors, determining best interest of corporation: HB 1111 Investment

income, business and occupation taxation: HB 1511 Plurality voting for directors: HB 1041

Significant business transactions, share acquisition time period: \***HB 1042, CH 45 (2007)**

Tax relief for certain limited purpose public corporations, commissions, and authorities: \***SB 5572, CH 381 (2007)**

**CORRECTIONS, DEPARTMENT**

Community corrections officers, immunity when providing assistance to law enforcement officers: HB 2259, HB 2415

Correctional industries services, contracts with local governments: HB 1762 Corrections personnel training requirements: HB  
 1607, \***SSB 5634, CH 382 (2007)**

Criminal offenders, community transition and reentry programs: HB 1874, E2SSB 5070, \***ESSB 6157, CH 483 (2007)**

Employees of correctional facilities, stalking protection: HB 1319, HB 2170 Facilities on state hospital grounds, restrictions:  
 HB 1484 Incarcerated parents, programs and policies for children and families: HB 1422 Inmate labor, limitations on the use  
 of: \***SJR 8212 (2007)**

Public hospital districts, correctional industries program contracts: HB 1455

Work release facilities, siting: HB 1733

**COSMETICS**

Washington safe cosmetics act: HB

**2166 COSMETOLOGY**

Licensing requirements and inspection provisions: HB

**1842 COUNSELORS AND COUNSELING**

Chemical dependency professional trainee credential: HB 1993

Credentialing standards revised and provisions for interns and trainees created: HB 1494, HB 1993

Genetic counselors, licensing: HB 2015 Home visits by mental health professionals and crisis  
 intervention workers, backup: HB 1456 Hypnotherapist, registration: HB 1494, HB 1993 Social  
 worker, defined: HB 2112

**COUNTIES (See also GROWTH MANAGEMENT; LOCAL GOVERNMENT)**

Affordable housing developments, discrimination prohibited: HB 2279

Agricultural promotion facilities, lodging tax provisions: HB 1657, \***SSB 5568, CH 189 (2007)**

Assistance, funding increase for city-county assistance account: HB 2022 Boards of equalization,  
 reconvening: HB 1581 Boundary review boards, authority: HB 1622 Community development fund,

joint legislative committee: HB 1441 Community justice facilities, siting: HB 1733 Community preservation and development authorities: HB 1992, \***SSB 6156, CH 501 (2007) PV** Competitive bid limits, purchase of materials and equipment: HB 2274, \***SB 6075, CH 88 (2007)** Correctional industries services, contracts: HB 1762 Criminal justice costs, medical costs in the reimbursement of extraordinary costs: HB 1808

Criminal offenders, community transition and reentry programs: HB 1874, E2SSB 5070, \***ESSB 6157, CH 483 (2007)**

Economic development offices, local sales and use tax to finance: \***HB 1543, CH 250 (2007)** Elections, ranked choice voting: HB 2202 Emergency preparedness flood control and stream bank restoration pilot program: HB 1339 Emergency responses to property, notification to property owner: HB 2365 Excise tax on sale of real property, provisions: HB 1161 Federal new markets tax credit program: \***HB 1430, CH 230 (2007)**

First-time buyer housing affordability index, impact fee elimination: HB 1861

First-time buyer housing affordability index, single-family residential development outside urban growth areas: HB 1862

First-time home buyer sales tax exemption on construction labor and services: HB 1863 Forest land, conversion of land to nonforestry uses: HB 1408, \***2SSB 5883, CH 106 (2007)**

Forest practices, jurisdiction of conversion-related practices transferred to local government: HB 1409 Governance options:

HJR 4212 Growth management, accommodating projected urban growth by wage decile: HB 2093 Growth management, agricultural activities occurring on agricultural lands: HB 1931, HB 2078, HB 2212, HB 2213 Growth management, best available science: HB 1781 Growth management, best available science for protection of environmentally critical areas: HB 2046

Growth management, buildable acreage within urban growth areas: HB 1918 Growth management, buildable lands requirements: HB 2092 Growth management, community and work release facilities: HB 1733 Growth management,

cooperation regarding designation and modification of urban growth areas: HB 2045 Growth management, cost assessment for burying power lines: HB 2108 Growth management, environmental policy act exemptions within urban growth areas: HB 2285

Growth management, hearings boards membership and powers: HB 2077 Growth management, industrial development on reclaimed surface coal mine sites: \***SB 6014, CH 194 (2007)** Growth management, industrial land bank termination date:

HB 1925 Growth management, infrastructure account: HB 1361 Growth management, intensive development outside of urban growth areas: HB 1699 Growth management, major industrial development within industrial land banks: HB 1965

Growth management, major industrial developments: HB 1752 Growth management, marine transportation of sand and gravel: HB 2349, HB 2364

Growth management, performance and reasonable measures: HB 1358, HB 2091 Growth management, regional transfer of development rights program: HB 1636

Growth management, rural villages: HB 1998 Growth management, single-family residential development outside urban growth areas: HB 1862

Growth management, task force on needs and priorities: HB 1558 Growth management, transportation concurrency and impact fees: HB 1753

Growth management, urban growth area capital facilities plans: HB 1698 Health sciences and services program: HB 1705 Historic property leased to counties, property tax exemption: HB 1746

House-banked card games, relocation zoning ordinances: HB 1477, ESSB 5558 Housing developments, resident notification: HB 1628

Land use permit applications, vesting: HB 1463 Law libraries, public access: HB 1317

Liquor licenses, issuance objections: \***EHB 2113, CH 473 (2007)**

Local infrastructure financing tools projects: HB 1277, E2SSB 5115 Local public works assistance funds, property tax levy: HB 1159

Lodging tax, facilities for agricultural promotion: HB 1657, \***SSB 5568, CH 189 (2007)**

Manufactured and mobile homes, location restriction ordinances prohibited: HB 1148

Manufactured and mobile homes, regulations for manufactured home parks or housing communities: HB 1150

Manufactured and mobile homes, siting new parks and communities: HB 1640

Merger of statutory or constitutional functions between two or more counties: HJR 4211

Municipal officers, beneficial interest in contracts: HB 1255

Noxious weed control boards: EHB 1743

Parks, real estate excise tax for operation and maintenance: HB 1768

Prosecutors may not dismiss charges in exchange for charitable donations: \***SSB 6100, CH 367 (2007)**

Public facilities, sales and use tax in rural counties: \***E2SSB 5557, CH 478 (2007)** Puget Sound, marine resources committees: HB 2049

Real estate excise tax, funding for park operation and maintenance: HB 1768

Real estate excise tax, proceeds used for equipment and software: HB 1232

Regional transfer of development rights program: HB 1636

Regional transportation commissions: HB 2101, ESSB 5803

Rental of county equipment, rates: \***HB 1005, CH 195 (2007)**

Retired employees, benefits from public employees' benefits board: HB 2305

Rural, business and occupation tax credit for eligible projects: HB 1566

Rural, sales and use tax for public facilities: \***E2SSB 5557, CH 478 (2007)**

Sales and use tax, economic development offices: \***HB 1543, CH 250 (2007)**

Shellfish protection districts and program: HB 1595, HB 1928, \***SB 5778, CH 150 (2007)**

Shoreline master program, one year extension: \***HB 1412, CH 170 (2007)** Transportation authority, nonvoting labor member: HB 2216

Utilities, electronic payment: HB 1034

Water supply comprehensive plans, water-sewer districts: HB 1239

Work release facilities, siting: HB 1733

## COUNTY AUDITORS

Social security numbers, disclosure: HB

## 1932 COUNTY CLERKS

Certificates of discharge: \***HB 1431, CH 171 (2007)**, SB 5407

## COUNTY LEGISLATIVE AUTHORITY

\* - Passed Legislation

Shellfish protection districts and program: HB 1595, HB 1928, **\*SB 5778, CH 150 (2007)**

### COUNTY TREASURERS

Administrative provisions modified: **\*HB 1166, CH 295 (2007)**, SB 5149 Receipting current year taxes, restrictions: HB 1496, **\*SB 5732, CH 105 (2007)**

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Judges, travel reimbursement: HB 1960, **\*SB 5351, CH 34 (2007)**

Judicial nominating commission: HB 2150

Marriages, supreme court and court of appeals commissioners to solemnize: **\*SB 5079, CH 29 (2007)**

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Dissolution proceedings, provisions revised: **\*2SSB 5470, CH 496 (2007)**

Family, statewide: HB 1780 Interpreter services, written language assistance plan: HB 2176 Overpayments received by courts: **\*HB 1994, CH 183 (2007)**

### COURTS, OFFICE OF THE ADMINISTRATOR

Certificates of discharge: **\*HB 1431, CH 171 (2007)**, SB 5407

Vulnerable adults, standard petition and order protection forms and court staff instruction handbook: HB 1008

### CREDIT CARDS

Business and occupation tax on interest rates that exceed usury rate: HB

### 1245 CREDIT SERVICES ORGANIZATIONS

Credit reports, credit freeze: HB 1544, HB 1755, **\*SSB 5826, CH 499 (2007)**

Credit reports, procurement for job related purposes: **\*ESSB 5827, CH 93 (2007)**

Electronically delivered financial information, sales and use tax exemptions: HB 1981

### CREDIT UNIONS

Electronically delivered financial information, sales and use tax exemptions: HB 1981

Short-term cash advance loan program: HB 2314

### CRIMES (See also CRIMINAL OFFENDERS; DOMESTIC VIOLENCE; DRIVING UNDER THE INFLUENCE; SENTENCING; SEX OFFENSES AND OFFENDERS)

Alien firearm license, penalties for carrying firearm without license: HB 1011

Amber alert, false or misleading statement: HB 1537 Animal abandonment, penalties: **\*SSB 5227, CH 376 (2007)** Assault against code enforcement officer, penalties: HB 1495 Auto theft, civil cause of action: **\*HB 2034, CH 393 (2007)**

Auto theft, prevention authority created and penalties revised: HB 1001 Body armor, felons in

possession of: HB 2362 Commercial sexual abuse of minor, penalties: HB 2291, **\*SSB 5718,**

**CH 368 (2007)** PV Death penalty, sentences stayed and task force created to review statutes:

HB 1518 Disorderly conduct, penalties: **\*HB 1168, CH 2 (2007)**

DNA identification system, broader collection of biological samples: HB 1023 DUI, felony when offender has

two or more prior offenses: HB 1191 DUI, offender scoring: **\*SB 5711, CH 116 (2007)** DUI, prior offense

definition: HB 2130 Electronic communication devices, privacy protections and violations: HB 1031 Electronic

weapons, penalties for possession on school property: HB 1764 Eluding a police vehicle, penalties: HB 1030,

HB 1198 Ephedrine, pseudoephedrine, and phenylpropanolamine, violations and penalties: HB 1719 Firearms,

safe storage requirements and penalties: HB 1014 Fraud alert networks, financial institutions and merchants: HB

1273 Furnishing liquor to minors, penalties: HB 1819 Gambling, underage: HB 1345 Gang-related offenses,

penalties: HB 2215, HB 2224 Gang-related offenses, work group to evaluate: **\*SSB 5987, CH 389 (2007)**

Homicide by abuse of child, penalties: HB 1428 Hunting, unlawfully hunting upon the property of another: HB

1078 Identity crimes, call center and statewide web site for filing incident reports: HB 2054 Identity crimes,

grant program: HB 1274 Identity crimes, individual offender to be classified and punished separately: HB 1272

Identity crimes, police incident report: HB 1271 Identity crimes, portable electronic data storage device: HB

1763 Identity crimes, work group: HB 2057 Indecent exposure, penalties: HB 1751 Internet gambling,

affirmative defense if defendant committed offense in primary residence: HB 1243 Internet gambling, penalties

for activities in primary residence for recreational purposes: HB 2127, HB 2320 Investigative assistance, office

of: HB 1219 Livestock, killing or harming livestock belonging to another: HB 1775 Luring of a child with

developmental disabilities, crimes included within each seriousness level: HB 2267 Malicious mischief,

threshold property value increase: HB 2133 Metal theft, landowner not liable for unintentional injuries: HB

1987 Metal theft, protection and recovery of metal property: **\*ESSB 5312, CH 377 (2007)** Methamphetamine,

offender registry: HB 1754 Methamphetamine, penalties: HB 1814, HB 1954 Most serious offenses, out-of-state

conviction for felony offense with sexual motivation: SSB 5964 Motor vehicle theft, prevention authority

created and penalties revised: HB 1001 No-contact orders, violations and penalties: HB 1642 Persistent

offenders, task force on sentencing: SSB 5964 Possession of dangerous weapons on school facilities, penalties:

HB 2268 Pseudoephedrine, fraudulent procurement: HB 1487 Residential burglary, categorized as a crime against persons: HB 2308 Sexual assault protection orders, fees for petitioners: **\*HB 1437, CH 55 (2007)**  
 Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: HB 1555  
 Stalking, protection for employees of correctional facilities: HB 1319, HB 2170  
 Statute of limitations, offenses against minors: HB 1320  
 Strangulation, penalties: HB 2119, **\*SB 5953, CH 79 (2007)**  
 Theft, damages to victim greatly exceed value of stolen property: HB 1986  
 Transporting vulnerable adults and persons with developmental disabilities, crimes committed while: HB 1097  
 Vehicular assault, penalties: HB 1190 Vehicular homicide, penalties: HB 1190 Victims whose immediate family member has died, penalties for crimes against: HB 2402 Weapon, definition: HB 2177

### **CRIMINAL JUSTICE SERVICES**

Local sales and use tax for funding, cities: HB 1851  
 Medical costs in the reimbursement of extraordinary criminal justice costs: HB 1808

### **CRIMINAL JUSTICE TRAINING COMMISSION**

Child abuse, law enforcement officer instruction on handling child abuse or neglect complaints: HB 1333  
 Core training requirements: HB 1609 Corrections personnel training requirements: HB 1607, **\*SSB 5634, CH 382 (2007)** Polygraph tests, law enforcement officers: HB 1608, **\*SB 5635, CH 14 (2007)**

### **CRIMINAL OFFENDERS (See also JUVENILE OFFENDERS; SEX OFFENSES AND OFFENDERS)**

Alternative sentencing, earned release credit in county programs: HB 1963  
 Certificates of discharge, procedures: **\*HB 1431, CH 171 (2007)**, SB 5407  
 Community corrections officers, immunity when providing assistance to law enforcement officers: HB 2259, HB 2415  
 Community custody, penalties for violations: HB 2084, HB 2377 Community custody, supervision: HB 2393, HB 2415  
 County supervised community options, credit for time served: HB 2265 Dangerous mentally ill, case management series: HB 1853 Death penalty, offenders who are mentally retarded or have a severe mental disorder: HB 1707 Death penalty, sentences stayed and task force created to review statutes: HB 1518 DNA identification system, broader collection of biological samples: HB 1023 Felons, possession of body armor: HB 2362 Felons, supervision of offenders in community custody: HB 2393 Incarcerated parents, programs and policies for children and families: HB 1422 Legal financial obligations, collection: **\*SSB 5190, CH 91 (2007)** Legal financial obligations, interest rate: HB 1004, HB 1474 Methamphetamine, offender registry: HB 1754 Moneys received by an inmate, deductions: **\*SB 5429, CH 365 (2007)** Partial confinement, time served as: HB 2069 Persistent offenders, task force on sentencing: SSB 5964 Reentry into community, programs: HB 1874, E2SSB 5070, **\*ESSB 6157, CH 483 (2007)** Registration, subsequent offense that is not a sex or kidnapping offense: HB 1836 Release, restoration of civil rights: HB 1221, SSB 5221 Voting rights, restoration: HB 1221, HB 1473, SSB 5221 Work release time, increase: HB 1729

### **CRIMINAL PROCEDURE (See also SENTENCING)**

City attorneys and county prosecutors may not dismiss charges in exchange for charitable donations: **\*SSB 6100, CH 367 (2007)**  
 Death penalty, DNA evidence required before imposition: HB 1890  
 Death penalty, offenders who are mentally retarded or have a severe mental disorder: HB 1707 Defenses, voluntary intoxication: EHB 1471, HB 2386 Deferred prosecution, domestic violence: HB 2191 Deferred prosecutions, persons with developmental or mental disabilities: HB 1691 Mental illness, procedures for individuals engaged in criminal behavior: **\*SSB 5533, CH 375 (2007)** Polygraph examinations, sexual assault victims: **\*HB 1520, CH 202 (2007)** Records, access for legal process purposes: HB 1275 Sex offenses, statute of limitations removed for certain offenses against minors: HB 2131

Sexual assault protection orders, fees for petitioners: **\*HB 1437, CH 55 (2007)**

### **DAY CARE**

Department of early learning child care safety measures: HB 1462, **\*ESSB 5317, CH 415 (2007)** Family child care providers, collective bargaining: HB 1916 Students in higher education, child care program grant provisions for students with children: HB 1856 Voluntary quality rating and improvement system: HB 1663, **\*E2SSB 5828, CH 394 (2007)** Window blind cords prohibited: HB 1256

### **DEAF**

Newborn screening, assessments for infants who fail hearing screening: HB 2238  
 State school, record check for employees: HB 1469 Washington state center for childhood deafness: HB 2246

### **DEATH PENALTY**

DNA evidence required before imposition: HB 1890  
 Offenders who are mentally retarded or have a severe mental disorder: HB 1707  
 Sentences stayed and task force created to review statutes: HB 1518

### **DENTAL HYGIENISTS**

School sealant programs and health care facilities, employment: HB 1298

### **DENTISTS AND DENTISTRY**

Dental assistants, registration and scope of practice: HB 1099

Insurance, oral health parity: HB 2121

### **DEVELOPMENTAL DISABILITIES, PERSONS WITH (See also DISABILITIES, PERSONS WITH)**

Background checks for service providers: HB 1393

Business and occupation tax credit for hiring individuals with developmental disabilities: HB 1016

Discrimination, disability defined in regard to laws against: HB 1322, \*SSB 5340, CH 317 (2007)

Hunting and fishing license fees merged for certain veterans and persons with disabilities: HB 1079 Identity theft, grant program: HB 1274 Individual and family services program: HB 1548, \*2SSB 5467, CH 283 (2007)

Offenders, deferred prosecution: HB 1691 Ombudsman, office of: HB 1202 Opinions, state employees who

provide services to persons with developmental disabilities: HB 1735 Protections, crimes committed by persons

providing transportation: HB 1097 Residential services and support, enforcement standards: HB 1246 Special

needs transportation services, light and power business tax credit for contributions: HB 1744, SB 5454 Students,

graduation ceremonies: HB 1050, ESSB 5450 Students, Kevin's law: HB 1050, ESSB 5450 University of

Washington, medical research and training to improve services: HB 1394

### **DISABILITIES, PERSONS WITH (See also DEVELOPMENTAL DISABILITIES, PERSONS WITH)**

Children, early intervention services: HB 2083, HB 2230 Children,

medical assistance buy-in program: HB 1120 Children, Washington

state center for childhood deafness: HB 2246

Discrimination, disability defined in regard to laws against: HB 1322, \*SSB 5340, CH 317 (2007)

Parking places, physician assistants allowed to determine eligibility for special parking privilege: \*HB 1505, CH 262 (2007)

Parking privileges, porphyria: \*HB 1000, CH 44 (2007) PV

Property tax deferral: HB 2039

Property tax relief: HB 1107, HB 1156, HB 1364, HB 1578, HB 1596, HB 1629, HB 2028 Special needs

transportation services, light and power business tax credit for contributions: HB 1744, SB 5454 Students,

graduation ceremonies: HB 1050, ESSB 5450 Students, Kevin's law: HB 1050, ESSB 5450 Traumatic brain

injury, care of individual in expanded community services program: HB 2310 Veteran-owned businesses, list and

state contracts: HB 2196

### **DISCRIMINATION**

Affordable housing developments, discrimination prohibited: HB 2279

Chiropractors, insurance: HB 1631 Civil marriage equality, gender

neutrality: HB 1350

Disability defined in regard to laws against discrimination: HB 1322, \*SSB 5340, CH 317 (2007)

Domestic partnership registry, protection by granting certain rights and benefits: HB 1351, \*SSB 5336, CH 156 (2007) Equal

pay for equal work: HJR 4210 Inequities in the location of facilities that impact health, environmental hazards: HB 2318

Lawful source of income, discrimination based upon: EHB 1956 Materialpersons, RCW gender reference revisions: HB 1327

Optometry, insurance provider discrimination: HB 1725 Sexual equality laws, compliance in schools: HB 2340

### **DISSOLUTION OF MARRIAGE (See also CHILD CUSTODY; CHILD SUPPORT; MARRIAGE AND MARRIED PERSONS)**

Dissolution proceedings, provisions revised: \*2SSB 5470, CH 496 (2007)

Family court, statewide: HB 1780 Parenting plans, shared parental

responsibilities: HB 2345 Visitation rights for grandparents: HB 1108

### **DISTRICT COURT**

Judgments, transferring municipal court judgment into district court: HB 1144

Probation and supervision services, liability: HB 1669 Statutory costs, provisions:

HB 1142

### **DNA (DEOXYRIBONUCLEIC ACID)**

Death penalty, DNA evidence required before imposition: HB 1890 DNA

identification system, broader collection of biological samples: HB 1023 Genetic

counselors, licensing: HB 2015

### **DOMESTIC RELATIONS (See also CHILD CUSTODY; DISSOLUTION OF MARRIAGE; MARRIAGE AND MARRIED PERSONS)**

Dissolution proceedings, provisions revised: \*2SSB 5470, CH 496 (2007)

Domestic partnership registry, protection by granting certain rights and benefits: \*SSB 5336, CH 156

### **(2007) DOMESTIC VIOLENCE**

Address confidentiality program: HB 1421 Advocate pilot program: HB 1703 Deferred prosecution, limitations: HB 2191 No-contact orders, violations and penalties: HB 1642

Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: HB 1555 Strangulation, penalties: HB 2119, **\*SB 5953, CH 79 (2007)**

### **DRIVER TRAINING SCHOOLS**

Bicycle and pedestrian safety information: HB 1588

Grant program to provide financial assistance for low-income individuals: HB 1845

Mobility education pilot program: HB 1588

### **DRIVERS' LICENSES (See also DRIVER TRAINING SCHOOLS)**

Application, passport proof of legal presence in United States: HB 2367 Application, proof of residency: HB 2367

Canadian border crossing, enhanced drivers' licenses and identicards: HB 1289, SSB 5366 Cell phone use while driving prohibited for holders of instruction permits and intermediate licenses: HB 1153 Commercial,

requirements: HB 1267 Driver training, required for all first time drivers: HB 1845 Furnishing liquor to minors,

suspension of license: HB 1819 Identicards, renewal by mail for individuals over seventy: HB 1887 Impound,

driving without specially endorsed license: HB 1316, **\*SB 5134, CH 86 (2007)**

Intermediate, students who pass WASL granted exemption from intermediate license restrictions: HB 1481 Intermediate,

sunset act application repealed: **\*SB 5036, CH 28 (2007)** Mailing license to first time applicant, requirements: HB 2367

Military personnel, fee exemption: HB 1683 Privacy, compliance with federal REAL ID Act of 2005: **\*SSB 5087, CH 85**

**(2007)** Provisional, failure to prove United States citizenship: HB 1440 Renewal, unpaid traffic fines: HB 1971 Senior

citizens, insurance premium reduction for older insureds completing an accident prevention course: HB 1953

### **DRIVING UNDER THE INFLUENCE**

Chemical dependency assessment protocols: HB 1340

Commercial drivers, drug and alcohol testing when involved in accident: HB 1973

Fatal or near fatal accidents, alcohol or drugs in blood levels: HB 2313 Gross

misdemeanor, penalties: HB 2254 Ignition interlock devices, required to drive employer's vehicle: HB 2350 Offender scoring provisions: **\*SB 5711, CH 116 (2007)**

Physician convictions, notice and report: EHB 1967 Prior offense, definition: HB

2130 Two or more prior offenses, felony: HB 1191

### **DRUGS (See also ALCOHOL AND DRUG ABUSE)**

Chemotherapy and anticancer drugs, business and occupation tax exemption: HB 1786 Ephedrine,

pseudoephedrine, and phenylpropanolamine pilot project work group responsibilities: HB 1797 Ephedrine,

pseudoephedrine, and phenylpropanolamine, violations and penalties: HB 1719 Marijuana, investigation

information of medical marijuana patient: HB 2124 Marijuana, medical use clarifications: **\*ESSB 6032, CH**

**371 (2007)** Methamphetamine, offender registry: HB 1754 Methamphetamine, penalties: HB 1814, HB 1954

Phase I and II clinical trials, business and occupation tax credit: HB 2346 Prescription, antiepileptic: HB 2123

Prescription, business and occupation tax deduction for certain drugs: HB 1891 Prescription, chemotherapy and

anticancer drugs business and occupation tax exemption: HB 1786 Prescription, controlled substances

prescription monitoring program: HB 1553 Prescription, insurance for pharmacy services: HB 1704

Prescription, part D copayment program: HB 1095 Prescription, pharmacy benefits management unfair

practices: HB 1348 Prescription, purchase of brand name drugs when cost-effective for all state programs: HB

1356 Prescription, sale and use of information for commercial purposes: HB 1850 Pseudoephedrine, fraudulent

procurement: HB 1487

### **EARLY LEARNING, DEPARTMENT**

Advisory council and voluntary quality rating and improvement system for child care centers: HB 1663, **\*E2SSB 5828, CH 394 (2007)**

Background checks for employees and service providers: HB 1854, **\*ESSB 5774, CH 387 (2007) PV**

Child care safety measures: HB 1462, **\*ESSB 5317, CH 415 (2007)**

Council for the prevention of child abuse, membership: **\*SB 5258, CH 144 (2007)**

Director added as member of family policy council: HB 2090 Foster care preschool

tuition scholarships: HB 1560 Full-day kindergarten, grant program: HB 2322

General provisions, corrections: HB 1959, **\*SSB 5952, CH 17 (2007)** Growing skills

for kids pilot program: HB 1465 Incarcerated parents, programs and policies for

children and families: HB 1422

### **ECOLOGY, DEPARTMENT**

Air quality projects, science education for children regarding energy generation and clean air: HB 1301

Barley straw, application to state waters for clarification purposes: **\*SB 5113, CH 30 (2007)**

Building permit moratoriums for cities with unprocessed water right permit applications, phase out: HB 2002

Emergency preparedness flood control and stream bank restoration pilot program: HB 1339  
 Floodway, definition in shoreline management act: \***EHB 1413, CH 328 (2007)**  
 Greenhouse gases, rules for emission levels and reduction objectives: HB 1210, \***ESSB 6001, CH 307 (2007) PV**  
 Model toxics control act, department opinions for portion of facility: HB 1039 Polybrominated diphenyl ethers,  
 phasing out procedures: HB 1024 Rainwater collections, barrels and cisterns: HB 1423, HB 1424 Reclaimed water,  
 nonpotable and potable uses: \***E2SSB 6117, CH 445 (2007) PV** Water conservation development strategies, rural  
 areas: HB 1635 Water resource inventory area 14 divided into 14a and 14b: HB 1295 Water resource inventory area  
 29 divided into 29a and 29b: \***SSB 5074, CH 245 (2007)**  
 Water rights, changes in point of diversion regarding the Columbia and Snake rivers: HB 1453  
 Water rights, economic impact analysis on general draft permits: HB 1807 Wood smoke,  
 department of ecology report on reduction recommendations: SSB 5745 Wood smoke, work group  
 and update of state wood smoke control program: HB 2261

#### **ECONOMIC AND REVENUE FORECAST COUNCIL**

Near general fund definition and forecasts: SSB 5691

#### **ECONOMIC DEVELOPMENT**

Associate development organizations, contracts for services: HB 1178, \***2SSB 5092, CH 249 (2007)** Business school  
 association for small business growth: HB 1823 Certified capital companies: HB 1721 Community development fund, grants  
 for local economic development and services: HB 2325 Community development fund, joint legislative committee: HB 1441  
 Community revitalization partnership program: HB 1080, 2SSB 5455 Entrepreneurial training opportunities, workforce  
 training and education coordinating board: \***SB 5613, CH 149 (2007)** Family prosperity act, Washington asset building  
 coalition: HB 2256 Federal new markets tax credit program: \***HB 1430, CH 230 (2007)** Health sciences and services  
 program: HB 1705 Industry clusters, work group to support: SB 5399 Innovation partnership zones to promote research based  
 firms and industries: HB 1091, 2SSB 5090 Job development fund program, termination: HB 2338 Job skills program,  
 economic clusters and quality management practices: 2SSB 5743 Local infrastructure financing tools projects: HB 1277,  
 E2SSB 5115 Major industrial developments, growth management provisions: HB 1752 Microenterprise development  
 program: \***2SSB 5652, CH 322 (2007)**  
 Microenterprise development program, low-income entrepreneurs: HB 1074  
 Offices, local retail taxes to finance: \***HB 1543, CH 250 (2007)** Public funds,  
 use of funds for development purposes: HJR 4208 Public works, permit  
 application process: \***ESB 5508, CH 231 (2007)**  
 Rural counties, business and occupation tax credit for eligible projects: HB 1566 Skills-based  
 economic growth planning program, workforce development councils: HB 1880 Technology  
 commercialization process to promote economic development: SSB 5387 Tourism,  
 public-private partnerships and tourism commission: HB 1276, SSB 5116

#### **ECONOMIC DEVELOPMENT COMMISSION**

Membership and duties: \***2SSB 5995, CH 232 (2007)**

#### **EDUCATION, STATE BOARD**

Improvement standards: HB 1610  
 Progressive interventions, program: HB 1610  
 Standards for high school graduation, college readiness, and college admission: HB 1618  
 WASL, independent mathematics review committee: HB 2172, E2SSB 5528 WASL,  
 mathematics system standards and instruction: HB 2327 WASL, science system standards and  
 instruction: HB 2327

#### **EDUCATIONAL SERVICE DISTRICTS (See also SCHOOLS AND SCHOOL DISTRICTS)**

Board members, election dates: \***HB 2154, CH 460 (2007)**  
 Sales and use tax exemptions: HB 2399

#### **ELECTIONS (See also CAMPAIGNS; INITIATIVE AND REFERENDUM)**

Absentee ballots, canvassing: HB 1654  
 Absentee ballots, forwarding: HB 1438  
 Absentee ballots, general revisions: HB 1527, ESB 5738 Absentee, state to  
 reimburse counties for cost of return postage: HB 1483 Ballots, consolidated  
 ballots for partisan primaries: HB 1225 Ballots, presidential primary: \***HB**  
**1526, CH 385 (2007)** Ballots, primaries: HB 1420, \***SB 5408, CH 38**  
**(2007)** Candidates, general revisions: HB 1534 Certification procedures:  
 \***HB 2152, CH 374 (2007)**  
 Election cycle, dates modified: \***HB 1831, CH 180 (2007)** Felony offenders,  
 restoration of voting rights: HB 1473 Integrity of, provisions to ensure: HB 1774  
 Judges, general election: HB 1776, HJR 4214 Judicial elections reform act: HB  
 1186 Judicial independence act: HB 1589 Local government, ranked choice  
 voting: HB 2202 Mail voting, general revisions: HB 1527, ESB 5738 Mail

voting, prepaid return postage: HB 1483 Mail voting, state to reimburse counties for cost of return postage: HB 1483 Photo identification, voting: HB 1468 Presidential, interstate agreement to elect by popular vote: HB 1750 Primaries, 2008 presidential primary cancelled: HB 2379 Primaries, ballot revisions: HB 1420, \***SB 5408, CH 38 (2007)** Primaries, presidential ballot: \***HB 1526, CH 385 (2007)** Primaries, voters' pamphlets: HB 1530 Regional transportation investment districts and regional transit authorities, single ballot proposition: HB 1396 Registration, allowed up to and on election day: HB 2145, SB 5561 Registration, available at certain state agencies: HB 1363 Registration, electronic: \***HB 1528, CH 157 (2007)** Registration, general revisions: HB 1529 Registration, information privacy protection: HB 1742, SSB 5566 Registration, proof of citizenship and photo identification: HB 1468 Registration, violations and penalties: HB 1774 Special, dates for county elections: HB 1653 Superintendent of public instruction, general election: HB 1776 Voters' pamphlets, charts: HB 2296 Voters' pamphlets, primaries: HB 1530

### **ELECTRIC UTILITIES**

Carbon dioxide mitigation: HB 2156  
Cogeneration facilities, tax credit certificate : HB 2081  
Greenhouse gases emission performance standard for utility procurement of baseload generation: HB 1893, \***ESSB 6001, CH 307 (2007) PV**  
Low carbon generation facilities, sales and use tax exemption: HB 2175 Net metering aggregation: HB 1140 Pole attachments, regulations: HB 1857 Power lines, cost assessment for burying: HB 2108 Systems benefit charge and sustainable energy trust, natural gas and electric utilities: HB 1032 Voluntary green power program to include biogas, manure digesters, and landfills as alternative resources: HB 1523

### **ELECTRICITY**

Coal use in electric plants, phase out: HB 1209 Electricians, display of licenses and certificates: HB 1013  
Electricians, licenses and certificates to be in possession while working: HB 1597  
Geothermal resources, core holes: HB 2129 Intermediate base light bulbs for residential use: HB 2341 Low carbon generation facilities, sales and use tax exemption: HB 2175 Net metering aggregation: HB 1140 State agencies, purchase of anaerobic digestion power: HB 1035 State agencies, purchase of renewable energy: HB 1036

### **ELECTRONIC EQUIPMENT**

Fire safety standards: HB 1724  
Identity crimes, portable electronic data storage device: HB 1763 Privacy protections regarding electronic communication devices: HB 1031 Processing electronic waste, business and occupation tax credit: HB 2363

### **ELEVATORS**

Contractors, licenses and certificates to be in possession while working: HB

### **1597 EMERGENCY SERVICES**

911 enhanced emergency radio network, work group to study delivery of emergency information: HB 2225 Amateur radio repeater, leasehold excise tax exemption when used for emergency services: HB 2335 Ambulances, emergency transportation grant program: HB 1830 Backup power required for providers of food and water and fuel: HB 1841 Backup power required for providers of fuel: HB 2053 CBRNE response program: HB 1223 Collective bargaining agreements and administrative rules suspended in event of disaster: HB 1839 Command control and data system pilot project: HB 1840 Emergency management, preparedness, and assistance account: HB 2370 Emergency preparedness flood control and stream bank restoration pilot program: HB 1339 Emergency responses to property, notification to property owner: HB 2365 Missing persons, investigation procedures: HB 1182, \***SSB 5191, CH 10 (2007)** Public notices, languages other than English: HB 1675 Shelters, public schools: HB 1933 Stationary emergency and police vehicles, rules for drivers when approaching vehicles: \***SSB 5078, CH 83 (2007)** Television reception improvement districts, emergency radio communications systems: HB 2337 Vehicles, sales and use tax exemption: HB 1620 Volunteer emergency workers, limited immunity: \***HB 1073, CH 292 (2007)** Volunteers, public employee shared leave for volunteer services: HB 1759

### **EMINENT DOMAIN**

Notice to property owners regarding acquisition for public purposes: HB 1458, SB 5444 Port districts prohibited from exercising powers: HB 2404 Repurchase of property, owner may retain right: HB 2016, HB 2218 Restrictions on the exercise of eminent domain, public use requirement: HB 2068 Restrictions on the exercise of eminent domain, solely for purpose of economic development: HB 2016 Watershed management partnerships, powers of forming governments: HB 1561

### **EMPLOYMENT (See also WAGES AND HOURS)**

Aero-space related tax incentives, neutrality towards unionization: HB 1828  
Automatic service charges paid to servers, disclosure for customer: HB 1583

Bullying and harassment, legal redress: HB 2142 Credit reports, procurement for job related purposes: **\*ESSB 5827, CH 93 (2007)** Equal pay for equal work: HJR 4210  
 Family and medical leave insurance: HB 1658, **\*E2SSB 5659, CH 357 (2007)**  
 Haulers of logs, compensation system: HB 2247  
 Infant-friendly employers: SSB 5153  
 Job development fund program, termination: HB 2338  
 Job skills program, economic clusters and quality management practices: 2SSB 5743  
 Postsecondary opportunity programs, grants: HB 1096  
 Requiring employees to participate in certain communications, employers prohibited claiming certain tax incentives: HB 2351  
 Requiring employees to participate in certain communications, employers prohibited from: HB 2383, HB 2387  
 Retirement, voluntary retirement accounts program: HB 2044 Self-employment assistance program: **\*SSB 5653, CH 248 (2007)**  
 Shared leave in public employment, unused leave provisions: **\*HB 2281, CH 454 (2007)**  
 Tax incentives, employers restricted from certain activities to qualify for incentives: HB 2351  
 Tips, business and occupation tax credit on payroll taxes paid by owners: HB 1542 Tobacco, employment decisions based upon consumption of lawful tobacco products: HB 1154 Youth soccer referees, employment criteria: **\*HB 1457, CH 464 (2007)**

#### **EMPLOYMENT SECURITY DEPARTMENT**

Administration of Title 50 RCW, funding: HB 1407 Self-employment assistance program: **\*SSB 5653, CH 248 (2007)**

#### **ENERGY**

Alternative energy facilities, siting provisions: HB 1060 Alternative fuels, clean energy initiatives and incentives: HB 1303 Carbon dioxide mitigation: HB 2156 Cellulosic ethanol production program: HB 1303  
 Clean energy initiatives and incentives: HB 1303 Cogeneration facilities, tax credit certificate: HB 2081 Facilities, siting provisions: HB 1061 Geothermal resources, core holes: HB 2129  
 Green highways promoted in energy freedom program, alternative fuel availability: HB 1160 Greenhouse gases emission performance standard for utility procurement of baseload generation: HB 1893, **\*ESSB 6001, CH 307 (2007) PV**  
 Holiday lights, light-emitting diode: HB 1524  
 Hydropower, renewable energy source with regard to energy independence act: HB 2229 Intermediate base light bulbs for residential use: HB 2341 Renewable energy, hydropower: HB 2229 Road map, Washington state energy efficiency and renewable energy: HB 1711 SEPA, renewable fuel standards: **\*ESB 5669, CH 308 (2007)** Solar hot water components, tax exemptions: HB 1211 Special needs transportation services, light and power business tax credit for contributions: HB 1744, SB 5454 State agencies, purchase of anaerobic digestion power: HB 1035 State agencies, purchase of renewable energy: HB 1036 State policies and programs, implementation and coordination streamlined: HB 1062 Systems benefit charge and sustainable energy trust, natural gas and electric utilities: HB 1032 Transmissions, regional compacts for siting lines: **\*HB 1038, CH 326 (2007)** Transmissions, site locations: HB 1037 Voluntary green power program to include biogas, manure digesters, and landfills as alternative resources: HB 1523 Wind power, energy freedom program and community action agencies: SB 5383

#### **ENERGY FACILITY SITE EVALUATION COUNCIL**

Alternative energy facilities, siting provisions: HB 1060  
 Facilities, siting provisions: HB 1061  
 Pipeline utility corridor capacity, review: HB 2206, SB 6107 Transmissions, regional compacts for siting lines: **\*HB 1038, CH 326 (2007)** Transmissions, site locations: HB 1037

#### **ENGINEERS (See also SURVEYORS)**

Significant structures, only structural engineers allowed to provide services: HB 1958, **\*SSB 5984, CH 193 (2007)**

#### **ENVIRONMENT**

Benzene, regulations: HJM 4007  
 Biomonitoring program: HB 1570  
 Carbon dioxide mitigation, business and occupation tax credit: HB 1208  
 Children's environmental health and protection advisory board: HB 1601  
 City or town utilities, environmental mitigation: HB 1929  
 Cleaning of state facilities, products that minimize impacts to humans and the environment: HB 1464  
 Environmental health, select committee on: **\*HR 4603 (2007)**  
 Environmental mitigation moneys for agricultural preservation: HB 1563  
 Environmental policy act, exemptions within urban growth areas: HB 2285  
 Environmental remediation services, business and occupation tax rate: HB 1180  
 Greenhouse gases, rules for emission levels and reduction objectives: HB 1210, **\*ESSB 6001, CH 307 (2007) PV**  
 Inequities in the location of facilities that impact health, environmental hazards: HB 2318 Polybrominated diphenyl ethers, phasing out procedures: HB 1024 SEPA, renewable fuel standards: **\*ESB 5669, CH 308 (2007)** State policy,

human health analysis: HB 1355 Uniform environmental covenants act: **\*SB 5421, CH 104 (2007)** Yukon to Yellowstone conservation initiative: SSB 5318

#### **ESTATES (See also PROBATE)**

Estate distribution documents, marketing by persons not authorized to practice law in this state: HB 1114  
Uniform simultaneous death act: **\*HB 2236, CH 475 (2007)**

#### **ETHICS IN GOVERNMENT**

Efficiency hotline: **\*ESB 5513, CH 41 (2007)**  
Gifts, acceptance of gifts by state officers or employees: HB 1157  
Legislator's use of public resources: HB 1070 Legislature, restrictions on mail to constituents: HB 1196 Municipal officers, beneficial interest in contracts: HB 1255  
Opinions, state employees who provide services to persons with developmental disabilities: HB 1735  
Public records for political campaigns, exemptions: HB 1951 Raffles, public employees: **\*HB 1599, CH 452 (2007)**

#### **EVIDENCE**

Polygraph examinations, sexual assault victims: **\*HB 1520, CH 202 (2007)** Privileged communications, Christian Science practitioner: **\*HB 1939, CH 472 (2007)** Sexual exploitation of children, reproduction of certain evidence: HB 1760

#### **FAMILY LIFE**

At-risk youth, public access to hearings: HB 1565 Child in need of services, public access to hearings: HB 1565 Civil marriage equality, gender neutrality: HB 1350 Dependency proceedings, court hearings: HB 1912 Dependency proceedings, reunification: ESSB 5452 Dissolution proceedings, provisions revised: **\*2SSB 5470, CH 496 (2007)**  
Domestic partnership registry, protection by granting certain rights and benefits: HB 1351, **\*SSB 5336, CH 156 (2007)**  
Family court, statewide: HB 1780 Family planning services: HB 1686, SSB 5585 Family prosperity act, Washington asset building coalition: HB 2256 Infant-friendly employers: SSB 5153 Parentage, preempting common law causes of action: HB 2347

#### **FARMS**

Agricultural commodities, public utilities tax deduction for transportation: **\*HB 1443, CH 330 (2007)**  
Asparagus, exception to standards for fruits and vegetables: **\*HB 1416, CH 237 (2007)** Biodiesel fuel, sales and use tax exemption: **\*SSB 5009, CH 443 (2007)** Brassica seed production: **\*HB 1888, CH 181 (2007)**  
Business and occupation tax rate for custom farming services: HB 1587  
Community agricultural worker safety grant program: ESB 5723 Conservation, farms and forest conservation revolving fund: HB 1999 Crop rotation defined for water rights purposes: HB 1985 Farmland preservation, office of: HB 1627, **\*SSB 5108, CH 352 (2007) PV**  
Growth management, agricultural activities and critical areas: HB 1167, HB 1931, HB 2078, HB 2212, HB 2213, **\*SSB 5248, CH 353 (2007)**  
Heritage barn preservation program: HB 2115, SSB 5542  
Labor contractors, general provisions and transportation safety standards: HB 2106 Machinery and equipment, sales and use tax exemptions: HB 1757 Machinery and equipment, sales and use tax exemptions for repairs: HB 1901, **\*EHB 1902, CH 332 (2007)** Propane, sales and use tax exemption: HB 1376 Right to farm act: HB 1984 Shellfish, aquaculture regulatory committee: HB 1728 Small farm direct marketing assistance program, expiration date removed: **\*HB 1311, CH 122 (2007)** Tax exemptions for certain farming services: HB 2352  
Transport of commodities, overtime compensation: HB 1920 Walla Walla sweet onion, state vegetable: **\*HB 1556, CH 137 (2007)**  
Wildlife damage claims, amount available for payment of claims: HB 1146 Wildlife damage claims, owner may opt to retain deer and elk that damage crops : HB 1685

#### **FEES**

Increases, restrictions on authorization: HB 2371

#### **FERRIES**

Alcoholic beverages, sale of prohibited: HB 1175  
Charge to ride ferry, reduction in: HB 1134  
Passenger-only, funding: HB 2273, **\*E2SSB 5862, CH 223 (2007)**  
Passenger-only, required date for operations to begin on service between Vashon and Seattle: HB 2353 Passenger-only, sales and use tax exemption for fuel purchased by public transportation benefit area: **\*E2SSB 5862, CH 223 (2007)**

State, procurement of new vessels: HB 2378  
 State, survey and plan: HB 2358, ESSB 6127  
 State, time periods for collective bargaining by employees: HB 1693  
 Unauthorized proximity to ferries, person or vessel in water: HB 1282  
 Vehicles boarding ferries, traffic infractions for blocking driveways or moving in front of another vehicle: **\*SB 5088, CH 423 (2007)**

#### **FINANCIAL INSTITUTIONS (See also BANKS AND BANKING; CREDIT UNIONS)**

Credit cards, tax on interest rates that exceed usury rate: HB 1245 Electronically delivered financial information, sales and use tax exemptions: HB 1981 Fraud alert networks: HB 1273 Identity crimes, portable electronic data storage device: HB 1763 Interstate branching: HB 2286 Manufactured/mobile home communities, tax credit for financial assistance: HB 2096 Microenterprise development program: **\*2SSB 5652, CH 322 (2007)**

#### **FINANCIAL INSTITUTIONS, DEPARTMENT**

Real-time data base to verify if consumer has an outstanding small loan, study: HB 2258

#### **FINANCIAL MANAGEMENT, OFFICE**

Government overpayments, recovery audits: HB 1952 Higher education data center: HB 2051 Information technology, strategic plan for state projects: HB 1296 Real estate procurement and management of state facilities, oversight: HB 2366 School districts, education data center: HB 1871, **\*E2SSB 5843, CH 401 (2007)** State budget information web site: HB 2342

Student transportation, funding: **\*2SSB 5114, CH 139 (2007)**  
 Transportation agencies, objectives and performance measures: HB 2041

#### **FIRE PROTECTION**

Cigarette ignition propensity: HB 1822  
 Fire service training account, distribution and allocation: HB 2097, **\*SB 6119, CH 290 (2007)**  
 Forest fire, protection assessments: HB 1125, **\*SSB 5463, CH 110 (2007)** Forest fires, access to property during a fire: **\*SSB 5315, CH 252 (2007)** Impact fees, facilities authorized to use: HB 2110 Safety standards for upholstered furniture and electronic equipment: HB 1724 Wildfire prevention and protection work group: HB 1652

#### **FIRE PROTECTION DISTRICTS**

Emergency responses to property, notification to property owner: HB 2365 Fire stations, threshold for construction projects without formal bidding : HB 1367 State capital funding assistance: HB 1470

#### **FIRE PROTECTION SPRINKLER SYSTEMS**

Fitters, certification: HB 1968  
 Nightclubs, requirements: HB 1811  
 Residential, model plan for private residential water charges: HB 1442  
 Residential, technical advisory group to research and review policies and procedures: HB 2292

#### **FIREARMS**

Alien firearm license, requirements and violations: HB 1011 Concealed pistol licenses, late renewal penalty provisions: HB 1126 Electronic weapons, penalties for possession on school property: HB 1764 Emergency or natural disaster, right to lawful possession: HB 1633 Gun shows and events, sales regulations: HB 1026 Nonresidents' participation in hunting and shooting events: ESSB 5456 Safe storage requirements and penalties: HB 1014 Schools, accident prevention instruction: HB 2168 Shooting ranges, liability protections noise and nuisance requirements: HB 2036 Weapon, definition: HB 2177

#### **FIREFIGHTERS**

Volunteer, state agency employees allowed to respond when called to duty: **\*SSB 5511, CH 112 (2007)**  
 Occupational diseases, cardiovascular disease and cancer: HB 1833 Relief and pensions, fireman changed to firefighter: HB 1824 Volunteer, vocational rehabilitation: HB 1878, HB 2147

#### **FISH (See also SALMON; STEELHEAD)**

Aquatic invasive species control and enforcement: **\*E2SSB 5923, CH 350 (2007) PV**  
 Geoduck aquaculture techniques and practices, scientific research studies: HB 1547  
 Geoduck harvesters, workers' compensation coverage: **\*HB 1949, CH 324 (2007)**

Inspections and sampling of fish and wildlife, authority of fish and wildlife employees to inspect vessels and facilities: HB 1075, HB 1646 Puget Sound, marine resources committees: HB 2049 Rockfish research and stock assessment program: HB 1076, \***HB 1476, CH 442 (2007)** Shellfish, aquaculture regulatory committee: HB 1728 Shellfish, managing and regulating shellfish aquaculture: HB 2220 Shellfish, protection districts and program: HB 1595, HB 1928, \***SB 5778, CH 150 (2007)**

#### **FISH AND WILDLIFE COMMISSION**

Biological information, pilot project to contract with independent biologists for assessment of deer and elk: HB 1250

#### **FISH AND WILDLIFE, DEPARTMENT**

Aquatic invasive species control and enforcement: \***E2SSB 5923, CH 350 (2007) PV**  
 Ballast water, discharge requirements: HB 1299  
 Ballast water, program to address nonballast water ship vectors as a source of nonindigenous species: HB 1738  
 Ballast water, standards and exemptions for discharge: \***E2SSB 5923, CH 350 (2007) PV** Director, appointment: HB 1193  
 Emergency preparedness flood control and stream bank restoration pilot program: HB 1339 Funding for programs, redirecting certain moneys: HB 1248  
 Geoduck aquaculture techniques and practices, scientific research studies: HB 1547  
 Hood Canal, pilot project to test effects of oxygenation: HB 1604 Inspections and sampling, department employees authorized to partake in: HB 1075, HB 1646  
 Nonindigenous species, data collection and program: HB 1738  
 Public lands, habitat and recreation lands coordinating group: \***SSB 5236, CH 247 (2007)**  
 Rockfish research and stock assessment program: HB 1076, \***HB 1476, CH 442 (2007)**  
 Sensitive fish and wildlife data, public disclosure exemption: \***HB 1077, CH 293 (2007)**  
 Small scale mineral prospecting on coastal areas, pilot program to examine: HB 1083  
 Structure of department, task force to review: SSB 6053  
 Wild horse coordinated resource management plan: HB 1889  
 Wildlife account: HB 1229  
 Wildlife damage claims, amount available for payment of damage to crops claims: HB 1146  
 Wildlife damage claims, commercial livestock valuation and appeals committee: HB 1147  
 Wildlife rehabilitation program: \***2SSB 5188, CH 246 (2007)**  
 Yukon to Yellowstone conservation initiative: SSB 5318

#### **FISHING, COMMERCIAL (See also SALMON)**

Charter licenses, albacore tuna not included as a nonsalmon license designation: \***HB 1476, CH 442 (2007)**  
 Dungeness crab-coastal fishery, license buyback program: \***SSB 5447, CH 479 (2007)**  
 Geoduck, management agreements and harvesting restrictions in Hood Canal: HB 2071

#### **FISHING, RECREATIONAL (See also SALMON)**

Licenses, display of shellfish and seaweed license: HB 1082  
 Licenses, merging fishing and hunting fees for certain veterans and persons with disabilities: HB 1079

#### **FLOOD CONTROL**

Emergency preparedness flood control and stream bank restoration pilot program: HB 1339  
 Floodway, definition in shoreline management act: \***EHB 1413, CH 328 (2007)**  
 Hydraulic project permit approval for projects intended to reduce or eliminate damage from floods: HB 1748, SSB 5733

#### **FOOD AND FOOD PRODUCTS (See also MEAT)**

Alcohol content in food and confections: HB 1047  
 Asparagus, exception to standards for fruits and vegetables: \***HB 1416, CH 237 (2007)**  
 Automatic service charges paid to servers, disclosure for customer: HB 1583  
 Beverage containers, refund value: HB 1353  
 Commercial food service establishment in Pritchard building, business enterprises program: HB 2003  
 Food lockers, regulations repealed: \***HB 1305, CH 52 (2007)**  
 Food service rules, exemption to cold-holding standards for certain equipment: HB 2323  
 Fruit and vegetable processing and storage tax deferral, application process: \***HB 2032, CH 243 (2007)**  
 Fruits and vegetables, disclosure exemption: \***EHB 1688, CH 177 (2007)**  
 Labeling requirements: HB 2167  
 Mandatory country-of-origin labeling for certain foods and commodities: HJM 4000  
 Milk products, wholesale sales of unprocessed milk exempted from business and occupation tax: \***HB 1549, CH 131 (2007)**  
 Obesity, strategic plan to decrease rates: HB 1991  
 Shellfish, aquaculture regulatory committee: HB 1728  
 Walla Walla sweet onion, state vegetable: \***HB 1556, CH 137 (2007)**

#### **FOREST LAND (See also TIMBER AND TIMBER INDUSTRIES)**

Ancestral trees, protections: HB 1600  
 Climate change, response preparation for consequences on state forests: HB 1995  
 Conservation, farms and forest conservation revolving fund: HB 1999  
 Conversion of forest land to nonforestry uses: HB 1408, \***2SSB 5883, CH 106 (2007)**  
 Designated forest lands and open space timber lands, statutes consolidated for ease of administration: HB 1580  
 Fire protection assessments: HB 1125, \***SSB 5463, CH 110 (2007)**  
 Forest fires, access to property during a fire: \***SSB 5315, CH 252 (2007)**

Forest health, three tier technical assistance system and scientific advisory committee: \***SSB 6141, CH 480 (2007)** Haulers of logs, compensation system: HB 2247 Huckleberries, regulations: HB 1909 Quinault Indian Reservation, timber harvest excise taxation: HB 2008 Specialized forest products, huckleberries: HB 1040 Specialized forest products, permitting process and theft protections: HB 1909 Specialized forest products, work group created and bill of lading requirements revised: SSB 5844 Wildfire prevention and protection work group: HB 1652

#### **FOREST PRACTICES (See also TIMBER AND TIMBER INDUSTRIES)**

Ancestral trees, protections: HB 1600

Climate change, response preparation for consequences on state forests: HB 1995 Conversion of forest land to nonforestry uses: HB 1408, \***2SSB 5883, CH 106 (2007)** Conversion-related practices, jurisdiction transferred to local government: HB 1409 Forest health, contract harvesting for silvicultural treatments: HB 1122, \***SSB 5461, CH 109 (2007)**

Forest health, three tier technical assistance system and scientific advisory committee: \***SSB 6141, CH 480 (2007)** Huckleberries, regulations: HB 1909 Nuisance laws, protection from : \***EHB 1648, CH 331 (2007)** Small forest land owners, regulations: HB 2219 Specialized forest products, huckleberries: HB 1040 Specialized forest products, permitting process and theft protections: HB 1909 Specialized forest products, work group created and bill of lading requirements revised: SSB 5844

#### **FOSTER CARE**

Basic health plan enrollment for foster parents: HB 1602

Foster youth community coordinator pilot program, youths reaching eighteen years of age: HB 2088, ESSB 5909 Licensing, tiered classifications: HB 1926 Medicaid coverage for youth: HB 1201, SSB 5305 Passport to college promise pilot program: HB 1131, HB 2072 Placement provisions, notices: HB 1287 Postadoption services pilot program for children adopted out of foster care system: HB 2252 Preschool tuition scholarships: HB 1560 Public assistance benefits, notice prior to denial or termination: HB 1927 Reactive child, department of social and health services requirements for disclosure: \***SSB 5321, CH 220 (2007)** School placement continuity: HB 1716 State park foster home pass: SSB 5010

#### **FUELS (See also OIL AND GAS; TAXES - MOTOR VEHICLE FUEL TAX; TAXES - SPECIAL FUEL TAX)**

Alcohol fuel, definition: HB 1055

Alternative fuel vehicles, preferential parking: HB 1132 Alternative fuel, availability at retail fuel stations: HB 1053, HB 1059 Alternative fuel, clean energy initiatives and incentives: HB 1303 Alternative fuel, green highways promoted in energy freedom program: HB 1160 Alternative fuel, information on the use of: HB 1057 Alternative fuel, tax exemptions for school transportation services : HB 1162 Benzene, limit on level in motor fuel: HB 2185 Cellulosic ethanol production program: HB 1303 Clean fuel sales and use tax exemptions, effective and expiration dates: HB 1684 Diesel fuel, tax exemptions for commercial fuel users engaging in business: HB 1579 Distributors, business and occupation tax rates: HB 2188, E2SSB 5799 E85 motor fuel, definition: HB 1029

E85 motor fuel, pilot program for providing fuel along interstate routes: HB 1303 E85 motor fuel, tax rate: HB 1895 Farms, biodiesel fuel sales and use tax exemption: \***SSB 5009, CH 443 (2007)** Farms, propane fuel sales and use tax exemption: HB 1376 Gas stations, backup power required for emergency preparedness: HB 1841, HB 2053 Gas stations, tax credit for purchase of alternative power generation for emergency preparedness: HB 1557 Methyl tertiary-ether, restrictions: HB 2007 Nonhazardous fuel, availability enhanced: HB 1058 Nonhazardous fuel, definition: HB 1056 Oil windfall profits, state tax for community reinvestment: HB 1510 Petroleum businesses, additional taxes: HB 2128 School transportation services, tax exemptions for alternative fuel: HB 1162 SEPA, renewable fuel standards: \***ESB 5669, CH 308 (2007)** Tax rate indexing, funding for highway project account: HB 2138

#### **FUNERALS**

Disorderly conduct, penalties: \***HB 1168, CH 2 (2007)**

#### **GAMBLING (See also HORSES AND HORSE RACING)**

House-banked card games, limits on number of licenses issued: HB 1477, ESSB 5558 House-banked card games, relocation zoning ordinances: HB 1477, ESSB 5558 Indian gaming contracts, legislative approval: HB 1257 Indian gaming regulatory act, state consent for federal court jurisdiction: \***HB 1706, CH 321 (2007)**

Internet gambling, penalties for activities in primary residence for recreational purposes: HB 2127, HB 2320 Licensees, nondisclosure of certain information: \***HB 1449, CH 470 (2007)**, SB 5927 Licenses, commission powers and duties: \***HB 1218, CH 206 (2007)**

Premises, exclusion of certain persons from gambling premises: HB 1346

Underage gambling, penalties: HB 1345

Unlawful internet gambling, affirmative defense if defendant committed offense in primary residence: HB 1243

#### **GAMBLING COMMISSION**

Licenses, nondisclosure of certain information: \***HB 1449, CH 470 (2007)**, SB 5927

Licenses, commission powers and duties: \***HB 1218, CH 206 (2007)**

#### **GENERAL ADMINISTRATION, DEPARTMENT**

Cleaning of facilities, products that minimize impacts to humans and the environment: HB 1464

Electricity, purchase of renewable energy: HB 1036 Wellington Hills property, disposal: HB 2359

#### **GEOLOGY AND GEOLOGISTS**

Geothermal resources, core holes: HB 2129 Soil

scientists, certification: HB 2324 Soil scientists,

licensing: HB 1318

#### **GOVERNOR**

Adult family home providers, governor as public employer for collective bargaining purposes: HB 2111

Boards and commissions, consolidation and elimination: HB 2235 Budget, amendments to 2005 capital:

HB 1092 Budget, operating 2007-09: HB 1128 Budget, operating supplemental 2005-07: HB 1089 Budget,

transportation 2007-09: HB 1094 Budget, transportation supplemental 2005-07: HB 1093 Salmon recovery

office, governor's: \***SSB 5224, CH 444 (2007)** Salmon recovery office, statewide: HB 1577 State quality

award, application for: HB 1197 Strategic health resource coordination office and commission: HB 1415,

HB 2100 Tax expenditure report, biennial budget documents: HB 1827

#### **GRANDPARENTS**

Visitation rights: HB 1108

#### **GRAVEL**

Marine transportation of sand and gravel: HB 2349, HB 2364

#### **GREENHOUSE GASES**

Carbon dioxide mitigation, business and occupation tax credit: HB 1208 City or town utilities,

environmental mitigation: HB 1929 Coal use in electric plants, phase out: HB 1209 Emission

levels and reduction objectives, rules: HB 1210, \***ESSB 6001, CH 307 (2007)** PV Emission

performance standard for utility procurement of baseload generation: HB 1893 State agencies

required to report greenhouse gas production: HB 1740

#### **GROCERY STORES**

Alcohol content in food and confections: HB 1047 Beer

and wine warehousing and distribution: HB 2234

Emergencies, backup power required: HB 1841 Wine and

beer tasting pilot project: HB 2076

#### **GROWTH MANAGEMENT (See also LAND USE PLANNING)**

Agricultural lands, agricultural activities and critical areas: HB 1167, HB 1931, HB 2078, HB 2212, HB 2213, \***SSB 5248, CH 353 (2007)**

Agricultural lands, conservation of: SSB 5145

Annexation of areas within urban growth boundary, cities and towns: HB 2006 Aquifer conservation zones: HB

1135 Buildable lands requirements, department assessment recommendations: HB 2092 Comprehensive plans,

community and work release facilities: HB 1733 Comprehensive plans, cost assessment for burying power lines: HB

2108 Comprehensive plans, population accommodation requirements: HB 1726 Comprehensive plans, sufficient

land and density availability: HB 1727 County-wide planning policies, performance and reasonable measures: HB

2091 Critical areas, best available science for protection of environmentally critical areas: HB 2046 Critical areas,

agricultural activities: \***SSB 5248, CH 353 (2007)** Critical areas, best available science: HB 1781 Environmental

policy act, exemptions within urban growth areas: HB 2285 Forest practices, jurisdiction of conversion-related

practices transferred to local government: HB 1409 Hearings boards, membership and powers: HB 2077 Hood

Canal, extension or development of sewer systems: HB 1605 Industrial land banks, major industrial development

within: HB 1965 Industrial land banks, termination date: HB 1925 Infrastructure account: HB 1361 Land use cases,

court's application of equitable principles: HB 2226 Major industrial developments, provisions: HB 1752 Marine

transportation of sand and gravel: HB 2349, HB 2364 Performance and reasonable measures: HB 1358 Power lines,

cost assessment for burying: HB 2108 Property taxes, exemption for decline in value due to shoreline or growth

management regulation: HB 1860 Reclaimed surface coal mine sites, industrial development: \***SB 6014, CH 194**

**(2007)** Regional transfer of development rights program: HB 1636 Rural villages in rural areas: HB 1998 Task force

on needs and priorities: HB 1558 Timber mills, exemptions for mills designated as forest products operations of

statewide significance: HB 2271 Transportation concurrency, impact fees: HB 1753 Urban growth areas,

accommodating projected growth by wage decile: HB 2093 Urban growth areas, buildable acreage: HB 1918 Urban

growth areas, capital facilities plans: HB 1698

Urban growth areas, cooperation regarding designation and modification: HB 2045

Urban growth areas, environmental policy act exemptions: HB 2285 Urban growth

areas, intensive development outside of: HB 1699

Urban growth areas, single-family residential development in counties with certain affordability index: HB 1862

### **GUARDIANSHIP**

Incapacitated persons, safeguards in proceedings: HB 2278 Office of public guardianship: HB 1130, \***SSB 5320, CH 364 (2007) PV**

### **HAIRDRESSING**

Regulations and licensing: HB 1745

### **HANFORD**

Hazardous wastes sites, cleanup advisory boards: HB 1419

Hazardous wastes sites, strategic cleanup and community cleanup assistance accounts: HB 1761 Radioactive waste and other byproducts of weapons production and nuclear research, taxation on cleanup: HB 2330

### **HARASSMENT (See also CRIMES)**

Cyberbullying, school district harassment prevention policies: \***SSB 5288, CH 407 (2007)**

No-contact orders, violations and penalties: HB 1642 Workplace bullying and harassment, legal redress: HB 2142

### **HAZARDOUS MATERIALS**

Biomonitoring program: HB 1570

Children's environmental health and protection advisory board: HB 1601 Environmental remediation services, business and occupation tax rate: HB 1180 Model toxics control act, department of ecology opinions for portion of facility: HB 1039 Residential real property, sellers' disclosure requirements: \***SSB 5895, CH 107 (2007)**

### **HAZARDOUS WASTE**

Cleanup for waste sites, advisory boards: HB 1419

Cleanup for waste sites, strategic cleanup and community cleanup assistance accounts: HB 1761

Environmental covenants act, uniform : \***SB 5421, CH 104 (2007)**

### **HEALTH CARE (See also DRUGS; HEALTH CARE AUTHORITY; LONG-TERM CARE; NURSING HOMES; PUBLIC ASSISTANCE)**

Certificate of need program, department to monitor projects and issue penalties for violations: HB 2099 Chemotherapy and anticancer drugs, business and occupation tax exemption: HB 1786 Chronic care management, medical assistance programs: HB 1947 Colorectal cancer screening, insurance coverage: HB 1337 Complimentary and alternative health care practitioners and treatments, exemption from requirements for physicians: HB 2266

Coronary interventions, adult nonemergent: HB 1689

Environment, human health analysis for state environmental policy: HB 1355

Family and medical leave insurance: HB 1658, \***E2SSB 5659, CH 357 (2007)**

Genetic counselors, licensing: HB 2015 Health care, limits on maximum capital

and surplus accumulations : HB 1203 Health sciences and services program: HB

1705 Human stem cell research advisory committee: HB 1163, HB 1336, HB 1732

Human stem cell research, life sciences discovery fund: HB 1730 Insurance, basic

health plan provider payment requirements: HB 1785

Insurance, blue ribbon commission on health care costs and access: HB 2098, \***E2SSB 5930, CH 259 (2007) PV**

Insurance, business and occupation tax deduction for health care provided by small employers: HB 1638 Insurance,

coverage eligibility: HB 2000 Insurance, direct patient-provider primary care practices: \***E2SSB 5958, CH 267**

**(2007)** Insurance, fixed payment : HB 1233 Insurance, foster parent enrollment in basic health plan: HB 1602

Insurance, hearing instruments and services: HB 1869

Insurance, HIV program: HB 1915

Insurance, information for students: ESSB 5100 Insurance,

information included in premium billings: HB 1717

Insurance, medical coverage for city elected officials: HB 1392, \***SB 5525, CH 42 (2007)**

Insurance, multistate pool: HB 1568 Insurance, oral health parity: HB 2121 Insurance,

pharmacy services: HB 1704 Insurance, reinsurance program and account: HB 1569

Insurance, retainer health care practices: HB 1818 Insurance, small employer plan options:

HB 1539 Insurance, state health pool: E2SSB 5712 Insurance, study of requirements: HB

1538 Insurance, taxpayer health care fairness act: HB 2094 Insurance, Washington health

opportunity act of 2007: HB 2199 Insurance, Washington health security trust: HB 1886

Insurance, Washington state health insurance connector and board: HB 1569 Kidney disease,

joint legislative task force to study chronic disease: HB 2149 Marijuana, medical use

clarifications: \***ESSB 6032, CH 371 (2007)**

Marijuana, out-of-state physicians authorized to recommend marijuana for medical conditions: HB 1395

Mobility enhancing equipment, tax exemptions: HB 1324 Newborn screening fees: HB 2023 Obesity,

strategic plan to decrease rates: HB 1991 Strategic health resource coordination office and commission: HB

1415, HB 2100 Transport of individuals who must be on a stretcher, guidelines and standards: HB 1837  
 Traumatic brain injury strategic partnership advisory council: HB 2055 Traumatic brain injury, care of  
 individual in expanded community services program: HB 2310 Universal system: HJM 4005 Unwarranted  
 variation in health care, effective decision aids: SSB 5619 Vaccines, suspension of restrictions during  
 outbreaks: HB 1098

#### **HEALTH CARE AUTHORITY**

Administrator, administration of grants on behalf of health care authority: \***HB 1645, CH 274 (2007)**  
 Applications, identification required: HB 1848 Blue ribbon commission on health care costs and access: HB  
 2098, \***E2SSB 5930, CH 259 (2007) PV**  
 Domestic partnership registry, protection by granting certain rights and benefits: HB 1351, \***SSB 5336, CH 156 (2007)**  
 Health insurance connector and board: HB 1569 Long-term care insurance plans, requirements: HB 1085 Prescriptions,  
 purchase of brand name drugs when cost-effective for all state programs: HB 1356 School retired and disabled employees,  
 benefits: HB 1281 State patrol survivor benefits, reimbursement for payment of premium rates: HB 1417

#### **HEALTH CARE FACILITIES**

Ambulatory surgical facilities, licensing and standards: HB 1414  
 Certificate of need program, department to monitor projects and issue penalties for violations: HB 2099  
 Certification and recertification costs, fees: HB 2087 Financial assistance, application requirements and  
 sworn public benefits certifications: HB 1846 Strategic health resource coordination office and commission:  
 HB 1415, HB 2100

#### **HEALTH CARE PROFESSIONS**

Background checks: HB 1100  
 Complimentary and alternative health care practitioners and treatments, exemption from requirements for physicians: HB  
 2266  
 Disciplinary provisions, burden of proof in actions: 2SSB 5509  
 Disciplinary provisions, generally: HB 1103, HB 1300, 2SSB 5509  
 Disciplinary provisions, medical disciplinary act and board for safety and health: HB 1943  
 Disciplinary provisions, unwarranted attacks: 2SSB 5509  
 Disciplining authorities, powers and duties: HB 1103, HB 1300  
 Genetic counselors, licensing: HB 2015  
 Home visits by mental health professionals and crisis intervention workers, backup: HB 1456  
 Licensing fees: EHB 1667 Malpractice, notice requirement of intent to file: \***SSB 5910, CH 119**  
**(2007)**  
 Medical malpractice, closed claim reporting requirements: HB 1237, \***SSB 5263, CH 32 (2007)** Medical staff  
 admitting privileges and membership disputes, arbitration: HB 2174 Revocation of license for three separate  
 courses of unprofessional conduct over a ten-year period: HB 1104 Services provided to government, taxation:  
 HB 1945 Uniform sanctioning: HB 1101 Unwarranted variation in health care, effective decision aids: SSB  
 5619

#### **HEALTH CARE SERVICE CONTRACTORS**

Maximum capital and surplus accumulations, limits: HB 1203

#### **HEALTH DEPARTMENTS, LOCAL**

Local health financing account, funding for services: HB 1825  
 On-site septic systems, inspection of system not located in marine recovery area: HB

#### **1650 HEALTH MAINTENANCE ORGANIZATIONS**

Certificate of need program, department to monitor projects and issue penalties for violations: HB 2099  
 Maximum capital and surplus accumulations, limits: HB 1203 Strategic health resource coordination office  
 and commission: HB 1415, HB 2100

#### **HEALTH STUDIOS**

Physical fitness equipment, sales and use tax exemption: HB 1535  
 Physical fitness services, business and occupation tax rate: HB 1989

#### **HEALTH, DEPARTMENT**

Ambulatory surgical facilities, licensing and standards: HB 1414  
 Biomonitoring program: HB 1570  
 Blue ribbon commission on health care costs and access: HB 2098, \***E2SSB 5930, CH 259 (2007) PV**  
 Certificate of need program, department to monitor projects and issue penalties for violations: HB 2099  
 Coronary interventions, adult nonemergent: HB 1689 Disciplinary provisions, medical disciplinary act and  
 board for safety and health: HB 1943 Family planning services: HB 1686, SSB 5585 Genetic counselors,  
 licensing: HB 2015 Health professions disciplining authorities, powers and duties: HB 1103, HB 1300  
 Health professions disciplining authorities, unwarranted attacks: 2SSB 5509 Health professions, licensing

fees: EHB 1667 Human papillomavirus disease and vaccine, information: HB 1802 Infant-friendly employers, stakeholder group to develop standard model: SSB 5153 Infections, reporting requirements for health care-associated infections acquired in hospitals: HB 1106 Large on-site sewage systems, regulations and authority: HB 2066, \***ESSB 5894, CH 343 (2007)** Lead poisoning, prevention education and screening: HB 1847 Newborn screening fees: HB 2023 Obesity, strategic plan to decrease rates: HB 1991 Parent and child health services, sexually transmitted diseases: HB 1686, SSB 5585 Pesticides, pilot air monitoring project for collection of drift data: HB 1810 Polybrominated diphenyl ethers, phasing out procedures: HB 1024 Prescription drugs, controlled substances prescription monitoring program: HB 1553 Shellfish protection districts and program: HB 1595, HB 1928, \***SB 5778, CH 150 (2007)** Strategic health resource coordination office and commission: HB 1415, HB 2100 Transport of individuals who must be on a stretcher, guidelines and standards: HB 1837 Traumatic brain injury strategic partnership advisory council: HB 2055

#### **HEALTH, STATE BOARD**

Children's environmental health and protection advisory board: HB

#### **1601 HEARING AIDS**

Hearing instrument fitter/dispenser, qualifications of an applicant for licensure: \***EHB 1379, CH 271 (2007)**  
Insurance coverage requirements: HB 1869 Newborn screening, assessments for infants who fail hearing screening: HB 2238

#### **HEATING**

Home heating oil tanks, design to prevent leakage: \***HB 1789, CH 240 (2007)** HVAC/R and gas piping, mechanic certification: HB 1876 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: HB 1917 Low-income energy assistance contributions, public facility district authority to disburse: \***HB 1676, CH 132 (2007)** Solar hot water components, tax exemptions: HB 1211

#### **HIGHER EDUCATION COORDINATING BOARD**

Access to higher education, complementary and coordinated policies around tuition, financial aid, and student transition: HB 2072

Budget provisions: HB 1883, SSB 5855

Consumer report card, data for consumers to assess educational quality: HB 2051

Executive director, appointment: HB 1881, HB 1883, SSB 5855

Financial aid, complementary and coordinated policies around tuition, financial aid, and student transition: HB 2072 High demand fields, committee on the education of students in: \***SSB 5731, CH 397 (2007)** High demand, definition: HB 2317

Higher education data center: HB 2051 Higher education needs of Kitsap, Mason, Jefferson, and Clallam counties: HB 2295

Mathematics, college placement exam: HB 1559 Membership provisions: HB 1881 Performance agreements: HB 2375

Standards for high school graduation, college readiness, and college admission: HB 1618 Statewide strategic master plan for higher education, provisions: HB 1385 Student member, term start date: HB 1883, SSB 5855 Survivors' endowed scholarship program for families of veterans' who lost their lives in service, advisory committee:

ESSB 5040

Washington learns, implementation: HB 1641, HB 1882

#### **HIGHER EDUCATION FACILITIES AUTHORITY**

Educational loans and student loan revenue bonds: EHB 1436, \***ESB 5385, CH 36 (2007)**

#### **HISTORIC PRESERVATION**

Heritage barn preservation program: HB 2115, SSB 5542 Historic property leased to counties, property tax exemption: HB 1746

Leasehold tax exemption for property owned by United States government: HB 1701, \***SB 5607, CH 90 (2007)**

Vancouver national historic reserve: HB 1049, \***SSB 5032, CH 138 (2007)**

#### **HISTORICAL SOCIETIES**

Human remains, written authorization to display for commercial purposes: HB 1253

Washington state heritage center, funding: HB 2060, \***SSB 5882, CH 523 (2007)**

#### **HOLIDAYS AND OBSERVANCES**

Holiday lights, light-emitting diode: HB 1524 Juneteenth, day of remembrance: \***HB 1870, CH 61 (2007)** Korean-American day: \***ESB 5166, CH 19 (2007)**

School supplies, annual sales and use tax holiday: HB

#### **1012 HOME CARE QUALITY AUTHORITY**

Performance review: HB 2283

#### **HOMELESS PERSONS**

Homeless housing and assistance, recodifying statutes relating to: HB 1117  
 Programs for ending homelessness : HB 1115 Temporary tent encampments,  
 faith communities: HB 2244 Transitional housing operating and rent program:  
 HB 1921

#### **HOOD CANAL**

Geoduck, management agreements and harvesting restrictions: HB 2071  
 Oxygen, pilot project to study effects of oxygenation: HB 1604  
 Puget Sound partnership, action agenda to achieve clean-up and restoration goals: \***ESSB 5372, CH 341 (2007)**  
 Select committee created: \***HR 4602 (2007)**  
 Sewer systems, extension or development: HB 1605  
 Shellfish, aquaculture regulatory committee: HB 1728

#### **HORSES AND HORSE RACING**

Advance deposit wagering: \***HB 1291, CH 209 (2007)** Simulcast  
 races, import: HB 1593, \***SB 5389, CH 100 (2007)**

#### **HOSPICE CARE**

Certificate of need program, department to monitor projects and issue penalties for violations: HB 2099  
 Strategic health resource coordination office and commission: HB 1415, HB 2100 Volunteer centers  
 exempted from certain licensing requirements: HB 1489

#### **HOSPITAL BENEFIT ZONES**

Financing provisions: \***SB 5512, CH 266 (2007)**

#### **HOSPITALS (See also PUBLIC HOSPITAL DISTRICTS)**

Ambulatory surgical facilities, licensing and standards: HB 1414  
 Cardiac care services, certificate of need for percutaneous coronary interventions: HB 2304 Certificate of  
 need program, department to monitor projects and issue penalties for violations: HB 2099 Coronary  
 interventions, adult nonemergent: HB 1689 Financial assistance, application requirements and sworn public  
 benefits certifications: HB 1846 Health care-associated infections, reporting requirements: HB 1106  
 Nurses, patient safety act and staffing advisory committees: HB 1809 Specialty, licensing: HB 1378, \***SB  
 5398, CH 102 (2007)**  
 Staff admitting privileges and membership disputes, arbitration: HB 2174 State, institutions  
 review commission: HB 1584 State, restrictions for correctional facilities on : HB 1484  
 State, safety measures and staffing levels: HB 2187 Strategic health resource coordination  
 office and commission: HB 1415, HB 2100 Transport of individuals who must be on a  
 stretcher, guidelines and standards: HB 1837

#### **HOTELS AND MOTELS (See also TAXES - LODGING TAX)**

Liquor licenses, hotel: HB 2299  
 Lodging business amenities, tax exemptions: HB

#### **1411 HOUSE RESOLUTIONS**

4-H youth development program: \***HR 4615 (2007)**  
 Autism, individuals with: \***HR 4653 (2007)** Bolin, Karen:  
 \***HR 4612 (2007)**  
 Bowen, Imogene: \***HR 4639 (2007)**  
 Brazier, Don: \***HR 4636 (2007)**  
 Catholic schools: \***HR 4613 (2007)**  
 Chambers of commerce: \***HR 4611 (2007)**  
 Chehalis W.F. West High School wrestling team: \***HR 4642 (2007)** Children,  
 citizens of Washington encouraged to celebrate: \***HR 4605 (2007)** Civil air  
 transport and air America: \***HR 4618 (2007)** Civilian conservation corps: \***HR  
 4648 (2007)**  
 Classified school employees: \***HR 4638 (2007)**  
 Colfax High School girls' basketball team: \***HR 4662 (2007)**  
 Colorectal cancer awareness month: \***HR 4634 (2007)** Cox,  
 Steve: \***HR 4632 (2007)**  
 Crandall, Lt. Col. Bruce P.: \***HR 4651 (2007)**  
 Crowley, Walt C.: \***HR 4645 (2007)** Dairy day:  
 \***HR 4614 (2007)**  
 Environmental health, select committee on: \***HR 4603 (2007)**  
 Fallen servicemen and women: \***HR 4659 (2007)**  
 Foreign official representatives in Washington: \***HR 4650 (2007)**  
 Foster children: \***HR 4644 (2007)**

Gig Harbor High School advance placement government students: \***HR 4657 (2007)**  
 Habitat for humanity and associations of realtors: \***HR 4606 (2007)** Hansen, Kenneth C.:  
 \***HR 4625 (2007)** Harpole, Dan: \***HR 4637 (2007)**  
 Heiner, Dr. Harold G.: \***HR 4664 (2007)**  
 House organized, senate notified: \***HR 4601 (2007)**  
 House rules, permanent: \***HR 4607 (2007)** House rules,  
 temporary: \***HR 4600 (2007)** Independent living: \***HR**  
**4626 (2007)** Interim business: \***HR 4667 (2007)**  
 Japanese-American internees and WWII veterans: \***HR 4622 (2007)**  
 King Jr., Rev. Dr. Martin Luther: \***HR 4604 (2007)**  
 Lake Forest Park community wildlife project: \***HR 4655 (2007)**  
 Lynden High School football and basketball teams: \***HR 4663 (2007)**  
 McCausland, Bob and Ruth: \***HR 4616 (2007)**  
 Metropolitan Seattle sickle cell anemia task force: \***HR 4654 (2007)**  
 Mossyrock High School girls basketball team: \***HR 4643 (2007)** National  
 guard: \***HR 4610 (2007)**  
 Northwest boychoir: \***HR 4627 (2007)**  
 O'Dea High School basketball team: \***HR 4656 (2007)**  
 Oak Harbor High School football team: \***HR 4608 (2007)**  
 Puget Sound, select committee on: \***HR 4602 (2007)** Pust,  
 Dick: \***HR 4635 (2007)**  
 Quincy, Marilyn: \***HR 4649 (2007)**  
 Rawlins, V. Lane: \***HR 4658 (2007)**  
 Red hat day: \***HR 4633 (2007)**  
 Religious liberty, those who have defended: \***HR 4647 (2007)**  
 Rohlff, Geri: \***HR 4666 (2007)**  
 Scots and Scots-Irish heritage month: \***HR 4652 (2007)**  
 Sedro-Woolley High School wrestling team: \***HR 4641 (2007)**  
 Skagit Valley tulip festival: \***HR 4640 (2007)** Slack, Sarah E.:  
 \***HR 4631 (2007)**  
 Speaker O'Brien, John L.: \***HR 4665 (2007)**  
 Standifer, Floyd: \***HR 4617 (2007)**  
 Transpolar flight, 70th anniversary of first flight: \***HR 4630 (2007)**  
 Trimm, Bill: \***HR 4621 (2007)**  
 United States Navy: \***HR 4646 (2007)**  
 Vancouver, 150th anniversary: \***HR 4623 (2007)**  
 Walla Walla symphony: \***HR 4628 (2007)**  
 Washington history day: \***HR 4624 (2007)**  
 Washington scholars and scholars-alternates: \***HR 4629 (2007)**  
 Washington State University men's basketball team: \***HR 4661 (2007)**  
 Wittwer, Dr. Lynn K.: \***HR 4660 (2007)** Women's suffrage: \***HR 4609**  
**(2007)**

**HOUSING (See also MANUFACTURED HOUSING; MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; RENT)**

Affordable housing developments, discrimination prohibited: HB 2279  
 Affordable housing for all: HB 1359 Affordable housing land acquisition  
 revolving loan fund program: HB 1401  
 Affordable, surplus publicly owned land and buildings suitable for development of housing: HB 1332 Affordable, tax  
 incentives for multiple-unit dwellings in urban centers: HB 1737, HB 1910 Assistance program, statutes recodified into new  
 chapter: HB 1187 Construction industry, joint legislative task force on underground economy: \***SB 5926, CH 288 (2007)**  
 Dependent children, independent youth housing program: HB 1922 Developments, resident notification: HB 1628  
 Discrimination, lawful source of income: EHB 1956 First-time buyer housing affordability index, impact fee elimination: HB  
 1861 First-time buyer housing affordability index, single-family residential development outside urban growth areas: HB  
 1862 First-time buyer sales tax exemption on construction labor and services: HB 1863 Home inspectors, study: \***ESSB**  
**5788, CH 388 (2007)**  
 Homeless housing and assistance, recodifying statutes relating to: HB 1117 Homeless housing  
 and assistance, transitional housing operating and rent program: HB 1921 Homelessness,  
 programs for ending: HB 1115 Homeownership, plan to increase rate: HB 1116 Housing trust  
 fund assistance, mobile and manufactured homes: HB 1286 Intermediate base light bulbs for  
 residential use: HB 2341 Low-income, exemption of housing from taxation: \***HB 1450, CH 301**  
**(2007)**  
 Low-income, tax credits for persons who make financial contributions to assistance programs: HB 1017  
 Multiple-unit housing, campus facilities master plans: HB 2164 Urban growth areas, single-family residential  
 development in counties with certain affordability index: HB 1862

**HOUSING FINANCE COMMISSION**

Homeownership, plan to increase rate: HB 1116

## **HUMAN REMAINS**

Autopsy reports and records, advanced nurse practitioners allowed to obtain: HB 2209  
Missing persons, investigation procedures: HB 1182, \***SSB 5191, CH 10 (2007)** Written  
authorization to display human remains for commercial purposes: HB 1253

## **HUMAN RIGHTS COMMISSION**

Disability defined in regard to laws against discrimination: HB 1322, \***SSB 5340, CH 317 (2007)** Lawful  
source of income, discrimination based upon: EHB 1956 Veterans and persons with military status,  
discrimination protection: HB 1664, \***SB 5123, CH 187 (2007)**

## **HUNTING**

Education training, one year deferral: HB 1249 Hound  
hunting cougar season pilot program: HB 1756 Legal  
holidays, hunting opportunities: HB 2329  
Licenses, merging fishing and hunting fees for certain veterans and persons with disabilities: HB 1079  
Nonresidents' participation in hunting and shooting events: ESSB 5456 Unlawfully hunting upon the  
property of another, penalties: HB 1078

## **HYDRAULIC PERMITS**

Aquatic reserves, project permits for activities: HB 2250  
Emergency preparedness flood control and stream bank restoration pilot program: HB 1339  
Flood damage, permit approval for projects to reduce or eliminate: HB 1748, SSB 5733

## **IMMUNITY**

Asbestos-related liabilities: HB 1302  
District and municipal courts, probation and supervision services: HB 1669  
Fraud alert networks, financial institutions and merchants: HB 1273 Metal theft,  
landowner not liable for unintentional injuries: HB 1987 Volunteer emergency  
workers, limited immunity: \***HB 1073, CH 292 (2007)**

## **IMPACT FEES (See also FEES)**

Fire protection facilities authorized to use fees: HB 2110 First-time buyer housing  
affordability index, fee elimination: HB 1861 School facilities, exemption: HB 2169, HB  
2356 School facilities, high growth school district assistance account and funding: HB  
2356

## **INDETERMINATE SENTENCE REVIEW BOARD**

Membership, appointment: \***HB 1220, CH 362 (2007)**  
Petition for earlier review, certificate of discharge and restoration of civil rights: \***HB 1592, CH 363 (2007)**

## **INDIANS**

Bureau of Indian affairs-funded schools, record checks for employees and applicants: HB 1326, \***SB 5382, CH 35 (2007)**  
Cigarette tax agreements, Spokane Tribe: \***HB 1674, CH 320 (2007)**  
First peoples' language, culture, and oral tribal traditions teacher certification: \***ESSB 5269, CH 319 (2007)**  
Gaming, legislative approval for contracts: HB 1257 Gaming, state consent for federal court jurisdiction in  
Indian gaming compact: \***HB 1706, CH 321 (2007)** Law enforcement officers, authority to act as Washington  
peace officers: HB 2013 Property tax, essential government services removed as a condition for exemption: HB  
1794 Public employees' benefits board programs, tribal governments: HB 1758, \***SB 5640, CH 114 (2007)**  
Quinalt Indian Reservation, timber harvest excise taxation: HB 2008

## **INDIGENTS**

Defense grants, number of cities eligible: \***HB 1793, CH 59**

## **(2007) INDUSTRIAL SAFETY**

Crane safety: HB 2171

## **INFORMATION SERVICES BOARD**

Information technology, strategic plan for state projects: HB 1296  
Membership provisions: \***HB 1054, CH 158 (2007)**

## **INFORMATION SERVICES, DEPARTMENT**

Information technology, strategic plan for state projects: HB 1296 Joint legislative task force on  
streamlining state information services: HB 2289 Personally identifiable information collected by  
agencies, registry of information systems: SSB 5869

**INITIATIVE 601**

Expenditure limit: HB 1835, HJR 4217

**INITIATIVE AND REFERENDUM**

Initiative 747, property tax levy limits: HB 1155, HB 1170, HB 2117, HB 2272, HB 2403  
 Privacy protections for signatories: HB 2255, HB 2277 Reporting requirements for statewide  
 ballot measure committees: HB 2047 Signature gatherers, licensing: HB 2018 Signature  
 gatherers, payment of: HB 1087 Signature gatherers, required to sign petition declarations:  
 HB 2019 Statewide process, citizen initiative review commission: HB 1696

**INSANITY, CRIMINAL**

Criminal procedure: \***SSB 5533, CH 375 (2007)**

Death penalty, offenders who are mentally retarded or have a severe mental disorder: HB 1707

**INSURANCE (See also HEALTH CARE AUTHORITY; MEDICARE; WORKERS' COMPENSATION)**

Adjusters, general revisions: HB 1533, \***SSB 5715, CH 117 (2007)**

Agents, general revisions: HB 1533, \***SSB 5715, CH 117 (2007)**

Auto glass, third party administrators and claims processing procedures: HB 1066, \***SSB 5052, CH 74 (2007)**

Automobile, arbitration for dispute resolution: HB 1492

Automobile, assistance for low-income persons to obtain liability insurance: HB 1206 Automobile,  
 impound when failure to provide proof of: HB 2228 Automobile, insurers prohibited from having financial  
 interest in repair facilities: HB 1113 Automobile, premium reduction for older insureds completing an  
 accident prevention course: HB 1953 Automobile, proof of insurance for renewal of vehicle license: HB  
 1046, HB 2228 Brokers, general revisions: HB 1533, \***SSB 5715, CH 117 (2007)**

Capital and surplus requirements necessary to transact insurance: \***HB 1236, CH 127 (2007)** Chiropractors, contract  
 requirements: HB 1630, \***SSB 5597, CH 502 (2007)** Chiropractors, discrimination: HB 1631 Colorectal cancer screening,  
 insurance coverage: HB 1337 Fair conduct act, actions for denial of claim or coverage: HB 1491, \***ESSB 5726, CH 498**

**(2007)** Health care, basic health plan enrollment for foster parents: HB 1602 Health care, basic health plan provider payment  
 requirements: HB 1785 Health care, blue ribbon commission on health care costs and access: HB 2098, \***E2SSB 5930, CH**  
**259 (2007) PV** Health care, business and occupation tax deduction for health care provided by small employers: HB 1638

Health care, coverage eligibility: HB 2000 Health care, direct patient-provider primary care practices: \***E2SSB 5958, CH 267**  
**(2007)** Health care, fixed payment insurance: HB 1233 Health care, hearing instruments and services: HB 1869 Health care,  
 information for students: ESSB 5100 Health care, information included in premium billings: HB 1717 Health care, insurers to  
 accept medical assistance payments and share information with department of social and health services: HB 1826 Health  
 care, limits on maximum capital and surplus accumulations : HB 1203 Health care, medical coverage for city elected  
 officials: HB 1392, \***SB 5525, CH 42 (2007)** Health care, multistate pool: HB 1568 Health care, oral health parity: HB 2121

Health care, pharmacy services: HB 1704 Health care, reinsurance program and account: HB 1569 Health care, retainer  
 health care practices: HB 1818 Health care, small employer plan options: HB 1539 Health care, state pool: E2SSB 5712  
 Health care, study of requirements: HB 1538 Health care, taxpayer health care fairness act: HB 2094 Health care, Washington  
 health opportunity act of 2007: HB 2199 Health care, Washington health security trust: HB 1886 HIV insurance coverage  
 program: HB 1915 Homeowner's, dog restrictions: HB 1105 Individual plan benefit rates, commissioner authority to review:  
 HB 1234, ESB 5261 Individual plan benefit rates, commissioner to take into consideration surplus of carrier when reviewing  
 rates: HB 1207 Insurance, Washington state health insurance connector and board: HB 1569 Insurers, capital and surplus  
 requirements necessary to transact insurance: \***HB 1236, CH 127 (2007)** Insurers, general revisions: HB 1533, \***SSB 5715,**  
**CH 117 (2007)** Insurers, notice of name change: HB 1690 Licensing for agents and brokers: \***SSB 5715, CH 117 (2007)**

Long-term care, federal partnership program: HB 1086 Market conduct oversight law: HB 1532, \***ESSB 5717, CH 82 (2007)**  
 Medical malpractice, closed claim reporting requirements: HB 1237, \***SSB 5263, CH 32 (2007)**

Mental health, business and occupation tax credit for employers costs of mental health coverage: HB 2376

Mental health, parity requirements for individual and small group plans: \***EHB 1460, CH 8 (2007)** Ocean  
 marine and foreign trade insurance: \***SB 5042, CH 80 (2007)** Optometry, insurance provider discrimination:  
 HB 1725 Pharmacy services, requirements: HB 1704 Regulatory assessment fees: \***HB 1293, CH 468 (2007)**

Regulatory surcharge: HB 2297

Retaliatory tax relief on premium taxes: \***SSB 5919, CH 153**

**(2007) INSURANCE COMMISSIONER**

Blue ribbon commission on health care costs and access: HB 2098, \***E2SSB 5930, CH 259 (2007) PV** Confidentiality,  
 financial analysis or market conduct desk audit: \***HB 1235, CH 126 (2007)** Health insurance pool, provisions: E2SSB 5712  
 Health insurance requirements, study: HB 1538 Health care reinsurance program and account: HB 1569 Individual health plan  
 benefit rates, commissioner authority to review: HB 1234, ESB 5261 Individual health plan benefit rates, commissioner to  
 take into consideration surplus of carrier when reviewing rates: HB

1207

Insurance regulations, revisions: \***SB 5042, CH 80 (2007)** Interpretive or  
 policy statements, issuance: HB 2302 Market conduct oversight law: HB  
 1532, \***ESSB 5717, CH 82 (2007)** Multistate health insurance pool,  
 evaluation: HB 1568 Ocean marine and foreign trade insurance: \***SB**

**5042, CH 80 (2007)** Regulatory assessment fees: **\*HB 1293, CH 468 (2007)** Regulatory surcharge: HB 2297

### INTERLOCAL COOPERATION

Municipal courts and counties: HB 1590

Watershed management partnerships, powers of forming governments: HB 1561

### INTERNET

Unlawful internet gambling, affirmative defense if defendant committed offense in primary residence: HB 1243

### INVESTMENTS (See also STATE INVESTMENT BOARD)

Certified capital companies: HB 1721

Corporation investment income, business and occupation taxation: HB 1511

Higher education permanent funds: HB 1784, HJR 4215 Uniform securities act: HB 1433

### IRRIGATION DISTRICTS

Proceeds from foreclosure sales: **\*HB 1972, CH 63 (2007)**

Tax exemptions for services provided by small water systems: HB 1240

### JAILS

Alternative sentencing, earned release credit in county programs: HB 1963 Automated victim information and notification system, statewide: **\*SB 5332, CH 204 (2007)** Corrections personnel training requirements: **\*SSB 5634, CH 382 (2007)**

Counties and cities in adjacent states, contracts for services: **\*SSB 5625, CH 13 (2007)**

Employees of correctional facilities, stalking protection: HB 1319, HB 2170 Medical care provided to inmates, limit on rate paid: HB 2126 Sexually transmitted infections, study and plan to reduce: HB 1003

### JEFFERSON COUNTY

Higher education needs, assessment: HB

### 2295 JOINT MEMORIALS

"25 by 25", agriculture and forestry to provide twenty-five percent of domestic energy consumption: HJM 4024 Benzene, regulations: HJM 4007 Clinton ferry terminal renamed "Jack Metcalf Ferry Terminal": HJM 4022 Employee free choice act, unions: HJM 4008 Fast track trade authority: HJM 4019 Federal lands recreation enhancement act: HJM 4003 Filipino veterans, benefits: **\*SJM 8008 (2007)** Health care dollars, allocation of: HJM 4014

Highly qualified teachers, definition: HJM 4015

Iraq, no escalation: HJM 4004

Korean war veteran's blue star memorial highway, portions of highways 112 and 113: **\*HJM 4017 (2007)**

Mandatory country-of-origin labeling for certain foods and commodities: HJM 4000 Medicaid, revisions:

HJM 4014 Medicare, revisions: HJM 4014 Meeds, Lloyd: HJM 4023 National guard, Washington air and

army: HJM 4020, **\*SSJM 8012 (2007)** No child left behind act, funding levels: HJM 4012, **\*SSJM 8011**

**(2007)** Northwest Straights marine conservation initiative: HJM 4002 Oliver Punks Smith interchange: HJM

4001 Pack and saddle stock animals on public lands: HJM 4011 Philippines Consulate: HJM 4021 Pledge of

Allegiance: HJM 4013 Security and prosperity partnership: HJM 4018 State children's health insurance

program: **\*HJM 4016 (2007)** Tax reform act of 1954, revisions: HJM 4014 Timber and fiber removed from

federal land: HJM 4006 TUFTA, Taiwan-U.S. free trade agreement: HJM 4010 Universal health care system:

HJM 4005 World health organization, Taiwan: HJM 4009

### JOINT RESOLUTIONS

Appropriation bills to be made available prior to vote: HJR 4216 Basic

education expenditures: HJR 4200, HJR 4220 Budget stabilization

account: HJR 4202, **\*ESSJR 8206 (2007)** Budget stabilization fund:

HJR 4207 Counties, governance options: HJR 4212 Counties, merger

of statutory or constitutional functions: HJR 4211 Economic

development, use of public funds : HJR 4208 Emergency clauses, sixty

percent vote: HJR 4218 Eminent domain, power limited: HJR 4222

English as official language of Washington: HJR 4219 Expenditure

limit: HJR 4217 Higher education permanent funds, investment: HJR

4215 Inmate labor, limitations on the use of: **\*SJR 8212 (2007)** Judges,

general election: HJR 4214 Judges, mandatory age eliminated: HJR

4209 Judges, supreme court: HJR 4223 Property tax, valuation

increases for state tax limited: HJR 4205 Public safety, paramount duty

of the state: HJR 4224

School levies and bonds, fifty-five percent of voters voting to authorize: HJR 4221 School levies and bonds, simple majority of voters voting: HJR 4201, \***EHJR 4204 (2007)** Supreme court judges, appointment: HJR 4223 Tax increases, restrictions: HJR 4213 Transportation projects, state indebtedness: HJR 4206

### **JUDGES**

Court of appeals, travel reimbursement: HB 1960, \***SB 5351, CH 34 (2007)**  
 Election of judges to be held during general election: HB 1776, HJR 4214  
 Judicial elections reform act: HB 1186 Judicial independence act: HB 1589  
 Judicial nominating commission: HB 2150 Retirement, benefit distribution upon separation: \***SB 5918, CH 108 (2007)** Retirement, increased benefit multiplier: HB 1649 Retirement, mandatory age eliminated: HB 1522, HJR 4209

Superior court, positions for San Juan and Island counties: HB 1269, \***SB 5247, CH 95 (2007)**

### **JUDGMENTS**

Collection agency definition does not include person assisting judgment holders: HB 2114  
 Homestead exemption, increase: HB 1805 Jurisdiction, transferring municipal court judgment into district court: HB 1144 Personal property, judicial orders for distraint of property: \***SSB 5405, CH 37 (2007)**

### **JUVENILE COURT**

At-risk youth, definition to include mental health problems: HB 1007  
 At-risk youth, public access to hearings: HB 1565 Child in need of services, public access to hearings: HB 1565 Dependency hearings, child is victim of rape by the parent: HB 2369  
 Dependency hearings, child may petition for reinstatement of terminated parental rights: HB 1624 Dependency hearings, court filed petition when parent fails to contact child or indicates unwillingness to care: HB 2074, HB 2075 Dependency hearings, returning home provisions: HB 1333 Dependency proceedings, court hearings: HB 1912 Dependency proceedings, documentation provided by petitioner : HB 1334 Dependency proceedings, reunification: ESSB 5452 Dependent children, placement provisions: \***HB 1377, CH 412 (2007)** Disposition orders: HB 2052 Diversion records, destruction of: HB 1141 Family court, statewide: HB 1780 Offender reentry work group and study: HB 1803 Permanency plan hearings: HB 1425 Racial disproportionality and disparity in child welfare and juvenile justice, advisory committee: HB 1472 Truancy, notice of hearings: ESB 5983

### **JUVENILE OFFENDERS**

Community justice facilities, siting: HB 1733  
 Disposition orders: HB 2052  
 DNA identification system, broader collection of biological samples: HB 1023 Institutions review commission: HB 1584 Medicaid coverage for youth temporarily placed in detention: HB 1387 Notice to parents when taken into custody: HB 1010 Reentry work group and study: HB 1803 Sex offenders, length of confinement for parole violations: HB 1682, \***SSB 5243, CH 203 (2007)**

### **KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS**

Kindergartens, voluntary all-day programs: HB 1872, \***E2SSB 5841, CH 400 (2007) PV**

### **KITSAP COUNTY**

Higher education needs, assessment: HB

### **2295 KOREAN-AMERICANS**

Korean-American day: \***ESB 5166, CH 19**

### **(2007) LABOR (See also WAGES AND HOURS)**

Aero-space related tax incentives, neutrality towards unionization: HB 1828  
 Automatic service charges paid to servers, disclosure for customer: HB 1583  
 Bullying and harassment, legal redress: HB 2142 Campaign contributions, agency shop fees: \***HB 2079, CH 438 (2007)**  
 Family and medical leave insurance: HB 1658, \***E2SSB 5659, CH 357 (2007)** Haulers of logs, compensation system: HB 2247 Postsecondary opportunity programs, grants: HB 1096 Tobacco, employment decisions based upon consumption of lawful tobacco products: HB 1154 Union organizations, use of funds intended for long-term care services: HB 2089  
 Youth soccer referees, employment criteria: \***HB 1457, CH 464 (2007)**

### **LABOR AND INDUSTRIES, DEPARTMENT**

Crane safety: HB 2171

Family and medical leave insurance: HB 1658, \***E2SSB 5659, CH 357 (2007)**  
 Haulers of logs, compensation system: HB 2247 Manufactured/mobile home installation, department powers and duties: HB 2118 Public contracts, living wage requirements: HB 1118

#### **LAKES AND RESERVOIRS**

Aquatic invasive species control and enforcement: \***E2SSB 5923, CH 350 (2007) PV**  
 Artificial lakes, noncommercial boat lifts and docks: HB 1591

#### **LAND DEVELOPMENT**

Appeals, awards of fees and costs: HB 1798  
 Environmental covenants act, uniform: \***SB 5421, CH 104 (2007)** Housing developments, resident notification: HB 1628 Land use cases, court's application of equitable principles: HB 2226 Land use permit applications, vesting: HB 1463 Reclaimed surface coal mine sites, industrial development: \***SB 6014, CH 194 (2007)** Regional transfer of development rights program: HB 1636

#### **LAND USE PLANNING (See also GROWTH MANAGEMENT; ZONING)**

Appeals, awards of fees and costs: HB 1798  
 Boundary review boards, authority: HB 1622  
 Land use cases, court's application of equitable principles: HB 2226  
 Land use permit applications, vesting: HB 1463 Regional transfer of development rights program: HB 1636

#### **LANDLORD AND TENANT (See also RENT)**

Application for tenancy, false information: HB 1800  
 Emergency responses to property, notification to property owner: HB 2365  
 Manufactured/mobile home dispute resolution program: HB 1461 Personal property, disposition when tenant is deceased: HB 1804 Personal property, storage not required upon execution of writ of restitution: HB 1865 Tenants, disposition of abandoned property: HB 1783 Unauthorized occupation of units: HB 1799

#### **LAUNDRY FACILITIES**

Self-service facilities excluded from definition of retail sale: HB 1498

#### **LAW ENFORCEMENT (See also POLICE; SHERIFFS; STATE PATROL)**

Community corrections officers, immunity when providing assistance to law enforcement officers: HB 2259, HB 2415  
 Identity theft, police incident report: HB 1271 Investigative assistance, office of: HB 1219 Liquor enforcement officers, authority to enforce criminal laws: HB 1519 Liquor enforcement officers, basic law enforcement training: HB 1521  
 Marijuana, investigation information of medical marijuana patient: HB 2124 Missing persons, investigation procedures: HB 1182, \***SSB 5191, CH 10 (2007)** Stalking protection for employees and staff and volunteers of agencies: HB 2170 Vehicles, sales and use tax exemption: HB 1620 Vehicles, window tint exemption: \***HB 1344, CH 168 (2007)**

#### **LAW ENFORCEMENT OFFICERS (See also POLICE; SHERIFFS; STATE PATROL)**

Child abuse, law enforcement officer instruction on handling child abuse or neglect complaints: HB 1333 Community corrections officers, immunity when providing assistance to law enforcement officers: HB 2259, HB 2415 Core training requirements: HB 1609 Indian law enforcement officers, authority to act as Washington peace officers: HB 2013  
 Juveniles taken into custody, notice to parents: HB 1010 Liquor enforcement officers, authority to enforce criminal laws: HB 1519 Liquor enforcement officers, basic law enforcement training: HB 1521 Polygraph tests, requirements: HB 1608, \***SB 5635, CH 14 (2007)** Reserve officers, vocational rehabilitation: HB 1878, HB 2147 Spring blade knife, officer allowed to carry: \***SSB 5202, CH 379 (2007)** Workers' compensation benefits for surviving spouses: HB 1545

#### **LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)**

Plan 2, board membership: HB 1679  
 Plan 2, port district fire fighter membership: HB 2134 Plan 2, retiree medical: HB 1678 Plan 2, service credit for periods of temporary duty disability: HB 1261  
 Plan 2, transfer of service credit for emergency medical technicians: \***HB 1680, CH 304 (2007)**  
 Plan 2, transfer of service credit for fish and wildlife officers: HB 1687

#### **LEAD**

Biomonitoring program: HB 1570

Children's environmental health and protection advisory board: HB 1601  
 Prevention education and screening: HB 1847 Wheel weights, alternatives:  
 HB 2143

#### LEGAL AID

Office of civil legal aid, director's duties: HB 1934  
 University of Washington law school loan repayment assistance program: HB 2024

#### LEGAL NOTICES

Broadcast requirements: HB 1552, **\*SSB 5720, CH 103**

#### (2007) LEGISLATURE

Appropriation bills to be made available prior to vote: HB 1834, HJR 4216  
 Bills, returned to house of origin: **\*SCR 8408 (2007)** County law libraries,  
 public access: HB 1317 Cutoff dates, 2007 regular session: **\*HCR 4401 (2007)**  
 Deceased former members, joint session to honor: **\*HCR 4403 (2007)**  
 Emergency clauses, sixty percent vote: HJR 4218 Full light of day act,  
 skylights above the house and senate chambers: HB 2413 House, four-year  
 terms: HJR 4203 House, interim business: **\*HR 4667 (2007)** House, permanent  
 rules: **\*HR 4607 (2007)** House, temporary rules: **\*HR 4600 (2007)**  
 Information processing and communications practices overseen by joint systems committee, administration: HB 2144,  
**\*SB 5957, CH 18 (2007)** Joint  
 rules: **\*SCR 8400 (2007)**  
 Joint sessions: **\*HCR 4402 (2007)**  
 Legislative gift center: HB 1896  
 Legislative service committee, personnel and administrative provisions: **\*SB 5957, CH 18 (2007)**  
 Legislative youth advisory council: HB 1052 Mail to constituents, restrictions: HB 1196 Oral history  
 program transferred to legislature: HB 1741 Organized, governor notified: **\*HCR 4400 (2007)**  
 Public infrastructure, joint task force to review large regional community facilities: HB 2200  
 Public resources, limitations on use of: HB 1070 Redistricting, number of seats changed: HB  
 1632 Sine Die, regular session: **\*SCR 8409 (2007)**

#### LIBRARIES

Talking book and Braille library, administration: HB 2058

#### LIBRARY DISTRICTS

Annexation of rural county library district, cities and towns: HB 1702 Intercounty  
 districts, voting: HB 1795 Nonvoter approved rural district general obligation bonds,  
 term increase: HB 1930

#### LICENSE PLATES

Autism awareness: HB 2253 Purple  
 heart license plates: HB 1866

#### LICENSING, DEPARTMENT

Background checks for employees with access to personally identifiable information: HB 2194 Boxing,  
 mixed martial arts, and wrestling events: HB 1575, HB 1961 Business and professions, uniform  
 regulations: HB 1574 Driver training, grant program to provide financial assistance for low-income  
 individuals: HB 1845 Driver training, mobility education pilot program: HB 1588 Fuel taxes,  
 administration: HB 1290, HB 1426, HB 1801, **\*SB 5272, CH 515 (2007)** PV Home inspectors, study:  
**\*ESSB 5788, CH 388 (2007)**  
 Off-road vehicles, administrative cap on moneys: HB 1448  
 Privacy, compliance with federal REAL ID Act of 2005: **\*SSB 5087, CH 85 (2007)** Soil  
 scientists, certification: HB 2324 Soil scientists, licensing: HB 1318

#### LIMITATIONS OF ACTIONS

Campaign financing and lobbying, citizens actions brought for violations: HB 1832 Public  
 records act: HB 1446 Sex offenses against minors: HB 1320 Sex offenses, statute of  
 limitations removed for certain offenses against minors: HB 2131 Vulnerable adults, statute of  
 limitations for crimes committed against: HB 1212

#### LIMITED LIABILITY COMPANIES

Campaign contributions, regulations: EHB 1189  
 Federal new markets tax credit program: **\*HB 1430, CH 230 (2007)**  
 Tax relief for certain limited purpose public corporations, commissions, and authorities: **\*SB 5572, CH 381 (2007)**

#### LIQUOR CONTROL BOARD

Enforcement, investigation of records and authority to issue subpoenas: HB 1603, \***SB 5551, CH 221 (2007)**  
 Liquor enforcement officers, authority to enforce criminal laws: HB 1519 Liquor enforcement officers, basic law enforcement training: HB 1521 Liquor licenses, issuance objections by cities and counties: \***EHB 2113, CH 473 (2007)**  
 National alcohol beverage control association, retail licensee sales data provided to: HB 2120 Sports/entertainment facilities, financial arrangements regarding alcoholic beverages: \***SSB 5721, CH 369 (2007)** Wine and beer tasting pilot project, grocery stores: HB 2076

#### **LIVESTOCK**

Ban on American beef, business and occupation tax relief expiration date extended: HB 1899 Active grazing leases on public lands, analysis and public hearings prior to land transfer: HB 2328 Animal health laws, inspection and enforcement: HB 1310, \***ESB 5204, CH 71 (2007)**  
 Animal identification system, state prohibited from establishing or participating in: HB 1151 Killing or harming livestock belonging to another, penalties: HB 1775 Manure, tax exemptions for handling and processing: HB 1944 Restrictive confinement of a calf or pig, penalties: HB 2085 Wildlife damage claims, commercial livestock valuation and appeals committee: HB 1147

#### **LOANS**

Check cashers and sellers, additional payment plan: HB 1817  
 Check cashers and sellers, family prosperity act tax on small loans: HB 2256 Check cashers and sellers, fee and amount limits: HB 2384 Check cashers and sellers, minimum term for repayment of small loans: HB 2293 Check cashers and sellers, payment plans: HB 2392  
 Check cashers and sellers, penalties for fraud and deception and unlicensed practices: HB 1027, \***SB 5199, CH 81 (2007)**  
 Check cashers and sellers, postdated checks or drafts as security: HB 2027 Check cashers and sellers, rollover violations and penalties: HB 1020, HB 1021, HB 2385 Check cashers and sellers, surcharge on small loans to fund compliance: HB 2294  
 Check cashers and sellers, surcharge on small loans to fund financial consumer education: HB 2231 Duration period for loans made under the consumer loan act, restrictions: \***HB 1270, CH 208 (2007)** Educational loans and student loan revenue bonds, higher education facilities authority: EHB 1436, \***ESB 5385, CH 36 (2007)**  
 Electronically delivered financial information, sales and use tax exemptions: HB 1981  
 Real-time data base to verify if consumer has an outstanding small loan, study: HB 2258  
 Short-term cash advance loan program: HB 2314 Student loans, low-interest program: HB 1354

#### **LOBBYISTS**

Electronic filing requirements: HB 1731

#### **LOCAL GOVERNMENT (See also CITIES AND TOWNS; COUNTIES)**

Affordable housing developments, discrimination prohibited: HB 2279 Campaigns, use of public funds to finance campaigns for local office: HB 1551 Community development fund, grants for local economic development and services: HB 2325 Community development fund, joint legislative committee: HB 1441 Community preservation and development authorities: HB 1992, \***SSB 6156, CH 501 (2007) PV** Correctional industries services, contracts: HB 1762 Disposition of state lands, notice to local governments: \***HB 1940, CH 62 (2007)** Efficiency hotline: \***ESB 5513, CH 41 (2007)**  
 Elections, ranked choice voting: HB 2202 Federal new markets tax credit program: \***HB 1430, CH 230 (2007)**  
 Forest practices, jurisdiction of conversion-related practices: HB 1409  
 Health sciences and services program: HB 1705 Homelessness, programs for ending: HB 1115 Local infrastructure financing tools projects: HB 1277, E2SSB 5115  
 Local sales and use, credited against state tax and used to offset services to annexed areas: HB 1139  
 Municipal officers, beneficial interest in contracts: HB 1255 Public infrastructure, joint task force to review large regional community facilities: HB 2200 Real estate excise tax, proceeds used for equipment and software: HB 1232 Retired employees, benefits from public employees' benefits board: HB 2305 Shoreline master program, one year extension: \***HB 1412, CH 170 (2007)**

#### **LONG-TERM CARE (See also ADULT FAMILY HOMES; BOARDING HOMES; NURSING HOMES)**

Adult family homes, study of system: HB 1964 Care providers, training and collective bargaining: HB 2284  
 Certificate of capital authorization, priority in processing and approving: HB 2063, E2SSB 5905 Certificate of need program, department to monitor projects and issue penalties for violations: HB 2099 Chronic care management, medical assistance programs: HB 1947 Electronic monitoring in facilities: HB 2173 Emergency response plans for facilities: EHB 1347 Facilities, financial assistance application requirements and sworn public benefits certifications: HB 1846 Guardianship, office of public: HB 1130, \***SSB 5320, CH 364 (2007) PV** Home care quality authority, performance review: HB 2283 Institutions review commission: HB 1584

Insurance partnership program, federal: HB 1086 Insurance plans offered through public benefits board, requirements: HB 1085  
 Medical assistance, eligibility regarding exempted home equity: **\*HB 1247, CH 161 (2007)**  
 Nursing facility medicaid payment system: HB 1829, HB 1844, HB 2398, **\*ESSB 6158, CH 508 (2007)**  
 Ombudsman, services provided to individuals in regional support networks: HB 1996 Strategic health resource coordination office and commission: HB 1415, HB 2100 Transport of individuals who must be on a stretcher, guidelines and standards: HB 1837 Traumatic brain injury, care of individual in expanded community services program: HB 2310 Union organizations, use of funds intended for long-term care services: HB 2089 Video equipment to protect vulnerable adults: HB 2173

#### **LOW-INCOME PERSONS**

Affordable housing for all: HB 1359  
 Automobile insurance, assistance to obtain: HB 1206 Disadvantaged contractors, assistance program: HB 2221 Driver training, grant program to provide financial assistance: HB 1845  
 Energy assistance contributions, public facility district authority to disburse: **\*HB 1676, CH 132 (2007)**  
 Family prosperity act, Washington asset building coalition: HB 2256 Homelessness, programs for ending: HB 1115 Housing, tax credits for persons who make financial contributions to assistance programs: HB 1017 Inequities in the location of facilities that impact health, environmental hazards: HB 2318  
 Microenterprise development program, low-income entrepreneurs: HB 1074 Sales tax remittance for qualifying individuals: HB 1213

#### **MAIL**

Unsolicited direct mail marketing, do not mail registry and restrictions on mailing: HB 1205

#### **MALPRACTICE**

Medical, closed claim reporting requirements: HB 1237, **\*SSB 5263, CH 32 (2007)**  
 Medical, notice requirement of intent to file: **\*SSB 5910, CH 119 (2007)**

#### **MANUFACTURED HOUSING (See also MOBILE HOMES)**

Communities, landlord and tenant dispute resolution: HB 1461 Communities, lot rental agreements: HB 1668 Communities, property tax exemption for lot: HB 1990  
 Communities, sale provisions: HB 1621 Communities, siting new: HB 1640  
 Communities, tax credit for preservation of affordable housing: HB 2096 Delinquent property taxes, conditional cancellation: HB 1043 Housing trust fund assistance: HB 1286 Installation, authority of department of labor and industries: HB 2118 Location restriction, cities and counties prohibited from enacting ordinances: HB 1148 Parks or housing communities, city and county regulations: HB 1150

#### **MANUFACTURING**

Aerospace manufacturing, joint legislative task force and review: HB 1375  
 Modernization services and assistance: HB 1715, HB 2411

#### **MARIJUANA**

Investigation information of medical marijuana patient: HB 2124  
 Medical use clarifications: **\*ESSB 6032, CH 371 (2007)**  
 Out-of-state physicians, authority to recommend marijuana for medical conditions: HB 1395

#### **MARRIAGE AND MARRIED PERSONS (See also DISSOLUTION OF MARRIAGE; DOMESTIC RELATIONS)**

Civil marriage equality, gender neutrality: HB 1350  
 Domestic partnership registry, protection by granting certain rights and benefits: HB 1351, **\*SSB 5336, CH 156 (2007)**  
 Family planning services: HB 1686, SSB 5585 Supreme court and court of appeals commissioners to solemnize: **\*SB 5079, CH 29 (2007)**

#### **MASON COUNTY**

Higher education needs, assessment: HB

#### **2295 MASSAGE THERAPY**

Animal massage practitioners, certification: HB 1158, **\*ESSB 5403, CH 70 (2007)**  
 Intraoral endorsement, manipulation or pressure inside mouth or oral cavity: HB 1397  
 Regulations, limits on political subdivisions: **\*HB 1341, CH 165 (2007)**

#### **MEAT**

Ban on American beef, business and occupation tax relief expiration date extended: HB 1899 Sales and use tax exemptions on slaughtering, breaking, and/or processing perishable products: HB 2040

#### **MEDICAID**

Boarding homes, payments for contracted services: HB 1976  
 Consumer-directed coverage, demonstration program through health opportunity account: HB 1490  
 Foster care youth, coverage for youth: HB 1201, SSB 5305 Youth temporarily placed in detention, coverage: HB 1387

#### **MEDICAL QUALITY ASSURANCE COMMISSION**

Clinical competency examination pilot project: HB 1103

#### **MEDICARE**

Prescription drugs, part D copayment program: HB 1095

#### **MEDICINE AND MEDICAL DEVICES**

Biotechnology product and medical devices, business and occupation tax rate: HB 1903  
 Human stem cell research advisory committee: HB 1163, HB 1336, HB 1732 Human stem cell research, life sciences discovery fund: HB 1730 Mobility enhancing equipment, tax exemptions: HB 1324

#### **MENTAL HEALTH**

At-risk youth, definition to include mental health problems: HB 1007  
 Children, delivery of services: HB 1088  
 Children, parent not liable for payment of treatment if parent did not join in consent: HB 2140 Clubhouse rehabilitation services: \***EHB 1217, CH 414 (2007)** Consumer or advocate-run mental health system: HB 1022 Criminal behavior, procedures for individuals with mental illness: \***SSB 5533, CH 375 (2007)** Death penalty, offenders who are mentally retarded or have a severe mental disorder: HB 1707 Home visits by mental health professionals and crisis intervention workers, backup: HB 1456 Insurance, business and occupation tax credit for employers costs of mental health coverage: HB 2376 Insurance, parity for individual and small group plans: \***EHB 1460, CH 8 (2007)** Involuntary treatment and crisis response, detention: \***ESB 6018, CH 120 (2007)** Offenders, case management services for dangerous mentally ill: HB 1853 Offenders, deferred prosecution for persons with mental disabilities: HB 1691 Ombudsman, services and assistance for rights violation or conditions: HB 1996 Regional support networks, services provided by long-term care ombudsman: HB 1996 Treatment records, information required for billing and collection: HB 1852, \***SB 5773, CH 191 (2007)**

#### **MERCURY**

Biomonitoring program: HB 1570

Vaccines, suspension of restrictions during outbreaks: HB

#### **1098 METROPOLITAN MUNICIPAL CORPORATIONS**

Transit commission, nonvoting labor member: HB 2216

#### **MILITARY (See also NATIONAL GUARD; VETERANS)**

Discrimination protection: HB 1664, \***SB 5123, CH 187 (2007)** Drivers' licenses, fee exemption: HB 1683 Emergencies, command control and data system pilot project: HB 1840

Emergency management, preparedness, and assistance account: HB 2370 High school diplomas for persons who left before graduation to serve in armed forces: EHB 1283 License plates, purple heart: HB 1866 Motor vehicle licensing and registration, deployed personnel: HB 1788 Public employment, military leave: HB 1127 Public employment, uniformed service shared pool leave: HB 1507 Relocation orders, excise tax exemption for home sales resulting from: HB 1308 School students, certificate of academic achievement exemption for transfer students from military families: HB 1109, HB 1479

#### **MINES AND MINING**

Geothermal resources, core holes: HB 2129

Marine transportation of sand and gravel: HB 2349, HB 2364

Mining without a permit, department of natural resources enforcement authority: HB 2186, \***SSB 5972, CH 192 (2007)** Oil and gas exploration and development, regulatory cost-reimbursement: HB 1459, \***SSB 5445, CH 188 (2007)** Reclaimed surface coal mine sites, industrial development: \***SB 6014, CH 194 (2007)** Small scale mineral prospecting on coastal areas, pilot program to examine: HB 1083

#### **MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

Disadvantaged contractors, assistance program: HB 2221 Office of minority and women's business enterprises, study: HB 2132

#### **MOBILE HOMES (See also MANUFACTURED HOUSING)**

Delinquent property taxes, conditional cancellation: HB 1043 Housing trust fund assistance: HB 1286 Installation, authority of department of labor and industries: HB 2118 Location restriction, cities and counties prohibited from enacting ordinances: HB

1148 Parks, landlord and tenant dispute resolution: HB 1461 Parks, lot rental agreements: HB 1668 Parks, private garbage collection: HB 1697 Parks, property tax exemption for lot: HB 1990 Parks, relocation fund: HB 1048 Parks, sale provisions: HB 1621 Parks, siting new: HB 1640 Parks, storm or surface water sewer system service rate restriction: HB 1228 Parks, tax credit for preservation of affordable housing: HB 2096

#### **MODEL TOXICS CONTROL ACT**

Ecology department opinions for portion of facility: HB 1039

#### **MOORAGE FACILITIES**

Derelict vessels, provisions: \***E2SSB 6044, CH 342 (2007)**

#### **MORTGAGE BROKERS**

Business and occupation tax rate: HB 1227

#### **MOTOR VEHICLES (See also DRIVERS' LICENSES; DRIVING UNDER THE INFLUENCE; LICENSE PLATES; MOTORCYCLES; RECREATIONAL VEHICLES; TRAFFIC; TRUCKS AND TRUCKING)**

Alternative fuel vehicles, preferential parking: HB 1132

Auto glass, interested third parties prohibited from processing insurance claims: HB 1066, \***SSB 5052, CH 74 (2007)** Auto theft, civil cause of action: \***HB 2034, CH 393 (2007)**

Auto theft, towing and impound fees compensation for victims: HB 1962 Automated traffic safety cameras, state highway work zones: HB 1710 Automotive repair, disclosure of nonoriginal parts: HB

1112 Automotive repair, insurers prohibited from having financial interest in repair facilities: HB

1113 Cell phones, traffic infraction for text messaging while driving: \***EHB 1214, CH 416 (2007)**

Cell phones, traffic infraction for use of cell phone while driving: HB 1868, \***ESSB 5037, CH 417 (2007)**

Commercial drivers, drug and alcohol testing when involved in accident: HB 1973

Commercial motor vehicle carriers, Tony Qamar and Daniel Johnson act: HB 1304 Dealers, off-road vehicles and snowmobile dealer licensing requirements: HB 1955 Dealers, transfer of title requirements:

HB 2048 Electric, analysis of and potential for vehicle electrification: HB 1303 Electric, licensing and use of medium-speed electric vehicles: \***HB 1820, CH 510 (2007)** Emissions, tax exemptions for trading

in old vehicles: HB 1564 Headlights, while driving two lane highways: HB 1390 Impound, driving without specially endorsed license: HB 1316, \***SB 5134, CH 86 (2007)** Impound, failure to provide proof

of insurance: HB 2228 Impound, vehicles with expired registration parked on public streets: HB 1892

Insurance, assistance for low-income persons to obtain: HB 1206 Insurance, impound when failure to

provide proof of : HB 2228 Insurance, premium reduction for older insureds completing an accident

prevention course: HB 1953 Insurance, proof of insurance for renewal of vehicle license: HB 1046, HB

2228 Keys, replacement: HB 2243 Lead wheel weights, alternatives: HB 2143 Lemon law, mileage

tolling calculation: \***SSB 5050, CH 426 (2007)** Lemon law, out-of-state consumers: \***HB 2135, CH 425 (2007)**

Licensing and registration, deployed military personnel: HB 1788

Licensing and registration, fee to fund state parks: HB 2205, HB 2275

Licensing and registration, increase of certain fees to provide additional funding for state patrol highway account: \***SB 6129, CH 155 (2007)**

Licensing and registration, physical examination of vehicle when declared as total loss: \***HB 1343, CH 420 (2007)** Licensing and registration, proof of insurance: HB 1046 Licensing and registration, release of financial institution's interest and

registered owner's interest: \***SSB 5250, CH 96**

**(2007)**

Licensing and registration, unpaid traffic fines: HB 1971

Motorsports, public speedway authority: HB 2062

Physical examination of vehicle for certificate of ownership when vehicle is declared as total loss: \***HB 1343, CH 420**

**(2007)**

Rental cars, parking and traffic infractions: \***HB 1371, CH 372 (2007)**

Sales of vehicles and services to nonresidents, sales and use taxation: HB 2158, SSB 5967 Stationary emergency and police vehicles, rules for drivers when approaching vehicles: \***SSB 5078, CH 83 (2007)** Theft, auto theft prevention authority

created and penalties revised: HB 1001 Theft, civil cause of action: \***HB 2034, CH 393 (2007)**

Theft, towing and impound fees compensation for victims: HB 1962

Trading in old vehicles, tax exemption: HB 1564 Transportation benefit

district fees and charges: HB 1858 Vehicular assault, penalties: HB

1190 Vehicular homicide, penalties: HB 1190 Window tint

requirements and penalties: HB 2208

#### **MOTORCYCLES**

Helmets, requirements: HB 1639

License endorsement, fees for education and safety : HB 1315, \***SB 5273, CH 97 (2007)**

License endorsement, verification before registration renewal: ESSB 5797 License

endorsement, verification before vehicle license renewal: HB 2165 Operation between lanes of traffic or vehicles: HB 2160 Traffic signals, motorcyclist allowed to proceed if signal inoperative: HB 1625

#### **MUNICIPAL COURT**

Interlocal agreements with counties, jurisdiction: HB 1590  
Judgments, transferring municipal court judgment into district court: HB 1144  
Probation and supervision services, liability: HB 1669

#### **MUSIC**

Commercial ticket seller, disclosure of services charges: HB 1978

#### **NATIONAL GUARD**

Presidential control: \*SSJM 8012 (2007)  
Tuition, waivers: HB 1454, \*SSB 5002, CH 450 (2007)

#### **NATURAL RESOURCES, BOARD**

Public lands, deductions of proceeds from transactions: HB 1045

#### **NATURAL RESOURCES, DEPARTMENT**

Aquatic habitat improvement projects, authority to donate nominally valuable materials: HB 1879  
Aquatic lands, department authority: HB 1123 Climate change, response preparation for consequences on state forests: HB 1995 Forest health, contract harvesting for silvicultural treatments: HB 1122, \*SSB 5461, CH 109 (2007) Law enforcement officers, public employees retirement system: HB 1124  
Mining without a permit, department enforcement authority: HB 2186, \*SSB 5972, CH 192 (2007)  
Oil and gas exploration and development, regulatory cost-reimbursement: HB 1459, \*SSB 5445, CH 188 (2007)  
Public lands, habitat and recreation lands coordinating group: \*SSB 5236, CH 247 (2007) Wild horse coordinated resource management plan: HB 1889

#### **NATUROPATHY**

Worker's compensation, medical advisory committee: HB 1562, \*ESSB 5290, CH 282 (2007)

#### **NEWS MEDIA**

Privilege from compelled testimony for members of news media: \*HB 1366, CH 196 (2007), SSB 5358

#### **NOISE**

Liability protections and noise and nuisance requirements: HB 2036  
Nonhighway and off-road vehicles, restrictions: HB 1434  
Transportation projects, abatement: HB 2307

#### **NONPROFIT CORPORATIONS (See also CORPORATIONS)**

Trail grooming services, tax exemption: HB 1404

#### **NONPROFIT ORGANIZATIONS (See also CHARITABLE ORGANIZATIONS)**

Aquatic habitat improvement projects, nominally valuable materials from natural resources department: HB 1879 Small business incubator property tax exemption: HB 1796 Tax exempt property by noneligible entities for certain organizations, use criteria: HB 2217 Tourism activities, use of lodging tax revenues for contracts with organizations: HB 1254, HB 1342, HB 1466, \*SSB 5647, CH 497 (2007)

Unclaimed personal property, donations to nonprofit charitable organizations: HB 1268, \*SSB 5193, CH 219 (2007)  
Youth-oriented activities, grant program for facilities: HB 1948 Zoological facilities, tax exemptions: HB 1129, SSB 5027

#### **NOXIOUS WEED CONTROL BOARD**

County boards: EHB 1743

#### **NUCLEAR POWER**

Hazardous wastes sites, cleanup advisory boards: HB 1419  
Hazardous wastes sites, strategic cleanup and community cleanup assistance accounts: HB 1761 Nuclear plants, collective bargaining for employees working under a site certificate: HB 2203 Radioactive waste and other byproducts of weapons production and nuclear research, taxation on cleanup: HB 2330

#### **NUISANCES**

Agricultural and beekeeping activities and forest operations, protection from nuisance laws: \*EHB 1648, CH 331 (2007)

#### **NURSES**

Autopsy reports and records, advanced nurse practitioners allowed to obtain: HB 2209  
Overtime, prohibitions on mandatory overtime in public sector: HB 1306  
Patient safety act, hospital staffing advisory committees: HB 1809

Workers' compensation claims, nurse practitioner authority to diagnose and treat: **\*HB 1666, CH 275**

**(2007) NURSING HOMES (See also LONG-TERM CARE)**

Care providers, training and collective bargaining: HB 2284  
 Certificate of capital authorization, priority in processing and approving: HB 2063, ESSB 5905 Certificate of need program, department to monitor projects and issue penalties for violations: HB 2099 Certificate of need program, ratio calculation: HB 2204 Electronic monitoring in facilities: HB 2173 Emergency response plans for long-term care facilities: EHB 1347 Nursing facility medicaid payment system: HB 1829, HB 1844, HB 2398, **\*ESSB 6158, CH 508 (2007)** Strategic health resource coordination office and commission: HB 1415, HB 2100 Transport of individuals who must be on a stretcher, guidelines and standards: HB 1837 Union organizations, use of funds intended for long-term care services: HB 2089 Video equipment to protect vulnerable adults: HB 2173

**OBSCENITY AND PORNOGRAPHY**

Sexual exploitation of children, reproduction of certain evidence: HB 1760

**OIL AND GAS (See also FUELS)**

Exploration and development, regulatory cost-reimbursement: HB 1459, **\*SSB 5445, CH 188 (2007)** Gas and hazardous liquid pipelines, commission authority regarding mapping requirements: HB 1478 Gas and hazardous liquid pipelines, safety requirements and definitions revised: HB 1314, **\*SSB 5225, CH 142 (2007)** Heating oil, sales and use tax exemption: HB 1081 Inequities in the location of facilities that impact health, environmental hazards: HB 2318 Natural gas, system benefit charge and sustainable energy trust: HB 1032 Natural or manufactured gas, business and occupation tax exemption for resale: HB 1508 Petroleum businesses, additional taxes: HB 2128 Pipeline utility corridor capacity, review: HB 2206, SB 6107 Spill prevention and response, compensation and penalties: **\*SB 5552, CH 347 (2007)** Spill prevention and response, settlement agreements in lieu of appeal for violations: HB 2107 Spill prevention and response, taxation to fund oil spill advisory council recommendations: HB 1488 Windfall profits, state tax for community reinvestment: HB 1510

**OPEN PUBLIC MEETINGS**

Collective bargaining, sessions with public employee organizations shall be open public meetings: HB 2042 Meeting, definition: HB 2141

**OPTOMETRY AND OPTOMETRISTS**

Insurance providers, discrimination: HB

**1725 OUTDOOR RECREATION**

Artificial lakes, noncommercial boat lifts and docks: HB 1591  
 Federal lands recreation enhancement act: HJM 4003 Outdoor education and recreation grant program: HB 1677 Trail grooming services, tax exemption: HB 1404

**OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR**

Public lands, habitat and recreation lands coordinating group: **\*SSB 5236, CH 247 (2007)** Recreation and conservation funding board, committee name change: **\*HB 1813, CH 241 (2007) PV** Salmon recovery office, governor's: **\*SSB 5224, CH 444 (2007)** Statewide salmon recovery office: HB 1577

**PARENTS AND PARENTING**

Abortion, parental notification: HB 1321 At-risk youth, public access to hearings: HB 1565  
 Child abuse and neglect, home visitation services for improving parenting skills and outcomes for children: HB 1365, **\*SSB 5830, CH 466 (2007)**  
 Child in need of services, public access to hearings: HB 1565  
 Dependency hearings, court filed petition when parent fails to contact child or indicates unwillingness to care: HB 2074, HB 2075 Dependency proceedings, court hearings: HB 1912 Dependency proceedings, reunification: ESSB 5452 Dependent children, placement provisions: **\*HB 1377, CH 412 (2007)**  
 Dissolution proceedings, provisions revised: **\*SSB 5470, CH 496 (2007)**  
 Family prosperity act, Washington asset building coalition: HB 2256  
 Mental health treatment for children, parent not liable for payment if parent did not join in consent: HB 2140  
 Newborn screening fees: HB 2023 Parentage, preempting common law causes of action: HB 2347 Parenting plans, shared parental responsibilities: HB 2345

**PARKING**

Alternative fuel vehicles, preferential parking: HB 1132  
 Persons with disabilities, physician assistants allowed to determine eligibility for special parking privilege: **\*HB 1505, CH 262 (2007)**  
 Persons with disabilities, porphyria: **\*HB 1000, CH 44 (2007) PV**

Rental cars, parking and traffic infractions: \***HB 1371, CH 372 (2007)**

### **PARKS (See also STATE PARKS)**

Funding, local real estate excise tax for operation and maintenance: HB 1768  
Funding, municipal parks capital facilities account and bonds: HB 1770 Local sales  
and use tax for parks and recreation, trails, and open spaces: HB 2410

### **PARKS AND RECREATION COMMISSION**

Director, appointment: HB 1192  
Northwest weather and avalanche center: \***SSB 5219, CH 141 (2007)** Outdoor education and recreation  
grant program: HB 1677 Park passes, denial and revocation: HB 1259, SB 5260 Public lands, habitat and  
recreation lands coordinating group: \***SSB 5236, CH 247 (2007)** Saint Edward state park, evaluation of  
seminary building: HB 1172 Saint Edward state park, review of impact resulting from the expansion of  
Bastyr University: HB 1712 Small scale mineral prospecting on coastal areas, pilot program to examine:  
HB 1083 Unneeded park land, disposal: HB 1514, \***SB 5259, CH 145 (2007)**

### **PAWNBROKERS AND SECOND-HAND DEALERS**

Fees, amounts: \***HB 1231, CH 125 (2007)**, SB 5469  
Stolen metal property, standards for documentation and retention: HB 1251

### **PERSONAL PROPERTY**

Excise taxation for sales of tangible property originating from or destined to foreign countries: HB 1382, \***SB 5434, CH  
477 (2007)**  
Judicial orders for distraint of property: \***SSB 5405, CH 37 (2007)**  
Overpayments received by courts: \***HB 1994, CH 183 (2007)** Tenants,  
disposition of property when deceased: HB 1804 Tenants, disposition  
of abandoned property: HB 1783  
Unclaimed, donations to nonprofit charitable organizations: HB 1268, \***SSB 5193, CH 219 (2007)**

### **PERSONNEL, DEPARTMENT**

Authority of department and personnel resources board: HB 1672  
Employee assistance program, confidentiality: HB 1673  
Reclassifications, class studies, and salary adjustment provisions: \***HB 1671, CH 489 (2007)**

### **PESTICIDES (See also HERBICIDES)**

Children's environmental health and protection advisory board: HB 1601  
Pilot air monitoring project for collection of drift data: HB 1810  
Reporting system, use of pesticides: HB 1946 Schools, limits on  
the use of high hazard pesticides: HB 1806

### **PHARMACIES AND PHARMACISTS**

Antiepileptic drugs, interchange prohibited: HB 2123  
Ephedrine, pseudoephedrine, and phenylpropanolamine pilot project work group responsibilities: HB 1797  
Prescription information, sale and use for commercial purposes: HB 1850 Public assistance payments, technical  
assistance program: HB 1970 Unfair prescription drug practices, pharmacy benefits management: HB 1348

### **PHARMACY, BOARD**

Ephedrine, pseudoephedrine, and phenylpropanolamine pilot project work group responsibilities: HB 1797

### **PHYSICAL THERAPISTS**

Assistants, licensing: HB 1309, \***ESSB 5292, CH 98 (2007)**

### **PHYSICIAN ASSISTANTS**

Authority to sign and attest to documents: \***HB 1966, CH 264 (2007)**  
Disability for special parking privileges, physician assistants allowed to determine: \***HB 1505, CH 262 (2007)**  
Workers' compensation, authority to execute certain certificates: \***HB 1722, CH 263 (2007)**

### **PHYSICIANS**

DUI conviction, notice and report: EHB 1967  
Out-of-state, authority to recommend marijuana for medical conditions: HB 1395 Prescriptions,  
business and occupation tax deduction for certain drugs: HB 1891 Worker's compensation,  
medical advisory committee: HB 1562, \***ESSB 5290, CH 282 (2007)**

**PLATS**

Land use permit applications, vesting: HB 1463

**PLUMBERS**

HVAC/R and gas piping, mechanic certification: HB 1876

HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: HB 1917

Licenses and certificates to be in possession while working: HB 1597

**POET LAUREATE**

Poet laureate program: HB

1279 **POISONING****PREVENTION**

Vaccines, suspension of restrictions during outbreaks: HB 1098

**POLICE (See also LAW ENFORCEMENT; LAW ENFORCEMENT OFFICERS)**

Identity theft, police incident report: HB 1271

Spring blade knife, officer allowed to carry: \***SSB 5202, CH 379 (2007)**

Vehicles, window tint exemption: \***HB 1344, CH 168 (2007)**

Workers' compensation benefits for surviving spouses: HB

1545 **POLITICAL PARTIES**

Candidates, general revisions: HB 1534

**POLLUTION LIABILITY INSURANCE**

Home heating oil tanks, design to prevent leakage: \***HB 1789, CH 240 (2007)**

**POLYGRAPHS**

Examiners, licensing: HB 2037

**PORT DISTRICTS**

Administrative programs and operations: HB 2412

Commissioners, salaries: HB 2179

Compensation of district employees: HB 2183

District fire fighters, retirement: HB 2134

Eminent domain, districts prohibited from exercising powers: HB 2404

Federal new markets tax credit program: \***HB 1430, CH 230 (2007)**

Prevailing wage requirements: HB 2406 Property tax, increases: HB 2408

Property tax, levy capacity: HB 2407 Property tax, limitations: HB 2180,

HB 2181, HB 2405 Public works projects, apprenticeship utilization: HB

1919 Redistricting requirements: HB 2182

Tourism-related facilities, authority to acquire and operate: HB 1372, \***ESSB 5339, CH 476 (2007)**

**PREGNANCY**

Abortion, parental notification: HB

1321 **PRINTERS AND PRINTING**

Business and occupation tax classifications: HB 1380

**PRISONS AND PRISONERS**

Children and families of incarcerated parents, programs and policies: HB 1422

Corrections personnel training requirements: \***SSB 5634, CH 382 (2007)**

Employees of correctional facilities, stalking protection: HB 1319, HB 2170

Inmate labor, limitations on the use of: \***SJR 8212 (2007)** Institutions review

commission: HB 1584 Legal financial obligations, collection: \***SSB 5190, CH 91**

**(2007)** Legal financial obligations, interest rate: HB 1004, HB 1474 Moneys

received by an inmate, deductions: \***SB 5429, CH 365 (2007)** Public hospital

districts, contracts: HB 1455 Sexually transmitted infections, study and plan to

reduce: HB 1003 Wrongful conviction and imprisonment, payment of claims: HB

2122

**PRIVACY (See also PRIVILEGED COMMUNICATIONS)**

Compliance with federal REAL ID Act of 2005, drivers' licenses and identicards: \***SSB 5087, CH 85 (2007)**  
 Credit reports, procurement for job related purposes: \***ESSB 5827, CH 93 (2007)** Criminal cases, access to records for legal process purposes: HB 1275 Electronic communication devices, privacy protections: HB 1031 Identification documents, restriction on reading and handling: HB 2153 Initiatives and referendum, privacy protections for signatories: HB 2255, HB 2277 Prescription information, sale and use for commercial purposes: HB 1850 Social security numbers, protections: HB 2184 Voter registration information, protection: HB 1742, SSB 5566 Wireless communications providers, access to customers profile data: HB 2102

#### **PRIVILEGED COMMUNICATIONS (See also PRIVACY)**

Christian Science practitioner, sacred confidence privilege: \***HB 1939, CH 472 (2007)** News media, privilege from compelled testimony: \***HB 1366, CH 196 (2007)**, SSB 5358

#### **PROBATE (See also ESTATES; WILLS)**

Uniform simultaneous death act: \***HB 2236, CH 475 (2007)**

#### **PROBATION AND PAROLE**

District and municipal courts, liability for probation and supervision services: HB 1669 Sex offenses, length of confinement for juvenile offender parole violations: HB 1682, \***SSB 5243, CH 203 (2007)**

#### **PROFESSIONAL EDUCATOR STANDARDS BOARD**

Mathematics, certification standards: \***2SSB 5955, CH 402 (2007) PV**

Professional certification for teachers, standards and performance assessment: HB 1907, HB 2333, \***2SSB 5955, CH 402 (2007) PV**

#### **PSYCHOLOGISTS**

Home visits by mental health professionals and crisis intervention workers, backup: HB 1456

#### **PUBLIC ASSISTANCE (See also MEDICAID)**

Applications, identification required: HB 1848

Child support, deficit reduction act implemented: HB 1329, \***SSB 5244, CH 143 (2007)** Foster care benefits, notice prior to denial or termination: HB 1927 Medical, blue ribbon commission on health care costs and access: \***E2SSB 5930, CH 259 (2007) PV** Medical, buy-in program for children with disabilities: HB 1120 Medical, chronic care management: HB 1947 Medical, eligibility for long-term care services regarding exempted home equity: \***HB 1247, CH 161 (2007)** Medical, foster care youth: HB 1201 Medical, insurers to accept medical assistance payments and share information with department: HB 1826 Medical, mental illness treatment information required for billing and collection: HB 1852, \***SB 5773, CH 191 (2007)** Medical, newborn screening fees: HB 2023 Medical, personal needs allowance increase: SSB 5517 Medical, pharmacy payment technical assistance program: HB 1970 Medical, physician-related payment rates: HB 1785 Medical, services for children: HB 1071, \***2SSB 5093, CH 5 (2007)**

Nursing facility medicaid payment system: HB 1829, HB 1844, HB 2398, \***ESSB 6158, CH 508 (2007)**

Personal needs allowance, increase: SSB 5517 Prescription drugs, part D copayment program: HB 1095

TANF, funding: HB 2374 TANF, oversight committee: HB 2312 WorkFirst, good cause reasons for failure to participate: \***2SSB 6016, CH 289 (2007)** WorkFirst, oversight committee: HB 2312

#### **PUBLIC DEFENSE, OFFICE**

Criminal justice costs, medical costs in the reimbursement of extraordinary costs: HB 1808

Indigent defense grants, number of cities eligible: \***HB 1793, CH 59 (2007)**

#### **PUBLIC DISCLOSURE (See also CAMPAIGNS)**

Attorney invoices: HB 1897

Ballot measure committees, reporting requirements: HB 2047 Campaign

contributions, agency shop fees: \***HB 2079, CH 438 (2007)**

Campaign contributions, persons authorized to make expenditures on behalf of candidate or committee: \***ESB 6128, CH 358 (2007)**

Campaign contributions, time limit for state officials to solicit or accept: HB 1018

Campaign funding and disclosure laws recodified: HB 1734 Campaign funding, limitation of actions brought for violations: HB 1832 Electronic filing of disclosure reports, study: HB 1006 Fruits and vegetables, disclosure exemption: \***EHB 1688, CH 177 (2007)**

Gambling commission licensees, nondisclosure of certain information: \***HB 1449, CH 470 (2007)**, SB 5927

Information regarding public agency employees and volunteers, dates of birth exempt from disclosure: HB 1942

Labor relations material in public employment, exemption: HB 2348 Lobbying, limitation of actions: HB 1832

Sensitive fish and wildlife data, exemption: \***HB 1077, CH 293 (2007)**

#### **PUBLIC EMPLOYEES' BENEFITS BOARD**

Medical benefits administration account: \***HB 2163, CH 507 (2007)**

Retired local government employees, benefits: HB 2305

Tribal governments authorized to participate in program: HB 1758, **\*SB 5640, CH 114 (2007)**

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)**

Annual increase, age and retirement requirements for plan 1: HB 1263, **\*SB 5175, CH 89 (2007)** Death before retirement when member could have retired with thirty years credit, allowance: HB 1838 Earlier age retirement, unreduced benefits: HB 1199  
 Educational staff associates: HB 2159  
 Gain-sharing provisions: HB 1771, HB 2116  
 Judges, increased benefit multiplier: HB 1649  
 Natural resources department, law enforcement officers: HB 1124 Retirees, public employment: HB 1262 Separated employees, plan 2 members: HB 1284 Teachers' system, members of TRS plan 1 authorized to join PERS plan 1: HB 1067 Vesting, after five years of service: HB 1941

**PUBLIC FACILITIES DISTRICTS**

Carbon dioxide mitigation account: HB 1208 New districts, creation: **\*EHB 2388, CH 486 (2007)** Powers and duties: HB 2264  
 Public infrastructure, joint task force to review large regional community facilities: HB 2200  
 Regional center tax revenues: HB 2264 Regional centers, tax provisions: HB 1152, HB 1164, HB 1435, **\*EHB 2388, CH 486 (2007)** Rehabilitation or improvement of existing regional center, tax provisions: SSB 5184 Stadium and exhibition centers, sales and use tax provisions: HB 2264

**PUBLIC FUNDS AND ACCOUNTS**

Affordable housing for all account: HB 1359 Affordable housing land acquisition account: HB 1401 Ambulatory surgical facility account: HB 1414 Auto theft prevention authority account: HB 1001 Ballast water management account: **\*E2SSB 5923, CH 350 (2007) PV** Boating activities account: HB 1651  
 Budget stabilization account: HB 1090, HJR 4202, **\*ESSB 5311, CH 484 (2007), \*ESSJR 8206 (2007)**  
 Budget stabilization fund: HB 1467, HJR 4207 City-county assistance account, funding increase: HB 2022  
 Clean energy incentive account: HB 1303 Community cleanup assistance account: HB 1761 Community development fund: HB 1441, HB 2325 Community preservation and development authority account: HB 1992, **\*SSB 6156, CH 501 (2007) PV** Community transition coordination network account: E2SSB 5070, **\*ESSB 6157, CH 483 (2007)** Connector premium assistance account: HB 1569 Debt-limit general fund bond retirement account: HB 1770 Emergency management, preparedness, and assistance account: HB 2370 Emergency transportation grant account: HB 1830 Family prosperity account: HB 2256 Farms and forest conservation revolving fund: HB 1999 Financial consumer education account: HB 2231 Fire service training account, distribution and allocation: HB 2097, **\*SB 6119, CH 290 (2007)** Freight congestion relief account: **\*SSB 5207, CH 514 (2007)** Geoduck aquaculture research account: HB 1547 GET ready for math and science scholarship account: HB 1779 Graduate fellowship trust fund program for the sciences: HB 1033 Green energy incentive account: HB 1160 Growth management infrastructure account: HB 1361 Heritage barn preservation fund: HB 2115, SSB 5542 Heritage center account, Washington state: HB 2060, **\*SSB 5882, CH 523 (2007)** High growth school district assistance account: HB 2356, HB 2400 Higher education permanent funds, investment: HB 1784, HJR 4215 Highway project account, fuel tax rate indexing: HB 2138 Interstate 5 corridor pilot project trust account: HB 1982 Job development fund: HB 1790 Legislative gift center account: HB 1896  
 Legislative oral history account: HB 1741  
 Local on-site sewer inspection reimbursement account: HB 1650 Local public health financing account: HB 1825  
 Manufactured/mobile home dispute resolution program account: HB 1461 Mobile home park relocation fund: HB 1048  
 Municipal parks capital facilities account: HB 1770 Outdoor education and recreation program account: HB 1677 Parks lifeguard account: HB 1766 Permanent common school fund, investment of moneys: **\*HB 2396, CH 505 (2007)** Poet laureate account: HB 1279 Public employees' benefits board medical benefits administration account: **\*HB 2163, CH 507 (2007)**  
 Reinsurance account: HB 1569 Related funds, definition: HB 2360 School art program restoration account: HB 2192 School districts, capital projects account provisions: **\*HB 2357, CH 503 (2007)** Schools, high growth school district assistance account: HB 2400 Short-term cash advance loan program account: HB 2314 Small loan compliance account: HB 2294  
 Special safety corridor account: HB 2197, HB 2198 State parks capital facilities account: HB 1770 State patrol highway account, motor vehicle fee increase to provide additional funding: **\*SB 6129, CH 155 (2007)** Strategic cleanup account: HB 1761 Survivors' endowed scholarship trust fund: ESSB 5040 Survivors' scholarship endowment fund: ESSB 5040 Sustainable energy trust fund: HB 1032 Tourism enterprise account: HB 1276, SSB 5116 Transitional housing operating and rent account: HB 1921 Transportation project contingency account: HB 1812, HB 2237 Transportation-related accounts, proportionate share of earnings from surplus balance investments deposited in : **\*SSB 5085, CH 513 (2007)**  
 Traumatic brain injury account: HB 2055  
 Veterans conservation corps account: HB 1767, **\*2SSB 5164, CH 451 (2007)**  
 Vocational education enhancement account: HB 1245 Voluntary retirement accounts partnership program account: HB 2044 Water quality capital account:

\***HB 1137, CH 233 (2007)** Wildlife account: HB 1229 Wildlife rehabilitation account: \***SSB 5188, CH 246 (2007)** Workers' compensation funds, restriction on use: HB 2233

## **PUBLIC HEALTH**

Asbestos-related liabilities: HB 1302

Benzene levels in groundwater, reduction: HB 2185

Biomonitoring program: HB 1570

Cardiac care services, certificate of need for percutaneous coronary interventions: HB 2304 Certificate of need program, department to monitor projects and issue penalties for violations: HB 2099 Children's environmental health and protection advisory board: HB 1601 Cleaning of facilities, products that minimize impacts to humans and the environment: HB 1464 Cosmetics, Washington safe cosmetics act: HB 2166 Day care, window blind cords prohibited: HB 1256 Dishwashing detergent, phosphorus content: HB 2263 Environment, human health analysis for state environmental policy: HB 1355 Fire safety standards for upholstered furniture and electronic equipment: HB 1724 Health care, direct patient-provider primary care practices: \***E2SSB 5958, CH 267 (2007)** Health sciences and services program: HB 1705 Human papillomavirus disease and vaccine, information: HB 1802 Human stem cell research advisory committee: HB 1163, HB 1336, HB 1732

Human stem cell research, life sciences discovery fund: HB 1730

Infections, reporting requirements for health care-associated infections acquired in hospitals: HB 1106 Lead poisoning, prevention education and screening: HB 1847 Lead wheel weights, alternatives: HB 2143 Local health financing account, funding for services: HB 1825 Low-income and minorities, inequities in the location of facilities that impact health: HB 2318 Newborn screening fees: HB 2023 Newborn screening, assessments for infants who fail hearing screening: HB 2238 Obesity, strategic plan to decrease rates: HB 1991 Polybrominated diphenyl ethers, phasing out procedures: HB 1024 Public notices, languages other than English: HB 1675 Sexually transmitted diseases, parent child health services: HB 1686, SSB 5585 Sexually transmitted infections in correctional facilities, study and plan to reduce: HB 1003 Strategic health resource coordination office and commission: HB 1415, HB 2100 Vaccines, suspension of restrictions during outbreaks: HB 1098

## **PUBLIC HOSPITAL DISTRICTS**

Correctional industries programs, contracts: HB 1455

Withdrawal from district, alternative method for smaller cities: HB

## **2035 PUBLIC INSTRUCTION, SUPERINTENDENT**

Buses, replacement incentive program: HB 1303

Career and technical education to prepare students for assessment system, advisory committee: \***ESSB 6023, CH 354 (2007) PV**

Career pathways programs in high-demand fields: HB 2064, \***E2SSB 5841, CH 400 (2007) PV** Civic education travel grant program: SB 5969 Classified staff, examination and recommendations of staffing and funding levels: HB 2061 Data and data systems, requirements: HB 1541, \***E2SSB 5843, CH 401 (2007)** Disabilities, early intervention services: HB 2230 Districts, financial health and monitoring system and education data center: HB 1871 Driver training, bicycle and pedestrian safety information: HB 1588 Dropout prevention and intervention program: HB 1573, ESSB 5497 Election of superintendent to be held during general election: HB 1776 First teacher parent mentor programs: HB 1619 High demand fields, committee on the education of students in: \***SSB 5731, CH 397 (2007)** Improving core subject instruction for all students, pilot program: HB 2136 Incarcerated parents, programs and policies for children and families: HB 1422 Life science learning centers: HB 2355 Mathematics, science, and targeted secondary reading improvement initiative: \***2SSB 5955, CH 402 (2007) PV** Purchasing authority, master price agreements and joint purchasing contracts: HB 1572 Sexual equality laws, compliance: HB 2340 Skills centers, regional career and technical education partnership: HB 1977, \***2SSB 5790, CH 463 (2007) PV** Special education, safety net: \***E2SSB 5841, CH 400 (2007) PV**

Statewide director for math, science, and technology: E2SSB 5813 Transportation for students, funding: HB 1165, \***2SSB 5114, CH 139 (2007)** Washington learns, implementation: HB 1641, HB 1882 WASL, academic standards panel and revisions to statewide system: HB 1288 World language instruction: HB 1517 Youth-oriented activities, grant program for facilities: HB 1948

## **PUBLIC LANDS**

Active grazing leases, analysis and public hearings prior to land transfer: HB 2328 Ancestral trees, protections: HB 1600 Aquatic lands, authority of department of natural resources for certain aquatic lands: HB 1123 Aquatic lands, fees for easements: HB 1623 Aquatic lands, Maury Island aquatic reserve: HB 2248, SSB 6011

Disposition of state lands, notice to local governments: \***HB 1940, CH 62 (2007)** Federal lands recreation enhancement act: HJM 4003 Forest health, contract harvesting for silvicultural treatments: HB 1122, \***SSB 5461, CH 109 (2007)** Habitat and recreation lands coordinating group: \***SSB 5236, CH 247 (2007)**

Huckleberries, regulations: HB 1909 Leases to public agencies: HB 2382, \***HB 2395, CH 504 (2007) PV**  
 Maury Island aquatic reserve: HB 2248, SSB 6011 Natural resources board, deductions of proceeds from  
 transactions: HB 1045 Pack and saddle stock animals: HJM 4011 Sale, compelling economic development  
 necessity when selling or transferring to a private entity: HB 2178 Specialized forest products, huckleberries:  
 HB 1040 Specialized forest products, permitting process and theft protections : HB 1909 Specialized forest  
 products, work group created and bill of lading requirements revised: SSB 5844 State trust lands, leases: HB  
 2382, \***HB 2395, CH 504 (2007) PV**

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Cleaning of facilities, products that minimize impacts to humans and the environment: HB 1464  
 Collective bargaining, certification of employee organizations: HB 1913 Collective bargaining, sessions  
 with employee organizations shall be open public meetings: HB 2042 Efficiency hotline: \***ESB 5513,**  
**CH 41 (2007)**

Employee assistance program, confidentiality: HB 1673

Executive state officers, boards of trustees of technical colleges: \***SB 5759, CH 15 (2007)** Gifts,  
 acceptance of gifts by state officers or employees: HB 1157 Information regarding employees and  
 volunteers, dates of birth exempt from disclosure: HB 1942 Military leave: HB 1127 Military leave,  
 uniformed service shared pool leave: HB 1507 Municipal officers, beneficial interest in contracts: HB  
 1255 Opinions, state employees who provide services to persons with developmental disabilities: HB  
 1735 Payroll deductions, retiree organization dues: HB 2033, \***SB 5879, CH 99 (2007)**

Prescriptions, purchase of brand name drugs when cost-effective for all state programs: HB 1356 Raffles,  
 public employees: \***HB 1599, CH 452 (2007)**

Sexual harassment, policies and training programs: \***SSB 5118, CH 76 (2007)**

Shared leave, unused leave: \***HB 2281, CH 454 (2007)**

Shared leave, volunteer services for declared emergencies: HB 1759

Volunteer firefighters, agency employees allowed to respond when called to duty: \***SSB 5511, CH 112 (2007)**

Whistleblower protection: HB 1911

**PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM**

Service credit for periods of temporary duty disability: HB

**1261 PUBLIC TRANSIT (See also BUSES)**

Rail transit safety plans, updates to comply with federal regulations: HB 1643, \***SB 5084, CH 422 (2007)** Regional  
 transit authorities and regional transportation investment districts, single ballot proposition: HB 1396 Regional  
 transit authorities, acquisition of insurance by bid or negotiation: \***HB 1747, CH 166 (2007)** Regional transit  
 authorities, ballot proposition requirements: HB 2282 Regional transit authorities, development activity defined:  
 HB 1493 Regional transit authorities, special fuel tax exemption: HB 1294, SB 5304 Regional transportation  
 commissions: HB 2101, ESSB 5803 Special needs transportation services, light and power business tax credit for  
 contributions: HB 1744, SB 5454 Special needs transportation, agency council on coordinated transportation: HB  
 1694 Transportation benefit areas, nonvoting labor member: HB 2216

**PUBLIC UTILITY DISTRICTS**

Environmental mitigation, authority to engage in: HB 1929

Low-income energy assistance contributions, disbursal: \***HB 1676, CH 132 (2007)**

Pole attachments, regulations: HB 1857 Public utility vehicle size and weight and load  
 restrictions: HB 2336

Rural districts, special needs transportation services: HB 1744, SB 5454 Tax  
 exemptions for services provided by small water systems: HB 1240

**PUBLIC WATER SUPPLY SYSTEMS (See also WATER COMPANIES)**

Comprehensive plans with counties and cities and water-sewer districts, consistency: HB 1239

Water power license fees: HB 2038, \***SSB 5881, CH 286 (2007)**

**PUBLIC WORKS**

Alternative, contracting procedures and project review committee: HB 1506 Bidders,  
 responsibility criteria: HB 2010 Completion reporting threshold requirements: HB

1782 Fire protection districts, state capital funding assistance: HB 1470 Fire stations,  
 threshold for construction projects without formal bidding : HB 1367

Higher education construction projects, threshold for bid requirements: HB 1914, HB 2232, \***ESSB 5770, CH 495 (2007)**

Living wage requirements: HB 1118 Local public works assistance funds, property tax levy: HB 1159 Nonconstruction loan  
 limits, increase for projects financed through board: HB 1068 Performance-based contracting conservation of water,  
 wastewater, or solid waste: \***SSB 5481, CH 39 (2007)** Permits, application process: \***ESB 5508, CH 231 (2007)** Port

districts, apprenticeship utilization: HB 1919 Prevailing wages, exemption: \***HB 1370, CH 169 (2007)**

Prevailing wages, locality definition in regard to wage requirements: HB 1908

Projects, authorization: \***HB 1025, CH 4 (2007)**

Schools districts, apprenticeship utilization: \***EHB 1898, CH 437 (2007)** Small works roster contracting procedures: HB 1328 Transportation projects, design-build construction: HB 1849, \***SB 5798, CH 152 (2007)** Trench excavations, requirements: HB 2009

#### **PUBLIC WORKS BOARD**

Growth management, infrastructure account: HB 1361  
Nonconstruction loan limits, increase for projects financed through board: HB 1068  
Projects, authorization: \***HB 1025, CH 4 (2007)**

#### **PUGET SOUND**

Geoduck aquaculture techniques and practices, scientific research studies: HB 1547  
Islands, shoreline master program provisions: HB 2249 Marine resource committees: HB 2049  
Puget Sound partnership, action agenda to achieve clean-up and restoration goals: HB 1374, \***ESSB 5372, CH 341 (2007)**  
Regional transportation commissions: HB 2101, ESSB 5803  
Scientific research account: HB 1656 Select committee created: \***HR 4602 (2007)**  
Shellfish protection districts and program: HB 1595, HB 1928, \***SB 5778, CH 150 (2007)**  
Shellfish, aquaculture regulatory committee: HB 1728 Strategic cleanup and community cleanup assistance accounts: HB 1761

#### **PUGET SOUND ACTION TEAM**

Scientific research account: HB

#### **1656 RADIO (See also NEWS**

#### **MEDIA)**

Amateur radio repeater, leasehold excise tax exemption when used for emergency services: HB 2335  
Television reception improvement districts, emergency radio communications systems: HB 2337

#### **RAILROADS**

Freight rail improvements, tax incentives for construction of Stampede Pass tunnel: HB 2190 Rail and crossing material, reuse: HB 1815 Rail corridors, preservation measures and real estate seller's disclosure requirements: HB 2344 Rail infrastructure and transportation system, improvement and preservation: ESSB 6120

Rail transit safety plans, updates to comply with federal regulations: HB 1643, \***SB 5084, CH 422 (2007)**  
Shippers, transportation department authority to intervene on behalf of: HB 1313

#### **REAL ESTATE AND REAL PROPERTY (See also BUILDING CODES/PERMITS; EMINENT DOMAIN; HOUSING; TAXES - EXCISE TAX; TAXES - PROPERTY TAX)**

Construction contractors, licenses and certificates to be in possession while working: HB 1597 Construction industry, joint legislative task force on underground economy: \***SB 5926, CH 288 (2007)** Discrimination, lawful source of income: EHB 1956 E-recording standards commission, uniform real property electronic recording act: HB 2104 Emergency responses to property, notification to property owner: HB 2365  
Environmental covenants act, uniform: \***SB 5421, CH 104 (2007)**  
Forest fires, access to property during a fire: \***SSB 5315, CH 252 (2007)** Home inspectors, study: \***ESSB 5788, CH 388 (2007)** Homeowner's insurance, dog restrictions: HB 1105 Homestead exemption, increase: HB 1805 Local excise tax on sale of real property, provisions: HB 1161 Military relocation orders, excise tax exemption for home sales resulting from: HB 1308 New home construction or sale, warranty requirements: HB 1935, ESSB 5550 Property management companies, business and occupation tax exemption for on-site property managers: HB 1509 Residential construction, committee to study construction defects: ESSB 5550 Sellers' disclosure, rail corridors: HB 2344 Sellers' disclosure, requirements: \***SSB 5895, CH 107 (2007)**  
Tax exempt property by noneligible entities for certain organizations, use criteria: HB 2217 Timber, tax on sale of standing timber when timber sold separately from underlying land: HB 1513

#### **RECORDS**

Collective bargaining, disclosure exemption for public employees: HB 2042, HB 2326 Criminal cases, access to records for legal process purposes: HB 1275 Diversion records, destruction of: HB 1141 E-recording standards commission, uniform real property electronic recording act: HB 2104 Public records, division of archives and records management: HB 1900 Public records, adjustments to recodification of public records act: HB 1445 Public records, attorney invoices: HB 1897 Public records, collective bargaining disclosure exemption for public employees: HB 2042, HB 2326 Public records, exemption for political campaigns: HB 1951 Public records, exemptions accountability committee: HB 1444, \***SSB 5435, CH 198 (2007)** Public records, preservation and destruction provisions: HB 1900 Public records, statute of limitations: HB 1446

**RECREATIONAL VEHICLES**

Dealers, licensing requirements: HB 1955  
 Noise, restrictions for nonhighway and off-road vehicles: HB 1434  
 NOVA program account grant funding: HB 1692 Off-road vehicles,  
 administrative cap on moneys: HB 1448

**RECYCLING**

Beverage containers, refund value: HB 1353  
 Metal property, theft prevention and recovery measures regarding theft: \***ESSB 5312, CH 377 (2007)**  
 Receptacles required at official gatherings and sports facilities: HB 2056 Recycled material, business and  
 occupation tax incentives for businesses using: HB 1950

**REFRIGERATION AND AIR CONDITIONING**

Food lockers, regulations repealed: \***HB 1305, CH 52 (2007)**  
 HVAC/R and gas piping, mechanic certification: HB 1876  
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: HB 1917 **REGIONAL  
 TRANSPORTATION INVESTMENT DISTRICTS**  
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Executive board, membership: \***HB 2004, CH 511 (2007)**

**REGULATORY ASSISTANCE, OFFICE**

Local project review, assistance to local jurisdictions: \***ESB 5508, CH 231 (2007)**  
 Regulatory assistance program, preservation of current program with cost reimbursement changes: HB 1195, \***2SSB 5122,  
 CH 94 (2007)**

**REGULATORY REFORM**

Small businesses, agency rule economic impact statement requirements: HB 1330, \***EHB 1525, CH 239 (2007)**

**RELIGION**

Temporary tent encampments for persons who are homeless: HB 2244 Unemployment claim of  
 exemption, notice to certain employees: \***SSB 5702, CH 386 (2007)**

**RENAL DISEASE**

Study of chronic kidney disease, joint legislative task force: HB 2149

**RENT (See also LANDLORD AND TENANT)**

Affordable multifamily housing, property valuation: HB 2059  
 Unauthorized occupation of units: HB 1799

**RESEARCH AND DEVELOPMENT**

Autism research and development, business and occupation tax credit: HB 2195 Biotechnology product and medical devices,  
 business and occupation tax rate: HB 1903 Central technology governing board: HB 2241 Geoduck aquaculture techniques  
 and practices, scientific research studies: HB 1547 High technology business and occupation tax credit: HB 1695, SB 5685  
 Human stem cell research advisory committee: HB 1163, HB 1336, HB 1732 Human stem cell research, life sciences  
 discovery fund: HB 1730 Innovation partnership zones to promote research based firms and industries: HB 1091, 2SSB 5090  
 Phase I and II clinical trials, business and occupation tax credit: HB 2346 Puget Sound scientific research account: HB 1656  
 Radioactive waste and other byproducts of weapons production and nuclear research, taxation on cleanup: HB 2330 Rockfish  
 research and stock assessment program: HB 1076, \***HB 1476, CH 442 (2007)** Science, graduate fellowship trust fund  
 program for the sciences: HB 1033

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Automatic service charges paid to servers, disclosure for customer: HB 1583 Commercial food service  
 establishment in Pritchard building, business enterprises program: HB 2003 Liquor licenses, catering  
 endorsement holder may store liquor on premises of another: HB 1975 Tips, business and occupation tax  
 credit on payroll taxes paid by owners: HB 1542

**RETIREMENT AND PENSIONS (See also LAW ENFORCEMENT OFFICERS' AND FIRE  
 FIGHTERS' RETIREMENT SYSTEM; PUBLIC EMPLOYEES' RETIREMENT SYSTEM;  
 TEACHERS)**

Contribution rates, process for adopting: HB 1044, \***SB 5014, CH 280 (2007)** Death benefits, public  
 employees: HB 1266 Gain-sharing provisions, alternate pension benefits: HB 1771, HB 2116, \***EHB  
 2391, CH 491 (2007)** Judges, benefit distribution upon separation: \***SB 5918, CH 108 (2007)** Judges,  
 mandatory age eliminated: HB 1522, HJR 4209 Payroll deductions, retiree organization dues: HB 2033,  
 \***SB 5879, CH 99 (2007)** Portability of public retirement benefits: HB 1264 Public systems, corrections to  
 statutes: HB 1265, \***SSB 5174, CH 492 (2007)** Voluntary retirement accounts program: HB 2044

**RETIREMENT SYSTEMS, DEPARTMENT**

Department organization: HB 1176

Director's authority to determine interest in certain public retirement systems: \***SB 6167, CH 493 (2007)**

Divisions and assistant directors, limitations: HB 1586

**REVENUE, DEPARTMENT**

Boards of equalization, reconvening: HB 1581

Streamlined sales and use tax agreements: HB 1072, \***SSB 5089, CH 6 (2007)** Tax

expenditure report, biennial budget documents: HB 1827 Tax laws and programs,

technical changes: HB 1381, SSB 5560 Tax programs, administration: HB 1480,

\***SB 5468, CH 111 (2007)**

**REVISED CODE OF WASHINGTON**

Basic education program recodified: HB 1285 Campaign

funding and disclosure laws recodified: HB 1734

Designated forest lands and open space timber lands, statutes consolidated for ease of administration: HB 1580

Firefighters' relief and pensions, fireman changed to firefighter: HB 1824 Gender references: \***ESB 5063, CH 218 (2007)**

Homeless housing and assistance, recodifying statutes relating to: HB 1117

Housing assistance program, statutes recodified into new chapter: HB 1187

Juvenile court references changed to family court: HB 1780 Materialpersons,

gender reference revisions: HB 1327 Public records act, adjustments to

recodification: HB 1445 Public retirement systems, corrections: HB 1265, \***SSB**

**5174, CH 492 (2007)** Tax laws and programs, technical changes: HB 1381, SSB

5560 Washington clean air act, nonsubstantive changes: HB 2067

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Emergency preparedness flood control and stream bank restoration pilot program: HB

**1339 ROADS AND HIGHWAYS (See also TRAFFIC; TRAFFIC OFFENSES)**

Automated traffic safety cameras, state highway work zones: HB 1710

Cell phone use while driving a vehicle, restrictions for holders of instruction permits and intermediate licenses: HB 1153 Cell

phones use while driving, traffic infraction: HB 1868, \***ESSB 5037, CH 417 (2007)**

Cell phones use while driving, traffic infraction for text messaging: \***EHB 1214, CH 416 (2007)**

City hardship assistance program, funds for street maintenance: HB 1482, \***SSB 5483, CH 148 (2007)**

City streets as part of state highways, population threshold for state highway maintenance responsibility: \***SB 5086, CH 84 (2007)**

Freight congestion relief account, study to evaluate fees on processing shipping containers: \***SSB 5207, CH 514 (2007)**

Freight rail improvements, tax incentives for construction of Stampede Pass tunnel: HB 2190 Green highways, alternative

fuel availability: HB 1160 Growth management, infrastructure account: HB 1361 Headlights, two lane highways: HB 1390

High accident corridors, additional patrols: \***SSB 5937, CH 424 (2007)**

High accident corridors, funding for special safety corridor projects: HB 2197, HB 2198 High accident

corridors, monetary penalties for traffic infractions on corridors: HB 1655, HB 1867 Highway improvements,

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1121, HB 2394 Highway project account, fuel tax rate indexing: HB 2138 Highways of statewide

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partnership program, modifications: SB 5979 Interstate 5 corridor public-private agreement pilot project: HB

1982 Korean war veteran's blue star memorial highway, portions of highways 112 and 113: \***HJM 4017**

**(2007)** Motorcycles, operation between lanes of traffic or vehicles: HB 2160 Naming or renaming facilities,

transportation commission authority: HB 1626, \***SB 5264, CH 33 (2007)** Noise abatement, transportation

projects: HB 2307

Oliver Punks Smith interchange: HJM 4001 Public contracts,

living wage requirements: HB 1118 Regional transportation

commissions: HB 2101, ESSB 5803 State route number 2,

funding: HB 2390

State route number 520, mediator to assist in developing expansion plan: HB 2389, \***ESSB 6099, CH 517 (2007) PV**

Stationary emergency and police vehicles, rules for drivers when approaching vehicles: \***SSB 5078, CH 83 (2007)** Tolling,

authority and provisions: HB 1773 Tolling, transfer of sales and use tax: HB 2146 Transportation agencies, goals and

objectives of certain state agencies: HB 2041, HB 2139, \***SSB 5412, CH 516 (2007)** Transportation project contingency

account: HB 1812, HB 2237 Urban corridor program, funding provisions and requirements for project approval: HB 2331

Vehicle's required lane of travel: HB 1216

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Business and occupation tax credit for eligible projects in rural counties: HB 1566

Community revitalization partnership program: 2SSB 5455 Water conservation

development strategies, rural areas: HB 1635

**SALES**

Identification documents, restriction on reading and handling: HB 2153  
 Retailers, allowance for sales and use tax collection costs: HB 1769 Theft, tax deductions for retail or wholesale proceeds lost due to: HB 1136

**SALMON (See also FISH AND WILDLIFE, DEPARTMENT; FISHING, COMMERCIAL; FISHING, RECREATIONAL)**

Puget Sound partnership, action agenda to achieve clean-up and restoration goals: HB 1374, \***ESSB 5372, CH 341 (2007)**

Recovery funding board, grant and loan conditions: \***HB 1598, CH 257 (2007)**  
 Recovery, forum on monitoring salmon recovery and watershed health: \***SSB 5224, CH 444 (2007)**  
 Salmon recovery office, governor's: \***SSB 5224, CH 444 (2007)** Spawning beds, penalties for disturbing: HB 2301 Statewide salmon recovery office: HB 1577

**SCHOLARSHIPS**

College bound scholarship program, Washington: \***E2SSB 5098, CH 405 (2007)**  
 Endowment funds, state investment board administration of: \***SSB 5039, CH 73 (2007)** Foster care youth, passport to college promise pilot program: HB 1131, HB 2072 GET ready for math and science scholarship program: HB 1779 Survivors' endowed scholarship program for families of veterans' who lost their lives in service: ESSB 5040

**SCHOOLS AND SCHOOL DISTRICTS (See also EDUCATIONAL SERVICE DISTRICTS; KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS; TEACHERS)**

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Career and technical education to prepare students for assessment system, advisory committee: \***ESSB 6023, CH 354 (2007) PV**

Career pathways programs in high-demand fields: HB 2064, \***E2SSB 5841, CH 400 (2007) PV**  
 Chinese and Spanish language instruction pilot program: SSB 5714 Civic education travel grant program: SB 5969 Classified staff, examination and recommendations of staffing and funding levels: HB 2061 Cleaning of facilities, products that minimize impacts to humans and the environment: HB 1464 College and career readiness centers, completion of high school diploma: HB 2162 Community learning center program: HB 1550, \***E2SSB 5841, CH 400 (2007) PV**  
 Construction specifications for newly constructed or substantially renovated buildings: HB 1904 Construction, joint legislative task force on school construction funding: HB 2400 Counselors, purpose and role: \***HB 1670, CH 175 (2007)** Curriculum, statewide common school : HB 2025 Cyberbullying, harassment prevention policies: \***SSB 5288, CH 407 (2007)**  
 Data and data systems, requirements: HB 1541, \***E2SSB 5843, CH 401 (2007)**  
 Defibrillators, automatic external: HB 1429 Disabilities, early intervention services: HB 2083, HB 2230 Districts, changing boundaries: HB 2148 Districts, financial health and monitoring system and education data center: HB 1871 Dropout prevention and intervention program: HB 1573, ESSB 5497 Educational staff associates, public employees' retirement system: HB 2159 Educational staff associates, salary schedules: HB 2222 Educational staff associates, years of service: HB 1432 Electronic weapons, penalties for possession: HB 1764 Emergency shelters, schools available as: HB 1933 Employees' children with disabilities allowed to enroll in programs in district where employee is assigned: HB 2137 Employees' health benefits, retired for disabled employees: HB 1281 Employees' retirement, gain-sharing provisions: HB 1771, HB 2116 Employees' retirement, plan 2 separated employees: HB 1284 Employees' retirement, service credit for periods of temporary duty disability: HB 1261 Employees' retirement, unreduced benefits for earlier age retirement: HB 1199 Employees' retirement, vesting after five years of service: HB 1941 English as a second language, demonstration projects: HB 1872, \***E2SSB 5841, CH 400 (2007) PV** Facilities, high growth school district assistance account and funding: HB 2356 Facilities, regular property tax levies in excess of one percent growth: HB 2334 Field of dreams program, college tuition GET units for students working in agricultural jobs: HB 2082 Financial literacy, public-private partnership provisions: HB 1980 Firearms, accident prevention instruction: HB 2168 First peoples' language, culture, and oral tribal traditions teacher certification: HB 1226, \***ESSB 5269, CH 319 (2007)** First teacher parent mentor programs: HB 1619 Foster children, school placement continuity: HB 1716 Freedom of press and speech for high school and college students: HB 1307 Funding, nonemployee costs study: HB 1615 Funding, one-time hold harmless allocation: HB 1612 GET ready for math and science scholarship program: HB 1779 Graduation ceremonies, Kevin's law: HB 1050, ESSB 5450 Graduation ceremonies, students with disabilities: HB 1050, ESSB 5450 Graduation requirements, certificate of academic achievement not required: HB 2343, \***ESSB 6023, CH 354 (2007) PV** Graduation requirements, limited English proficient students: HB 2316 Graduation

requirements, standards: HB 1618 Graduation requirements, state and global economy course: HB 1778 Guidance and planning program, school counselors: HB 1614 Health advisory committees: HB 1071, **\*2SSB 5093, CH 5 (2007)** Health insurance information for students: ESSB 5100 Health reform, task force on comprehensive school: **\*2SSB 5093, CH 5 (2007)** Health-related career academies grant program: HB 1872 High demand fields, committee on the education of students in: **\*SSB 5731, CH 397 (2007)**

High school completion programs, community and technical colleges: **\*HB 1051, CH 355 (2007) PV**

Human papillomavirus disease and vaccine, information: HB 1802 Impact fees for school facilities, exemption: HB 2169, HB 2356, HB 2400 Improvement standards: HB 1610 Improving core subject instruction for all students, pilot program: HB 2136 K-3 foundations program, demonstration projects: HB 1872, **\*E2SSB 5841, CH 400 (2007) PV** Kindergartens, grants for full-day programs: HB 2322 Kindergartens, voluntary all-day programs: HB 1872, **\*E2SSB 5841, CH 400 (2007) PV**

Leadership, school district leadership academy: HB 1907, **\*2SSB 5955, CH 402 (2007) PV** Legislative youth advisory council: HB 1052 Levies and bonds, additional approval from voters: HB 2332 Levies and bonds, fifty-five percent of voters voting to authorize: HJR 4221 Levies and bonds, newly created property tax exemptions excluded from applying to: HB 1739 Levies and bonds, simple majority of voters voting: HJR 4201, **\*EHJR 4204 (2007)** Life science learning centers: HB 2355 Limited English proficient students, graduation requirements: HB 2316 Mathematics, after-school math support program: HB 1906, E2SSB 5813 Mathematics, curriculum: HB 2030 Mathematics, fast track to math program for teachers: HB 1634 Mathematics, GET ready for math and science scholarship program: HB 1779 Mathematics, high school requirements: HB 1634 Mathematics, improvement initiative: HB 2339 Mathematics, instructional coach demonstration project: HB 1906, E2SSB 5813 Mathematics, professional development for teachers: HB 1907, **\*2SSB 5955, CH 402 (2007) PV** Mathematics, readiness for college-level course work: HB 2109 Mathematics, review of WASL requirements: HB 2172, E2SSB 5528 Mathematics, science, and targeted secondary reading improvement initiative: **\*2SSB 5955, CH 402 (2007) PV** Mathematics, statewide director for math and science and technology: E2SSB 5813 Mathematics, students not passing WASL allowed to graduate: HB 1194 Outdoor education and recreation grant program: HB 1677 Paraeducators, pipeline for paraeducators conditional scholarship program: HB 1906, E2SSB 5813 Performance-based compensation pilot project for teachers and other certified instructional staff: HB 1611 Performance-based compensation pilot project for staff: HB 2095 Permanent common school fund, investment of moneys: **\*HB 2396, CH 505 (2007)** Pesticides, limits on the use of high hazard pesticides: HB 1806 Physical activity opportunities for students: HB 1188 Private, voluntary participation in WASL: HB 1772 Progressive interventions, program: HB 1610 Public works projects, apprenticeship utilization: **\*EHB 1898, CH 437 (2007)** Readiness for college-level course work: HB 2109 Record checks for employees, exemption for certain contractors: HB 1469 Recruiter access to students and student records, requirements: HB 2026 Rental housing for certain certified and classified employees: HB 2125 Report card for education, statewide goals for improvement of academic achievement: HB 1028 Retooling to teach math, special education, English as a second language, and science conditional scholarship program: E2SSB 5813

Safe school plans, requirements: HB 1979, **\*SSB 5097, CH 406 (2007)** Salary allocations, process to equalize: HB 1540, HB 2080 Sales and use tax exemptions: HB 2399 Scholarships, GET ready for math and science scholarship program: HB 1779 Scholarships, Washington college bound scholarship program: **\*E2SSB 5098, CH 405 (2007)** Schoolwide academic achievement bonus program: HB 1613 Science, curriculum: HB 2030 Science, GET ready for math and science scholarship program: HB 1779 Science, improvement initiative: HB 2339

Science, instructional coach demonstration project: HB 1906, E2SSB 5813 Science, professional development for teachers: HB 1907, **\*2SSB 5955, CH 402 (2007) PV** Science, statewide director for math and science and technology: E2SSB 5813 Science, WASL revisions: HB 1659 Sex education, medically and scientifically accurate: HB 1297, HB 1855, **\*ESSB 5297, CH 265 (2007)** Sexual equality laws, compliance: HB 2340 Skills centers, regional career and technical education partnership: HB 1977, **\*2SSB 5790, CH 463 (2007) PV** Spanish and Chinese language instruction pilot program: SSB 5714 Special education, provisions: **\*SB 5775, CH 115 (2007)** Special education, safety net: **\*E2SSB 5841, CH 400 (2007) PV**

Standards for high school graduation, college readiness, and college admission: HB 1618 State and global economy high school course requirement: HB 1778 Student achievement fund, full funding through state property tax: HB 1617 Students, certificate of individual achievement for students covered by 504 of federal rehabilitation act: SB 5451 Students, privacy regarding directory information: HB 2321 Supplies, annual sales and use tax holiday: HB 1012 Teachers, bilingual teacher mentoring and training program: HB 2303 Teachers, mathematics and science teacher professional development: HB 1907, **\*2SSB 5955, CH 402 (2007) PV** Teachers, performance-based compensation pilot project for staff: HB 2095 Teachers, professional certification standards and performance assessment: HB 1907, HB 2333, **\*2SSB 5955, CH 402 (2007) PV**

Teachers, recruiting diverse Washington teachers program: HB 2043

Teachers, recruiting Washington teachers program: HB 2043, **\*2SSB 5955, CH 402 (2007) PV** Teachers, retooling to teach math and science conditional scholarship program: HB 1906 Teachers, salary bonus for maintaining national board standards certification: HB 1907, HB 2262 Teachers, tuition waivers for seeking professional certification: HB 2298 Teachers, tuition waivers for teachers and certified instructional staff to meet continuing education requirements: **\*SSB 5101, CH 461 (2007)**

Technology, statewide director for math and science and technology: E2SSB 5813 Technology, use of capital projects funds: HB 1280, ESSB 5267 Transfer students from military families, certificate of academic achievement exemption: HB 1109, HB 1479 Transportation for students, funding: HB 1165, HB 1616, **\*2SSB 5114, CH 139 (2007)** Transportation for students, tax incentives for alternative fuel: HB 1162 Truancy, district accountability for students missing school: HB 2306 Truancy, notice of hearings: ESB 5983 Washington learns,

implementation: HB 1641, HB 1882 WASL, academic standards panel and revisions to statewide system: HB 1288 WASL, additional alternatives: **\*ESSB 6023, CH 354 (2007) PV** WASL, conditional delay of graduation requirements: **\*ESSB 6023, CH 354 (2007) PV** WASL, coursework as alternative when standards not successfully met: HB 2343 WASL, math and science assessment review: HB 1906, E2SSB 5813 WASL, math assessment requirements: HB 2030 WASL, math requirement review: HB 2172, E2SSB 5528 WASL, mathematics system standards and instruction: HB 2327 WASL, private school students voluntary participation: HB 1772 WASL, proficiency requirements for high school graduation: HB 1352 WASL, science assessment requirements: HB 2030 WASL, science assessment revisions: HB 1659 WASL, science system standards and instruction: HB 2327 WASL, statewide common school curriculum: HB 2025 WASL, students covered by section 504 of federal rehabilitation act: SB 5451 WASL, students not passing math assessment allowed to graduate: HB 1194 WASL, students who pass granted exemption from intermediate driver's license restrictions: HB 1481 Weapons, possession of dangerous weapons on school facilities: HB 2268 World language instruction: HB 1517, **\*E2SSB 5841, CH 400 (2007) PV** Youth-oriented activities, grant program for facilities: HB 1948

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Puget Sound scientific research account: HB

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Charitable organizations, advisory council and education program regarding solicitations: HB 1777 Domestic partnership registry, protection by granting certain rights and benefits: **\*SSB 5336, CH 156 (2007)** E-recording standards commission, uniform real property electronic recording act: HB 2104 Oral history program transferred to legislature: HB 1741 Washington state heritage center, funding: HB 2060, **\*SSB 5882, CH 523 (2007)**

#### SECURITY GUARDS AND FIRMS

Crowd management and guest services, exemption from security guard regulations: **\*SB 6090, CH 154 (2007)** Definitions and exemptions, regulations: HB 1063 Training requirements: HB 1988

#### SECURITY INTERESTS

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#### SELF-SERVICE STORAGE FACILITIES

Lien on and sale of personal property: **\*SSB 5554, CH 113 (2007)**

#### SENATE RESOLUTIONS

Arts day: **\*HR 4619 (2007)**

President's day: **\*HR 4620 (2007)**

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Automobile insurance, premium reduction for older insureds completing an accident prevention course: HB 1953 Identity theft, grant program: HB 1274 Property tax deferral: HB 2039 Property tax relief: HB 1107, HB 1156, HB 1364, HB 1578, HB 1596, HB 1629, HB 2028, HB 2201 Sales tax remittance for qualifying individuals: HB 1213

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Alien firearm license, requirements and violations: HB 1011 Alternative sentencing, earned release credit in county programs: HB 1963 Amber alert, false or misleading statement: HB 1537 Animal abandonment, penalties: **\*SSB 5227, CH 376 (2007)** Assault against code enforcement officer, penalties: HB 1495 Auto theft, civil cause of action: **\*HB 2034, CH 393 (2007)**

Auto theft, prevention authority created and penalties revised: HB 1001 Body armor, felons in possession of: HB 2362 Commercial sexual abuse of minor, penalties: HB 2291, **\*SSB 5718, CH 368 (2007) PV**

Community custody, penalties for violations: HB 2084, HB 2377 County supervised community options, credit for time served: HB 2265 Death penalty, DNA evidence

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DUI, felony when offender has two or more prior offenses: HB 1191

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Electronic communication devices, privacy protections and violations: HB 1031 Electronic weapons, penalties for possession on school property: HB 1764 Eluding a police vehicle, penalties: HB 1030, HB 1198 Ephedrine, pseudoephedrine, and phenylpropanolamine, violations and penalties: HB 1719 Exceptional sentences, superior court authority to impanel a jury: \***EHB 2070, CH 205 (2007)** Firearms, safe storage requirements and penalties: HB 1014 Furnishing liquor to minors, penalties: HB 1819 Gambling, underage: HB 1345

Gang-related offenses, penalties: HB 2215, HB 2224 Gang-related offenses, work group to evaluate: \***SSB**

**5987, CH 389 (2007)** Homicide by abuse of child, penalties: HB 1428 Hunting, unlawfully hunting upon the property of another: HB 1078 Identity crimes, portable electronic data storage device: HB 1763 Identity theft, individual offender to be classified and punished separately: HB 1272 Indecent exposure, penalties: HB 1751

Internet gambling, penalties for activities in primary residence for recreational purposes: HB 2127, HB 2320

Legal financial obligations, collection: \***SSB 5190, CH 91 (2007)** Legal financial obligations, interest rate: HB 1004, HB 1474 Livestock, killing or harming livestock belonging to another: HB 1775 Luring of a child with

developmental disabilities, crimes included within each seriousness level: HB 2267 Malicious mischief, threshold property value increase: HB 2133 Metal theft, protection and recovery of metal property: \***ESSB**

**5312, CH 377 (2007)** Methamphetamine, offender registry: HB 1754 Methamphetamine, penalties: HB 1814,

HB 1954 Most serious offenses, out-of-state conviction for felony offense with sexual motivation: SSB 5964

Motor vehicle theft, prevention authority created and penalties revised: HB 1001 No-contact orders, violations and penalties: HB 1642 Partial confinement, time served as: HB 2069 Persistent offenders, task force on

sentencing: SSB 5964 Possession of dangerous weapons on school facilities, penalties: HB 2268 Pseudoephedrine, fraudulent procurement: HB 1487 Reform act, study: HB 2214 Residential burglary,

categorized as a crime against persons: HB 2308 Sentencing guidelines commission, appointment of director: HB 1183 Special sex offender sentencing alternatives, limited to immediate victim's family members: HB 1974

Stalking, protection for employees of correctional facilities: HB 1319, HB 2170 Strangulation, penalties: HB 2119, \***SB 5953, CH 79 (2007)**

Theft, damages to victim greatly exceed value of stolen property: HB 1986

Transporting vulnerable adults and persons with developmental disabilities, crimes committed while: HB 1097

Vehicular assault, penalties: HB 1190 Vehicular homicide, penalties: HB 1190 Victims whose immediate family member has died, penalties for crimes against: HB 2402 Work release time, increase: HB 1729

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Treatment products for drain fields, registration exemption: HB 2012

#### **SEWAGE (See also SEPTIC SYSTEMS, ON-SITE; WATER-SEWER DISTRICTS)**

Hood Canal, extension or development of sewer systems: HB 1605

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Child dependency hearings, child is victim of rape by the parent: HB 2369 Commercial sexual abuse of minor, penalties: HB 2291, \***SSB 5718, CH 368 (2007)** PV Community custody, penalties for violations:

HB 2084, HB 2377 Community custody, supervision: HB 2393, HB 2415 DNA identification system,

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exposure, penalties: HB 1751 Juvenile offenders, length of confinement for parole violations: HB 1682,

\***SSB 5243, CH 203 (2007)** Most serious offenses, out-of-state conviction for felony offense with sexual

motivation: SSB 5964 Partial confinement, time served as: HB 2069 Persistent offenders, task force on

sentencing: SSB 5964 Polygraph examinations, sexual assault victims: \***HB 1520, CH 202 (2007)**

Preconviction HIV testing in sexual assault cases: HB 2207 Registration, subsequent offense that is not a

sex or kidnapping offense: HB 1836 Sexual assault protection orders, fees for petitioners: \***HB 1437, CH 55 (2007)**

Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: HB 1555

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State employees, policies and training programs: \***SSB 5118, CH 76 (2007)**

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Domestic partnership registry, protection by granting certain rights and benefits: HB 1351, \*SSB 5336, CH 156 (2007)

#### **SEXUALLY TRANSMITTED DISEASES**

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Sexually transmitted infections in correctional facilities, study and plan to reduce: HB 1003

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Offices, authority of civil service commissions: \*SB 5620, CH 12 (2007)

Spring blade knife, officer allowed to carry: \*SSB 5202, CH 379 (2007)

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Forest fires, access to property during a fire: \*SSB 5315, CH 252 (2007)

Gang-related offenses, work group to evaluate: \*SSB 5987, CH 389 (2007)

Missing persons, investigation procedures: HB 1182, \*SSB 5191, CH 10 (2007)

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Islands in Puget Sound, shoreline master program provisions: HB 2249

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Normal maintenance, exemption from substantial development: HB 1241 Property taxes, exemption for decline in value due to shoreline or growth management regulation: HB 1860

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Dealers, licensing requirements: HB 1955

Registration requirements: HB 1403

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family homes, voluntary certification program: HB 1242 Applications for health services, identification

required: HB 1848 Background checks for employees and service providers: HB 1854, \*ESSB 5774, CH 387

(2007) PV Basic health plan, taxpayer health care fairness act: HB 2094 Blue ribbon commission on health care

costs and access: HB 2098, \*E2SSB 5930, CH 259 (2007) PV Boarding homes, temporary management upon

license suspension: \*HB 1447, CH 162 (2007) Chemical dependency assessment protocols: HB 1340 Child

support, deficit reduction act implemented: \*SSB 5244, CH 143 (2007) Child welfare services, team approach

to casework: HB 1335 Children in families administration created within department: SSB 5754 Children,

health care services: \*2SSB 5093, CH 5 (2007)

Clubhouse rehabilitation services: \*EHB 1217, CH 414 (2007)

Community justice facilities, siting: HB 1733 Dependent children,

placement provisions: \*HB 1377, CH 412 (2007)

Developmental disabilities, enforcement standards for residential support services: HB 1246 Developmental disabilities,

individual and family services program: HB 1548, \*2SSB 5467, CH 283 (2007) Developmental disabilities, office of the

ombudsman for persons with: HB 1202 Disabilities, medical assistance buy-in program for children with disabilities: HB

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1347 Family policy council, director of department of early learning added as member: HB 2090 Family prosperity act,

Washington asset building coalition: HB 2256 Fiscal audits, joint committee for audit and review of department: HB 2257

Foster care, notice prior to denial or termination of benefits: HB 1927 Foster care, postadoption services pilot program for

children adopted out of foster care system: HB 2252 Foster care, preschool tuition scholarships: HB 1560 Foster care, tiered

classifications for licensing: HB 1926 Foster care, youth community coordinator pilot program for youths reaching eighteen

years of age: HB 2088, ESSB 5909 Incarcerated parents, programs and policies for children and families: HB 1422 Juvenile

offender reentry work group and study: HB 1803 Liability for selecting alternative course of action, individual of department

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account: HB 1490 Mental health, delivery of services for children: HB 1088 Mental illness treatment information required for

billing and collection: HB 1852, \*SB 5773, CH 191 (2007) Pharmacies, payment technical assistance program: HB 1970

Racial disproportionality and disparity in child welfare and juvenile justice, advisory committee: HB 1472 TANF, oversight

committee: HB 2312 Traumatic brain injury strategic partnership advisory council: HB 2055 Traumatic brain injury, care of

individual in expanded community services program: HB 2310 Welfare services, disclosure of reactive child: **\*SSB 5321, CH 220 (2007)**

Welfare services, out-of-home placement information requirements: **\*SSB 5321, CH 220 (2007)**

WorkFirst, oversight committee: HB 2312

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Numbers, county auditors prohibited from disclosing: HB 1932

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Mobile home parks, private garbage collection in certain annexed parks: HB 1697

Private carriers, definition: HB 1402

Public works performance-based contracting conservation of water, wastewater, or solid waste: **\*SSB 5481, CH 39 (2007)**

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Assistants, regulations: HB 2372

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Electricity, purchase of anaerobic digestion power: HB 1035 Electricity, purchase of renewable

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HB 1740 High demand, definition: HB 2317 Information regarding employees and volunteers, dates

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Prescriptions, purchase of brand name drugs when cost-effective for all state programs: HB 1356 Public

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**169 (2007)** Quality award, application for state award: HB 1197 Real estate procurement and

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Rules, small business economic impact statement criteria: HB 1330, **\*EHB 1525, CH 239 (2007)**

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Amphibian, Pacific chorus frog designated as state amphibian: **\*HB 1069, CH 224 (2007)** Appropriation bills to be made

available prior to vote: HB 1834, HJR 4216 Boards and commissions, consolidation and elimination: HB 2235 Budget

information web site: HB 2342 Christmas tree, state: HB 1386 Domestic partnership registry, protection by granting certain

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Emergencies, command control and data system pilot project: HB 1840 Energy policies and programs, implementation and

coordination streamlined: HB 1062 Expenditure limit: HB 1835, HJR 4217 Expenditure limit, related funds definition: HB

2360 Fee increases, restrictions on authorization: HB 2371 Gifts, acceptance of gifts by state officers or employees: HB 1157

Health care, Washington health security trust: HB 1886 High demand, definition: HB 2317 House of representatives,

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Scholarship endowment funds, administration of: \***SSB 5039, CH 73 (2007)**

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Foster home pass: SSB 5010 Funding, motor vehicle license fee: HB

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park, evaluation of seminary building: HB 1172

Saint Edward state park, review of impact resulting from the expansion of Bastyr University: HB 1712

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Missing persons, investigation procedures: HB 1182, \***SSB 5191, CH 10 (2007)** CBRNE response program: HB 1223 DNA identification system, broader collection of biological samples: HB 1023

Emergency responses to property, notification to property owner: HB 2365 Fire service training

account, distribution and allocation: HB 2097, \***SB 6119, CH 290 (2007)**

High accident corridors, additional patrols: \***SSB 5937, CH 424 (2007)**

Highway account, motor vehicle fee increase to provide additional funding: \***SB 6129, CH 155 (2007)**

Identity crimes, call center and statewide web site for filing incident reports: HB 2054 Investigative

assistance, office of: HB 1219 Methamphetamine, offender registry: HB 1754 Retirement, age provisions:

HB 1325, \***SB 5313, CH 87 (2007) PV** Retirement, contribution rates: HB 1260, SSB 5171 Spring blade

knife, officer allowed to carry: \***SSB 5202, CH 379 (2007)**

Survivor benefits, reimbursement for payment of premium rates to health care authority: HB 1417 Unclaimed personal

property, donations to nonprofit charitable organizations: HB 1268, \***SSB 5193, CH 219 (2007)** Vehicles, window tint

exemption: \***HB 1344, CH 168 (2007)**

Wages and wage-related matters, collective bargaining negotiations: HB 1736

Workers' compensation benefits for surviving spouses: HB 1545

#### **STATE TREASURER**

Linked deposit program, funding: HB 1512

Nonpartisan office, state treasurer as: HB 2280

#### **STATUTE LAW COMMITTEE**

Publication authority, electronic filing for state register: \***HB 1859, CH 456 (2007)**

#### **STEELHEAD (See also FISHING, RECREATIONAL)**

Spawning beds, penalties for disturbing: HB 2301

#### **STUDIES**

911 enhanced emergency radio network, work group to study delivery of emergency information: HB 2225 Adult family homes, study of system: HB 1964 Aerospace manufacturing, joint legislative task force and review: HB 1375 Age of consent, study to review: HB 1439 Basic education costs: HB 1661 Basic education funding, joint task force: \***E2SSB 5627, CH 399 (2007)** Columbia river crossing project, study: SSCR 8405 Court-ordered services for families: HB 1780 Early learning

programs and services, state board for community and technical colleges: \***HB 2319, CH 395 (2007)** Electronic filing of disclosure reports: HB 1006 Energy efficiency and renewable energy road map, Washington state: HB 1711 Family and

medical leave insurance, joint task force: \***E2SSB 5659, CH 357 (2007)** Geoduck aquaculture techniques and practices,

scientific research studies: HB 1547 Health care insurance, study of requirements: HB 1538 Home inspectors, department of

licensing: \***ESSB 5788, CH 388 (2007)** Juvenile offender reentry work group and study: HB 1803 Kidney disease, joint

legislative task force to study chronic disease: HB 2149 Low-income housing, rental voucher program: HB 1359 Minority

and women's business enterprises, study of office: HB 2132 Pesticides, pilot air monitoring project for collection of drift data:

HB 1810 Residential construction, committee to study construction defects: ESSB 5550 School data systems, office of the

superintendent of public instruction: \***E2SSB 5843, CH 401 (2007)** Schools, nonemployee costs: HB 1615 Sentencing reform

act, study: HB 2214 Sex offenders, electronic monitoring using radio frequency identification: HB 1133 Shipping containers,

study to evaluate fees on processing: \***SSB 5207, CH 514 (2007)**

Small loans, real-time data base to verify if consumer has an outstanding small loan: HB 2258  
 Small scale mineral prospecting on coastal areas, pilot program to examine: HB 1083 Workers' compensation, permanent disability: HB 1792

#### **SUBDIVISIONS**

Land use permit applications, vesting: HB 1463

#### **SUNSET REVIEW**

Intermediate drivers' license program, sunset application repealed: \***SB 5036, CH 28 (2007)**

#### **SUPERIOR COURT**

Exceptional sentences, superior court authority to impanel a jury: \***EHB 2070, CH 205 (2007)**  
 Family court, statewide: HB 1780 Judges, positions for San Juan and Island counties: HB 1269, \***SB 5247, CH 95 (2007)**

#### **SUPREME COURT**

Judges, appointment: HJR 4223

Judicial nominating commission: HB 2150

Marriages, supreme court and court of appeals commissioners to solemnize: \***SB 5079, CH 29 (2007)**

#### **SURPLUS PROPERTY**

Affordable housing, publicly owned land and buildings suitable for development: HB 1332

#### **SURVEYORS**

Land surveying review requirements: HB 1184

#### **TAXES - BUSINESS AND OCCUPATION TAX**

Aerospace product development businesses, tax relief: HB 1554, SSB 6168  
 Autism research and development, tax credit: HB 2195 Ban on American beef, tax relief expiration date extended: HB 1899 Biotechnology and medical devices, tax rate: HB 1903 Call centers, tax credit: HB 2155 Carbon dioxide mitigation, tax credit: HB 1208 Chemotherapy and anticancer drugs, exemption: HB 1786 Cogeneration facilities, tax credit certificate: HB 2081 Corporation investment income, taxation: HB 1511 Credit cards, tax on interest rates that exceed usury rate: HB 1245 Custom farming services, tax rate: HB 1587 Developmental disabilities, tax credit for hiring individuals with: HB 1016 Electronic waste, credit for processing businesses: HB 2363 Environmental remediation services, tax rate: HB 1180 Farming services, tax exemption: HB 2352 Fuel distributors, tax rate: HB 2188, E2SSB 5799  
 Gas stations, tax credit for purchase of alternative power generation for emergency preparedness: HB 1557 Health care services provided to government, taxation: HB 1945 High technology business and occupation tax credit: HB 1695, SB 5685 Limited purpose public corporations, commissions and authorities tax exemption: HB 1323, \***SB 5572, CH 381 (2007)** Local taxes, state administration and collection: HB 2260 Low-income housing, tax credits for persons who make financial contributions to assistance programs: HB 1017 Manufactured/mobile home communities, tax credit for financial institutions providing assistance: HB 2096 Math and science technology student employees, tax credits for employers: HB 1969 Mental health insurance, credit for employers costs: HB 2376 Milk products, wholesale sales of unprocessed milk exemption: \***HB 1549, CH 131 (2007)** Mortgage brokers, tax rate: HB 1227 Municipal tax, model gross receipts: HB 2368 Natural or manufactured gas, exemption for resale: HB 1508 New business exemption: HB 1516 Nightclubs, tax credit for installation of automatic fire protection sprinkler system: HB 1811 Petroleum businesses, additional taxes: HB 2128 Phase I and II clinical trials, tax credit: HB 2346 Physical fitness services, tax rate: HB 1989 Prescription drugs, deduction for certain drugs: HB 1891 Printing and publishing business, tax classifications: HB 1380 Processing electronic waste, credit: HB 2363 Property management companies, exemption for on-site property managers: HB 1509 Recycled material, tax incentives for businesses using: HB 1950 Rural counties, tax credit for eligible projects: HB 1566 Sales, deduction for retail and wholesale proceeds lost due to theft: HB 1136 Self-service laundry facilities excluded from definition of retail sale: HB 1498 Small businesses, deduction for employer provided health care: HB 1638 Small businesses, exemption: HB 1171 Small water supply systems, exemption for services: HB 1240

Tangible personal property, originating from or destined to foreign countries: HB 1382, \***SB 5434, CH 477 (2007)**

Temporary staffing services, taxation: HB 1451 Timber, tax on sale of standing timber when timber sold separately from underlying land: HB 1513 Tips, credit on payroll taxes paid by owners: HB 1542 Zoological facilities, tax exemptions: HB 1129, SSB 5027

#### **TAXES - CIGARETTE TAX**

Tax agreements, Spokane Tribe: **\*HB 1674, CH 320 (2007) TAXES -**

**DEFERRALS FOR FRUIT AND VEGETABLE BUSINESSES**

Application process: **\*HB 2032, CH 243 (2007)**

**TAXES - ESTATE TAX**

Family-owned businesses, deduction: HB 1884

**TAXES - EXCISE TAX**

Economic and revenue forecasts, near general fund definition and forecasts: SSB 5691 Impact fees, first-time buyer housing affordability index: HB 1861 Incentives, employers restricted from certain activities to qualify for incentives: HB 2351 Leasehold, amateur radio repeater exemption when used for emergency services: HB 2335 Leasehold, exemption for property owned by United States government: HB 1701, **\*SB 5607, CH 90 (2007)** Local real estate, proceeds used for equipment and software: HB 1232 Manufactured/mobile home communities, real estate tax exemption: HB 1621 Real estate, distribution of funds: HB 1790 Real estate, exemption for manufactured/mobile home communities: HB 1621 Real estate, local tax for park operation and maintenance: HB 1768 Real estate, local tax provisions on sale of real property: HB 1161 Real estate, tax exemption for home sales resulting from military relocation orders: HB 1308 Real estate, tax on sale of standing timber when timber sold separately from underlying land: HB 1513 Restriction and elimination of certain exemptions and deductions and credit in order to raise revenue: HB 2397 Timber, tax on sale of standing timber when timber sold separately from underlying land: HB 1513

**TAXES - GENERAL**

Increases, restrictions: HB 1662, HJR 4213

Low-income housing, tax credits for persons who make financial contributions to assistance programs: HB 1017

Restriction and elimination of certain exemptions and deductions and credit in order to raise revenue: HB 2397

Retailers, allowance for sales and use tax collection costs: HB 1769 Tax incentives, employers restricted from certain activities to qualify for incentives: HB 2351 Tax laws and programs, technical changes: HB 1381, SSB 5560

Tax programs, administration: HB 1480, **\*SB 5468, CH 111 (2007)** Tolling, transfer of sales and use tax: HB 2146

**TAXES - LODGING TAX**

Agricultural promotion, tax to fund facilities: HB 1657, **\*SSB 5568, CH 189 (2007)**

Revenues, contracts with nonprofit organizations and public entities for tourism activities: **\*SSB 5647, CH 497 (2007)**

Tourism, tax proceeds for contracts with nonprofit organizations and public entities: **\*SSB 5647, CH 497 (2007)**

**TAXES - MOTOR VEHICLE EXCISE TAX**

E85 fuel tax rate: HB 1895

Tax on snowmobile fuel, fuel tax rate to determine distributions for nonhighway expenditures: HB 1405

**TAXES - MOTOR VEHICLE FUEL TAX**

Administration of taxes: HB 1290, HB 1426, HB 1801, **\*SB 5272, CH 515 (2007) PV**

Tax rate indexing, funding for highway project account: HB 2138

**TAXES - OIL SPILL RESPONSE TAX**

Risk-based oil spill prevention and response service transfer tax: HB 1488

**TAXES - PROPERTY TAX**

Accrual of revenues, cities and towns: HB 2031

Advanced payments for binding site plans, elimination of: HB 1149

Affordable housing, tax incentives for multiple-unit dwellings in urban centers: HB 1737, HB 1910

Affordable multifamily rental housing, property valuation: HB 2059 Appeals, burden of proof for valuation of property: HB 1410 Appeals, petition for assessed value: HB 1582 Boards of equalization, reconvening: HB 1581 Boundaries for taxing districts: **\*ESSB 5836, CH 285 (2007)**

County treasurers, restrictions on receipting current year taxes: **\*SB 5732, CH 105 (2007)** Current use classification, transfer and withdrawal: HB 1515 Designated forest lands and open space timber lands, statutes consolidated for ease of administration: HB 1580 Exemptions, decline in value due to shoreline or growth management regulation: HB 1860 Exemptions, qualifying residential owners: HB 1204 Freight rail improvements,

exemption for construction of Stampede Pass tunnel: HB 2190 Historic property leased to counties, exemption: HB 1746 Indian tribes, essential government services removed as a condition for exemption: HB 1794 Initiative 747, property tax levy limits: HB 1155, HB 1170, HB 2117, HB 2272, HB 2403 Levies for schools, additional approval from voters: HB 2332 Levies for schools, fifty-five percent of voters voting to authorize: HJR 4221 Levies for schools, newly created property tax exemptions excluded from applying to: HB 1739 Levies for schools, simple majority of voters voting: HJR 4201, **\*EHJR 4204 (2007)**

Levies, annual increases for voter-approved regular levies: HB 1369, **\*ESB 5498, CH 380 (2007)** Levies, increases in excess of one percent growth for school facilities: HB 2334 Levies, initiative 747 levy limits: HB 1155, HB 1170, HB 2117, HB 2272, HB 2403 Levies, limits on regular property taxes: HB 2309 Levies, local public works assistance funds: HB 1159

Levies, annual increases for voter-approved regular levies: HB 1369, **\*ESB 5498, CH 380 (2007)** Levies, increases in excess of one percent growth for school facilities: HB 2334 Levies, initiative 747 levy limits: HB 1155, HB 1170, HB 2117, HB 2272, HB 2403 Levies, limits on regular property taxes: HB 2309 Levies, local public works assistance funds: HB 1159

Levies, port districts: HB 2180, HB 2181 Levies, state levy reduced: HB 2272 Low-income households, exemption of housing from taxation: \***HB 1450, CH 301 (2007)** Mobile and manufactured homes, conditional cancellation of delinquent taxes: HB 1043 Mobile home lots, exemption: HB 1990 Multiple-unit housing, campus facilities master plans: HB 2164 Nonprofit organizations, small business incubator exemption: HB 1796 Ocular devices and hearing instruments, combined disposable income: HB 1578 Open space program, additional tax and interest and penalties eliminated: HB 2270 Port districts, increases: HB 2408 Port districts, levy capacity: HB 2407 Port districts, limitations: HB 2180, HB 2181, HB 2405 Quinault Indian Reservation, timber harvest excise taxation: HB 2008 Senior citizens and persons retired due to physical disability, tax deferral: HB 2039 Senior citizens and persons retired due to physical disability, tax relief: HB 1107, HB 1156, HB 1364, HB 1578, HB 1596, HB 1629, HB 2028, HB 2201 Tax exempt property by noneligible entities for certain organizations, use criteria: HB 2217 Timber purchases, reporting requirements: \***HB 1185, CH 47 (2007)** Valuation, affordable multifamily housing: HB 2059 Valuation, increases for state tax limited: HJR 4205 Veterans, tax exemptions for disabilities related to performance of military duties: HB 1102, HB 1720 Veterans, tax relief: HB 1596, HB 1629, HB 2201

#### **TAXES - PUBLIC UTILITY TAX**

Agricultural commodities, tax deduction for transportation: \***HB 1443, CH 330 (2007)** Farming services, tax exemption: HB 2352 Local taxes, state administration and collection: HB 2260 Low-income housing, tax credits for persons who make financial contributions to assistance programs: HB 1017 Math and science technology student employees, tax credits for employers: HB 1969 Small water supply systems, exemption for services: HB 1240 Special needs transportation services, light and power business tax credit for contributions: HB 1744, SB 5454

#### **TAXES - SALES TAX**

Aerospace product development businesses, exemption: HB 1554, SSB 6168 Alternative fuels, exemption for school transportation services: HB 1162 Boats, exemption for certain vessels purchased by nonresidents: HB 1002 Cell phones, exemption for hands-free equipment: HB 1536 Clean fuel, effective and expiration dates for exemption: HB 1684 College course materials, exemption: HB 1531 Diesel fuel, exemption for commercial fuel users engaging in business: HB 1579 Electronically delivered financial information, exemption: HB 1981 Farm machinery and equipment, exemption: HB 1757 Farm machinery and equipment, tax exemption for repairs: HB 1901, \***EHB 1902, CH 332 (2007)** Farms, biodiesel fuel exemption: \***SSB 5009, CH 443 (2007)** Farms, propane fuel exemption: HB 1376 First-time home buyer exemption on construction labor and services: HB 1863 Freight rail improvements, exemption for construction of Stampede Pass tunnel: HB 2190 Grain elevators, taxation: HB 2239, E2SSB 5805 Heating oil, exemption: HB 1081 Law enforcement and emergency vehicles, exemption: HB 1620 Limited purpose public corporations, commissions and authorities tax exemption: HB 1323, \***SB 5572, CH 381 (2007)** Livestock manure, exemption for handling and processing: HB 1944 Local sales and use, credited against state tax and used to offset services to annexed areas: HB 1139 Local sales and use, criminal justice services: HB 1851 Local sales and use, economic development offices: \***HB 1543, CH 250 (2007)** Local sales and use, parks and recreation and trails: HB 2410 Local sales and use, public facilities in rural counties: \***E2SSB 5557, CH 478 (2007)** Lodging business amenities, tax exemption: HB 1411 Log hauling, exemption for safety equipment: HB 1486 Low carbon generation facilities, exemption: HB 2175 Meat processing, exemption: HB 2040 Mobility enhancing equipment, tax exemptions: HB 1324 Motor vehicles and services sold to nonresidents, taxation: HB 2158, SSB 5967 Motor vehicles, exemption for trading in old vehicles: HB 1564 Physical fitness equipment, exemption: HB 1535 Recovered wood waste boiler equipment, tax exemption: HB 1174, SB 5026 Remittance for qualifying individuals: HB 1213 Retailers, allowance collection costs: HB 1769 Sales, deduction for retail and wholesale proceeds lost due to theft: HB 1136 School and educational service districts, exemption: HB 2399 School supplies, annual sales and use tax holiday: HB 1012 School transportation services, exemption for alternative fuel: HB 1162 Solar hot water components, tax exemption: HB 1211 Streamlined sales and use tax agreements: HB 1072, \***SSB 5089, CH 6 (2007)** Streamlined sales and use tax agreements, taxpayer relief: HB 2380 Streamlined sales and use tax agreements, voluntary compliance revenue: HB 2381 Tangible personal property, originating from or destined to foreign countries: HB 1382, \***SB 5434, CH 477 (2007)** Temporary staffing services, taxation: HB 1451 Timber mills designated as forest products operations of statewide significance, tax exemption: HB 2271

Tolling, tax transfer: HB 2146

Trail grooming services, tax exemption: HB 1404

Wireless communications devices, exemption for hands-free equipment: HB 1536

Zoological facilities, tax exemptions: HB 1129, SSB 5027

#### **TAXES - SPECIAL FUEL TAX**

Administration of taxes: HB 1290, HB 1426, HB 1801, \***SB 5272, CH 515 (2007) PV** Alternative fuels, exemption for school transportation services: HB 1162 Regional transit authorities, tax exemption: HB 1294, SB 5304 School transportation services, exemption for alternative fuel: HB 1162 Tax rate indexing, funding for highway project account: HB 2138

#### **TAXES - TOBACCO PRODUCTS TAX**

Moist snuff, taxation: HB 2288

#### **TAXES - USE TAX**

Aerospace product development businesses, exemption: HB 1554, SSB 6168 Alternative fuels, exemption for school transportation services: HB 1162 Boats, exemption for certain vessels purchased by nonresidents: HB 1002 Cell phones, exemption for hands-free equipment: HB 1536 Clean fuel, effective and expiration dates for exemption: HB 1684 College

course materials, exemption: HB 1531 Diesel fuel, exemption for commercial fuel users engaging in business: HB 1579 Electronically delivered financial information, exemption: HB 1981 Farm machinery and equipment, exemption: HB 1757 Farm machinery and equipment, tax exemption for repairs: HB 1901, \***EHB 1902, CH 332 (2007)** Farms, biodiesel fuel exemption: \***SSB 5009, CH 443 (2007)** Farms, propane fuel exemption: HB 1376 Freight rail improvements, exemption for construction of Stampede Pass tunnel: HB 2190 Grain elevators, taxation: HB 2239, E2SSB 5805 Heating oil, exemption: HB 1081 Law enforcement and emergency vehicles, exemption: HB 1620 Limited purpose public corporations, commissions and authorities tax exemption: HB 1323, \***SB 5572, CH 381 (2007)** Livestock manure, exemption for handling and processing: HB 1944 Local sales and use tax, economic development offices: \***HB 1543, CH 250 (2007)** Local sales and use, credited against state tax and used to offset services to annexed areas: HB 1139 Local sales and use, criminal justice services: HB 1851 Local sales and use, parks and recreation and trails: HB 2410 Local sales and use, public facilities in rural counties: \***E2SSB 5557, CH 478 (2007)** Lodging business amenities, tax exemption: HB 1411 Log hauling, exemption for safety equipment: HB 1486 Low carbon generation facilities, exemption: HB 2175 Meat processing, exemption: HB 2040 Mobility enhancing equipment, tax exemptions: HB 1324 Motor vehicles and services sold to nonresidents, taxation: HB 2158, SSB 5967 Motor vehicles, exemption for trading in old vehicles: HB 1564 Physical fitness equipment, exemption: HB 1535 Recovered wood waste boiler equipment, tax exemption: HB 1174, SB 5026 Retailers, allowance collection costs: HB 1769 Sales, deduction for retail and wholesale proceeds lost due to theft: HB 1136 School and educational service districts, exemption: HB 2399 School supplies, annual sales and use tax holiday: HB 1012 School transportation services, exemption for alternative fuel: HB 1162 Solar hot water components, tax exemption: HB 1211 Streamlined sales and use tax agreements: HB 1072, \***SSB 5089, CH 6 (2007)** Timber mills designated as forest products operations of statewide significance, tax exemption: HB 2271 Tolling, tax transfer: HB 2146 Wireless communications devices, exemption for hands-free equipment: HB 1536 Zoological facilities, tax exemptions: HB 1129, SSB 5027

#### **TEACHERS (See also SCHOOLS AND SCHOOL DISTRICTS)**

Bilingual teachers, mentoring and training program: HB 2303 Fast track to math program: HB 1634 First peoples' language, culture, and history teacher certification: HB 1226 First peoples' language, culture, and oral tribal traditions teacher certification: \***ESSB 5269, CH 319 (2007)** First teacher parent mentor programs: HB 1619 Mathematics and science teacher professional development: HB 1907, \***2SSB 5955, CH 402 (2007)** PV National board standards, salary bonus for maintaining certification: HB 1907, HB 2262 Performance-based compensation: HB 1611 Performance-based compensation pilot project for staff: HB 2095 Professional certification, standards and performance assessment: HB 1907, HB 2333, \***2SSB 5955, CH 402 (2007)** PV Recruiting Washington teachers program: HB 2043, \***2SSB 5955, CH 402 (2007)** PV Rental housing for certain certified and classified employees: HB 2125 Retirement, annual increase age and retirement requirements for plan 1: HB 1263, \***SB 5175, CH 89 (2007)** Retirement, death before retirement when member could have retired with thirty years credit: HB 1838 Retirement, gain-sharing provisions: HB 1771, HB 2116 Retirement, increased benefit multiplier for judges: HB 1649 Retirement, members of TRS plan 1 authorized to join PERS plan 1: HB 1067 Retirement, plan 2 separated employees: HB 1284 Retirement, public employment of retirees: HB 1262 Retirement, service credit for periods of temporary duty disability: HB 1261 Retirement, service credit purchase for experience in another state or federal government: HB 1200 Retirement, unreduced benefits for earlier age retirement: HB 1199 Retirement, vesting after five years of service: HB 1941 Retooling to teach math and science conditional scholarship program: HB 1906 Retooling to teach math, special education, English as a second language, and science conditional scholarship program: E2SSB 5813 Tuitions waivers for teachers and certified instructional staff to meet continuing education requirements: \***SSB 5101, CH 461 (2007)** Tuitions waivers for teachers seeking professional certification: HB

#### **2298 TECHNOLOGY (See also BIOTECHNOLOGY)**

Applied baccalaureate degree pilot projects for degrees in applied science and technology: HB 1885, SSB 5104 Call centers, business and occupation tax credit: HB 2155 Central technology governing board: HB 2241 Commercialization process to promote economic development: SSB 5387 Health sciences and services program: HB 1705 High technology business and occupation tax credit: HB 1695, SB 5685 Information technology, strategic plan for state projects: HB 1296 Math and science technology student employees, tax credits for employers: HB 1969 Science, graduate fellowship trust fund program for the sciences: HB 1033 Washington institute of technology: HB 1110

#### **TELECOMMUNICATIONS (See also TELEPHONES)**

Automatic dialing and announcing devices, restrictions and penalties: HB 1252 Cable and video services, state-issued authorization for competitive providers: HB 1983 Competitive telecommunications services, criteria: HB 2103 Electronic communication devices, privacy protections: HB 1031 Regulations, modernization: HB 1681 Utility pole attachments, regulations: HB 1857 Wireless communications devices, sales and use tax exemption for hands-free equipment: HB 1536 Wireless communications providers, access to customers profile data: HB 2102

**TELEPHONES (See also CELL PHONES; TELECOMMUNICATIONS)**

Automatic dialing and announcing devices, restrictions and penalties: HB 1252

**TELEVISION (See also NEWS MEDIA)**

Cable and video services, state-issued authorization for competitive providers: HB 1983 Television reception improvement districts, emergency radio communications systems: HB 2337

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Commercial ticket seller, disclosure of services charges: HB 1978

**TIMBER AND TIMBER INDUSTRIES (See also FOREST PRACTICES)**

Ancestral trees, protections: HB 1600

Christmas tree, state: HB 1386

Christmas trees, licensing for growers: HB 1723, \***ESB 5401, CH 335 (2007)**

Climate change, response preparation for consequences on state forests: HB 1995

Conversion of forest land to nonforestry uses: HB 1408, \***SSB 5883, CH 106 (2007)**

Designated forest lands and open space timber lands, statutes consolidated for ease of administration: HB 1580 Forest health, three tier technical assistance system and scientific advisory committee: \***SSB 6141, CH 480 (2007)** Haulers of logs, compensation system: HB 2247 Huckleberries, regulations: HB 1909 Log hauling, sales and use tax exemption for safety equipment: HB 1486 Mills, tax incentives for mills designated as forest products operations of statewide significance: HB 2271 Nuisance laws, protection from : \***EBH 1648, CH 331 (2007)**

Quinault Indian Reservation, timber harvest excise taxation: HB 2008 Specialized forest products, permitting process and theft protections : HB 1909 Specialized forest products, work group created and bill of lading requirements revised: SSB 5844 Tax payments on timber purchases, reporting requirements: \***HB 1185, CH 47 (2007)**

Taxation, sale of standing timber when timber sold separately from underlying land: HB 1513

**TIRES**

Lead wheel weights, alternatives: HB 2143 Studded, retractable studs: \***SB 5206, CH 140 (2007)** Waste tire removal fees: ESSB 5080

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Shellfish: HB 2220

**TOBACCO (See also CIGARETTES)**

Cigar rooms: HB 2020

Employment decisions based upon consumption of lawful tobacco products: HB 1154

Enforcement, liquor control board investigation of records and authority to issue subpoenas: HB 1603, \***SB 5551, CH 221 (2007)**

Moist snuff, taxation: HB 2288

**TOURISM**

Lodging tax revenues, contracts with nonprofit organizations and public entities for tourism activities: HB 1254, HB 1342, HB 1466, \***SSB 5647, CH 497 (2007)**

Port districts, authority to acquire and operate tourism-related facilities: HB 1372, \***ESSB 5339, CH 476 (2007)**

Public-private partnerships and tourism commission: HB 1276, SSB 5116

**TOW TRUCKS**

Application for transporter's license, requirements: HB 1923 Auto theft victims, compensation for towing and impound fees: HB 1962 Impound, deficiency claim limits: HB 1924 Impound, driving without specially endorsed license: HB 1316, \***SB 5134, CH 86 (2007)** Impound, failure to provide proof of insurance: HB 2228 Impound, vehicles with expired registration parked on public streets: HB 1892

**TOXICOLOGIST**

Forensic investigations council, powers and duties: \***HB 1181, CH 200 (2007)**

Missing persons, investigation procedures: HB 1182, \***SSB 5191, CH 10 (2007)**

**TRAFFIC**

Automated traffic safety cameras, state highway work zones: HB 1710

Freight congestion relief account, study to evaluate fees on processing shipping containers: \***SSB 5207, CH 514 (2007)** High accident corridors, additional patrols: \***SSB 5937, CH 424 (2007)** Motorcycles, allowed to proceed if signal inoperative: HB 1625 Regional transportation commissions: HB 2101, ESSB 5803 Stationary emergency and police vehicles, rules for drivers when approaching vehicles: \***SSB 5078, CH 83 (2007)** Vehicle's required lane of travel: HB 1216

**TRAFFIC ACCIDENTS**

Commercial drivers, drug and alcohol testing when involved in accident: HB 1973  
 Fatal or near fatal accidents, alcohol or drugs in blood levels: HB 2313

#### **TRAFFIC OFFENSES (See also DRIVING UNDER THE INFLUENCE)**

Cell phones, text messaging while driving: \***EHB 1214, CH 416 (2007)**  
 Cell phones, use of while driving: HB 1153, HB 1868, \***ESSB 5037, CH 417 (2007)** Commercial motor vehicles, falsifying hours of service: HB 1015 High accident corridors, monetary penalties for infractions on corridors: HB 1655, HB 1867 Photo enforcement systems, provisions: HB 1373, \***SSB 5391, CH 101 (2007)** Rental cars, parking and traffic infractions: \***HB 1371, CH 372 (2007)** Unpaid fines, vehicle and driver's license renewal prohibited: HB 1971 Vehicles boarding ferries, traffic infractions for blocking driveways or moving in front of another vehicle: \***SB 5088, CH 423 (2007)**

#### **TRANSPORTATION (See also FERRIES; PUBLIC TRANSIT; RAILROADS)**

Accounts, proportionate share of earnings from surplus balance investments deposited in : \***SSB 5085, CH 513 (2007)**  
 Budget, 2007-09: HB 1094 Budget, supplemental 2005-07: HB 1093 Environmental mitigation moneys for agricultural preservation: HB 1563 Goals and objectives of certain state transportation agencies: HB 2041, HB 2139, \***SSB 5412, CH 516 (2007)** High accident corridors, funding for special safety corridor projects: HB 2197, HB 2198 Interstate 5 corridor public-private agreement pilot project: HB 1982 Joint transportation committee review of project cost estimates: HB 1718 Project contingency account: HB 1812, HB 2237 Providers of transportation, regulations: HB 1312 Regional transit authorities and regional transportation investment districts, single ballot proposition: HB 1396 Regional transportation commissions: HB 2101, ESSB 5803 Special needs transportation, agency council on coordinated transportation: HB 1694 State indebtedness for projects: HJR 4206 Urban corridor program, funding provisions requirements for project approval: HB 2331

#### **TRANSPORTATION BENEFIT DISTRICTS**

Ballot propositions, requirements: HB 2282 Fees and charges, imposition: HB 1858

#### **TRANSPORTATION COMMISSION**

Ferries, survey and plan: HB 2358, ESSB 6127  
 Goals and objectives of certain state transportation agencies: HB 2041, HB 2139, \***SSB 5412, CH 516 (2007)**  
 Innovative partnership program, modifications: SB 5979 Naming or renaming facilities, commission authority: HB 1626, \***SB 5264, CH 33 (2007)** Rail infrastructure and transportation system, improvement and preservation: ESSB 6120 Tolling, authority and provisions: HB 1773

#### **TRANSPORTATION, DEPARTMENT**

Design-build construction for certain projects: HB 1849, \***SB 5798, CH 152 (2007)** Environmental mitigation moneys for agricultural preservation: HB 1563 Ferries, procurement of new vessels: HB 2378 Ferries, survey and plan: HB 2358, ESSB 6127 Goals and objectives of certain state transportation agencies: HB 2041, HB 2139, \***SSB 5412, CH 516 (2007)** Highway improvements, bond amounts for certain construction contracts: HB 1957, SB 5208 Highway improvements, funding priority for category C projects: HB 1173 Highway improvements, general obligation bonds: HB 1121, HB 2394 Innovative partnership program, modifications: SB 5979 Interstate 5 corridor public-private agreement pilot project: HB 1982 Noise abatement, projects: HB 2307 Rail and crossing material, reuse: HB 1815 Rail corridors, preservation measures and real estate seller's disclosure requirements: HB 2344 Rail infrastructure and transportation system, improvement and preservation: ESSB 6120 Railroad shippers, authority to intervene on behalf of: HB 1313 State route number 2, funding: HB 2390 State route number 520, mediator to assist in developing expansion plan: HB 2389, \***ESSB 6099, CH 517 (2007)** PV Tolling, authority and provisions: HB 1773 Wounded combat veterans, internship program: \***SSB 5242, CH 92 (2007)**

#### **TRUCKS AND TRUCKING (See also MOTOR VEHICLES; TOW TRUCKS)**

Agricultural commodities, overtime compensation for transport: HB 1920 Commercial drivers, drug and alcohol testing when involved in accident: HB 1973 Commercial motor vehicle carriers, Tony Qamar and Daniel Johnson act: HB 1304 Commercial motor vehicles, falsifying hours of service: HB 1015  
 Freight congestion relief account, study to evaluate fees on processing shipping containers: \***SSB 5207, CH 514 (2007)**  
 Public utility vehicle size and weight and load restrictions: HB 2336 Transportation providers, regulations: HB 1312

#### **TRUSTS AND TRUSTEES**

Estate distribution documents, marketing by persons not authorized to practice law in this state: HB 1114  
 Uniform simultaneous death act: \***HB 2236, CH 475 (2007)**

#### **UNCLAIMED PROPERTY**

Donations to nonprofit charitable organizations, unclaimed personal property: \***SSB 5193, CH 219 (2007)**  
 Overpayments received by courts: \***HB 1994, CH 183 (2007)**

#### **UNDERGROUND STORAGE TANKS**

General revisions and compliance with federal act of 2005: HB 2029, \***SSB 5475, CH 147 (2007)**  
 Home heating oil tanks, design to prevent leakage: \***HB 1789, CH 240 (2007)**

#### **UNEMPLOYMENT COMPENSATION**

Administration of Title 50 RCW, funding: HB 1407  
 Claim of exemption, notice to certain employees: \***SSB 5702, CH 386 (2007)**  
 Contribution rates, modifications: HB 1278, SSB 5137 Disqualifications for leaving work voluntarily, exemptions: HB 2276 Educational employees, benefits between academic terms: HB 1427  
 Language translators and interpreters, services performed for others through agents and brokers: HB 2050 Master application, information to be provided to employers upon initial filing : \***ESSB 5915, CH 287 (2007)** Performing arts, exemption for small industries: \***SSB 5534, CH 366 (2007)** Professional employer organization: \***ESSB 5373, CH 146 (2007)**  
 Reporting, penalty, and corporate officer provisions: HB 1406, \***ESSB 5373, CH 146 (2007)**  
 Self-employment assistance program: \***SSB 5653, CH 248 (2007)**

#### UNIFORM ACTS

Anatomical gift act, revised: HB 1637  
 Environmental covenants act: \***SB 5421, CH 104 (2007)** Real property electronic recording act: HB 2104 Securities act: HB 1433 Simultaneous death act, probate and trust laws: \***HB 2236, CH 475 (2007)**

#### UNITED STATES

Election of president by popular vote, interstate agreement: HB 1750  
 Leasehold tax exemption for property owned by United States government: HB 1701, \***SB 5607, CH 90 (2007)**

#### UNIVERSITY OF WASHINGTON

Business school association for small business growth: HB 1823 Climate change, response preparation for consequences on state forests: HB 1995  
 Developmental disabilities, medical research and training to improve services to persons with disabilities: HB 1394 Geoduck aquaculture techniques and practices, scientific research studies: HB 1547 Law school loan repayment assistance program: HB 2024 Local borrowing authority, bonds: HB 1398, SB 5384 Technology, Washington institute of: HB 1110 Washington technology center, technology commercialization process to promote economic development: SSB 5387 Wellington Hills property, disposal: HB 2359

#### UTILITIES (See also ELECTRIC UTILITIES; TELECOMMUNICATIONS)

Carbon dioxide mitigation: HB 2156  
 Electronic payment for public utility bills: HB 1034  
 Greenhouse gases emission performance standard for utility procurement of baseload generation: HB 1893, \***ESSB 6001, CH 307 (2007) PV**  
 Growth management, infrastructure account: HB 1361 Pole attachments, regulations: HB 1857 Power lines, cost assessment for burying: HB 2108 Public utility vehicle size and weight and load restrictions: HB 2336  
 Systems benefit charge and sustainable energy trust, natural gas and electric utilities: HB 1032

#### UTILITIES AND TRANSPORTATION COMMISSION

Gas and hazardous liquid pipelines, commission authority regarding mapping requirements: HB 1478  
 Natural gas and electric utilities, systems benefit charge and sustainable energy trust: HB 1032 Pole attachments, regulations: HB 1857 Telecommunications, modernization of regulations: HB 1681  
 Transportation providers, regulations: HB 1312

#### VANCOUVER

National historic reserve: HB 1049, \***SSB 5032, CH 138 (2007)**

#### VETERANS

Almshouses, restrictions on sending veterans or families to: \***HB 1064, CH 448 (2007)**  
 Businesses, list and contracts for businesses owned by veterans with disabilities: HB 2196 Businesses, list of veteran-owned businesses: HB 1665, HB 2196, HB 2210, \***SB 5253, CH 11 (2007)** Conservation corps program: HB 1767, \***SSB 5164, CH 451 (2007)** Discrimination protection: HB 1664, \***SB 5123, CH 187 (2007)**  
 Eastern Washington state veterans' cemetery: \***HB 1292, CH 43 (2007)**, HB 1567, SB 5058  
 Filipino, benefits: \***SJM 8008 (2007)**  
 High school diplomas for persons who left before graduation to serve in armed forces: EHB 1283 Hunting and fishing license fees merged for certain veterans and persons with disabilities: HB 1079 Korean war veteran's blue star memorial highway, portions of highways 112 and 113: \***HJM 4017 (2007)** License plates, purple heart: HB 1866 Property tax exemptions, disabilities related to performance of military duties: HB 1102, HB 1720 Property tax exemptions, disposable income: HB 1596 Property tax exemptions, income thresholds: HB 1629 Property tax exemptions, value increase limit: HB 2201

Public employment, scoring criteria in competitive examinations: \***HB 1065, CH 449 (2007)** Tuition, survivors' endowed scholarship program for families of veterans' who lost their lives in service: ESSB 5040 Tuition, waivers: HB 1454, HB 2065, \***SSB 5002, CH 450 (2007)**

Wounded combat veterans, transportation department internship program: \***SSB 5242, CH 92 (2007)**

#### **VETERINARIANS**

Technicians, licensing: \***HB 1331, CH 235**

#### **(2007) VICTIMS OF CRIMES**

Address confidentiality program: HB 1421

Auto theft, civil cause of action: \***HB 2034, CH 393 (2007)**

Auto theft, compensation for towing and impound fees: HB 1962

Automated victim information and notification system, statewide: \***SB 5332, CH 204 (2007)**

Criminal act, definition: HB 1708, SB 5526 Identity crimes, call center and statewide web site for filing incident reports: HB 2054 Identity crimes, police incident report: HB 1271 Sexual assault protection orders, fees for petitioners: \***HB 1437, CH 55 (2007)**

Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: HB 1555

Sexual assault victims, polygraph examinations: \***HB 1520, CH 202 (2007)**

Victims whose immediate family member has died, penalties for crimes against: HB 2402

#### **VIDEO AND VIDEO GAMES**

Cable and video services, state-issued authorization for competitive providers: HB 1983 Fire safety standards for electronic equipment: HB 1724

#### **VOCATIONAL EDUCATION**

Job skills program, economic clusters and quality management practices: 2SSB 5743

Private schools, regulations: HB 1169, \***SB 5402, CH 462 (2007)**

Skills-based economic growth planning program, workforce development councils: HB 1880

#### **VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSIONS**

State board, membership: \***HB 1475, CH 56 (2007)**

#### **VOLUNTEERS**

Emergency workers, limited immunity: \***HB 1073, CH 292 (2007)** Emergency workers, public employee shared leave: HB 1759 Firefighters and reserve officers, vocational rehabilitation: HB 1878, HB 2147

Firefighters, state agency employees allowed to respond when called to duty: \***SSB 5511, CH 112 (2007)**

Hospice care centers exempted from certain licensing requirements: HB 1489

#### **VULNERABLE ADULTS**

Protection, standard petition and order protection forms and court staff instruction handbook: HB 1008

Protections, crimes committed by persons providing transportation: HB 1097 Statute of limitations for crimes committed against vulnerable adults: HB 1212 Transport of individuals who must be on a stretcher, guidelines and standards: HB 1837

#### **WAGES AND HOURS (See also EMPLOYMENT)**

Agricultural commodities, overtime compensation for transport: HB 1920

Minimum wage, established to enable employees to provide for basic needs of their families: HB 1119 Port districts, prevailing wage requirements: HB 2406 Public contracts, living wage requirements: HB 1118

Public works, prevailing wage exemption : \***HB 1370, CH 169 (2007)** State patrol, collective bargaining negotiations: HB 1736

#### **WARRANTIES**

Motor vehicle lemon law, mileage tolling calculation: \***SSB 5050, CH 426 (2007)**

Motor vehicle lemon law, out-of-state consumers: \***HB 2135, CH 425 (2007)** New home construction or sale, warranty requirements: HB 1935, ESSB 5550

#### **WASHINGTON STATE UNIVERSITY**

Energy efficiency and renewable energy road map, Washington state: HB 1711

Local borrowing authority, bonds: HB 1398, SB 5384 Technology, Washington institute of: HB 1110

#### **WASTEWATER**

Public works performance-based contracting conservation of water, wastewater, or solid waste: \***SSB 5481, CH 39 (2007)**

Reclaimed water, nonpotable and potable uses: \*E2SSB 6117, CH 445 (2007)

#### **PV WATER (See also PUBLIC WATER SUPPLY SYSTEMS)**

Aquatic invasive species control and enforcement: \*E2SSB 5923, CH 350 (2007) PV Aquifer conservation zones: HB 1135 Ballast water, discharge requirements: HB 1299 Ballast water, program to address nonballast water ship vectors as a source of nonindigenous species: HB 1738 Ballast water, standards and exemptions for discharge: \*E2SSB 5923, CH 350 (2007) PV

Barley straw, application to state waters for clarification purposes: \*SB 5113, CH 30 (2007) Conservation development strategies, rural areas: HB 1635 Nonindigenous species, data collection and program: HB 1738 Public works performance-based contracting conservation of water, wastewater, or solid waste: \*SSB 5481, CH 39 (2007)

Rainwater collections, barrels and cisterns: HB 1423, HB 1424 Solar hot water components, tax exemptions: HB 1211 Water resource inventory area 14 divided into 14a and 14b: HB 1295 Water resource inventory area 29 divided into 29a and 29b: \*SSB 5074, CH 245 (2007) Watershed management partnerships, powers of forming governments: HB 1561 Watersheds, forum on monitoring salmon recovery and watershed health: \*SSB 5224, CH 444 (2007)

#### **WATER COMPANIES (See also PUBLIC WATER SUPPLY SYSTEMS)**

Building permit moratoriums for cities with unprocessed permit applications, phase out: HB 2002 Reclaimed water, nonpotable and potable uses: \*E2SSB 6117, CH 445 (2007) PV Small water supply systems, tax exemptions for services: HB 1240 Water power license fees: HB 2038, \*SSB 5881, CH 286 (2007)

#### **WATER POLLUTION**

Barley straw, application to state waters for clarification purposes: \*SB 5113, CH 30 (2007) Benzene levels in groundwater, reduction: HB 2185 Dishwashing detergent, phosphorus content: HB 2263 Oil spill prevention and response, compensation and penalties: \*SB 5552, CH 347 (2007) Violations, settlement agreements in lieu of appeal: HB 2107

#### **WATER QUALITY**

Aquatic invasive species control and enforcement: \*E2SSB 5923, CH 350 (2007) PV Ballast water, discharge requirements: HB 1299 Ballast water, program to address nonballast water ship vectors as a source of nonindigenous species: HB 1738 Ballast water, standards and exemptions for discharge: \*E2SSB 5923, CH 350 (2007) PV Capital account, water quality: \*HB 1137, CH 233 (2007)

Nonindigenous species, data collection and program: HB 1738

Puget Sound partnership, action agenda to achieve clean-up and restoration goals: HB 1374, \*ESSB 5372, CH 341 (2007)

Puget Sound, marine resources committees: HB 2049

#### **WATER RIGHTS**

Building permit moratoriums for cities with unprocessed permit applications, phase out: HB 2002 Conservancy boards, director's review: HB 2001 Crop rotation defined: HB 1985 General draft permits, ecology department economic impact analysis: HB 1807

Point of diversion, changes regarding the Columbia and Snake rivers: HB 1453

Reclaimed water, nonpotable and potable uses: \*E2SSB 6117, CH 445 (2007) PV

Relinquishment, clarification regarding when a right is relinquished: HB 2245

Relinquishment, partial: HB 1938 Water power license fees: HB 2038, \*SSB 5881, CH 286 (2007)

#### **WATER-SEWER DISTRICTS**

Annexation of city territory: HB 1238, \*SSB 5231, CH 31 (2007)

Assumption of district by city, voter approval: HB 1864 Commissioners, eligibility requirements: \*SSB 5674, CH 383 (2007) Comprehensive plans with counties and cities, consistency: HB 1239 Tax exemptions for services provided by small water systems: HB 1240

#### **WEEDS**

Aquatic invasive species control and enforcement: \*E2SSB 5923, CH 350 (2007) PV

#### **WELLS**

Geothermal resources, core holes: HB 2129

#### **WHISTLEBLOWERS**

State employees, protection: HB 1911

**WILDLIFE**

Agriculture, owner may opt to retain deer and elk that damage crops : HB 1685

Agriculture, wildlife damage claims: HB 1146 Airports, wildlife management: HB 1787, HB 2414

Biological information, pilot project to contract with independent biologists for assessment of deer and elk: HB 1250

Body-gripping traps, definition: HB 1400 Body-gripping traps, restrictions: HB 1606 Dangerous wild animals, keeping of: **\*HB 1418, CH 238 (2007)**

Deer and elk that damage crops, owner may opt to retain animal for personal use: HB 1685

Hound hunting cougar season pilot program: HB 1756

Inspections and sampling of fish and wildlife, authority of fish and wildlife employees to inspect vessels and facilities: HB

1075, HB 1646 Livestock damage claims, commercial livestock valuation and appeals committee: HB 1147 Pacific chorus frog designated as state amphibian: **\*HB 1069, CH 224 (2007)** Rehabilitation program: **\*SSB 5188, CH 246 (2007)** State wildlife account: HB 1229 Trapping, licensing and regulations: HB 1606 Wild horse coordinated resource management plan: HB 1889 Yukon to Yellowstone conservation initiative: SSB 5318

**WILLS (See also ESTATES; PROBATE)**

Estate distribution documents, marketing by persons not authorized to practice law in this state: HB 1114

Uniform simultaneous death act: **\*HB 2236, CH 475 (2007)**

**WOMEN**

Abortion, parental notification: HB 1321

Equal pay for equal work: HJR 4210

Infant-friendly employers: SSB 5153

Materialpersons, RCW gender reference revisions: HB 1327

**WOMEN AND MINORITY BUSINESSES**

Linked deposit program, funding: HB 1512

**WORKERS' COMPENSATION**

Appeals, attorneys' fees: HB 1485 Calculation of benefits, provisions: HB 1749

Chiropractic advisory committee: HB 1562, **\*ESSB 5290, CH 282 (2007)**

Claimants' written notices, orders, or warrants may be forwarded to designated representative: **\*SSB 5688, CH 78 (2007)**

Disability, adjustments to total disability compensation reductions: **\*HB 1501, CH 255 (2007)** Disability, permanent partial :

HB 1500 Disability, study of total: HB 1792 Disability, temporary total: HB 1571, **\*SSB 5676, CH 190 (2007)** Final

settlement agreements: HB 1709 Firefighters, cardiovascular disease and cancer: HB 1833 Funds, restrictions on use: HB

2233 Geoduck harvesters, coverage: **\*HB 1949, CH 324 (2007)** Initial visits, payment: HB 1877 Injured worker medical

rights, examination and reporting: HB 1503 Intractable pain, compensation for medical or surgical treatment: HB 1357

Language translators and interpreters, services performed for others through agents and brokers: HB 2050 Master application,

information to be provided to employers upon initial filing : **\*ESSB 5915, CH 287 (2007)** Medical advisory committee: HB 1562, **\*ESSB 5290, CH 282 (2007)**

Medical providers, receipt of payment for authorized treatment: HB 1997

Minimum benefits increased: HB 1499, **\*ESB 5675, CH 284 (2007)**

Nurse practitioners, authority to diagnose and treat: **\*HB 1666, CH 275 (2007)**

Ombudsman for workers of industrial insurance self-insured employers, office of: **\*SSB 5053, CH 281 (2007)**

Physician assistants, authority to execute certain certificates: **\*HB 1722, CH 263 (2007)** Prescription drugs,

payment for initial visits: **\*EHB 2105, CH 134 (2007)** Social security retirement benefits, offset: HB 1816

Suppression of claims, penalties: HB 1502, **\*SSB 5443, CH 77 (2007)** Surviving spouses of law enforcement

officers, benefits: HB 1545 Violations, generally: HB 1504 Vocational rehabilitation services, pilot program: HB

2073, **\*ESSB 5920, CH 72 (2007)** Wages, definition: HB 1244

**WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

Career and technical education to prepare students for assessment system, advisory committee: **\*ESSB 6023, CH 354 (2007) PV**

Entrepreneurial training opportunities: **\*SB 5613, CH 149 (2007)**

High demand fields, committee on the education of students in: **\*SSB 5731, CH 397 (2007)**

Industry clusters, work group to support: SB 5399 Skills-based economic growth planning

program, workforce development councils: HB 1880 State comprehensive plan, 2006 updates:

HCR 4404, **\*SCR 8404 (2007)**

**WRECKERS AND WRECKING YARDS**

Metal property, theft prevention and recovery measures regarding theft: **\*ESSB 5312, CH 377 (2007)**

**YAKIMA COUNTY**

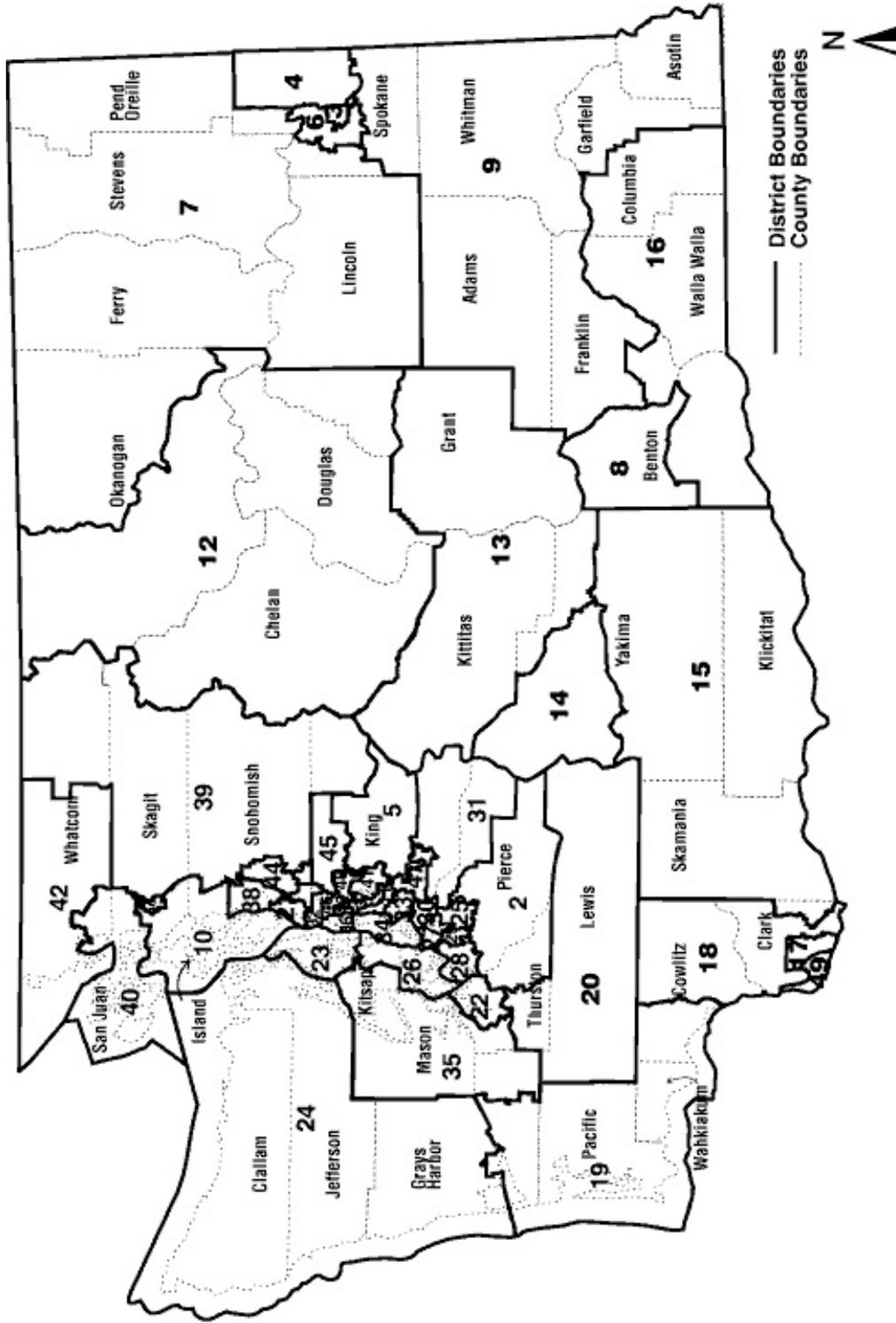
County facilities for agricultural promotion, lodging tax provisions: \***SSB 5568, CH 189 (2007)**

**ZONING (See also LAND USE PLANNING)**

House-banked card games, relocation zoning ordinances: HB 1477, ESSB 5558

**ZOOS AND AQUARIUMS**

Zoological facilities, tax exemptions: HB 1129, SSB 5027



# Statewide Legislative Districts